

THIRD SUPPLEMENT
TO THE
FEDERATED MALAY STATES
GOVERNMENT GAZETTE

OF FRIDAY, THE 24TH OF NOVEMBER, 1916.
(No. 76, Vol. VIII.)

PUBLISHED BY AUTHORITY.

FRIDAY, 1ST DECEMBER, 1916.

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

M. S. H. McARTHUR,
Under Secretary, F.M.S.

No. 3745.—The following Enactment, passed at a meeting of the Federal Council held on the 27th April, 1915, is published for general information:

FEDERATED MALAY STATES.

ENACTMENT No. 4 OF 1915.

An Enactment to amend the Stamp Enactments, 1897.

ARTHUR YOUNG,
President of the Federal Council.

[15th July, 1915.]

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

1. (i) This Enactment may be cited as "The Stamp Enactments, 1897, Amendment Enactment, 1915," and shall come into force on the publication thereof in the *Gazette*.

Short title,
commencement
and construc-
tion.

(ii) This Enactment shall be read and construed as one with the Enactments mentioned in the schedule, which are hereinafter called the "principal Enactments," and any copies of the principal Enactments printed after the commencement of this Enactment may be printed with the amendments made by this Enactment.

2. Section 9 of the principal Enactments is amended by inserting in the fourth line immediately after the number "29" the number "31A".

Amendment of
section 9.

3. Section 17 of the principal Enactments is repealed and the following section is substituted therefor:

Substituted
section 17.

"17. (i) The first holder in the State of any bill of exchange or cheque drawn out of the State shall, before he presents the same for payment or endorses, transfers or otherwise negotiates the same in the State, affix thereto the proper stamp and cancel the same.

Bills and
cheques drawn
out of the State.

If at any time when such bill or cheque comes into the hands of any *bonâ fide* holder thereof there is affixed thereto the proper adhesive stamp not duly cancelled, it shall be competent for such holder to cancel such stamp as if he were the person by whom it was affixed, and upon his so doing such bill or cheque shall be deemed duly stamped.

(ii) The first holder in the State of any promissory note made out of the State shall within seven days after such note is first in his possession within the State and before he presents the same for payment or endorses, transfers or otherwise negotiates the same in the State affix to such note the proper stamp and take the same to a stamp office and present it for cancellation of the stamp in the manner prescribed by sub-section (i) of section 9.

(iii) If at the time when any bill of exchange, cheque or promissory note drawn or made out of the State comes into the hands of any holder thereof in the State the proper stamp is affixed thereto and cancelled in manner prescribed by section 9, and such holder has no reason to believe that such stamp was affixed or cancelled otherwise than by

the person and at the time required by this Enactment, such stamp shall so far as relates to such holder be deemed to have been duly affixed and cancelled.

(iv) Nothing contained in this section shall relieve any person from any penalty incurred by him for omitting to affix or cancel a stamp."

Amendment of
section 31.

4. Sub-section (i) of section 31 of the principal Enactments is amended—

(a) by inserting immediately after the words "annex thereto" in line 3 the words "a statement of reasonable funeral expenses incurred not to exceed one thousand dollars or two and a half per cent. of the ascertained value of the estate, whichever is the smaller, and";

(b) by inserting immediately after the words "aggregate amount" in line 6 the words "of such funeral expenses and."

New section
37A.

5. Immediately after section 37 of the principal Enactments there is inserted a new section, numbered 37A, as follows:

Powers of
Collector.

"37A. The Collector may summon before him any person accountable for stamp duty on the estate of a deceased person and any person whom the Collector believes to have taken possession of or administered any part of the estate in respect of which duty is payable on the death of the deceased, or of the income of any part of such estate, or any person whom the Collector believes to be indebted to the deceased or any person whom the Collector believes to be capable of giving information as to such estate, and may examine such person with regard to the premises and may require any such person to produce any documents in his custody or power relating to the estate in respect of which duty is payable on the death of the deceased. And any such person who without sufficient cause, to be allowed by the Collector, fails to come before the Collector at the time appointed or refuses to answer any question lawfully put to him by the Collector or fails to produce any such document as aforesaid shall be liable on conviction to a penalty not exceeding five hundred dollars, and in addition to such penalty the Collector may apply to the Supreme Court in a summary manner in the matter to which his enquiry relates for an order enforcing compliance with his reasonable requirements."

Amendment of
section 46.

6. Sub-section (i) of section 46 of the principal Enactments is amended by deleting paragraph (b) and the proviso thereto and substituting therefor the following:

Payment of
duty and
penalty.

"(b) If the Collector is of opinion that such instrument is chargeable with duty and is not duly stamped, he shall require the payment of the proper duty or the amount required to make up the same, together with a penalty of fifty dollars or ten times the amount of the proper duty or of the deficient portion thereof, whichever be the greater.

Provided that the Collector may, if he thinks fit, remit any portion, in excess of two dollars and a half, of such penalty.

Provided further that when such instrument has been impounded only because it has been written in contravention of section 10 the Collector may, if he thinks fit, remit the whole penalty prescribed by this section."

STAMP AMENDMENT.

3

7. Section 53 of the principal Enactments is amended by deleting from the first line the words "or promissory note" and by deleting from the remainder of the said section the word "note" wherever that word occurs. Amendment of section 53.

8. Article 3 of the second schedule to the principal Enactments is repealed and the following article is substituted therefor: Substituted article 3 in second schedule.

"3. AFFIDAVIT for the Collector on application for grant of probate or letters of administration or for a certificate of representation—

- | | | |
|---|---|---|
| (a) Where the estate and effects for or in respect of which the probate or letters of administration is or are to be granted, exclusive of what the deceased was possessed of or entitled to as trustee and not beneficially, are above the value of \$500 and not above the value of \$5,000 | } | At the rate of \$1 for every \$100 and for every fractional part of \$100 over any multiple of \$100. |
| (b) Where such estate and effects are above the value of \$5,000 and not above the value of \$10,000 | } | At the rate of \$2 for every \$100 and for every fractional part of \$100 over any multiple of \$100. |
| (c) Where such estate and effects are above the value of \$10,000 and not above the value of \$50,000 | } | At the rate of \$3 for every \$100 and for every fractional part of \$100 over any multiple of \$100. |
| (d) Where such estate and effects are above the value of \$50,000 and not above the value of \$100,000 | } | At the rate of \$4 for every \$100 and for every fractional part of \$100 over any multiple of \$100. |
| (e) Where such estate and effects are above the value of \$100,000 and not above the value of \$200,000 | } | At the rate of \$5 for every \$100 and for every fractional part of \$100 over any multiple of \$100. |
| (f) Where such estate and effects are above the value of \$200,000 and not above the value of \$400,000 | } | At the rate of \$6 for every \$100 and for every fractional part of \$100 over any multiple of \$100. |
| (g) Where such estate and effects are above the value of \$400,000 and not above the value of \$600,000 | } | At the rate of \$7 for every \$100 and for every fractional part of \$100 over any multiple of \$100. |
| (h) Where such estate and effects are above the value of \$600,000 and not above the value of \$800,000 | } | At the rate of \$8 for every \$100 and for every fractional part of \$100 over any multiple of \$100. |

- (i) Where such estate and effects are above the value of \$800,000 and not above the value of \$1,000,000 } At the rate of \$9 for every \$100 and for every fractional part of \$100 over any multiple of \$100.
- (j) Where such estate and effects are above the value of \$1,000,000 } At the rate of \$10 for every \$100 and for every fractional part of \$100 over any multiple of \$100.

Exemption.—Where the estate and effects do not exceed the value of \$500."

Amendment of article 10 in second schedule.
Amendment of article 12 in second schedule.

9. Article 10 of the second schedule to the principal Enactments is amended by deleting the words "(see Bill of Exchange)".

10. Article 12 of the second schedule to the principal Enactments is amended by deleting from the description of instrument the words "and Promissory Note of any kind whatsoever (except a bank note)" and by deleting from the statement of the stamp duty the words "or note" and the words "or made".

Amendment of article 21 in second schedule.

11. Article 21 of the second schedule to the principal Enactments is amended by deleting paragraph (e) thereof and substituting therefor the following paragraph:

"(e) Of any trust property (except such shares as aforesaid) without consideration from one trustee to another trustee or from a trustee to a beneficiary } Two dollars."

Amendment of article 29 in second schedule.

12. Article 29 of the second schedule to the principal Enactments is amended by inserting immediately after paragraph (c) thereof the following paragraph:

"(d) Irrespective of duty otherwise chargeable, where a percentage or proportion, or the value of a percentage or proportion, of the produce of the land is by the lease or agreement for a lease reserved or payable to the lessor } Five dollars."

and by re-lettering the original paragraph (d) as "(e)".

Additional article 31A in second schedule.

