

CHAPTER 109.

PROBATE AND ADMINISTRATION.

Probate and Administration Rules.

(SECTION 167.)

Ord. No. 9 of 1947.

G.N.S. 113/48.

[15TH OCTOBER, 1948.]

1. These rules may be cited as the Probate and Administration Rules.

2. In these rules the following expressions shall have the meanings assigned to them—

“ Schedule of Forms ” means the Probate and Administration (Schedule of Forms) Rules ;

“ within the jurisdiction ” or “ out of the jurisdiction ” shall be taken to refer to the local limits of the jurisdiction of the High Court.

CITATIONS UNDER SECTION 22.

3. (1) A citation under section 22 of the Ordinance shall be issued on application to a Judge or Registrar, supported by evidence showing how the applicant claims to be interested in the estate, and how the right of the person to be cited arises. It shall ordinarily require appearance thereto to be entered within fourteen days from the day of service thereof, inclusive of the day of such service, and shall be in accordance with Form 21 in the Schedule of Forms, with such variations as may be necessary.

Application for citation under sec. 22.

Time limit for appearance.

(2) It shall ordinarily be served in the manner prescribed for service of writ of summons but a Judge may for any sufficient reason order that it be served by substituted service.

Service.

(3) Where the person to be cited is resident out of the jurisdiction, or where substituted service is allowed, a special time for appearance shall be limited in accordance with the directions of the Judge.

Special time for appearance in certain cases.

(4) A citation under this rule shall be entitled as a petition and entered and numbered in the Probate Book.

Title and entry in Probate Book.

## PETITIONS.

Application for grant to be by petition.

4. Applications for probate or letters of administration shall be by petition in one of the forms in Form 1 or Form 2 in the Schedule of Forms with such variations as circumstances require.

Contents of petition.

5. (1) Petitions shall, in addition to all matters required by Form 1 or Form 2 in the Schedule of Forms, state the names and addresses (so far as known to the petitioner) of all persons having a prior or equal right to a grant, and on what ground the petitioner claims a grant in priority to each of such persons.

Petition by attorney for the use and benefit of others.

(2) Where the petitioner applies as the attorney of any other person, or for the use and benefit of an infant or person of unsound mind, or other person not qualified to obtain a grant to himself, the petition shall state with full particularity the source of the petitioner's authority, or the grounds on which he claims to be entitled to a grant for the use and benefit of such other person.

Description of relatives of deceased.

6. In all petitions—

(a) where any person is named as a relative of the deceased, he shall, if a lawful relative, be so described, and where the legality of any such relationship is alleged by virtue of any law or custom foreign to English law, such law or custom shall be mentioned ;

Relationship of persons alleged to be entitled to share in an intestate's estate.

(b) where it is alleged that any person is entitled to share in the distribution of an intestate's estate, it shall be stated how such person is related to the deceased, and whether he is the only or one of the next-of-kin by English law or is otherwise and by what law or custom so entitled.

Verification by oath.

7. Petitions shall be verified by the oath of the petitioner. It shall not be necessary that all the facts stated therein shall be within his personal knowledge, but he shall state his belief in the truth thereof.

Power of attorney.

8. Where the petitioner applies as the attorney of another person, he may be required to file his power of attorney or to deposit it in the Registry of the High Court.

Will or copy will to be filed.

9. (1) In the case of petitions for probate or letters of administration with a will annexed, the will (or a copy thereof, as the case may be) shall be filed with the petition.

(2) When any such will is not in the English language, there shall be annexed thereto a translation verified by the affidavit of a person qualified to translate it.

Translation

CAVEATS.

10. Caveats shall be in accordance with Form 9 in the Schedule of Forms and shall state the nature of the caveator's interest and give an address for service within three miles of the Court House.

Form of caveat.

11. (1) If a caveat contains a statement that the caveator desires only that a will be proved in solemn form and intends to attend and cross-examine the witnesses called to prove the will, the petitioner shall, if he propounds a will, serve on the caveator four clear days' notice in writing of the time and place appointed for the hearing of the petition, and the caveator shall be entitled to attend on such hearing and cross-examine any witnesses called by the petitioner.

Limited caveat.

(2) If the caveat contains a statement that the caveator intends only to require that the sureties to an administration bond be called upon to justify, the Registrar shall require any proposed sureties to justify, and the petitioner shall serve on the caveator four clear days' notice in writing of any appointment for justification by the proposed sureties and shall state thereon their names and addresses.

(3) Caveats within this rule shall be called "limited caveats."

12. The Registrar of the Court where a petition is filed shall give notice in writing thereof to the petitioner of any caveat filed in the Court.

Petitioner be notified of caveat

13. A caveat may be withdrawn by the caveator by filing a notice to that effect in the Court in which the caveat was entered.

Withdrawal of caveat

CITATIONS BY PETITIONERS.

14. (1) Before proceeding with a petition, the petitioner shall, subject to the provisions of rule 15, cause citations, in Form 21 in the Schedule of Forms, to be served upon--

Citation of petitioner

(a) all persons having a prior or equal right to probate or administration, except such as have renounced that right, and

(b) any person who has filed or files a caveat in respect of the deceased's estate, other than a limited caveat :

Exception:

Provided that where, on the death of an executor or the survivor of executors who have proved a will, application is made for letters of administration with the will annexed, it shall not be necessary to cite any executor who has not proved the will, unless in any case a Judge so directs.

