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SECOND SUPPLEMENT
TO THE
FEDERATED MALAY STATES
GOVERNMENT GAZETTE

OF FRIDAY, THE 27TH OF JULY, 1923.

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PUBLISHED BY AUTHORITY.

WEDNESDAY, 8TH AUGUST, 1923.

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

C. W. H. COCHRANE,
Acting Under Secretary, F.M.S.

No. 4749.—The following Bill about to be introduced in the Federal Council is published for general information:

A BILL
intituled

An Enactment to further amend "The Land Enactment, 1911."

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 Land Enactment, 1911, Amendment Enactment, 1923," 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 Land Enactment, 1911," hereinafter called the "principal Enactment," and any copies of the principal Enactment printed after the commencement of this Enactment may be printed with the amendment made by this Enactment.

2. Immediately after section 43 of the principal Enactment there is inserted a new section as follows:

New section 43A.

"43A. A charge whether registered before or after the commencement of this Enactment in which the amount secured is expressed to be payable on demand shall not on that account be deemed to be unfit for registration and shall in so far as the time for repayment is concerned be deemed to be substantially in the form contained in schedule L."

Charges payable on demand.

OBJECTS AND REASONS.

This Bill is intended to secure the validity of charges expressed to be payable on demand and to protect the holders of such charges.

KUALA LUMPUR,
2nd August, 1923.

W. S. GIBSON,
Legal Adviser, F.M.S.

No. 4750.—The following Bill about to be introduced in the Federal Council is published for general information :

A BILL

intituled

An Enactment to further amend "The Registration of Titles Enactment, 1911."

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 Registration of Titles Enactment, 1911, Amendment Enactment, 1923," and shall come into force on the publication thereof in the *Gazette*.

(ii) This Enactment shall be read and construed as one with "The Registration of Titles Enactment, 1911," 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 43.

2. Section 43 of the principal Enactment is amended by deleting the words "the form F (i) or F (ii)" in line 6 and substituting therefor the words "one of the forms lettered F".

New section 43A.

3. Immediately after section 43 of the principal Enactment there is inserted a new section as follows :

Charges payable on demand.

"43A. A charge whether registered before or after the commencement of this Enactment in which the amount secured is expressed to be payable on demand shall not on that account be deemed to be unfit for registration, and shall in so far as it relates to the time for repayment be deemed to be in substance in conformity with the forms annexed hereto."

Substituted section 79A (i).

4. Sub-section (i) of section 79A of the principal Enactment is repealed and the following is substituted therefor :

Rules.

"79A. (i) The Chief Secretary to Government may make rules,
(a) prescribing the fees to be charged under this Enactment ;
(b) altering, adding to or rescinding any of the forms contained in the second schedule."

Substituted section 80.

5. Section 80 of the principal Enactment is repealed and the following is substituted therefor :

Creation of lien.

"80. A lien may be created by deposit of the grant or certificate of title and by the entry of a caveat in manner set forth in Part XII hereof to prevent all dealing with the land. Such caveat may be lodged by the holder of the grant or certificate of title and upon entry in the register of a memorandum of such caveat the lien shall be created. When the holder of such lien has obtained a judgment of the Court for the actual sum due he shall be entitled to apply for and obtain an immediate order of sale of the land."

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6. The second schedule to the principal Enactment is amended by the insertion after form F (ii) of a new form as follows:

Addition to
second
schedule.

FORM F (iii).

FORM OF CHARGE.

I, A.B.....of.....being registered as the proprietor (subject to such charges as are notified by memorandum written hereon and to the total annual rent of \$.....) of that piece of land containing (*here state area*) or thereabouts situated in..... and more particularly described in the schedule and desiring to render the said land available for the purpose of securing to and for the benefit of E.F.....the repayment on demand of all sums advanced to (A.B. or Z. as the case may be) of.....by the said E.F. (hereinafter called.....) in manner hereinafter appearing with interest thereon at the rate of.....per cent. per annum up to the limit of dollars.....do hereby charge the said land for the benefit of E.F.....with the repayment on demand of the balance which on the account between the said (A.B. or Z.) and E.F. shall for the time being be owing in respect of cheques bills notes or drafts drawn accepted or indorsed by the said (A.B. or Z.) either alone or jointly with another or others [including all moneys which may become owing in respect of any notes bills or drafts drawn accepted or indorsed by the said (A.B. or Z.) either solely or jointly with another or others which may not at the time of closing the said account have become due or payable but which for the time being have been entered in the said account] or in respect of cheques bills notes or drafts accepted paid or discounted on behalf of the said (A.B. or Z.) either alone or jointly with another or others or for loans or advances made to or for the use or accommodation of the said (A.B. or Z.) whether alone or jointly with another or others or in respect of contracts for the forward delivery of goods bills or specie otherwise howsoever up to the limit of dollars.....for principal and for interest at the rate of.....per cent. per annum with monthly rests commission and other usual Bankers charges. Such sum to be raised and paid at the times and in manner following, that is to say, immediately upon the receipt by me of a notice in writing sent by E.F. in manner hereinafter provided.

And, if when the said current account shall be closed either by service of such notice in writing as aforesaid or by my death a balance shall be owing to E.F. by (A.B. or Z.) I or my legal personal representatives as the case may be will so long as the same or any part thereof shall remain owing pay to E.F. interest thereon at the aforesaid rate of.....per cent. per annum computed from the time when such balance shall have been ascertained and I agree that the statement of the (Agent Sub-Agent or Accountant) of E.F. as to the amount of such balance shall be final and conclusive.

Provided always and it is hereby declared and agreed as follows:

- (i) Any demand for payment of the balance intended to be her by secured may be made by a notice in writing signed by the (Agent Sub-Agent or Accountant) of E.F.....of.....on behalf of E.F. or by any Solicitor or firm of Solicitors purporting to act for E.F. and such notice shall be deemed to have been sufficiently served on me if it is left at my usual or last known place of residence in.....or at my usual and last

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known place of business or sent by registered letter to either of such addresses and in the last mentioned case the service shall be deemed to be made at the time when the registered letter would in the ordinary course be delivered.

- (ii) Such notice of demand or the death of myself shall be deemed to operate as though one month's default in payment of the principal moneys and interest hereby secured within the meaning of section 46 of "The Registration of Titles Enactment, 1911," had been made and E.F. shall immediately after the service of such notice or death as aforesaid be entitled to give the requisite notice to me or to my legal representatives as the case may require in accordance with the said section 46 of "The Registration of Titles Enactment, 1911".
- (iii) When the payment of any money hereby secured or intended so to be shall be further secured to E.F. by any bill of exchange promissory note draft receipt or other instrument reserving a higher rate of interest to be paid in respect thereof than that hereinbefore covenanted to be paid such higher rate of interest shall be payable in respect of such moneys and nothing contained in or to be implied from these presents shall affect the right of E.F. to enforce and recover payment of such higher rate of interest or as the case may be the difference between such higher rate and the rate which shall have been paid hereunder
- (iv) [*Here set forth special stipulations, if any.*]

And subject as aforesaid E.F. shall be entitled to all powers and remedies given to a chargee by "The Registration of Titles Enactment, 1911".

SCHEDULE.

In witness whereof.....have
 hereunto signed.....name this
day of.....in the presence
 of.....

[Endorse Memorandum of Charges.]

OBJECTS AND REASONS.

This Bill is intended to secure the validity of charges expressed to be payable on demand and to protect the holders of such charges. Clause 5 is inserted to amend the law regarding the creation of an equitable lien.

KUALA LUMPUR,
 2nd August, 1923.

W. S. GIBSON,
 Legal Adviser, F.M.S.

