

Wee Boo Lat - - - - - Appellant

v.

John Laycock and Others - - - - - Respondents

FROM

THE HIGH COURT OF APPEAL OF THE STRAITS
SETTLEMENTS, SETTLEMENT OF SINGAPORE

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE
OF THE PRIVY COUNCIL, DELIVERED THE 24TH MARCH, 1952

Present at the Hearing :

LORD NORMAND
LORD RADCLIFFE
LORD TUCKER
LORD ASQUITH OF BISHOPSTONE

[*Delivered by* LORD NORMAND]

The plaintiff in the action appeals against a judgment of the High Court of Appeal of the Straits Settlements, dismissing an appeal from a judgment of the Acting Chief Justice in the High Court.

In her Statement of Claim the appellant claimed a share of the estate of one Wee Siang Tat who died intestate about 1901 and who was according to her statement her natural father. The defendants in the action and the respondents in the appeal are the executors and trustees acting under the will of Ho Sok Choo Neo, widow of Wee Siang Tat. Ho Sok Choo Neo died in 1931. The respondents admitted that she had taken possession of the estate of Wee Siang Tat and divided it between herself as his widow, his surviving sister and the children of his deceased sister. No part of the estate had been given to the appellant and the respondents denied that the intestate was her father.

Much conflicting evidence was adduced by the parties. The Acting Chief Justice accepted the evidence of a witness for the respondents who said that the appellant had been adopted by Wee Siang Tat's mother and given over to Ho Sok Choo Neo after Wee Siang Tat's death. He also accepted the evidence of other witnesses for the respondents who were in a position to speak of the family relationships involved in the case and who gave evidence against the appellant's claim to be a daughter of Wee Siang Tat. On the other hand he rejected the evidence for the appellant which conflicted with the evidence for the respondents. His judgment was essentially a judgment based on the credibility of the witnesses.

On appeal the High Court of Appeal affirmed the judgment of the learned Acting Chief Justice. Their Lordships had not before them the judgments delivered by the Court of Appeal. The information available

about the fate of these judgments is contained in the appellant's Case where it is stated that it is believed that one or more spoken judgments were delivered but that the shorthand notes and transcripts of such judgments had become lost owing to war incidents. But unfortunate as is the loss of these judgments, there is no doubt that the Court unanimously agreed with the Acting Chief Justice in rejecting the evidence that Wee Siang Tat was the appellant's natural father. It would serve no useful purpose to review the evidence. The question at issue was one of fact, and there are admittedly concurrent judgments against the appellant.

It was however suggested by the appellant's counsel that the judgment of the learned Acting Chief Justice was vitiated because he had relied upon inadmissible evidence of the nature of hearsay. Their Lordships are unable to find that the judgment proceeded on any evidence of this character. The reasons for the decision were based entirely upon evidence the admissibility of which cannot be questioned. But there is a concluding paragraph in which the learned judge said:—

“My impression is that everyone knew that the plaintiff was adopted. Her husband, the second defendant, was so informed when he married her and has refused to support his wife in a claim which ought never to have been made.”

This paragraph does not enter into the ground of judgment and the learned judge merely took occasion to say that the conclusion at which he had already arrived agreed with the knowledge of the appellant's family and their friends about her status. Their Lordships do not find it necessary to consider whether the evidence of the appellant's husband that he had been informed by friends that the appellant was adopted was admissible or not, for it was not part of the evidence relied on as the ground of judgment.

Their Lordships will therefore humbly advise Her Majesty that the appeal should be dismissed. The appellant must pay the costs of the appeal.

In the Privy Council

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v.

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DELIVERED BY LORD NORMAND

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