Service of citations.

(2) Citations under this rule shall be served in the manner prescribed for citations under rule 3 of these Rules.

Judge may dispense with citations.

15. (1) Where any person having such prior or equal right is not within the jurisdiction, or where his place of residence is unknown, or where such persons are numerous and it would cause undue delay and expense to cite them all, the petitioner may apply to a Judge for directions for citations, and the Judge may make such order for dispensing with service of a citation on any person as he deems fit,

(2) An application under this rule shall be supported by affidavit stating all the material facts to the best of petitioner's knowledge and belief.

Appearance to citation.

16. A person served with a citation under rule 14 may, within fourteen days from the service thereof, or within such further time as may in any case be limited by the citation, cause an appearance to be entered thereto in the manner prescribed for entry of appearance to a writ of summons.

#### HEARING OF PETITIONS.

Appointment for hearing.

17. (1) The petitioner may at any time after the expiration of the time limited for appearance to all citations, or, if no citation is issued, with fourteen days from the filing of the petition, obtain an appointment for the hearing of the petition.

Notice thereof.

(2) Four clear days' notice in writing of such appointment shall be given by the petitioner to all persons who have entered appearance to a citation.

#### UNCONTESTED MATTERS.

Hearing in Chambers.

18. Where no appearance has been entered to any citation, and no limited caveat within rule 11 (1) has been filed, the petition may be heard by the Registrar in Chambers and evidence in support of the petition may be by affidavit.

CONTESTED MATTERS.

19. (1) Where any appearance has been entered to any citation, or where a limited caveat within the provisions of rule 11 (1) has been entered and not withdrawn, and it appears at the time appointed for the hearing of the petition that the petition is contested, it shall be adjourned into Court.

Adjourn-  
ment into  
Court.

(2) The Court may on such adjourned hearing either—

(a) dispose of the matter in dispute in a summary manner, and grant or refuse the petitioner's prayer, or make any other order that is just ;

(b) settle the terms of an issue to be tried between the parties ; or

(c) order that pleadings be delivered, and the matter proceed as an action.

20. If an issue is ordered to be tried, the plaintiff on the issue may set down the same for the trial in the manner prescribed for the trial of actions ; and on such trial the Court may make such order for representation of the deceased's estate as is just.

Trial of  
issue.

21. (1) If it is ordered that pleadings be delivered and the matter proceed as an action, the order to that effect shall be entered as an action in the Cause Book entitled—

Where  
pleadings  
are ordered

“ In the estate of..... (the deceased)  
Between.....(the petitioner)..... Plaintiff.  
and  
(Caveator or person cited) Defendant.”

(2) A copy of the petition shall be attached to the order, and shall for the purposes of the action be deemed a statement of claim. The defendant shall have such time, commencing from the date of the order, for delivery of his defence as is prescribed for the delivery of a defence to a statement of claim, and the matter shall in all other respects proceed and be subject to the rules relating to the conduct of an action commenced by writ of summons.

22. Where at any time more than one petition is pending in respect of any deceased person's estate, the Court or a Judge may order that all such petitions be consolidated in the manner prescribed for the consolidation of actions.

Consoli-  
dation.

Intervention by person not a party.

23. A person not a party to a probate action may apply to a Judge for leave to be added as a party thereto. The application shall be supported by affidavit showing how the applicant is interested in the estate, and the reasons for the intervention sought.

#### ALTERATION OR REVOCATION OF GRANTS.

Correction of errors in grants.

24. Any accidental error or omission in a grant made under the Ordinance may be ordered to be rectified on application to the Court or a Judge and the grant may thereupon be amended accordingly.

Applications to be by motion.

25. (1) Applications to alter or revoke grants of probate or letters of administration shall be by motion, supported by affidavit setting out the facts.

Notice of motion.

(2) The notice of motion, to be served on the executor or administrator or other person affected, shall be a fourteen days' notice, unless the Court or a Judge shall otherwise order.

Powers of Court.

26. (1) Upon any such motion the Court may deal with the matter summarily or may order the matter to proceed as an action.

(2) If the matter is ordered to proceed as an action, the applicant shall be the plaintiff and the respondent the defendant. The plaintiff shall, within fourteen days commencing from the date of the order, or such further time as the Court or a Judge may allow, deliver a statement of claim, and the matter shall then be entered in the Cause Book as an action and shall be subject to the rules relating to the conduct of an action commenced by writ of summons.

#### GRANTS FOR SPECIAL PURPOSES.

Application to be supported by affidavit and served as under rule 14.

27. Applications under section 54 of the Ordinance shall be supported by the affidavit of some person having knowledge of the facts; and fourteen clear days' notice thereof shall be served on all such persons as are mentioned in rule 14:

Provided that rule 15 shall apply, *mutatis mutandis*, to notices under this rule.

#### RESEALING OF GRANTS.

Applications by petition.

28. (1) Applications for resealing probates or letters of administration shall be by petition, verified by affidavit, in accordance with Form 18 in the Schedule of Forms, with

such variations as circumstances require. They may be made by the original grantees or one of them, or by the duly authorised attorney of one or more of them. Where the petition is by an attorney, the power of attorney may be required to be filed or deposited in the High Court.

