

**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**CIVIL LAW ACT**

**(CHAPTER 43)**

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8 of 1909**

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# Civil Law Act

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An Act to consolidate certain provisions of the civil law.

[23rd July 1909]

1. This Act may be cited as the Civil Law Act. Short title.
2. In this Act, unless there is something repugnant in the subject or context — Interpre-  
tation.  
 “court” means the High Court and includes any judge thereof whether sitting in court or in chambers;

“executor” means the executor or administrator of a deceased person, and includes, as regards any obligation, any person who takes possession of or intermeddles with the property of a deceased person;

“will” includes a codicil.

Law and equity to be administered concurrently.

3. In every civil cause or matter commenced in the court, law and equity shall be administered by the court in its original jurisdiction and by the Court of Appeal according to the rules following:

Plaintiffs to have equitable relief in claims.

(a) if any plaintiff or petitioner claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed, instrument or contract, or against any right, title or claim whatsoever asserted by any defendant in such cause or matter, or to any relief founded upon a legal right, which before 1st January 1879 could only have been given by the court on its equity side, the court shall give to such plaintiff or petitioner such and the same relief, as ought to have been given by the court, on its equity side, in a suit or proceeding for the same, or the like purpose, properly instituted before that date;

Defendants the same in defences.

(b) if any defendant claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed, instrument or contract, or against any right, title or claim asserted by any plaintiff or petitioner in such cause or matter, or alleges any ground of equitable defence to any claim of the plaintiff or petitioner in such cause or matter, the court shall give to every equitable estate, right or ground of relief so claimed, and to every equitable defence so alleged, such and the same effect, by way of defence against the claim of such plaintiff or petitioner, as the court on its equity side ought to have given, if the same or the like matters had been relied on by way of defence, in any suit or proceeding instituted in the court on its equity side, for the same or the like purpose, before 1st January 1879;

- (c) the court may also grant to any defendant, in respect of any equitable estate or right, or other matter of equity, and also in respect of any legal estate, right or title claimed or asserted by him, all such relief against any plaintiff or petitioner, as such defendant shall have properly claimed by his pleading, and as the court might have granted in any suit instituted for that purpose, by the same defendant against the same plaintiff or petitioner before 1st January 1879 and also all such relief, relating to or connected with the original subject of the cause or matter, and in like manner claimed against any other person, whether already a party to the same cause or matter or not, who has been duly served with notice in writing of such claim, pursuant to the rules of court made under any written law for the time being in force relating to the courts, as might properly have been granted against such person, if he had been made a defendant to a cause, duly instituted by the same defendant for the like purpose; and every person served with any such notice shall thenceforth be deemed a party to such cause or matter, with the same rights, in respect of his defence against such claim, as if he had been duly sued in the ordinary way by such defendant;
- (d) the court shall recognise and take notice of all equitable estates, titles and rights, and all equitable duties and liabilities, appearing incidentally in the course of any cause or matter, in the same manner in which the court on its equity side would have recognised and taken notice of the same, in any suit or proceeding duly instituted therein before 1st January 1879;
- (e) no cause or proceeding at any time pending in the court in its original jurisdiction or in the Court of Appeal, shall be restrained by prohibition or injunction; but every matter of equity on which an injunction against the prosecution of any such cause or proceeding might have been obtained if the Civil Law Ordinance 1878 had not been passed, either unconditionally or on any terms or conditions, may be relied on by way of defence thereto;
- Defendants to have relief against plaintiffs in suit.
- And against other parties.
- Service on other parties.
- Effect of service.
- Equitable rights appearing incidentally.
- Suits not to be restrained by prohibition or injunction.
- IV/1878.

Court may grant stay of proceedings.

IV/1878.

By motion in a summary way.

Subject as above, court to give effect to claims at law, and by custom or statute.

Court to grant all such remedies as any of the parties are entitled to in respect of every legal and equitable claim to avoid multiplicity.

