

719

THIRD SUPPLEMENT TO THE FEDERATED MALAY STATES GOVERNMENT GAZETTE

OF FRIDAY, THE 24TH OF AUGUST, 1923.
(No. 17, Vol. XV.)

PUBLISHED BY AUTHORITY.

FRIDAY, 31ST AUGUST, 1923.

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

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

No. 5289.—The following Enactment, passed at a meeting of the Federal Council held on the 10th July, 1923, is published for general information:

FEDERATED MALAY STATES.

ENACTMENT No. 9 OF 1923.

An Enactment to amend "The Deleterious Drugs Enactment, 1911."

L. N. GUILLEMARD,
President of the Federal Council.

[20th August, 1923.]

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 Deleterious Drugs Enactment, 1911, Amendment Enactment, 1923," and shall come into force upon the publication thereof in the *Gazette*. Short title, commencement and construction.

(ii) This Enactment shall be read and construed as one with "The Deleterious Drugs 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.

2. Section 2 of the principal Enactment is amended

Amendment of section 2.

(i) by deleting the interpretation "Deleterious drugs" and substituting therefor the following interpretation—

"Deleterious drugs" means and includes—

(a) Morphine, cocaine, eucaine, ecgonine, and diamorphine (commonly known as heroine), and their respective salts, and medicinal opium, and any preparation, admixture, extract, or other substance containing not less than one-fifth per centum of morphine or one-tenth per centum of cocaine, eucaine, ecgonine or diamorphine. For the purpose of the foregoing provision, the percentage in the case of morphine shall be calculated as in respect of anhydrous morphine;

(b) Any drug which the Chief Secretary to Government, on the recommendation of the Principal Medical Officer and after consultation with the Residents, shall have declared by notification in the *Gazette* to be a deleterious drug suitable to be dealt with under the provisions of this Enactment and any salts or solution of any such drug;

but does not include

(c) Any drug or patent or proprietary article which may from time to time be exempted from the operation of this Enactment by the Chief Secretary to Government by notification in the *Gazette*;

2

No. 9 OF 1923.

(ii) by deleting from the interpretations "Import" and "Export" the words "any one of" occurring in the second line of each interpretation ;

(iii) by inserting at the end thereof a new interpretation as follows :

"Medicinal opium" means raw opium which has been artificially dried.

Amendment of
section 3 (i).

3. Sub-section (i) of section 3 of the principal Enactment is repealed and the following new sub-section is substituted therefor—

Import and
Export.

"3. (i) Except with the permission in writing of the Principal Medical Officer no person shall import or export any deleterious drug or syringe."

Amendment of
section 4.

4. Sub-sections (ii) and (iii) of section 4 of the principal Enactment are repealed and the following sub-sections are substituted therefor :

" (ii) Any such licence shall be good for the whole of the Federated Malay States, but may be cancelled or revoked at any time in his discretion by the Principal Medical Officer subject to appeal to the Chief Secretary to Government. All licences issued shall unless previously cancelled or revoked expire on the 31st day of December, 1923, and thereafter on the 31st day of December of the year in which they are issued.

(iii) With effect from the 1st day of January, 1924, a fee of twenty dollars shall be paid for each licence."

Passed this 10th day of July, 1923.

G. W. BRYANT,
Clerk of Council.

No. 5290.—The following Enactment, passed at a meeting of the Federal Council held on the 10th July, 1923, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 10 OF 1923.

An Enactment to amend "The Burials Enactment, 1910."

L. N. GUILLEMARD,
President of the Federal Council.

[18th August, 1923.]

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 Burials Enactment, 1910, Amendment Enactment, 1923," 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 Burials Enactment, 1910," 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. Section 6 of the principal Enactment is amended by adding at the end thereof the words "provided that the Resident may remit the aforesaid fee wholly or in part in the case of estate burial grounds."

Amendment of
section 6.

Passed this 10th day of July, 1923.

G. W. BRYANT,
Clerk of Council.

No. 5291.—The following Enactment, passed at a meeting of the Federal Council held on the 10th July, 1923, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 11 OF 1923.

An Enactment to further amend the Pensions Enactments, 1906.

L. N. GUILLEMARD, [18th August, 1923.]
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 Pensions Enactments, 1906, 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 Enactments specified 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.

Amendment of section 11A.

2. Section 11A of the principal Enactments is amended by inserting immediately after the word "Enactment" in line 2 thereof the words "after the 29th day of December, 1913".

SCHEDULE.
PRINCIPAL ENACTMENTS.

State.	No. and year.	Short title.
Perak	1 of 1906	The Pensions Enactments, 1906
Selangor	2 of 1906	" "
Negri Sembilan	2 of 1906	" "
Pahang... ..	2 of 1906	" "

Passed this 10th day of July, 1923.

G. W. BRYANT,
Clerk of Council.

No. 5292.—The following Enactment, passed at a meeting of the Federal Council held on the 10th July, 1923, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. **12** OF **1923**.

An Enactment to amend "The Children Enactment, 1922."

L. N. GUILLEMARD,
President of the Federal Council.

[20th August, 1923.]

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 Children Enactment, 1922, 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 Children Enactment, 1922," 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 by the addition after the interpretation "Place" of the following interpretation : Amendment of section 2.

"Protector" means the Secretary for Chinese Affairs and the Protector or Assistant Protectors of Chinese and in the absence of the above officers from the State includes the officer in charge for the time being of any administrative district.