(2) Where a period exceeding three years has elapsed since the death of the deceased, the petitioner shall explain the reason for the delay.

Delay in presenting petition.

(3) If such explanation is unsatisfactory, such further proof of the cause of such delay shall be required by the Judge or Registrar as he thinks fit.

(4) Petitions shall contain an address for service within two miles of the Court House, where writs of summons, notices and other documents relating to the estate of the deceased may be left or served; and every writ, notice or other document so left or served shall be deemed to have been duly served upon the executor or administrator by or on whose behalf the application is made.

Address for service.

29. The copy grant required to be deposited by section 154 or section 161 of the Ordinance shall be annexed to the petition and verified as a true copy by the affidavit.

Copy grant to be annexed to petition.

30. Applications under section 160 of the Ordinance shall be by summons to be served on the petitioner.

Applications under section 160.

31. On resealing any copy grant the Registrar shall indorse thereon a memorandum to the following effect—

Memorandum of resealing.

“ Sealed with the seal of the High Court of the Colony of North Borneo this.....day of.....19...  
Probate 19.....No.....

(Signature of Registrar)  
Registrar.”

BOOKS TO BE KEPT.

32. (1) The Probate Book to be kept by the Registrar shall contain entries regarding—

Contents of Probate Book.

- (a) all petitions for probate or letters of administration;
- (b) all applications for altering or revoking grants;
- (c) orders made on any such petitions or applications;

- (d) caveats entered in respect of filed petitions ;
- (e) probate actions pending ;
- (f) citations under section 22 of the Ordinance ;
- (g) applications under section 54 of the Ordinance.

(2) Matters referred to in paragraphs (a) (b) (f) and (g) of clause 1 of this rule shall be numbered consecutively in each year.

High Court  
Caveat  
Book.

33. The Caveat Book to be kept by the Registrar shall contain entries of all caveats entered in the High Court and of all withdrawals of caveats.

Caveat  
Book to be  
open to  
inspection.

34. The Caveat Book shall be open to inspection by the public.

Register  
of Wills.

35. (1) When any will or other testamentary document has been proved or resealed in the High Court, such will or document (or, where it is in a foreign language, an official translation thereof) shall be copied into a book, to be called the Register of Wills and kept by the Registrar of the High Court.

(2) The original of any such document so copied, if in the custody of the Court, shall be deposited in such place of safe custody as the Chief Justice may appoint, and shall not be taken therefrom or inspected without the order of a Judge.

(3) The register shall show the date of each will and the place where it is deposited, and shall contain an index under the names of the respective testators.

Inspection  
of wills.

36. No original will in the custody of the High Court may be inspected or copied save in the presence of an officer of the Court under the directions of the Registrar.

Receipt  
for will.

37. Upon any person bringing into the Registry any will or document purporting to be testamentary, the Registrar shall give him a receipt therefor.

Inspection  
of register.

38. The register of wills may be inspected, and copies made therefrom, at any time during office hours upon payment of a fee of twenty-five cents for such inspection.

39. The form of the administration bond, and bond to be given by an attorney on resealing letters of administration, as required, respectively, by sections 79 and 156 of the Ordinance, shall be in accordance with Forms 11 and 20 respectively in the Schedule of Forms, with such variations as circumstances require.

Probate and Administration (Schedule of Forms) Rules.

(SECTION 167).

G.N.S. 73/48  
G.N.S.  
112/48.

[15TH JULY, 1948.]

1. These rules may be cited as the Probate and Administration (Schedule of Forms) Rules.

2. The forms contained in the Schedule of Forms to these rules shall be used in and for the purposes of Non-contentious Business in Probate and Administration matters.

3. In cases where no form is provided in the Schedule of Forms, the document to be used shall be in such form as the Registrar may direct or allow.

SCHEDULE OF FORMS

FORM No. 1.

IN THE HIGH COURT OF THE COLONY OF NORTH BORNEO.

The Registry at Jesselton.

Petition No.....of 19.....

In the estate of....., deceased.

PETITION FOR PROBATE OR LETTERS OF ADMINISTRATION WITH THE WILL ANNEXED.

The humble petition of.....of.....sheweth :

1. That the said.....died testate on the..... day of.....19..... at.....and that the writing annexed and marked is a certified copy of an entry in the Register of Deaths relating to the death of the said deceased.

2. That the writing now produced and marked ' ' is the original last will of the deceased and the writing now produced and marked ' ' is a true copy thereof.

3. That the said will was duly executed on the.....day of.....19.....

4. That the petitioner is \*.....

5. \*\*(a) That the said deceased has a fixed place of abode at..... within the district of.....a place within the jurisdiction of this Court, and/or (b) That the said deceased died possessed of certain property within the district of.....a place within the jurisdiction of this Court—namely x.....

6. That the whole of the estate of the said deceased, movable and immovable, within the jurisdiction of this Court, exclusive of what he/she may have been possessed of or entitled to as a trustee for any person or persons and not beneficially, and without deducting anything on account of the debts due and owing from him/her, other than the principal of any debt secured upon any immovable property, do not exceed in value the sum of dollars.....to the best of the petitioner's knowledge, information and belief.