(f) nothing in this Act shall disable the court from directing a stay of proceedings in any cause or matter pending before it, if it thinks fit; and any person, whether a party or not to any such cause or matter, who would have been entitled if the Civil Law Ordinance 1878 had not been passed, to apply to the court to restrain the prosecution thereof, or who may be entitled to enforce, by attachment or otherwise, any judgment, decree, rule or order, contrary to which all or any part of the proceedings in such cause or matter may have been taken, may apply to the court, by motion in a summary way, for a stay of proceedings in such cause or matter, either generally, or so far as is necessary for the purpose of justice; and the court shall thereupon make such order as is just;

(g) subject to the aforesaid provisions for giving effect to equitable rights and other matters of equity in the manner aforesaid, the said court shall recognise and give effect to all legal claims and demands, and all estates, titles, rights, duties, obligations and liabilities by the common law or by any custom, or created by any law having force in Singapore, in the same manner as the same would have been recognised and given effect to if this Act had not been passed;

(h) the court in the exercise of its original jurisdiction and the Court of Appeal, in every cause or matter pending before it, shall grant, either absolutely or on such reasonable terms and conditions as to it seems just, all such remedies whatsoever as any of the parties thereto appear to be entitled to, in respect of any and every legal or equitable claim properly brought forward by them respectively in such cause or matter; so that, as far as possible, all matters so in controversy between the said parties respectively may be completely and finally determined, and all multiplicity of legal proceedings concerning any of such matters avoided.

4.—(1) In the administration by any court of the assets of any deceased person whose estate proves to be insufficient for the payment in full of his debts and liabilities, and in the winding up of any company under the Companies Act whose assets prove to be insufficient for the payment of its debts and liabilities and the costs of winding up, the same rules shall prevail and be observed as to the respective rights of secured and unsecured creditors, and as to debts and liabilities provable, and as to the valuation of annuities and future and contingent liabilities respectively, as are in force for the time being under the law of bankruptcy with respect to the estates of persons adjudged bankrupt.

Administration of insolvent estates, and winding up of companies. Cap. 50.

Bankruptcy rules to prevail.

(2) All persons who, in any such case, would be entitled to prove for and receive dividends out of the estate of any such deceased person, or out of the assets of any such company, may come in under the decree or order for the administration of such estate, or under the winding up of such company, and make such claims against the same as they may respectively be entitled to by virtue of this Act.

Creditors may come in under decree, or winding up.

(3) An estate for life without impeachment of waste shall not confer, or be deemed to have conferred, upon the tenant for life any legal right to commit waste of the description known as equitable waste, unless an intention to confer such right expressly appears by the instrument creating such estate.

Estate for life when not to confer right of equitable waste.

(4) There shall not be any merger by operation of law only of any estate, the beneficial interest in which would not before 23rd July 1909 have been deemed to be merged or extinguished in equity.

Merger when not to operate.

(5) A mortgagor entitled for the time being to the possession or receipt of the rents and profits of any immovable property, as to which no notice of his intention to take possession, or to enter into the receipt of the rents and profits thereof, has been given by the mortgagee, may sue for such possession or for the recovery of such rents or profits or to prevent or recover damages in respect of any trespass or other wrong relative thereto in his own name only, unless the cause of action arises upon a lease or other contract made by him jointly with any other person.

Suits for possession of immovable property by mortgagors.

(6) Any absolute assignment by writing under the hand of the assignor, not purporting to be by way of charge only, of any debt or other legal chose in action of which express

Assignment of debts and choses in action.

Effectual to pass right and remedy.

notice in writing has been given to the debtor, trustee or other person from whom the assignor would have been entitled to receive or claim such debt or chose in action, shall be and be deemed to have been effectual in law, subject to all equities which would have been entitled to priority over the right of the assignee under the law as it existed before 23rd July 1909 to pass and transfer the legal right to such debt or chose in action, from the date of such notice, and all legal and other remedies for the same, and the power to give a good discharge for the same, without the concurrence of the assignor.

Stipulations not of essence of contracts to be construed as in equity.