13. The second schedule to the principal Enactments is amended by deleting the words "Promissory Note. See Bill of Exchange" at the end of article 31 and by substituting therefor the following article:

"31A. Promissory Note of any kind whatsoever (except a bank note) } At the rate of ten cents for every \$100 and for every fractional part of \$100 over any multiple of \$100 of the amount of value of the money for which the note is made."

STAMP AMENDMENT.

5

SCHEDULE.
PRINCIPAL ENACTMENTS.

State.	No. and year.	Short title.
Perak	14 of 1897 ...	Stamp Enactment, 1897
Selangor	14 " " ...	" " "
Negri Sembilan	10 " " ...	" " "
Pahang	20 " " ...	" " "

Passed this 27th day of April, 1915.

W. GEORGE MAXWELL,
Clerk of Council.

No. 3746.—The following Enactment, passed at a meeting of the Federal Council held on the 16th November, 1916, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 22 OF 1916.

An Enactment to further amend The Stamp Enactments, 1897.

ARTHUR YOUNG,
President of the Federal Council.

[27th November, 1916.]

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

Short title,
commencement
and construc-
tion.

1. (i) This Enactment may be cited as "The Stamp Enactments, 1897, Amendment Enactment, 1916," and shall come into force on the publication thereof in the *Gazette*.

(ii) This Enactment shall be read and construed as one with the Enactments mentioned in the schedule, which are hereinafter called "the principal Enactments," and any copies of the principal Enactments printed after the commencement of this Enactment may be printed with the amendments made by this Enactment.

Substituted
article 3 in
second
schedule.

2. Article 3 of the second schedule to the principal Enactments is repealed and the following article is substituted therefor :

"3. AFFIDAVIT for the Collector on application for grant of probate or letters of administration or for a certificate of representation—

- | | | |
|---|---|---|
| (a) Where the estate and effects for or in respect of which the probate or letters of administration is or are to be granted, exclusive of what the deceased was possessed of or entitled to as trustee and not beneficially, are above the value of \$500 and not above the value of \$4,250 | } | At the rate of \$1 for every \$100 and for every fractional part of \$100 over any multiple of \$100. |
| (b) Where such estate and effects are above the value of \$4,250 and not above the value of \$8,570 | } | At the rate of \$2 for every \$100 and for every fractional part of \$100 over any multiple of \$100. |
| (c) Where such estate and effects are above the value of \$8,570 and not above the value of \$85,700 | } | At the rate of \$3 for every \$100 and for every fractional part of \$100 over any multiple of \$100. |
| (d) Where the estate and effects are above the value of \$85,700 and not above the value of \$214,250 | } | At the rate of \$4 for every \$100 and for every fractional part of \$100 over any multiple of \$100. |

- (e) Where the estate and effects are above the value of \$214,250 and not above the value of \$428,500 } At the rate of \$4.50 for every \$100 and for every fractional part of \$100 over any multiple of \$100.
- (f) Where the estate and effects are above the value of \$428,500 and not above the value of \$642,750 } At the rate of \$5 for every \$100 and for every fractional part of \$100 over any multiple of \$100.
- (g) Where the estate and effects are above the value of \$642,750 and not above the value of \$857,000 } At the rate of \$5.50 for every \$100 and for every fractional part of \$100 over any multiple of \$100.
- (h) Where the estate and effects are above the value of \$857,000, but not above the value of \$1,285,500 } At the rate of \$6 for every \$100 and for every fractional part of \$100 over any multiple of \$100.
- (i) Where the estate and effects are above the value of \$1,285,500 } At the rate of \$7 for every \$100 and for every fractional part of \$100 over any multiple of \$100.

Exemption.—Where the estate and effects do not exceed the value of \$500."

SCHEDULE.
PRINCIPAL ENACTMENTS.

State.	No. and year.	Short title.
Perak	14 of 1897 ...	Stamp Enactment, 1897
Selangor	14 " " ...	" " "
Negri Sembilan ...	10 " " ...	" " "
Pahang	20 " " ...	" " "

Passed this 16th day of November, 1916.

W. H. MACKRAY,
Clerk of Council.

No. 3747.—The following Enactment, passed at a meeting of the Federal Council held on the 14th November, 1916, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 10 OF 1916.

An Enactment to further amend "The Volunteer Enactment, 1913."

ARTHUR YOUNG,
President of the Federal Council.

[27th November, 1916.]

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

Short title,
commencement
and construc-
tion.

1. (i) This Enactment may be cited as "The Volunteer Enactment, 1913, Amendment Enactment, 1916," and shall come into force on the publication thereof in the *Gazette*.

(ii) This Enactment shall be read and construed as one with "The Volunteer Enactment, 1913," hereinafter called "the principal Enactment," and any copies of the principal Enactment printed after the commencement of this Enactment may be printed with the amendments made by this Enactment.

Amendment of
section 4.

2. Section 4 of the principal Enactment is amended by deleting from sub-section (ii) the words "date of such publication" and substituting therefor the words "date specified in such publication."

Passed this 14th day of November, 1916.

W. H. MACKRAY,
Clerk of Council.

"THE VOLUNTEER ENACTMENT, 1913."

APPOINTMENT UNDER SECTION 4.

No. 3748.—His Excellency the High Commissioner has been pleased to appoint Major Arthur J. Fox to command the Malay States Volunteer Rifles with the temporary rank of Lieutenant-Colonel as from the 23rd September, 1914, during the absence of Lieutenant-Colonel (now temporary Brigadier-General) A. B. Hubback, C.M.G.

No. 3749.—The following Enactment, passed at a meeting of the Federal Council held on the 14th November, 1916, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 12 OF 1916.

An Enactment to make Final Provision for the Public Service for the year 1915.

ARTHUR YOUNG,
President of the Federal Council.

[27th November, 1916.]

WHEREAS by Enactment No. 33 of 1914 a sum not exceeding thirty-five million, two hundred and twenty-one thousand, three hundred and twenty-four dollars was charged upon the revenue and other funds of the Federated Malay States for the public service during the year 1915 to be appropriated for each service as detailed in that Enactment :

AND WHEREAS the expenditure in respect of certain of such services during the year 1915 exceeded the amount so charged upon the revenue of the Federated Malay States by twelve million, six hundred and sixty-two thousand, four hundred and forty-one dollars and eighty-five cents in the proportions detailed in the schedule hereto annexed :

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

1. This Enactment may be cited as "The Final Supply Enactment, 1916." Title.

2. The further sum of twelve million, six hundred and sixty-two thousand, four hundred and forty-one dollars and eighty-five cents shall be charged upon the revenue and other funds of the Federated Malay States for certain public services for the year 1915 to be appropriated in the proportions detailed in the schedule hereto annexed : Final supply.

THE SCHEDULE.		\$	c.
1. Pensions, Retired Allowances, Gratuities, etc. ...		19,281	24
2. Audit		1,104	30
3. Malay States Volunteer Rifles		7,234	17
4. Miscellaneous Services		12,515,692	13
5. Railways (including additions to Capital Expenditure)		112,759	86
6. External Audit Department		6,370	15
Total ...		12,662,441	85

Passed this 14th day of November, 1916.

W. H. MACKRAY,
Clerk of Council.

No. 3750.—The following Enactment, passed at a meeting of the Federal Council held on the 14th November, 1916, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 14 OF 1916.

An Enactment to further amend "The Traction Engines and Motor Cars Enactment, 1912."

ARTHUR YOUNG,

[27th November, 1916.]

President of the Federal Council.

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

Short title, commencement and construction.

1. (i) This Enactment may be cited as "The Traction Engines and Motor Cars Enactment, 1912, Amendment Enactment, 1916," and shall come into force on the publication thereof in the *Gazette*.

Enactment No. 29 of 1912.

(ii) This Enactment shall be read and construed as one with "The Traction Engines and Motor Cars Enactment, 1912," hereinafter called "the principal Enactment," and any copies of the principal Enactment printed after the commencement of this Enactment may be printed with the amendments made by this Enactment.

New section 6A.

2. Immediately after section 6 of the principal Enactment there is inserted a new section, numbered 6A, as follows :

Tampering with endorsement.

"6A. If any person not duly authorized in that behalf alters, cancels, effaces, conceals or renders illegible any endorsement made under this Enactment upon a driver's certificate, he shall be guilty of an offence under this Enactment."

Substituted section 19.

3. Section 19 of the principal Enactment is repealed and the following section is substituted therefor :

Traction engines and motor cars registered outside the Federated Malay States.

"19. Any traction engine or motor car not owned by a person residing in the Federated Malay States may

(a) if it is registered or licensed under the provisions of any law in a place, outside the Federated Malay States and the Colony, to which the Chief Secretary to Government shall by notification in the *Gazette* have directed that this section shall apply, be used on public thoroughfares in the Federated Malay States, and

(b) if it is registered or licensed under the provisions of any law in the Colony, be used on public thoroughfares in the Federated Malay States otherwise than for hire or trade purposes,

without being licensed under this Enactment; provided that the owner and the driver of such traction engine or motor car shall be liable in all other respects to the provisions of this Enactment."