7. That the writing now produced and marked ' ' is a schedule shewing the assets and liabilities of the said estate to the best of the petitioner's knowledge, information and belief.

8.xx That to the best of the petitioner's belief no application was made to the Court at any other place in the Colony for probate of the same will or for a grant of letters of administration with the same will annexed.

or 8.xx That to the best of the petitioner's belief application was made to the.....Court at.....on.....19.....by.....xx for probate of the same will or xx for a grant of letters of administration with the same will annexed.

9. Whereupon the petitioner prays that probate of the said will letters of administration of the said estate be granted to him as xxx

.....  
Signature of petitioner.

\* State relationship or other ground of claim ; e.g. the lawful husband of the said deceased and the executor named in the said will. If the application is for probate, the petitioner must be the executor named in the will.

\*\* To be omitted if the deceased has no such fixed place of abode.

x If insufficient space annex a schedule.

xx Strike out whichever is not applicable.

xxx Insert the nature of claim as set out in paragraph 4.

AFFIDAVIT OF PETITIONER.

I,.....the above-named petitioner, affirm and declare that the statements contained in the above-written petition are to the best of my information and belief in all respects true.

Affirmed at.....this..... day of.....19....., before me. } Signature of petitioner. Registrar.

CERTIFICATE.

(To be completed where the petitioner does not understand the English language).

I hereby certify that the above-written petition and affidavit were read, translated and explained in my presence by.....a sworn interpreter of the Court, to the petitioner who seemed perfectly to understand them, declared to me that he/she did understand them, and made his/her signature/mark thereto in my presence.

Interpreter

Registrar

AFFIDAVIT OF WITNESS TO WILL.

I,....., one of the witnesses to the last will of the testator mentioned in the above-written petition, affirm and declare that I was present and saw the said testator affix his/her signature (or mark as the case may be) thereto or that the said testator acknowledged the writing exhibited to the above-written petition to be his/her last will in my presence.

Affirmed at.....this..... day of.....19....., before me. } Signature of Witness.\* Registrar.

CERTIFICATE.

(To be completed where the witness to the will does not understand the English language).

I hereby certify that the above-written affidavit was read, translated and explained in my presence by.....a sworn interpreter of the Court, to the deponent who seemed perfectly to understand it, declared to me that he/she did understand it, and made his/her signature/mark thereto in my presence.

Interpreter.

Registrar

\* To be signed by one of the witnesses to the will.

FORM No. 2.

IN THE HIGH COURT OF THE COLONY OF NORTH BORNEO.

The Registry at Jesselton.

Petition No.....of 19.....

In the estate of....., deceased.

PETITION FOR LETTERS OF ADMINISTRATION.

The humble petition of.....of.....sheweth :

1. That the said.....died intestate on the..... day of.....19..... at.....and that the writing annexed and marked 'A' is a certified copy of an entry in the Register of Deaths relating to the death of the said deceased.
2. That the said.....died leaving him/her surviving the undermentioned persons—namely—

| Name | Full Address. | Degree of relationship. | Age. |
|------|---------------|-------------------------|------|
| (1)  |               |                         |      |
| (2)  |               |                         |      |
| (3)  |               |                         |      |
| (4)  |               |                         |      |
| (5)  |               |                         |      |
| (6)  |               |                         |      |
| (7)  |               |                         |      |
| (8)  |               |                         |      |
| (9)  |               |                         |      |
| (10) |               |                         |      |

The above-mentioned persons were at the time of his/her death the only next-of-kin of the said.....deceased.

3. That the petitioner is x

4. xx (a) That the deceased had a fixed place of abode at..... within the district of.....a place within the jurisdiction of this Court, and/or (b) That the said deceased died possessed of certain property within the district of.....a place within the jurisdiction of this Court—namely. xxx

5. That the whole of the estate of the said deceased, movable and im-mov-able, within the jurisdiction of this Court, exclusive of what he/she may have been possessed of or entitled to as a trustee for any person or persons and not beneficially, and without deducting anything on account of the debts due and owing from him/her, other than the principal of any debt secured upon any immovable property, do not exceed in value the sum of dollars.....to the best of the petitioner's knowledge, information and belief.

6. That the writing now produced and marked ..... is a schedule shewing the assets and liabilities of the said estate to the best of the petitioner's knowledge, information and belief.

\* 7. That to the best of the petitioner's belief no application has been made to the Court at any other place in the Colony for a grant of letters of administration of the same estate.

\* or 7. That to the best of petitioner's belief application was made to the.....Court at.....on.....by..... for a grant of letters of administration of the same estate.

8. Thereupon the petitioner prays that letters of administration of the said estate be granted to him/her as \*\*

.....  
Signature of petitioner.

AFFIDAVIT OF PETITIONER.

I.....the above-named petitioner, affirm and declare that the statements contained in the above-written petition are to the best of my information and belief in all respects true.

Affirmed at.....this.....  
day of.....19....., before me. } Signature of petitioner.

.....  
Registrar.

x State relationship or other ground of claim, o.g. a natural and lawful son and one of the next-of-kin of the said deceased.

xx To be omitted if the deceased had no such fixed place of abode.

xxx If insufficient space annex a schedule.