(7) Stipulations in contracts, as to time or otherwise, which would not, before 23rd July 1909 have been deemed to be or to have become of the essence of such contracts in a court of equity, shall receive in all cases the same construction and effect as they would have received in equity before the said date.

Injunctions and receivers granted or appointed by interlocutory orders.

(8) A mandamus or an injunction may be granted or a receiver appointed by an interlocutory order of the court, either unconditionally or upon such terms and conditions as the court thinks just, in all cases in which it appears to the court to be just or convenient that such order should be made.

Terms.

To prevent waste, etc., when granted.

(9) If an injunction is asked, either before, or at, or after the hearing of any cause or matter, to prevent any threatened or apprehended waste or trespass, such injunction may be granted if the court thinks fit whether the person against whom such injunction is sought is or is not in possession under any claim of title or otherwise, or, if out of possession, does or does not claim, a right to do the act sought to be restrained under any colour of title, and whether the estates claimed by both, or by either of the parties, are legal or equitable.

Custody and education of infants.

(10) In questions relating to the custody and education of infants, the rules of equity shall prevail.

Cases of conflict not enumerated, equity to prevail.

(11) Generally in all matters not hereinbefore particularly mentioned, in which there is any conflict or variance between the rules of equity and the rules of the common law with reference to the same matter, the rules of equity shall prevail.

5.—(1) Subject to this section, in all questions or issues which arise or which have to be decided in Singapore with respect to the law of partnerships, corporations, banks and banking, principals and agents, carriers by air, land and sea, marine insurance, average, life and fire insurance, and with respect to mercantile law generally, the law with respect to those matters to be administered shall be the same as would be administered in England in the like case, at the corresponding period, if such question or issue had arisen or had to be decided in England, unless in any case other provision is or shall be made by any law having force in Singapore.

Law of England to be observed in all commercial matters. 24/79.

(2) Nothing in this section shall be taken to introduce into Singapore —

24/79.

(a) any part of the law of England relating to the tenure or conveyance or assurance of, or succession to, any immovable property, or any estate, right or interest therein;

(b) any law enacted or made in the United Kingdom, whether before or after 5th October 1979 —

(i) giving effect to a treaty or international agreement to which Singapore is not a party; or

(ii) regulating the exercise of any business or activity by providing for registration, licensing or any other method of control or by the imposition of penalties; and

(c) any provision in any Act of Parliament of the United Kingdom where there is a written law in force in Singapore corresponding to that Act.

(3) For the purposes of this section —

(a) the law of England which is to be administered by virtue of subsection (1) shall be subject to such modifications and adaptations as the circumstances of Singapore may require; and

(b) a written law in force in Singapore shall be regarded as corresponding to an Act of Parliament of the United Kingdom under subsection (2) (c) if (notwithstanding that it differs, whether to a small extent or substantially, from that Act) the purpose or purposes of the written law are the same or similar to those of that Act.



Agreement by way of gaming or wagering to be null and void.

**6.—(1)** All contracts or agreements, whether by parol or in writing, by way of gaming or wagering shall be null and void.

(2) No action shall be brought or maintained in the court for recovering any sum of money or valuable thing alleged to be won upon any wager or which has been deposited in the hands of any person to abide the event on which any wager has been made.

2/79.

(3) Subsections (1) and (2) shall not be deemed to apply to any subscription or contribution, or agreement to subscribe or contribute, for or toward any plate, prize or sum of money to be awarded to the winner or winners of any lawful game, sport, pastime or exercise.

2/79.

(4) For the avoidance of doubt, where any contract for the future delivery of any commodity is entered into in any exchange or market, the fact that the contract is entered into by one or both parties with no intention of actual delivery of the commodity but with the intention of realising a profit arising out of differences in the price of the commodity shall not affect the validity or enforceability of the contract.

Promises to repay sums paid under such contracts to be null and void.