Passed this 14th day of November, 1916.

W. H. MACKRAY,

Clerk of Council.

"THE TRACTION ENGINES AND MOTOR CARS
ENACTMENT, 1912."

No. 3751.—In exercise of the power in that behalf conferred on him by section 19 of "The Traction Engines and Motor Cars Enactment, 1912," as amended by Enactment No. 14 of 1916, the Chief Secretary to Government directs that the said section shall apply to the State of Kedah.

No. 3752.—The following Enactment, passed at a meeting of the Federal Council held on the 16th November, 1916, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 15 OF 1916.

An Enactment to further amend "The Courts Enactments, 1905."

ARTHUR YOUNG,
President of the Federal Council.

[27th November, 1916.]

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

1. (i) This Enactment may be cited as "The Courts Enactments, 1905, Amendment Enactment, 1916," and shall come into force on the publication thereof in the *Gazette*. Short title, commencement and construction.

(ii) This Enactment shall be read and construed as one with the Enactments mentioned in the schedule, which are hereinafter called "the principal Enactments," and any copies of the principal Enactments printed after the commencement of this Enactment may be printed with the amendment made by this Enactment.

2. Immediately after section 65 of the principal Enactments there is inserted a new section, to be numbered 65A, as follows :

New section 65A.

"65A. (i) The Resident may from time to time, by notification in the *Gazette*, appoint such persons as he shall deem fit to act as Justices of the Peace within and for the State or any part thereof, and may in like manner revoke any such appointment.

Justices of the Peace.

(ii) Justices of the Peace shall have and may exercise within the area for which they are appointed such powers as may be conferred upon them by the Code of Criminal Procedure in force for the time being."

SCHEDULE.

PRINCIPAL ENACTMENTS.

State.	No. and year.	Short title.
Perak	13 of 1905	The Courts Enactment, 1905
Selangor	15 "	" "
Negri Sembilan	15 "	" "
Pahang	13 "	" "

Passed this 16th day of November, 1916.

W. H. MACKRAY,
Clerk of Council.

No. 3753.—The following Enactment, passed at a meeting of the Federal Council held on the 16th November, 1916, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 16 OF 1916.

An Enactment to amend "The Arms Enactment, 1915."

ARTHUR YOUNG,
President of the Federal Council.

[27th November, 1916.]

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

Short title,
commencement
and
construction.

1. (i) This Enactment may be cited as "The Arms Enactment, 1915, Amendment Enactment, 1916," and shall come into force on the publication thereof in the *Gazette*.

Enactment
No. 13 of 1915.

(ii) This Enactment shall be read and construed as one with "The Arms Enactment, 1915," hereinafter called "the principal Enactment," and any copies of the said Enactment printed after the commencement of this Enactment may be printed with the amendments made by this Enactment.

Amendment of
section 4 (ii).

2. Sub-section (ii) of section 4 of the principal Enactment is amended by deleting from lines 1 and 2 the words "after the thirty-first day of January in any year".

New section 4A.

3. Immediately after section 4 of the principal Enactment there is inserted a new section, to be numbered 4A, as follows :

Period of
exemption in
certain cases.

"4A. No person shall be deemed guilty of any contravention of this Enactment or of any rule thereunder by reason only of the fact that during the month of January in any year he has in his possession or custody any arms in respect of which no licence or permit is in force ; provided that such person had such arms in his possession or custody on the thirty-first day of December of the preceding year under a licence or permit issued in that behalf under this Enactment."

Passed this 16th day of November, 1916.

W. H. MACKRAY,
Clerk of Council.

No. 3754.—The following Enactment, passed at a meeting of the Federal Council held on the 16th November, 1916, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 17 OF 1916.

An Enactment to further amend "The Public Emergency Enactment, 1914."

ARTHUR YOUNG,
President of the Federal Council.

[27th November, 1916.]

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

1. (i) This Enactment may be cited as "The Public Emergency Enactment, 1914, Amendment Enactment, 1916," and shall come into force on the publication thereof in the *Gazette*. Short title, commencement and construction.

(ii) This Enactment shall be read and construed as one with "The Public Emergency Enactment, 1914," hereinafter called "the principal Enactment," and any copies of the said Enactment printed after the commencement of this Enactment may be printed with the amendments made by this Enactment.

2. Section 17 of the principal Enactment is repealed and the following section is substituted therefor: Repeal of section 17, and substitution of new section therefor.

"17. (i) The High Commissioner may at any time when a state of war exists between His Britannic Majesty and any country or State (such country or State and the inhabitants thereof being hereafter in this section referred to as 'the enemy') make regulations for securing the public safety and the defence of the Federated Malay States and as to the powers and duties for that purpose of persons employed in the Federated Malay States in the public service of the said States or in the service of His Britannic Majesty and of any other persons, and in particular may by such regulations make provision with regard to all matters coming within the classes of subjects hereinafter enumerated, that is to say: Regulations for the public safety.

- I. Censorship, and the control and suppression of publications, writings, maps, plans, photographs, communications and means of communication ;
- II. Arrest, detention, exclusion, and deportation ;
- III. Control of the harbours, ports, and territorial waters of the Federated Malay States, and the movements of vessels ;
- IV. Transportation by land, air, or water, and the control of the transport of persons and things ;
- V. Trading, exportation, importation, production, and manufacture ;
- VI. Appropriation, control, forfeiture and disposition of property, and of the use thereof ;

and may by such regulations authorize the trial by Courts Martial or Civil Courts, and in the case of minor offences by Courts of

2

No. 17 OF 1916.

Magistrates, of persons committing offences against such regulations, and the infliction by such Civil Courts of the following punishments, that is to say—

- (a) in the case of Courts of Magistrates, imprisonment of either description for a term not exceeding six months or a fine not exceeding one thousand dollars, or both such imprisonment and fine; and
- (b) in the case of the Court of a Judicial Commissioner, penal servitude for life or any less punishment, or, in the case of offences where intention of assisting the enemy is proved, death or any less punishment.

(ii) For the purpose of the trial of a person for an offence against such regulations by Court Martial and the punishment thereof, the person may be proceeded against and dealt with as if he were a person subject to military law and has on active service committed an offence under section 5 of the Army Act:

Provided that where it is proved that the offence is committed with the intention of assisting the enemy a person convicted of such an offence by a Court Martial shall be liable to suffer death.

(iii) For the purpose of the trial of a person for an offence under the regulations by a Civil Court and the punishment thereof, the offence shall be deemed to have been committed either at the place in which the same actually was committed or in any place in which the offender may be.

(iv) The regulations may authorize a Court Martial or a Civil Court, in addition to any other punishment, to order the forfeiture of any goods in respect of which an offence against the regulations has been committed.

(v) All regulations made under this section shall be published in the *Gazette*.

Passed this 16th day of November, 1916.

W. H. MACKRAY,
Clerk of Council.

No. 3755.—The following Enactment, passed at a meeting of the Federal Council held on the 16th November, 1916, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 18 OF 1916.

An Enactment to further amend "The Alien Enemies (Winding up) Enactment, 1915."

ARTHUR YOUNG, [27th November, 1916.]
President of the Federal Council.

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

1. (i) This Enactment may be cited as "The Alien Enemies (Winding up) Enactment, 1915, Amendment Enactment, 1916 (No. 2)," and shall come into force on the publication thereof in the *Gazette*. Short title, commencement and construction.

(ii) This Enactment shall be read and construed as one with "The Alien Enemies (Winding up) Enactment, 1915," which, as amended by Enactment No. 4 of 1916, is hereinafter called the "principal Enactment," and any copies of the principal Enactment printed after the commencement of this Enactment may be printed with the amendments made by this Enactment.

2. Section 2 of the principal Enactment is amended Amendment of section 2.
(a) by inserting immediately before the definition of "Alien enemy" the following new definition :

"Enemy country" means the territories of any country or State which is at war with His Britannic Majesty and includes all the Colonies and dependencies of such country or State ;

(b) by adding at the end of the definition of "Alien enemy" the words "and any person or body of persons of whatever nationality resident or carrying on business in an enemy country" ;

(c) by adding at the end of the definition of "Enemy company" the words "and includes any company or body of persons incorporated in an enemy country and any incorporated company or body of persons, wherever incorporated, carrying on business in an enemy country or in any territory for the time being in the effective military occupation of an enemy of His Britannic Majesty" .

3. Section 3 of the principal Enactment is amended Amendment of section 3 of principal Enactment.

(a) by deleting the words "conclusive evidence" in the sixth line thereof and substituting therefor the word "sufficient proof" ; and

(b) by adding at the end thereof the words "and the onus of proving that such person or company is not or was not an alien enemy or enemy company, as the case may be, shall lie upon the person asserting such to be the case" .

Repeal of sub-section (vi) of section 4, and substitution of a new sub-section.