\* Strike out whichever is not applicable.

\*\* Insert the nature of claim as set out in paragraph 3.

CERTIFICATE.

(To be completed where petitioner does not understand the English language).

I hereby certify that the above-written petition and affidavit were read translated, and explained in my presence by.....a sworn interpreter of the Court to the petitioner who seemed perfectly to understand them, declared to me that he/she did understand them and made his/her signature/mark thereto in my presence.

.....  
Interpreter

.....  
Registrar

FORM No. 3.

IN THE HIGH COURT OF THE COLONY OF NORTH BORNEO.

The Registry at Jesselton.

Petition No.....of 19.....

In the estate of....., deceased.

NOTICE OF APPLICATION FOR GRANT OF PROBATE.

Notice is hereby given that application has been made to me for a Grant of Probate of the will dated the.....day..... 19..... of the above-named deceased namely x.....who died on the.....day of.....19.....at.....having, at the time of his/her death, a fixed place of abode certain property at..... within the district of.....by.....of.....the executor(s) named in the said will who claim(s) to have been so appointed by the following words occurring in the said will xx

Dated this.....day of.....19.....

Registrar.

To..... The Registrar at the Central Registry.

- x In the case of Asiatics the name of the deceased should, if possible, be written in his native character as well as English and his father's name should be given. In the case of Chinese the dialect spoken by the deceased should be added. xx Or in a codicil to the said will dated.....

Form No. 4.

IN THE HIGH COURT OF THE COLONY OF NORTH BORNEO.

The Registry at Jesselton.

Petition No.....of 19.....

In the estate of....., deceased.

NOTICE OF APPLICATION FOR GRANT OF LETTERS OF ADMINISTRATION.

Notice is hereby given that application has been made to me for a grant of letters of administration of the estate of \*.....of .....deceased who died on the .....day of..... 19..... at.....intestate, having, at the time of his/her death a fixed place of abode certain property at.....within the district of..... by.....of.....of the said intestate.

Registrar.

To..... The Registrar at the Central Registry.

- \* In the case of Asiatics the name of the deceased should, if possible, be written in his native character as well as English and his father's name should be given. In the case of Chinese the dialect spoken by deceased should be added.

FORM NO. 5.

IN THE HIGH COURT OF THE COLONY OF NORTH BORNEO.

The Registry at Jesselton.

Petition No.....of 19.....

In the estate of....., deceased.

CERTIFICATE FROM CENTRAL REGISTRY.

.....of.....having applied at the.....
Registry at.....for probate of the will dated.....
of.....late of.....deceased.
letters of administration of the estate

It is hereby certified that no previous application appears to have been made in respect of the estate of the said deceased.

Dated at Jesselton, this.....day of.....19.....

Registrar.

FORM NO. 6.

IN THE HIGH COURT OF THE COLONY OF NORTH BORNEO.

The Registry at Jesselton.

Petition No.....of 19.....

In the estate of....., deceased.

NOTICE OF HEARING OF PETITION.

Application to the Court having been made by.....
of.....for probate of the will dated.....
of the above-named deceased, late of.....on the ground
that.....is x.....of the deceased.
letters of administration of the estate

Notice is hereby given that the application will be heard in the Court-
house at.....at.....on.....
the.....day of.....19.....

All persons claiming to have any interest in the estate of the deceased are hereby required to come and see the proceedings at the time and place above mentioned.

Any persons wishing to object to the application may lodge a caveat with the Registrar of the Court before the above date.

Dated this.....day of.....19.....

Registrar.

x Next-of-kin, duly appointed executor of the said will, next friend, creditor, or as the case may be.

FORM No. 7.

IN THE HIGH COURT OF THE COLONY OF NORTH BORNEO.

The Registry at Jesselton.

Petition No....., of 19.....

In the estate of....., deceased.

RENUNCIATION OF PROBATE.

Whereas the above-named deceased who at the time of his/her death had a fixed place of abode certain property at.....within the district of.....died on the.....day of.....19..... at.....having made and duly executed his/her last will dated the.....day of.....19..... and thereof appointed me the sole/ one of the executor(s) :

Now, I, the undersigned.....do hereby declare that I have not intermeddled in the estate of the said deceased and that I will not hereinafter intermeddle therein with intent to defraud creditors and I hereby renounce all my right and title to the probate and execution of the said will.

Signed by the said.....this.....day of.....19..... (Signed).....

In the presence (name of witness)..... (signature of witness)..... of (address of witness).....

FORM No. 8.

IN THE HIGH COURT OF THE COLONY OF NORTH BORNEO.

The Registry at Jesselton.

Petition No..... of 19.....

In the estate of....., deceased.

RENUNCIATION OF ADMINISTRATION.

Whereas the above-named deceased late of..... who at the time of his/her death had a fixed place of abode certain property at..... within the district of.....died on the.....day of.....19..... at.....intestate leaving me (insert name).....his/her.....and next-of-kin.

Now, I,.....do hereby renounce all my right and title to letters of administration of the estate of the said deceased.

Signed by the said.....this.....day of.....19.....

In the presence of (name of witness)..... (signature of witness)..... of (address of witness).....

FORM No. 9.