(5) Any promise, express or implied, to pay any person any sum of money paid by him under or in respect of any contract or agreement rendered null and void by subsections (1) and (2), or to pay any sum of money by way of commission, fee, reward or otherwise in respect of any such contract or of any services in relation thereto or in connection therewith, shall be null and void, and no action shall be brought or maintained to recover any such sum of money.

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Effect of death on certain causes of action.  
15/82.

**7.—(1)** Subject to this section, on the death of any person, all causes of action subsisting against or vested in him shall survive against, or, as the case may be, for the benefit of his estate:

Provided that this subsection shall not apply to causes of action for defamation or seduction or for inducing one spouse to leave or remain apart from the other or to any claim for damages on the ground of adultery.

(2) Where a cause of action survives as aforesaid for the benefit of the estate of a deceased person, the damages recoverable for the benefit of the estate of that person —

(a) shall not include any exemplary damages;

\*The former section 6 was repealed by Act 24 of 1979.

- (b) in the case of a breach of promise to marry shall be limited to such damage, if any, to the estate of that person as flows from the breach of promise to marry;
- (c) where the death of that person has been caused by the act or omission which gives rise to the cause of action, shall be calculated without reference to any loss or gain to his estate consequent on his death except that a sum in respect of funeral expenses may be included.

(3) Where damage has been suffered by reason of any act or omission in respect of which a cause of action would have subsisted against any person if that person had not died before or at the same time as the damage was suffered, there shall be deemed, for the purposes of this section, to have been subsisting against him before his death such cause of action in respect of that act or omission as would have subsisted if he had died after the damage was suffered.

(4) The rights conferred by this section for the benefit of the estates of deceased persons shall be in addition to and not in derogation of any rights conferred on the dependants of deceased persons by section 11 and so much of this section as relates to causes of action against the estates of deceased persons shall apply in relation to causes of action under that section as applies in relation to other causes of action not expressly excepted from the operation of subsection (1).

(5) In the event of the insolvency of an estate against which proceedings are maintainable by virtue of this section, any liability in respect of the cause of action in respect of which the proceedings are maintainable shall be deemed to be a debt provable in the administration of the estate, notwithstanding that it is a demand in the nature of unliquidated damages arising otherwise than by a contract, promise or breach of trust. [8

**8.** In any proceedings tried in any court of record for the recovery of any debt or damages, the court may, if it thinks fit, order that there shall be included in the sum for which judgment is given interest at such rate as it thinks fit on the whole or any part of the debt or damages for the whole or

Power of courts of record to award interest on debts and damages.

any part of the period between the date when the cause of action arose and the date of the judgment:

Provided that nothing in this section—

- (a) shall authorise the giving of interest upon interest;
- (b) shall apply in relation to any debt upon which interest is payable as of right whether by virtue of any agreement or otherwise; or
- (c) shall affect the damages recoverable for the dishonour of a bill of exchange. [9

Abolition of husband's liability for wife's torts and antenuptial contracts, debts and obligations.

9.—(1) Subject to this section, the husband of a married woman shall not, by reason only of his being her husband, be liable —

- (a) in respect of any tort committed by her whether before or after the marriage, or in respect of any contract entered into, or debt or obligation incurred, by her before the marriage; or
- (b) to be sued or made a party to any legal proceedings brought in respect of any such tort, contract, debt or obligation.

(2) For the avoidance of doubt it is hereby declared that nothing in this section —

- (a) renders the husband of a married woman liable in respect of any contract entered into, or debt or obligation incurred, by her after the marriage in respect of which he would not have been liable if this section had not been enacted;
- (b) exempts the husband of a married woman from liability in respect of any contract entered into, or debt or obligation (not being a debt or obligation arising out of the commission of a tort) incurred, by her after the marriage in respect of which he would have been liable if this section had not been enacted;
- (c) prevents a husband and wife from acquiring, holding and disposing of, any property jointly or as tenants in common, or from rendering themselves or being rendered jointly liable in respect of any tort, contract, debt or obligation, and of suing and being sued either in tort or in contract or otherwise, in the like manner as if they were not married;

- (d) prevents the exercise of any joint power given to a husband and wife. [10]

**10.—(1)** Where damage is suffered by any person as a result of a tort (whether a crime or not) —

Proceedings against, and contribution between, joint and several tortfeasors.