4. Sub-section (vi) of section 4 of the principal Enactment is repealed and the following sub-section is substituted therefor:

“(vi) Any such liquidator shall for all purposes whatever have as full rights—

(a) as if

- (1) the whole of the trade previously carried on in the Federated Malay States by such alien enemy or enemy company together with the goodwill of such trade and every part thereof; and
- (2) all the property of every description previously employed in or in connection with such trade; and
- (3) all debts, stocks, shares, securities and other choses in action wherever situate due to or purchased or otherwise acquired by or on behalf of such alien enemy or enemy company; and
- (4) all the property in the Federated Malay States of such alien enemy or enemy company or standing in his or its name,

had been absolutely assigned to such liquidator for valuable consideration; and

(b) as if all the contracts of such trade had originally been entered into with such liquidator.”

New sub-sections (vi. A) and (vi. B).

5. The following sub-sections are inserted immediately after sub-section (vi) of section 4 of the principal Enactment:

“(vi. A). On any sale of the goodwill of any trade by the liquidator the purchaser shall not acquire the right to use and shall not use

- (a) the name under which the trade had been carried on in the Federated Malay States, unless the Chief Secretary to Government shall first consent; or
- (b) any registered or unregistered trade mark used in the trade carried on in the Federated Malay States, unless any subject of the Ruler of any of the Federated Malay States or of His Britannic Majesty, who shall be jointly interested in such trade mark, shall first consent.

“(vi. B). On all sales of immovable property the liquidator shall include in the conditions of sale such conditions as the Chief Secretary to Government may from time to time by order published in the *Gazette* direct.”

Amendment of section 4 (xiv).

6. Sub-section (xiv) of section 4 of the principal Enactment is amended

- (a) by adding at the end of the paragraph of sub-section (xiv) entitled “Secondly” the words “provided that, where such clerk or servant is an alien enemy interned on British territory, the priority hereby conferred shall not extend to any part of his claim in excess of four hundred and fifty dollars, and such preferential payment may be made to the Commandant of the camp where the claimant is interned”;

ALIEN ENEMIES AMENDMENT (No. 2).

3

(b) by inserting in the paragraph of sub-section (xiv) entitled "Fifthly", immediately after the words "*pari passu*", the words "all wages or salary, not hereinbefore in this sub-section provided for, of any clerk or servant being an alien enemy and".

7. Sub-section (xv) of section 4 of the principal Enactment is amended by inserting immediately after the words "secured creditor", the words "not being an alien enemy or enemy company"; and by adding at the end of the said sub-section the words "Where a secured creditor is an alien enemy or enemy company, the security shall be sold by the liquidator and the proceeds of sale applied in payment of the secured debt to the custodian of enemy property appointed under 'The Trading with the Enemy Enactment, 1914, Amendment Enactment, 1916.'"

Amendment of section 4 (xv).

8. Sub-section (xvi) of section 4 of the principal Enactment is amended by inserting immediately after the words "secured creditors", the words "not being alien enemies or enemy companies".

Amendment of section 4 (xvi).

9. The following sub-section shall be inserted immediately after sub-section (xxi) of section 4 of the principal Enactment:

New sub-section (xxii).

"(xxii) Every winding-up under this Enactment shall continue in force, notwithstanding the termination of the state of war which has occasioned such winding-up, until all proceedings in relation to such winding-up are stayed by order of the Chief Secretary to Government."

10. Section 5A of the principal Enactment is repealed.

Repeal of section 5A.

11. Section 7 of the principal Enactment is repealed and the following section is substituted therefor:

New section substituted for section 7.

"7. (i) When any trade of an alien enemy or enemy company has been wound up and the balance of the assets has been paid to the custodian in accordance with section 4 (x)

After winding up.

(a) the books, papers, accounts and documents of such alien enemy or enemy company and of the liquidator shall be dealt with in such manner as the Chief Secretary to Government directs;

Disposal of books, etc.

(b) the Chief Secretary to Government may make an order that such enemy company, if registered in the Federated Malay States, shall be dissolved from the date of such order, and such enemy company shall be dissolved accordingly.

Company may be dissolved.

(ii) Every order of dissolution made under sub-section (i) shall be reported to the Registrar of Companies, who shall make a minute thereof in his books."

Passed this 16th day of November, 1916.

W. H. MACKRAY,
Clerk of Council.

No. 3756.—The following Enactment, passed at a meeting of the Federal Council held on the 16th November, 1916, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 19 OF 1916.

An Enactment to amend "The Federal Rubber Dealers Enactment, 1909."

ARTHUR YOUNG,

[27th November, 1916.]

President of the Federal Council.

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

Short title, commencement and construction.

1. (i) This Enactment may be cited as "The Federal Rubber Dealers Enactment, 1909, Amendment Enactment, 1916," and shall come into force on the publication thereof in the *Gazette*.

Enactment No. 5 of 1909.

(ii) This Enactment shall be read and construed as one with "The Federal Rubber Dealers Enactment, 1909," hereinafter called "the principal Enactment," and any copies of the principal Enactment printed after the commencement of this Enactment may be printed with the amendments made by this Enactment.

Amendment of section 7.

2. Section 7 of the principal Enactment is amended by adding at the end of sub-section (ii) the words :

"unless he purchase the same at an auction sale conducted by an auctioneer licensed under the provisions of 'The Auction Sales Enactment, 1905,' or by a public officer acting under the order of a competent Court or by a Collector of Land Revenue in exercise of the powers vested in him by Part VI of 'The Land Enactment, 1911.'"

New section 8A.

3. Immediately after section 8 of the principal Enactment there is inserted a new section, to be numbered 8A, as follows :

Auctioneers' books of account.

"8A. (i) Every auctioneer who shall sell at an auction sale any cultivated rubber shall keep books of account in which shall be entered day by day particulars similar to those which are required by sub-section (i) of section 8 to be entered in the books of a licensee who shall sell cultivated rubber, and the provisions of sub-sections (ii) and (iii) of section 8 shall apply to every such auctioneer as though he were a licensee.

Auctioneer to give written authority.

(ii) Every auctioneer shall deliver to every person who shall purchase cultivated rubber at an auction sale conducted by him a written authority for the sale thereof which shall contain the particulars prescribed in section 9."

Amendment of section 9.

4. Section 9 of the principal Enactment is amended

(a) by inserting immediately after the words "by the vendor" in line 2 of sub-section (i) the words "or, in the case of an auction sale held under an order of Court, by the auctioneer";

2

No. 19 of 1916.

(b) by adding at the end of sub-section (iii) the following clause:

“(c) The signature, in the case of a sale of cultivated rubber under an order of Court, of the auctioneer by whom such sale was conducted.”

5. Section 10 of the principal Enactment is amended by adding at the end thereof the following: Amendment of section 10.

“Provided that nothing in this section shall be deemed to require the delivery of any such memorandum in the case of the purchase of cultivated rubber at an auction sale held under an order of Court or by a Collector of Land Revenue.”

Passed this 16th day of November, 1916.

W. H. MACKRAY,
Clerk of Council.

No. 3757.—The following Enactment, passed at a meeting of the Federal Council held on the 16th November, 1916, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 20 OF 1916.

An Enactment to further amend The Criminal Procedure Codes, 1902 and 1903.

ARTHUR YOUNG,

[27th November, 1916.]

President of the Federal Council.

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

Short title,
commencement
and construc-
tion.

1. (i) This Enactment may be cited as "The Criminal Procedure Codes Amendment Enactment, 1916," and shall come into force on the publication thereof in the *Gazette*.

(ii) This Enactment shall be read and construed as one with the Enactments mentioned in the schedule hereto, which are hereinafter called "the principal Enactments," and any copies of the principal Enactments printed after the commencement of this Enactment may be printed with the amendments made by this Enactment.

Amendment of
section 9.

2. Section 9 of the principal Enactment is amended by inserting immediately after the word "Magistrate" wherever the said word occurs the words "Justice of the Peace".

Amendment of
section 29.

3. Section 29 of the principal Enactment is amended by inserting immediately after the word "Magistrate" the words "or Justice of the Peace".

Amendment of
section 108 (ii).

4. Sub-section (ii) of section 108 of the principal Enactments is amended by deleting from the last line thereof the words "of the First Class".

Amendment of
sections 108 (iii)
and 109 (i).

5. Sub-section (iii) of section 108 and sub-section (i) of section 109 of the principal Enactments are amended by deleting from the first line of each of the said sub-sections the words "in charge of a Police District" and substituting therefor the words "not below the rank of Sergeant-Major".

Amendment of
section 110 (iii).

6. Sub-section (iii) of section 110 of the principal Enactments is amended by inserting immediately after the words "so deputed" in line 3 the words "if below the rank of Sergeant-Major".

New section
113A.

7. The following section is inserted immediately after section 113 of the principal Enactments :

Power to take
finger
impressions of
accused persons
in certain cases.