IN THE HIGH COURT OF THE COLONY OF NORTH BORNEO.

The Registry at Jesselton.

Petition No.....of 19.....

CAVEAT.

To the.....

Let nothing be done in the matter of the estate of.....late of.....deceased, who died on the.....day of.....at.....without notice to (full name.....) of (full address).

Signed this.....day of.....19.....

.....  
Signature of Caveator.

Received at.....this.....day of.....19.....

.....  
Registrar.

FORM No. 10.

IN THE HIGH COURT OF THE COLONY OF NORTH BORNEO.

The Registry at Jesselton.

Petition No.....of 19.....

In the estate of....., deceased.

To

The Registrar of the.....Registry at.....  
You are requested to take notice that a caveat dated the.....day of.....19....., and of the following tenor has been entered in this Registry:

Let nothing be done in the estate of.....late of.....deceased, who died on the.....day of.....19... at.....without notice to.....of.....

Dated this.....day of.....19.....

.....  
Registrar.

FORM No. 11.

IN THE HIGH COURT OF THE COLONY OF NORTH BORNEO.

The Registry at Jesselton.

Petition No.....of 19.....

In the estate of....., deceased.

'ADMINISTRATION BOND.

Know all men by these presents that we.....of
.....hereinafter called ' the administrator ' and.....
of.....hereinafter called ' the first surety ' and.....
of.....hereinafter called ' the second surety '.....
are jointly and severally bound unto the Registrar of the High Court in
the sum of dollars.....(\$.....) to be paid to
the said Registrar for which payment well and truly to be made we bind
ourselves and each of us, for the whole our heirs, executors and adminis-
trators firmly by these presents.

Whereas this Court has granted letters of administration of the estate
of the above-named deceased to the administrator subject to his furnishing
security for the due administration thereof :

The condition of this obligation is such that if the administrator do duly
collect get in and administer the said estate and do :

(a) within six months from the grant of letters of administration or
within such further time as this Court may from time to time appoint
exhibit in this 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 administrator is entitled in
that character, and

(b) in like manner within one year from the grant or within such
further time as this Court may from time to time appoint exhibit an
account of the estate, showing the assets which have come to his
hands and the manner in which they have been applied or disposed of
and do well and truly administer the said estate property and credits
according to law (that is to say), do pay the debts which the above-
named deceased did owe at his/her decease and further do make or cause
to be made a just and true account of the said administration whenever
required by law so to do and all the residue of the said estate and property
do deliver and pay unto such person or persons as shall be entitled thereto
and, if it shall hereafter appear that any will was made by the above-
named deceased and the executor therein named or any other person
do exhibit the same in this Court making request to have it allowed and
approved accordingly, if the administrator being thereunto required
do render and deliver the said letters of administration (approbation of
such will being first had and made) in this Court, then this obligation shall
be void and of non effect or also shall remain in full force and virtue.

Signed by the administrator

this.....day of.....19.....

before me,.....

} .....
Signature of Administrator.

.....
Registrar.

Signed by the first surety  
this.....day of.....19.....  
before me.....

.....  
*Signature of first surety.*

.....  
Registrar.

Signed by the second surety  
this.....day of.....19.....  
before me.....

.....  
*Signature of second surety.*

.....  
Registrar.

FORM No. 12.

IN THE HIGH COURT OF THE COLONY OF NORTH BORNEO.

The Registry at Jesselton.

Estate of.....deceased.

(Affidavit delivered the.....day of.....19.....)

SCHEDULE OF THE PROPERTY OF THE ABOVE-NAMED DECEASED.

|              |           |    |
|--------------|-----------|----|
| Gross Value— | \$        | c. |
| Liabilities— |           |    |
|              | _____     |    |
|              | Net Value |    |
|              | _____     |    |

CERTIFICATE OF PAYMENT.

I hereby certify that \$.....being the estate duty payable in respect of the property aforesaid has been paid.....or that I have allowed payment of the estate duty payable in respect of the property aforesaid to be postponed.

Dated at.....this.....day of.....19.....

.....  
Collector of Estate Duty,  
Colony of North Borneo.

FORM No. 13.

IN THE HIGH COURT OF THE COLONY OF NORTH BORNEO.

The Registry at Jesselton.

Petition No.....of 19.....

In the estate of....., deceased.

GRANT OF PROBATE.

Be it known that.....late of.....died on..... day of.....19....., having duly made and executed his last will dated the.....day of.....19....., a copy whereof is hereunto annexed.....

And be it further known that on the .....day of..... 19....., the said will was proved and registered in this Court.....

And be it further known that on the date hereunder written administration of all the movable and immovable property in the Colony of North Borneo which by law devolves to and vests in the personal representative of the said deceased was granted by this Court to.....the x .....named in the said will, a schedule of the said property being hereunto annexed and xx power being reserved to grant probate to.....the other x.....named in the said will.

(L.S.)

..... Signature of Judge or Registrar.

x Insert executor, executrix, executors or executrices.  
xx Delete if not applicable.

FORM No. 14.

IN THE HIGH COURT OF THE COLONY OF NORTH BORNEO.

The Registry at Jesselton.

Petition No.....of 19.....

In the estate of....., deceased.

GRANT OF LETTERS OF ADMINISTRATION WITH THE WILL ANNEXED.