- (a) judgment recovered against any tortfeasor liable in respect of that damage shall not be a bar to an action against any other person who would, if sued, have been liable as a joint tortfeasor in respect of the same damage;
- (b) if more than one action is brought in respect of that damage by or on behalf of the person by whom it was suffered or for the benefit of the estate, or of the wife, husband, parent or child, of that person, against the tortfeasor liable in respect of the damage (whether as joint tortfeasors or otherwise) the sums recoverable under the judgments given in those actions by way of damages shall not in the aggregate exceed the amount of the damages awarded by the judgment first given; and in any of those actions, other than that in which judgment is first given, the plaintiff shall not be entitled to costs unless the court is of opinion that there was reasonable ground for bringing the action;
- (c) any tortfeasor liable in respect of that damage may recover contribution from any other tortfeasor who is, or would if sued have been, liable in respect of the same damage, whether as a joint tortfeasor or otherwise, so however, that no person shall be entitled to recover contribution under this section from any person entitled to be indemnified by him in respect of the liability in respect of which the contribution is sought.

(2) In any proceedings for contribution under this section the amount of the contribution recoverable from any person shall be such as may be found by the court to be just and equitable having regard to the extent of that person's responsibility for the damage; and the court shall have power to exempt any person from liability to make contribution, or to direct that the contribution to be recovered from any person shall amount to a complete indemnity.

(3) For the purposes of this section —

- (a) “parent” and “child” have the same meanings as they have for the purposes of section 11; and
- (b) the reference in this section to “the judgment first given” shall, in a case where that judgment is reversed on appeal, be construed as a reference to the judgment first given which is not so reversed and, in a case where a judgment is varied on appeal, be construed as a reference to that judgment as so varied.

(4) Nothing in this section shall —

- (a) affect any criminal proceedings against any person in respect of any wrongful act; or
- (b) render enforceable any agreement for indemnity which would not have been enforceable if this section had not been enacted.

Construction.

(5) Subsections (1) to (4) are for the removal of doubt and nothing therein contained shall be taken to repeal by implication or in any way to derogate from section 5.

[11

Compensation to family of a person for loss occasioned by his death.

**11.—**(1) Whenever the death of a person is caused by wrongful act, neglect or default, and the act, neglect or default is such as would, if death had not ensued, have entitled the party injured to maintain an action and recover damages in respect thereof, the party who would have been liable if death had not ensued shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death has been caused under such circumstances as amount in law to an offence under the Penal Code.

Cap. 224.

(2) Every such action shall be for the benefit of the wife, husband, parent and child, if any, of the person whose death has been so caused and shall be brought by and in the name of the executor of the deceased person.

(3) In every such action the court may give such damages as it thinks proportioned to the loss resulting from such death to the parties respectively for whom and for whose benefit such action is brought:

Provided that —

- (a) in assessing such damages there shall not be taken into account any sum paid or payable on the death of the deceased under any contract of assurance or insurance;
- (b) damages may be awarded in respect of funeral expenses of the deceased person if such expenses have been incurred by the parties for whose benefit the action is brought:

And provided that in assessing such damages there shall also not be taken into account —

- (a) any sum payable as a result of the death under the Central Provident Fund Act; or
- (b) any pension or gratuity which has been, or will, or may be, paid as a result of the death.

Cap. 36.

(4) The amount so recovered after deducting all costs and expenses, including the costs not recovered from the defendant, shall be divided amongst the before-mentioned parties or any of them in such shares as the court by its judgment or decree directs.

(5) Not more than one action shall be brought for and in respect of the same subject-matter of complaint, and every such action shall be brought within 3 years after the death of such deceased person.

Not more than one action to be brought.