"113A. Any Police Officer may take or cause to be taken the finger impressions of any person under arrest who is accused of any offence which is a crime within the meaning of section 24 (v) of 'The Prisons Enactment, 1907.'"

SCHEDULE.
PRINCIPAL ENACTMENTS.

State.	No. and year.	Short title.
Perak ...	19 of 1902	The Criminal Procedure Code, 1902
Selangor ...	16 "	" " " "
N. Sembilan	4 of 1903	" " " 1903
Pahang ...	1 "	" " " "

Passed this 16th day of November, 1916.

W. H. MACKRAY,
Clerk of Council.

No. 3758.—The following Enactment, passed at a meeting of the Federal Council held on the 16th November, 1916, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 21 OF 1916.

An Enactment to amend "The Railways Enactment, 1912."

ARTHUR YOUNG,

[27th November, 1916.]

President of the Federal Council.

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

Short title, commencement and construction.

1. (i) This Enactment may be cited as "The Railways Enactment, 1912, Amendment Enactment, 1916," and shall come into force on the publication thereof in the *Gazette*.

(ii) This Enactment shall be read and construed as one with "The Railways Enactment, 1912," hereinafter called "the principal Enactment," and any copies of the principal Enactment printed after the commencement of this Enactment may be printed with the amendments made by this Enactment.

New section 23A.

2. Immediately after section 23 of the principal Enactment there is inserted a new section, to be numbered 23A, as follows :

Conduct of suits on behalf of Railway Administration.

"23A. (i) Any railway official or other person generally or specially authorized in writing by the General Manager to act for the Railway Administration in respect of any judicial proceeding instituted or to be instituted by or against the Railway Administration in any Court of civil jurisdiction shall be deemed to be the recognized agent by whom appearances, acts and applications under "The Civil Procedure Code, 1902," in respect of such judicial proceedings may be made or done on behalf of the Railway Administration.

Authority to prosecute in certain cases.

"(ii) Any railway official generally or specially authorized in writing by the General Manager in that behalf may, subject to the provisions of "The Criminal Procedure Code, 1902," conduct the prosecution in any Court of summary criminal jurisdiction of any person who is accused of any offence against this Enactment or of any offence committed upon a railway."

Repeal of section 33 and substitution of new section therefor.

3. Section 33 of the principal Enactment is repealed and the following new section is substituted therefor :

Fares to be prepaid. Passenger tickets to be given up on demand.

"33. No person shall enter any carriage used on a railway or any steamer or other vessel used for carrying on the traffic of a railway, for the purpose of travelling therein, without having first paid his fare and obtained a ticket. Every person desirous of travelling on the railway shall, upon payment of his fare, be furnished with a ticket specifying the class of carriage or accommodation for, and the station or place from and the station or place to which the fare has been paid, and shall, when required, show his ticket to any railway officials duly authorized to examine the same, and shall deliver up such ticket upon demand to any of the railway officials duly authorized to collect tickets. Any person travelling without a ticket or not producing or delivering up his ticket as aforesaid shall be liable to pay the fare for the distance travelled or where there is any doubt as to the station or

2

No. 21 OF 1916.

place from which he started the fare from the station or place from which the train, steamer or vessel originally started and in addition a special charge of fifty cents, twenty-five cents or ten cents according as he travelled in a carriage or enjoyed accommodation of the first, second or third class. Any such payment may be enforced in the same manner as any fine imposed under this Enactment."

4. Section 34 of the principal Enactment is amended by deleting the first three lines of the said section down to and including the word "train" and by substituting therefor the following words: Amendment of section 34.

"The fare and freight paid for the conveyance of passengers or goods by any particular train, steamer or other vessel shall be deemed to be accepted only upon condition that there be room in such train, steamer or other vessel for the passengers or goods to be conveyed."

5. Sections 38, 39 and 41 of the principal Enactment are amended by inserting immediately after the word "shall" in the last line of each of the said sections the words "if a passenger". Amendment of sections 38, 39 and 41.

6. Section 48 of the principal Enactment is amended by deleting the word "six" in the first line of the said section and substituting therefor the word "eight". Amendment of section 48.

7. Section 64 of the principal Enactment is amended Amendment of Section 64.

(a) by deleting the words "negligently shall omit" in the fourth line of the said section and by substituting therefor the words "shall refuse or neglect"; and

(b) by deleting the words "the omission or, negligent performance thereof would be" in the sixth and seventh lines of the said section and by substituting therefor the words "the refusal or neglect to perform the same or the improper performance thereof, as the case may be, is".

8. Section 67 of the principal Enactment is amended by deleting the words "before a Magistrate" in the sixth line of the said section and by substituting therefor the words "to the nearest police station". Amendment of section 67.

Passed this 16th day of November, 1916.

W. H. MACKRAY,
Clerk of Council.

No. 3759.—The following Enactment, passed at a meeting of the Federal Council held on the 16th November, 1916, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 23 OF 1916.

An Enactment to further amend "The Excise Enactment, 1915."

ARTHUR YOUNG, [27th November, 1916.]
President of the Federal Council.

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

Short title,
commencement
and construe-
tion.

1. (i) This Enactment may be cited as "The Excise Enactment, 1915, Amendment Enactment, 1916," and shall come into force upon such date as the Chief Secretary to Government may by notification in the *Gazette* appoint.

(ii) This Enactment shall be read and construed as one with "The Excise Enactment, 1915," hereinafter called "the principal Enactment," and any copies of the principal Enactment printed after the commencement of this Enactment may be printed with the amendments made by this Enactment.

New section
20A.

2. Immediately after section 20 of the principal Enactment there is inserted a new section to be numbered 20A as follows :

Action not
maintainable
for price of
liquor sold on
credit.

"20A. No action shall be brought or maintained in any Court for the recovery of any sum of money being the price of

(a) intoxicating liquor or toddy sold by the holder of a public-house or toddy-shop licence ; or

(b) intoxicating liquor or medicated wine sold at any one time by the holder of a retail-shop or chemist's licence in any quantity less than one dozen reputed quart bottles or two dozen reputed pint bottles or two gallons when not sold in bottles ;

provided always that nothing in this section contained shall extend to prevent any innkeeper from keeping an account with a lodger in which any charge for liquor may be included and recovering the amount thereof in a Court."

New sections
21A and 21B.

3. Immediately after section 21 of the principal Enactment there are inserted two new sections to be numbered 21A and 21B as follows :

Power to enter
and take
samples.

"21A. Any member of a Licensing Board for any area being within such area or the proper officer of excise may at all reasonable times enter into and inspect any place where, or stop and examine any vehicle in which, there is any toddy which he has reasonable ground for believing to be intended for sale and may take samples of such toddy on payment or tender to the person in possession of the same or to his servant or agent of the sum of ten cents for every reputed quart of toddy so taken.

"21b. (i) No person to whom a toddy-shop licence has been issued or transferred under the provisions of this Enactment shall have in his possession any toddy which contains more than ten per centum of alcohol by volume or which has an acidity exceeding 0.8 per centum expressed in terms of acetic acid. Possession of certain kinds of toddy prohibited.

"(ii) Any person who contravenes any of the provisions of the preceding sub-section shall be deemed to commit an offence and shall on conviction be liable to a fine which shall not be less than fifty dollars nor more than five hundred dollars."

4. Section 30 of the principal Enactment is amended

Amendment of section 30.

(a) by deleting the word "and" at the end of clause (h);

(b) by adding at the end of clause (i) the words "and to provide for the inspection of such books and accounts";

(c) by adding a new clause as follows:

"(j) to secure the cleanliness and freedom from contamination of toddy in the course of its drawing, storage, carriage, exposure for sale or delivery upon sale and to secure the cleanliness of places, receptacles, appliances and vehicles used in such drawing, storage, carriage, exposure for sale or delivery upon sale; and"

(d) by adding a new clause as follows:

"(k) to prescribe fines not exceeding five hundred dollars for the breach of any rule made under this section and to prescribe a minimum penalty, which in no case shall exceed a fine of fifty dollars, for the breach of any such rule."

Passed this 16th day of November, 1916.

W. H. MACKRAY,
Clerk of Council

"THE EXCISE ENACTMENT, 1915, AMENDMENT
ENACTMENT, 1916."

No. 3760.—In exercise of the powers vested in him by section 1 of "The Excise Enactment, 1915, Amendment Enactment, 1916," the Chief Secretary to Government appoints the first day of January, 1917, as the date upon which the said Enactment shall come into force.

"THE EXCISE ENACTMENT, 1915."

No. 3761.—In exercise of the powers vested in him by section 2 of "The Excise Enactment, 1915," the Chief Secretary to Government hereby rescinds Notification No. 3204, published in the *Gazette* on the 13th October, 1916, whereby Beer was declared to be a liquor for the purposes of the said Enactment.

"THE EXCISE ENACTMENT, 1915."