Be it known that.....of.....died on the..... day of.....19....., having duly made and executed his/her last will dated the.....day of.....19..... a copy whereof is hereunto annexed.....

And be it further known that on the .....day of....., 19..... the said will was proved and registered in the Court and administration of all the movable and immovable property in the Colony of North Borneo which by law devolves to and vests in the personal representative of the said deceased was granted by this Court to.....of..... the \* .....

And be it further known that on the date hereunder written these letters of administration were issued to the said administrator/administratrix, he/she having given the security required by this Court for the due administration of the said property a schedule whereof is hereunto annexed.

Given under my hand and the seal of the Court at.....  
this.....day.....19.....

(L.S.)

.....  
*Signature of Judge or Registrar.*

\* Insert the character in which the grant is taken.

FORM No. 15.

IN THE HIGH COURT OF THE COLONY OF NORTH BORNEO.

The Registry at Jesselton.

Petition No.....of 19.....

In the estate of....., deceased.

GRANT OF LETTERS OF ADMINISTRATION.

Be it known that.....of.....died on the.....  
day of.....19....., intestate.....

And be it further known that on the.....day of.....19.....  
administration of all the movable and immovable property in the Colony  
of North Borneo) which by law devolves to and vests in the personal  
representative of the said intestate was granted by this Court to  
.....of the \*.....of the said intestate.

And be it further known that on the date hereunder written these letters of administration were issued to the said administrator/administratrix, he/she having given the security required by this Court for the due administration of the said property, a schedule whereof is hereunto annexed.

Given under my hand and the seal of the Court at.....  
this.....day of.....19.....

(L.S.)

.....  
*Signature of Judge or Registrar.*

\* Insert the next-of-kin, a creditor or as the case may be.

FORM No. 16.

IN THE HIGH COURT OF THE COLONY OF NORTH BORNEO.

The Registry at Jesselton.  
Petition No. 63 of 1912  
In the estate of T. W. Hill, deceased.

GRANT OF LETTERS OF ADMINISTRATION OF AN  
ESTATE NOT FULLY ADMINISTERED.

Be it known that T. W. Hill of Sabah died on the 20th day of 1912 testate/intestate.

And be it further known that probate of the will dated 20/1/12 of the testator was letters of administration of the estate of the said intestate were issued out of this Court at the Registry at Jesselton the 11th day of 1912 to T. W. Hill.

And whereas the said T. W. Hill died on the 20th day of 1912, leaving part of the said estate unadministered.

Be it further known that on the 11th day of 1912, administration of all the movable and immovable property of the said testator/intestate so left unadministered was granted by this Court to T. W. Hill of the said testator/intestate.

And be it further known that on the date hereunder written these letters of administration were issued to the said T. W. Hill he/she having given the security required by this Court for the due administration of the said property so left unadministered.

Given under my hand and the seal of the Court at Jesselton this 11th day of 1912.

(L.S.)

Signature of Judge or Registrar

x Insert the next-of-kin, a creditor or as the case may be.

FORM No. 17.

IN THE HIGH COURT OF THE COLONY OF NORTH BORNEO.

The Registry at Jesselton.  
Petition No. of 1912  
In the estate of, deceased.

NOTICE TO FILE ACCOUNTS.

To.....of.....

You are hereby required to exhibit in this Court on or before the..... day of.....19....., an account in the English language of the estate of.....deceased, showing the assets which have come to your hands and the manner in which they have been applied or disposed of.

Probate of the will was/letters of administration were granted to you on the.....day of.....19.....

Given under my hand and the seal of the Court this..... day of.....19.....

(L.S.)

..... Registrar.

NOTICE.

By Section 101(3) of the Probate and Administration Ordinance it is provided that—

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 this requisition he shall be deemed to have committed an offence under section 176 or the Penal Code.

FORM No. 18.

IN THE HIGH COURT OF THE COLONY OF NORTH BORNEO.

The Registry at Jesselton

Petition No.....of 19.....

in the estate of.....deceased.

PETITION FOR RESEALING PROBATE/LETTERS OF ADMINISTRATION.

The humble petition of.....sheweth :

1. That the said.....who resided at..... died testate/intestate on the.....day of.....19.....

x 2. That the said deceased duly executed his last will dated the..... day of.....and probate thereof of which a true copy is now produced and marked ' ' was duly granted by the (name of Court).....at.....to.....of.....

x or 2. The said deceased duly executed his last will dated the..... day of.....19..... and letters of administration with a copy of such will annexed thereto, of which letters and copy of will true copies are now produced and marked ' ' were duly granted by the (name of Court).....at.....to.....of... ..

AFFIDAVIT OF PETITIONER.

I,.....the above-named petitioner affirm and declare that the statements contained in the above-written are to the best of my information and belief in all respects true.

Affirmed at.....
this.....day of.....
before me.....
Signature of petitioner.

Registrar.

CERTIFICATE.

(To be completed where the petitioner does not understand the English language).

I hereby certify that the above-written petition and affidavit were read, translated and explained in my presence by.....a sworn interpreter of the Court, to the petitioner who seemed perfectly to understand them declared to me that he/she did understand them and made his/her signature/mark thereto in my presence.