(6) In any such action the executor of the deceased may insert a claim for and recover any pecuniary loss to the estate of the deceased occasioned by such wrongful act, neglect or default, which sum when recovered shall be deemed part of the assets of the estate of the deceased.

(7) The writ of summons in any such action shall give full particulars of the person or persons for whom or on whose behalf such action is brought, and of the nature of the claim in respect of which damages are sought to be recovered.

Plaintiff shall deliver particulars.

(8) If there is no executor of the deceased person or there being such executor, no action as in this section mentioned has, within one year after the death of such deceased person, been brought by the executor, such action may be brought by all or any of the persons, if more than one, for whose benefit such action would have been brought if it had been brought by the executor, and every action so to be

Where no executor or no action brought within one year, action by persons beneficially interested.

brought shall be for the benefit of the same person or persons and shall be subject to the same procedure as nearly as may be as if it was brought by the executor.

Money paid into court in one sum.

(9) It shall be sufficient for any defendant in any action brought under this section to pay any money he is advised to pay into court as a compensation in one sum to all persons entitled under this section for his wrongful act, neglect or default, without specifying the shares into which it is to be divided.

(10) If the said sum is not accepted and an issue is taken by the plaintiff as to its sufficiency and the court thinks the same sufficient, the defendant shall be entitled to judgment upon that issue.

Interpretation.

(11) The following words used in this section are intended to have the meanings hereby assigned to them respectively, so far as such meanings are not excluded by the context or by the nature of the subject-matter:

“child” includes son and daughter and grandson and grand-daughter and step-son and step-daughter;

“parent” includes father and mother and grandfather and grandmother; and

“pension” includes a return of contributions and any payment of a lump sum in respect of a person’s employment:

Provided that in deducing any relationship referred to in this subsection any illegitimate person or any person who has been adopted, or whose adoption has been registered, in accordance with the provisions of any written law shall be treated as being or as having been the legitimate offspring of his mother and reputed father or, as the case may be, of his adopters. [12

Appointments to be valid notwithstanding one or more objects excluded, or only take an unsubstantial share.

12.—(1) Where by any deed, will or other instrument a power is given to appoint movable or immovable property amongst several objects in such manner that no one of the objects of the power can be excluded, or some one or more of the objects of the power cannot be excluded by the donee of the power from a share of such property, but without requiring a substantial share of such property to be given to each object of the power or to each object of the power who cannot be excluded, no appointment, which has been or is

after 23rd July 1909 made in exercise of any such power or authority shall be invalid on the ground that an unsubstantial, illusory or nominal share only is thereby appointed, or left unappointed to devolve upon any one or more of the objects of the power or on the ground that any object of such power has been altogether excluded.

(2) Every such appointment shall be valid and effectual notwithstanding that any one or more of the objects does or do not thereunder, or in default thereof, take more than an unsubstantial, illusory or nominal share, and notwithstanding that any one or more of the objects does or do not thereunder, or in default thereof, take a share or shares of the said property.

(3) Nothing in this section shall prejudice or affect any provision in any deed, will or other instrument creating any such power as aforesaid, which declares the amount of the share or shares from which no object of the power shall be excluded.

Not to affect any deed which declares the amount of the share.

(4) Nothing in this section shall be construed, deemed or taken to give any other validity, force or effect to any appointment than such appointment would have had if a substantial share of the property affected by the power had been thereby appointed, or left unappointed. [13

Not to give any other force to any appointment than the same would have had.

13. When any person dies or has died, having by his will appointed any person to be his executor, such executor shall be deemed to be a trustee for the person, if any, who would be entitled to the estate in case the person died intestate in respect of any residue not expressly disposed of, unless it appears by the will that the person so appointed executor was intended to take such residue beneficially. [14

Executor deemed to be trustee for person entitled to residue on intestacy.

14.—(1) If any person dies or has died seised of or entitled to any estate or interest in any immovable property, which is at the time of his death charged with the payment of any sum or sums of money by way of mortgage, and such person has not by his will or deed or other document signified any contrary or other intention, the devisee to whom such immovable property is devised, shall not be entitled to have the mortgage debt discharged or satisfied out of the movable property or any other immovable property of such person.