No. 3762.—In exercise of the powers in them severally vested by section 30 of "The Excise Enactment, 1915," and with the approval of the Chief Secretary to Government, the Residents of Perak, Selangor, Negri Sembilan and Pahang, each in respect of the State whereof he is Resident, rescind with effect from the 1st day of January, 1917, the Rules mentioned in schedule C hereto and make instead thereof the following Rules to come into force on the same date:

TODDY-SHOP RULES.

1. In these Rules "licensee" means the holder of a toddy-shop licence issued under the provisions of section 20 of "The Excise Enactment, 1915."

2. Every toddy-shop licence shall be in form set out in schedule A hereto and may be for any period not exceeding twelve months: provided that it shall expire not later than the 31st day of December following the date of issue.

The fee for every such licence shall be at the rate of one dollar and fifty cents for every month or part of a month.

3. Every licensee shall at all times exhibit in a conspicuous place outside the licensed premises the words "Licensed to sell toddy by retail."

4. No licensee shall sell toddy except upon premises which fulfil the following conditions—namely,

- (a) the premises shall contain no internal partitions;
- (b) the floor of the premises shall be constructed of such impervious material as may be approved by the Licensing Board; and
- (c) in cases in which the licence has been issued subject to the condition that the premises shall include a compound as well as a toddy-shop, no building shall be erected within such compound other than a house for the accommodation of a watchman.

5. Every licensee shall cause the licensed premises to be closed between the hours of 8 p.m. and 10 a.m.

6. The licensee shall keep the licensed premises clean and in good repair.

7. No licensee shall permit any musical or other entertainment to be given upon the licensed premises without the sanction in writing of the Chief Police Officer first obtained.

8. No licensee shall supply or permit to be supplied any toddy to any person on credit or to any drunken person.

9. No licensee shall permit any prostitute to enter upon the licensed premises.

10. No licensee shall sleep or allow any other person to sleep upon the licensed premises.

11. No licensee shall sell or expose for sale or allow to be sold or exposed for sale upon the licensed premises any article other than toddy.

12. No licensee shall allow any liquid other than toddy or water to be upon the licensed premises.

13. No licensee shall have in his possession, whether upon the licensed premises or elsewhere, any toddy with which there has been mixed any extraneous alcohol, anything containing alcohol or any noxious or objectionable substance.

14. Every licensee shall at all times keep upon the licensed premises an ample supply of wholesome water for the cleaning of utensils employed thereon.

15. No licensee shall store or permit to be stored any toddy in any place other than upon premises licensed as a toddy shop.

16. No licensee shall use or permit to be used for the transport or storage of toddy any vessel which is not composed of earthenware possessing a glazed inner surface or which does not fulfil such other requirements as the Chief Officer of Excise may from time to time prescribe.

17. No licensee shall store or permit to be stored any toddy in any vessel which is not of such standard shape and dimensions as the Chief Officer of Excise shall have approved.

18. No licensee shall serve or permit to be served for consumption upon the premises any toddy otherwise than in a vessel, the dimensions of which are not smaller at the mouth than at the base.

19. Every licensee shall keep upon the licensed premises a printed account book, with pages numbered consecutively, which shall be in the form set out in schedule B. Every such account book shall be written up in ink daily, and a true copy of the contents thereof shall be submitted monthly by the licensee to the Chairman of the Licensing Board not later than the fifth day of the month following that in respect of which the account is rendered.

20. Every licensee shall produce on demand for the inspection of any member of the Licensing Board or of any Officer of Excise the account book kept by him under the provisions of the preceding rule.

21. Every licensee shall keep upon the licensed premises an inspection note-book with pages numbered consecutively for the entry therein by members of the Licensing Board and by Officers of Excise of their remarks, and shall produce the same upon demand to any such member or officer.

SCHEDULE A.

"THE EXCISE ENACTMENT, 1915."

TODDY-SHOP LICENCE.

Authority is hereby granted to.....trading under the style ofto sell by retail toddy for consumption on the premises and not otherwise at the following premises—namely,

[Here insert description. If the premises to be licensed consist of part only of a building, that part must be clearly distinguished from the rest of the building.]

SCHEDULE C.
RULES RESCINDED.

State.	Rules.	Made under	Gazetted as
Perak ...	52, 53, 54 and 55	"The Excise Enactment, 1908"	Part of Notification No. 1004 of 28th December, 1908
" ...	56 ...	"	Notification No. 152 of 5th March, 1909
" ...	54A ...	"	Notification No. 2892 of 10th October, 1913
Selangor ...	52, 53, 54 and 55	"	Part of Notification No. 826 of 31st December, 1908
" ...	56 ...	"	Notification No. 103 of 26th February, 1909
" ...	54A ...	"	Notification No. 2893 of 10th October, 1913
N. Sembilan	52, 53, 54 and 55	"	Part of Notification No. 622 of 31st December, 1908
"	56 ...	"	Notification No. 72 of 19th February, 1909
"	54A ...	"	Notification No. 2414 of 29th August, 1913
Pahang ...	52, 53, 54, 55 and 56	"The Excise Enactment, 1909"	Part of Notification No. 41 of 1st March, 1909
All States...	Unnumbered	"The Excise Enactment, 1915"	Notification No. 3133 of 5th November, 1915

"THE EXCISE ENACTMENT, 1915."

No. 3763.—IN exercise of the powers in them severally vested by section 4 of "The Excise Enactment, 1915," the Residents of Perak, Selangor, Negri Sembilan and Pahang, each for his respective State, with the approval of the Chief Secretary to Government, hereby cancel the excise duty imposed upon intoxicating liquors (other than toddy) manufactured within the said States by Notification No. 2970, published in the *Gazette* of the 22nd December, 1911, and substitute the following excise duty, with effect from the 21st day of October, 1916:

Item.	Duty.
Intoxicating liquors (other than toddy) manufactured within the States of Perak, Selangor, Negri Sembilan and Pahang	70 per cent. of the import duty payable upon imported liquor of similar strength

No. 3764.—The following Enactment, passed at a meeting of the Federal Council held on the 16th November, 1916, is published for general information:

FEDERATED MALAY STATES.

ENACTMENT No. 25 OF 1916.

An Enactment to further amend the law relating to Trading with the Enemy.

ARTHUR YOUNG, [27th November, 1916.]
President of the Federal Council.

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

Short title,
commencement
and
construction.

1. (i) This Enactment may be cited as "The Trading with the Enemy (Amendment) Enactment, 1916 (No. 2)," and shall come into force on the publication thereof in the *Gazette*.

(ii) This Enactment shall be read and construed as one with Enactment No. 3 of 1916, and any copies of the said Enactment printed after the commencement of this Enactment may be printed with the amendments made by this Enactment.

(iii) When "The Trading with the Enemy Enactments, 1914 to 1916" are cited, that expression shall include this Enactment.

Section 11.

2. Enactment No. 3 of 1916 is amended as follows:

(a) by the addition, immediately after section 11 (ii), of a new sub-section, numbered (ii. A), as follows:

"(ii. A) Notwithstanding the provisions of sub-sections (i) and (ii) hereof, no order shall be made by any Court authorizing the custodian to make, out of any money paid to or any property vested in him under this Enactment, any payment to any person of enemy nationality resident or carrying on business in any place not situated in the Federated Malay States or in the British Dominions."

Section 18.

(b) by the addition, immediately after section 17, of a new section, numbered 18, as follows:

Goods in
transit.

"18. (i) The Chief Secretary to Government may by order published in the *Gazette* direct that the prohibitions and restrictions, imposed by or under the provisions of any Enactment referred to in section 17 (iii), on exportation of goods shall apply to conveyance out of the Federated Malay States of goods which are brought in transit into any port of the Federated Malay States, whether they are landed for transhipment or not, and upon the publication of such order all such prohibitions and restrictions shall apply accordingly.

2

No. 25 OF 1916.

- (ii) If any goods which are subject to such prohibition or restriction as aforesaid are found, in course of transit, on board of any vessel in any port of the Federated Malay States without lawful authority granted in the Federated Malay States in that behalf, such goods may be removed from such vessel and such vessel may be detained till such goods have been removed.
- (iii) Such goods may be forfeited by order of the Chief Secretary to Government and may be destroyed or otherwise disposed of as the Chief Secretary to Government directs.
- (iv) An order published under sub-section (i) hereof may be revoked by an order made in that behalf by the Chief Secretary to Government and published in the *Gazette*.

Passed this 16th day of November, 1916.

W. H. MACKRAY,
Clerk of Council.

No. 3765.—The following Enactment, passed at a meeting of the Federal Council held on the 16th November, 1916, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 26 OF 1916.

An Enactment to make Financial Provision for the Public Service for the year 1917.

ARTHUR YOUNG,
President of the Federal Council.

[27th November, 1916.]