Interpreter

Registrar

FORM No. 19.

IN THE HIGH COURT OF THE COLONY OF NORTH BORNEO.

The Registry at Jesselton.

Petition No.....of 19.....

In the estate of....., deceased.

NOTICE OF RESEALING OF GRANT.

This is to give you notice that the undermentioned Grant, which was issued under the Seal of your Court, was, on the date stated, resealed in the Registry of the High Court of the Colony of North Borneo at Jesselton.

- Name of deceased.....
Nature and date of grant.....
Reference number (if any).....
Date of resealing.....

Given under my hand and seal of the Court at Jesselton this..... day of.....19.....

(L.S.)

To :

Registrar.

The Registrar,

x or 2. That letters of administration of the estate of the said deceased, of which a true copy is now produced and marked \_\_\_\_\_ were duly granted by the (name of Court).....at.....to.....  
.....of.....

That the petitioner claims to represent the said deceased on the ground that.....

x (a) he is the duly appointed executor of the said deceased and has obtained a grant of probate as aforesaid ;

x or (b) he is the administrator of the estate of the said deceased duly appointed as aforesaid ;

x or (c) he is the duly authorised attorney of the said.....  
the executor/administrator of the said deceased, duly appointed as aforesaid.

3. That the said deceased died possessed of certain property within the jurisdiction of this Court, namely :

xx 4. The said deceased <sup>resided and carried</sup> on business in the Colony of North Borneo at some/any time within twelve months next before his death. <sub>did not reside or carry</sub>

5. That so far as the petitioner is aware the following are the debts due from the estate of the said deceased to creditors residing in the Colony of North Borneo.

6. That the whole of the estate of the said deceased movable and immovable within the jurisdiction of this Court, exclusive of what he may have been possessed of or entitled to as a trustee for any person or persons and not beneficially, and without deducting anything on account of the debts due and owing from him, other than the principal of any debt secured upon any immovable property do not exceed in value the sum of dollars.....to the best of the petitioner's knowledge, information and belief.

xxx 7.

8. Whereupon the petitioner prays that the probate of the said will (or that the said letters of administration) may be sealed with the Seal of this Court in accordance with Chapter XVII of the Probate and Administration Ordinance.

.....  
*Signature of petitioner.*

x Strike out such of these clauses as may be inapplicable.

xx As the case may be.

xxx Here insert any further facts which it is desired to bring to the attention of the Court.

direct

residence

debts

FORM No. 20.

IN THE HIGH COURT OF THE COLONY OF NORTH BORNEO.

The Registry at Jesselton.

Petition No..... of 19.....

In the estate of.....deceased.

BOND BY ATTORNEY ON RESEALING.

Know all men by these presents that we, A.B. of..... C.D. of....., and E.F. of..... are jointly and separately bound unto Her Majesty the Queen in the sum of..... dollars of good and lawful currency of the Colony of North Borneo, to be paid to the Accountant-General for the time being, for which payment to be well and truly made we bind ourselves and each of us, our heirs, executors and administrators, by these presents.

Sealed with our seals this.....day of.....19.....

The condition of this Obligation is such that if the above-bounden A.B. the Attorney of the administrator of the estate and effects of X.Y. late of.....deceased who died on the.....day of..... 19....., do well and truly administer according to law the movable and immovable property of the said deceased which has or shall come to his hands, possession or knowledge or into the hands or possession of any other person for him, and do transfer the same to.....the administrator of the estate and effects of the said deceased or to his nominees, then this Obligation to be void and of non effect but otherwise to remain in full force and virtue.

Truly translated to the obligors in the..... language by me.....

A sworn interpreter of the Court, Signed, sealed and delivered by the above-named..... in the presence of

Registrar.

FORM No. 21.

IN THE HIGH COURT OF THE COLONY OF NORTH BORNEO.

The Registry at Jesselton.

Petition No.....of 19.....

In the estate of (AB) deceased.

CITATION.

To EF of.....

Whereas CD of.....has presented a Petition to this Court praying for a grant of.....of the said AB deceased to him as (here describe the capacity of the Petitioner as in his Petition) and that.....or whereas it appears by the affidavit of CD of.....that.....also claims to be..... of the said AB deceased and that you are (executor or one of the next of kin, stating relationship as the case may be) of the said AB deceased.

Now this is to command you that, within.....days after service hereof inclusive of the day of such service, you do enter or cause to be entered an appearance for you in this Court, and show cause why such.....should not be granted to the said CD, and take notice that, in default of your so appearing and showing cause in this Court within the said.....days, you will be deemed to have renounced all right and title to such.....and this Court will make such grant to the said CD or such other person as may seem expedient, your absence notwithstanding.

Given under my hand and the seal of the Court this.....day of.....19.....

.....  
*Signature of Judge or Registrar.*

NOTE.—This citation is to be served within 12 calendar months from the date hereof.

The said EF may appear hereto by entering an appearance either personally or by advocate at the Registry of the Court at Jesselton.

INDORSEMENT TO BE MADE ON THE CITATION—This citation was issued by GH of.....advocate for the said CD or by the said CD in person who resides at.....

INDORSEMENT TO BE MADE AFTER SERVICE—This citation was served on.....by me this.....day of..... 19.....