Devisee of land not to claim payment of mortgage out of movable property.



(2) The immovable property so charged shall as between the different persons claiming through or under the deceased person be primarily liable to the payment of all mortgage debts with which the same is charged, every part thereof according to its value bearing a proportionate part of the mortgage debts charged on the whole thereof.

(3) In the construction of the will of any person a general direction that the debts of the testator shall be paid out of his personal estate shall not be deemed to be a declaration of an intention contrary to or other than the rule contained in this section unless such contrary or other intention is further declared by words expressly or by necessary implication referring to all or some of the testator's debts or debt charged by way of mortgage on any part of his immovable estate.

(4) In this section, "mortgage" shall be deemed to extend to any lien for unpaid purchase-money upon any immovable property purchased by a testator.

(5) Nothing in this section shall affect or diminish any right of the mortgagee of such immovable property to obtain full payment or satisfaction of his mortgage-debt, either out of the estate of the person so dying as aforesaid or otherwise. [15

Bona  
vacantia.

**15.—**(1) When a right to the personal estate of any person who dies intestate without next of kin has accrued to the Government, such personal estate or the proceeds thereof shall form part of the Consolidated Fund and shall be appropriated as part of such revenue to such public purposes as Parliament may from time to time think proper and direct:

Provided that it shall be lawful for the President, by warrant, to order the transfer of the whole or any part of such personal estate, or the proceeds thereof, to any person or persons who shall establish to the satisfaction of the President any equitable or moral claim thereto.

(2) Nothing in this section shall affect the disposal of any property according to Muslim law. [16

16.—(1) No person shall be chargeable with any rents or profits of any immovable property which he has bona fide paid over to any person of whom he bona fide held the same notwithstanding it afterwards appears that the person to whom such payment was made had no right to receive such rents or profits.

No person chargeable with rent bona fide paid to holder under defective title.

(2) If any person erects any building or makes an improvement upon any lands held by him bona fide in the belief that he had an estate in fee simple or other absolute estate, and such person, his executor or assign, or his under-tenant is evicted from such lands by any person having a better title, the person who erected the building or made the improvement, his executor or assign, shall be entitled either to have the value of the building or improvement so erected or made during such holding and in such belief estimated and paid or secured to him, or, at the option of the person causing the eviction, to purchase the interest of such person in the lands at the value thereof irrespective of the value of such building or improvement.

Improvements made by bona fide holders.

(3) The amount to be paid or secured in respect of such building or improvement shall be the estimated value of the same at the time of such eviction.

Proviso.

(4) Every tenant holding over after the determination of his tenancy shall be chargeable, at the option of his landlord, with double the amount of his rent until possession is given up by him or with double the value during the period of detention of the land or premises so detained, whether notice to that effect has been given or not.

Double rent or double value on holding over by tenant.

(5) When any writ of summons issued by a landlord against a tenant for the recovery of immovable property is served on or comes to the knowledge of any subtenant of the plaintiff's immediate tenant, such subtenant being an occupier of the whole or any part of the premises sought to be recovered, he shall forthwith give notice thereof to his immediate landlord, under penalty of forfeiting 3 years' rack rent of the premises held by such subtenant to the person of whom he holds, to be recovered by such person by action in any court having jurisdiction.

Subtenant to give notice.

Rules to apply to subordinate courts.

**17.** The rules of law hereinbefore enacted and declared shall *mutatis mutandis* be, and shall, so far as they were already in force in Singapore, be deemed to have been, in force in the subordinate courts so far as the matters to which such rules relate are respectively cognizable by such courts.

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Presumption of survivorship in regard to claim to property.

**18.** In all cases where two or more persons die in circumstances rendering it uncertain which of them survived the other or others, such deaths shall (subject to any order of the court) for all purposes affecting the title to property be presumed to have occurred in order of seniority and accordingly the younger shall be deemed to have survived the elder.

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