WHEREAS the expenditure for the public service of the Federated Malay States for the year 1917 has been estimated at the sum of forty-six million, five hundred and thirteen thousand, three hundred and thirty-eight dollars :

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

1. This Enactment may be cited as "The Supply Enactment, 1916."

2. A sum not exceeding forty-six million, five hundred and thirteen thousand, three hundred and thirty-eight dollars shall be and the same is hereby charged upon the revenues and other funds of the Federated Malay States for the public service of the year 1917 and the said sum so charged may be expended as hereinafter specified—that is to say :

	\$
1. Pensions, Retired Allowances, Gratuities, etc. ...	667,594
2. Interest on Advances and Loan Charges ...	1,071,428
3. The Rulers and Native Officers ...	508,741
4. The High Commissioner ...	41,805
5. Civil Service ...	1,006,389
6. Chief Secretary and Residents ...	68,193
7. Malay Officers ...	67,470
8. Personal Allowance ...	24,400
9. Clerical Service ...	862,224
10. British Agent, Trengganu ...	5,603
11. Treasury ...	13,305
12. Audit ...	26,090
13. District and Land Offices (including Settlement Officers) ...	298,401
14. Courts ...	128,127
15. Legal Adviser ...	2,424
16. Trade and Customs ...	269,178
17. Marine ...	233,756
18. Chinese Departments ...	29,760
19. Mines Department ...	257,986
<i>Carried forward</i> ...	<u>5,582,874</u>

					\$
			Brought forward ...		5,582,874
20.	Geological Department	...	...	...	21,729
21.	Forest Department	...	...	...	400,448
22.	Agricultural Department (including Government Gardens and Plantations)...	...	...	...	503,466
23.	Labour Department	...	...	...	102,179
24.	Education	...	...	...	555,368
25.	Medical	...	...	...	1,898,444
26.	Posts and Telegraphs	...	...	...	1,324,450
27.	Surveys	...	...	...	1,260,080
28.	Police	...	...	...	1,416,772
29.	Prisons	...	...	...	363,201
30.	Museums and Fisheries	...	...	...	60,424
31.	Bands	...	...	...	14,460
32.	Government Printing Office	...	...	...	106,404
33.	Municipal (Sanitary Boards, etc.)	...	...	...	1,248,208
34.	Malay States Guides	...	...	...	641,277
35.	Malay States Volunteer Rifles	...	...	...	210,891
36.	Widows and Orphans' Pensions and Public Officers' Guarantee Fund	...	...	...	424
37.	Transport	...	...	...	83,900
38.	Exchange	...	...	...	1,200
39.	Purchase of Land	...	...	...	22,000
40.	Miscellaneous Services	...	...	...	648,851
41.	External Audit Department	...	...	...	10,784
42.	Railways (including additions to Capital Expenditure)...	...	...	...	15,339,917
43.	Railway Construction	...	...	...	6,191,919
44.	Public Works Department	...	...	...	1,345,055
45.	Public Works Annually Recurrent	...	...	...	3,474,081
46.	Public Works Extraordinary	...	...	...	3,684,532
	Total	...	...	...	<u>46,513,338</u>

Passed this 16th day of November, 1916.

W. H. MACKRAY,
Clerk of Council.

"THE CUSTOMS (WAR POWERS) ENACTMENT, 1916."

No. 3766.—IN exercise of the powers in that behalf conferred on him by section 3 (i) of "The Customs (War Powers) Enactment, 1916," the Chief Secretary to Government hereby rescinds "The Customs (War Powers) Rules, 1916," which were published in the *Gazette* as Notification No. 2664 on the 25th August, 1916, and makes the following rules in the stead thereof:

1. These rules may be cited as "The Customs (War Powers) Consolidated Rules, 1916."

2. In these rules the expression "Commissioner" has the same meaning as that assigned to it in section 2 of "The Customs (War Powers) Enactment, 1916."

IMPORTATION.

3. (i) Every importer of goods coming from places situated in any of the countries set out or described in schedule A shall deliver to the Commissioner a certificate of origin and interest in respect of such goods in the form given in schedule E.

(ii) Every importer of goods coming from places situated in any of the countries set out or described in schedule B shall deliver to the Commissioner a certificate of interest in respect of such goods in the form given in schedule F.

(iii) No certificate shall be required in respect of imports set out in schedule C.

4. Any goods, wares or merchandise, except those mentioned in schedule C, imported from any places mentioned in schedules A and B, will, if unaccompanied by the requisite certificates, be detained by the Commissioner until such certificates are produced. The Commissioner is, however, authorized in such cases, and at his discretion, to allow delivery of the goods on the security of a deposit or of a bond to the amount of three times the value of the goods with a view to the production of the requisite certificates within a prescribed period, provided that he sees no reason for suspecting that the goods emanate from enemy territory or from persons or bodies of persons of enemy nationality or association who are treated as enemies for the purposes of "The Trading with the Enemy Enactment, 1914."

5. The owners, charterers or agents of every ship which arrives in the waters of the Federated Malay States shall furnish to the Commissioner

(a) within forty-eight hours after such arrival a true and complete manifest of all the cargo brought within the waters of the Federated Malay States on board such ship in the form given in schedule G hereto signed by such owners, charterers or agents and containing the several particulars indicated therein; and

(b) within ten days thereafter the declaration together with the certificate prescribed by rule 1 of the rules made under the Registration of Imports and Exports Enactments, 1904, and published in the *Gazette* of the 11th November, 1913.

EXPORTATION.

6. Declarations of ultimate destination in the form given in schedule H shall be produced to the Commissioner in respect of all goods without regard to the value of consignments, exported to any of the places set out or described in schedule D.

7. Declarations of ultimate destination must be made by the actual exporter or by some responsible representative of the actual exporter (or in the case of a Limited Company by a Director, Secretary, Manager or other responsible officer) having a personal and first-hand knowledge of the enquiries made and of the facts stated in the declaration. Carrying agents are not regarded as competent to make the declaration.

8. Any exporter of goods to any port or place other than a port or place in the United Kingdom or in a British Possession or British Protectorate or Protected State, such goods not being subject to any prohibition or restriction outwards, shall deliver to the Commissioner before the shipment of such goods a declaration in the form given in schedule I hereto containing the several particulars indicated therein or in such other form or manner as the Commissioner may direct, and the Commissioner shall thereupon, if satisfied with the correctness of the declaration, permit the exportation of such goods unconditionally or subject to such conditions as in the circumstances appear to the Commissioner to be desirable. Such permission shall be written on the declaration.

9. Every exporter who has obtained a licence to export goods, which are subject to any prohibition or restriction outwards, shall, in addition to a declaration in duplicate in the form given in schedule I, produce to the Commissioner such licence before the shipment of such goods, and the Commissioner shall thereupon, if satisfied with the genuineness of the licence, authorize in writing on such licence and declaration the exportation of such goods.

10. The owner, master or agent of any ship shall not take any such goods on board until he has been furnished by the exporter of such goods with the declaration in the form given in schedule I, containing the Commissioner's permission or authority.

11. The owners, charterers or agents of every ship, which leaves the waters of the Federated Malay States on any voyage having cargo for any port or place other than a port or place in the United Kingdom, or in a British Possession or British Protectorate or Protected State, shall within forty-eight hours of the time of the sailing of such ship furnish to the Commissioner a true and complete export manifest of such cargo in the form given in schedule J hereto, signed by such owners, charterers or agents, and containing the several particulars indicated therein together with the declarations in the form given in schedule I, having thereon the permission or authority to export.

MISCELLANEOUS.

12. (i) Where the Commissioner has reason to suspect that the country of origin of any goods imported into the Federated Malay States is an enemy country within the meaning of "The Trading with the Enemy Enactment, 1914," or that any goods are being or have been imported into the Federated Malay States in contravention of the provisions of the said Enactment, he may require a certificate of origin and interest or a certificate of interest or such other evidence as he may consider necessary to prove the origin of such goods or that such goods are not being or have not been imported in contravention of the provisions of the said Enactment.

(ii) Where the Commissioner has reason to suspect that the ultimate destination of any goods exported from the Federated Malay States is to any person who is an enemy, or treated as an enemy, or to any country which is an enemy country or treated as an enemy

country for the purposes of "The Trading with the Enemy Enactment, 1914," he may require a landing certificate or such other evidence as he may consider necessary to prove the ultimate destination of such goods.

13. Rules 2 and 3 of the rules made under the Registration of Imports and Exports Enactments, 1904, and published in the *Gazette* of the 11th November, 1913, shall not apply to exporters referred to in rules 8 and 9 hereof, while these rules are in force.

14. Rule 4 of the rules made under the Registration of Imports and Exports Enactments, 1904, and published in the *Gazette* of the 11th November, 1913, shall not apply to cargo carried for any port or place other than a port or place in the United Kingdom or in a British Possession, British Protectorate or Protected State by any ship leaving the waters of the Federated Malay States or to any ship arriving at any port of the Federated Malay States, while rules 5 and 11 of these rules are in force.

SCHEDULE A.

PLACES IN RESPECT OF IMPORTS FROM WHICH CERTIFICATES OF ORIGIN AND INTEREST ARE REQUIRED.

All places situated in Norway, Sweden, Denmark, Holland and Switzerland.

SCHEDULE B.

PLACES IN RESPECT OF IMPORTS FROM WHICH CERTIFICATES OF INTEREST ARE REQUIRED.

All foreign countries except the United Kingdom, British Possessions and Protectorates, France, Italy, Russia, the United States of America, Japan, Portugal, Roumania, China, Siam, Netherlands East Indies, Hayti and the countries specified in schedule A.

SCHEDULE C.

IMPORTS FOR WHICH CERTIFICATES OF ORIGIN AND INTEREST AND CERTIFICATES OF INTEREST ARE NOT REQUIRED.

The *bona fide* personal and household effects of persons entering the Federated Malay States ;

Food-stuffs ;
Timber of any kind (including pit-props) ;
Straw boards ;
Mechanical wood pulp (not including cellulose) ;
Cut flowers ;
Flax or flax seed ;
Iron ore ;
Granite ;
Granite setts for paving ;
Paving stones ;
Kerbstones ;
Slate stone ;
Cod liver oil ;
Ice ;
Marble ;
Alabaster ;
Siena earth ;
Tar ;

Carbide of calcium or cyanamide of calcium ;

All goods imported from a country which is in alliance with His Britannic Majesty by way of a neutral country on a through bill of lading or by through postal parcel ;

Goods imported under licence from an enemy country within the meaning of "The Trading with the Enemy Enactment, 1914," or from territory which is in effective military occupation of an enemy of His Britannic Majesty ;

Goods shipped for the Federated Malay States on or before the 1st April, 1916 ;

Goods consigned to Government.

SCHEDULE D.

PLACES IN RESPECT OF EXPORTS TO WHICH DECLARATIONS OF ULTIMATE DESTINATIONS ARE REQUIRED.

All places situated in Europe and on the Mediterranean and Black Seas with the exception of those situated in the United Kingdom, France and Russia.

SCHEDULE E.

FORM OF CERTIFICATE OF ORIGIN AND INTEREST.

I,....., hereby certify that Mr. (Producer, Manufacturer, Merchant, Trader, etc.), residing at..... in this town, has declared before me that the merchandise designated below, which is to be shipped from this town to....., consigned to (a)..... (Merchant, Manufacturer, etc.), in the Federated Malay States, has not been produced or manufactured in enemy territory ; and that no person who is an enemy, or is treated as an enemy under any law or proclamation for the time being in force relating to trading with the enemy or relating to trading with persons of enemy nationality or association has any interest in such merchandise ; and that he has produced to my satisfaction invoices or other trustworthy documents in proof thereof.

Number and description of cases.	Marks and numbers.	Weight or quantity.	Total value. (b)	Contents.	Name of Producer or Manufacturer.

This certificate is valid only for a period of not more than (c)..... days from the date hereof, and for not more than (d).....

Signed.....
(Signature of person declaring.) (Signature of Consular Authority issuing certificate, and date.)

(Consular Fee Stamp)

(a) If desired, the word "order" may be inserted here, instead of the name of the purchaser in the Federated Malay States.

(b) This column may be left blank, if desired.

(c) Here insert number of days for which certificate is valid.

(d) Here insert quantity or weight.

5

SCHEDULE F.

FORM OF CERTIFICATE OF INTEREST.

I,....., hereby certify that Mr.....(Producer, Manufacturer, Merchant, Trader, etc.), residing at.....in this town, has declared before me that the merchandise designated below is to be shipped from this town to....., and consigned to (a).....(Merchant, Manufacturer, etc.), and that no person who is an enemy or is treated as an enemy under any law or proclamation for the time being in force relating to trading with the enemy or relating to trading with persons of enemy nationality or association has any interest in such merchandise; and that he has produced to my satisfaction invoices or other trustworthy documents in proof thereof.

Number and description of cases.	Marks and numbers.	Weight or quantity.	Total value. (b)	Contents.	Name of Producer or Manufacturer.

This certificate is valid only for a period of not more than (c).....days from the date hereof, and for not more than (d).....

Signed.....

Signed.....

(Signature of person declaring.) (Signature of Consular Authority issuing certificate, and date.)

(Consular Fee Stamp.)

(a) If desired, the word "order" may be inserted here, instead of the name of the purchaser in the Federated Malay States.

(b) This column may be left blank, if desired.

(c) Here insert number of days for which certificate is valid.

(d) Here insert quantity or weight.

SCHEDULE G.

IMPORT MANIFEST.

Name of vessel.....

Nationality.....

Date of arrival.....

Whence arrived.....

Agents.....

Shipper.	Marks and numbers.	Number and description of packages.	Contents.	Consignee.

Federated Malay States,....., 191....

SCHEDULE I.
EXPORT DECLARATION.

To
The Commissioner of Trade and Customs,
Federated Malay States.

Sir,
.....declare that the goods exported by.....to.....per
s.s.....are as follows :

Number and description of packages.	Marks and numbers.	Quantity or weight.	Value in dollars.	Contents.	Consignee.	Whether export proper or transhipment.

Federated Malay States,....., 191....

.....
Signature.

SCHEDULE J.
EXPORT MANIFEST.

Name of vessel.....
Nationality.....
Date of departure.....
Whither bound.....

Shipper.	Marks and numbers.	Number and description of packages.	Contents.	Consignee.

Federated Malay States,....., 191....

.....
Signature.

THE CUSTOMS DUTIES ENACTMENTS, 1898
(PERAK, SELANGOR AND PAHANG), 1897 (NEGRI
SEMBILAN).

No. 3767.—WHEREAS it is enacted by section 3 of the Customs Duties Enactments, 1898 (Perak and Selangor), and 1897 (Negri Sembilan), and by section 4 of the “Customs Duties Enactment, 1898” (Pahang), that the Resident may, with the approval of the Chief Secretary to Government, impose customs duties upon such articles as he may think fit and from time to time cancel such duties and impose new duties in the stead thereof :

NOW, THEREFORE, in exercise of the powers severally vested in them as aforesaid, and with the approval of the Chief Secretary to Government, the Residents of Perak, Selangor, Negri Sembilan and Pahang, each for the State whereof he is Resident, hereby cancel the import duties imposed by Notifications Nos. 3329 and 3330, published in the *Gazette* of the 21st day of October, 1916, and impose in the stead thereof import duties upon the articles specified in Table A hereto appended at the rates therein severally specified ;

Provided that no such article which has paid import or export or excise duty in any other State of the Federated Malay States shall be liable to pay duty under this notification unless brought into or conveyed through the State in contravention of rules, if any, from time to time made in that behalf by the Resident :

TABLE A.

IMPORT DUTIES.					Duty.
Description of article.					
Petroleum	...	...	...	...	\$0.05 per gallon
Beer, cider and perry	...	...	...	...	0.48 „
Intoxicating liquors, not otherwise specified—					
(i)	Containing not less than 85 per cent. of proof spirit	...	...	...	6.00 per proof gallon
(ii)	Containing less than 85 per cent. but not less than 70 per cent. of proof spirit	...	...	...	4.80 per gallon

Description of article.	Duty.
(iii) Containing less than 70 per cent. but not less than 40 per cent. of proof spirit	\$3.00 per gallon
(iv) Containing less than 40 per cent. of proof spirit—	
(a) Sparkling wines	3.00 ..
(b) Still wines	1.60 ..
(c) Other intoxicating liquors ...	2.00 ..

Exemptions: Still wines, red or white, containing less than 26 per cent. of proof spirit, and toddy.

Definitions: In this table the words "liquor", "intoxicating liquors", "beer", "toddy" and "gallon" have the meanings assigned to them in "The Excise Enactment, 1915."

"Proof spirit" means a liquid containing 49.24 per cent. by weight of alcohol and 50.76 per cent. by weight of distilled water and having a specific gravity at 60° Fahrenheit of .91984.

"Proof gallon" means a gallon of proof spirit. A duty payable on any liquor "per proof gallon" means a duty payable upon the maximum number of proof gallons which the alcohol contained in such liquor, when mixed with water, is capable of forming.

"Petroleum" includes the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosene, paraffin oil, petrol, gasoline, benzol, benzoline, benzine, naptha or any like inflammable liquid, whether a natural product or one that is made from petroleum, coal, schist, shale or any other bituminous substance or from any products thereof, but does not include any liquid or substance which has a flashing point higher than 150° Fahrenheit ascertained in manner provided from time to time under "The Petroleum Enactment, 1914."

THE CUSTOMS DUTIES ENACTMENT.

No. 3768.—For the period from the 8th to 14th December, 1916, inclusive, the value of the highest grade of rubber is fixed at two shillings and ten pence halfpenny per lb., and the duty on cultivated rubber on which export duty is leviable on an *ad valorem* basis in accordance with the Rules under the Customs Duties Enactment, will be assessed on a price of \$150 per pikul for all grades.