3. Sub-section (i) of section 5 of the principal Enactment is amended by inserting after the word "Magistrate" in line 2 the words "the Protector." Amendment of section 5 (i).

4. Immediately after section 5 of the principal Enactment there is inserted a new section as follows : New section 5A.

"5A. Any of the persons mentioned in section 14 may take to a place of safety any child who appears to be destitute or to have no legal guardian, and any child so taken to a place of safety may be detained there for protection." Detention of destitute child.

5. Sub-section (i) of section 8 of the principal Enactment is amended Amendment of section 8 (i).

(i) by deleting the figure "15" in line 2 thereof and substituting therefor the figure "14";

(ii) by deleting the word "the" in line 1 of sub-paragraph (a) and substituting therefor the word "any";

(iii) by deleting the word "the" in the last line of sub-paragraph (b) and substituting therefor the word "any".

6. Sub-section (ii) of section 9 of the principal Enactment is deleted and the following is substituted therefor : Amendment of section 9 (ii).

"(ii) No child over the age of seven years shall be employed upon any form of labour or under any conditions which may be prohibited by the Chief Secretary to Government from time to time by rules made under this Enactment."

2

No. 12 OF 1923.

Amendment of
section 11.

7. Section 11 of the principal Enactment is amended

- (a) by deleting the words "of Chinese" in lines 2 and 3 of sub-section (i);
- (b) by deleting the word "Magistrate" in line 1 of sub-section (ii) and substituting therefor the word "Protector";
- (c) by adding at the end of sub-section (iii) the words "in the school premises or in such other place as may be approved by the Protector".

Amendment of
section 12.

8. Section 12 of the principal Enactment is amended by deleting the words "a Magistrate" in lines 2 and 3 and substituting therefor the words "the Protector".

Amendment of
section 14.

9. Section 14 of the principal Enactment is amended

- (a) by deleting the words "of Chinese" in paragraph (b);
- (b) by adding at the end of paragraph (c) the words "or a Deputy Controller or Assistant Controller of Labour".

Passed this 10th day of July, 1923.

G. W. BRYANT,
Clerk of Council.

No. 5293.—The following Enactment, passed at a meeting of the Federal Council held on the 10th July, 1923, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 13 OF 1923.

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

L. N. GUILLEMARD,

[18th August, 1923.]

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 Arms Enactment, 1915, Amendment Enactment, 1923," and shall come into force upon the publication thereof in the *Gazette*. Short title, commencement and construction.

(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 principal Enactment printed after the commencement of this Enactment may be printed with the amendments made by this Enactment.

2. Sub-section (iii) of section 13 of the principal Enactment is repealed and the following sub-sections are substituted therefor: Amendment of section 13.

"(iii) Every holder of such licence shall endorse thereon descriptive particulars of all arms or parts of arms imported thereunder and shall return such licence to the officer in charge of the police district wherein he resides within three days from the expiration of the term allowed thereby.

(iv) *Bona fide* travellers arriving in the Federated Malay States may on application to a police officer not below the rank of inspector or to a proper officer of Customs at the place of arrival obtain an interim licence to import into the Federated Malay States their personal arms. Such licence shall be substantially in the form G (1) in the second schedule and shall remain in force for a period of 14 days from the date of issue. No arms so imported may be re-exported without an export licence or an endorsement enabling re-exportation on the interim import licence."

3. Immediately after section 13 of the principal Enactment there are inserted three new sections, numbered 13A, 13B and 13C, as follows: New sections 13A, 13B and 13C.

"13A. Notwithstanding anything hereinbefore contained any person at any time and at all times during the currency of a licence to possess any arm issued under this Enactment may lawfully export the said arm for the purpose of his personal use or protection to the Colony or to any Unfederated Malay State under the protection of the British Government and thereafter import therefrom the said arm, provided that the Chief Police Officer of the State in which such licence was issued or has been endorsed as effective has endorsed in such licence an authorisation to export to the Colony or to such Malay State and subsequently to re-import. Export of arms to Colony or Malay State.

2

No. 13 OF 1923.

Import of arms
from Colony or
Malay State.

13B. (i) Notwithstanding anything hereinbefore contained any person at any time and at all times during the currency of a licence to possess any arm issued in the Colony or in any Unfederated Malay State under the protection of the British Government (hereinafter called a possession licence) may lawfully import into and possess in any of the Federated Malay States the said arm for the purpose of his personal use and protection and may subsequently export the same, provided that the possession licence bears thereon an endorsement by the licensing authority of the Colony or of such Unfederated Malay State authorising the exportation of the same to such Federated Malay State.

(ii) Such possession licence may be suspended or cancelled in the same manner as if it had been issued under this Enactment, and thereupon the provisions of this Enactment as to possession and exportation of arms without a licence shall apply.

Record of
endorsed
licences.

13c. The Chief Police Officer of a State shall within a reasonable time

- (a) forward to the Chief Police Officer of the Colony or of any Unfederated Malay State, as the case may be, full particulars of the arms the exportation and subsequent importation of which has been authorised together with the name of the person in respect of whom the authorisation has been granted; and
- (b) enter in a register to be kept for that purpose particulars of all licences whereof notice may be given him by the licensing authority of the Colony or of an Unfederated Malay State and of any action taken by him in regard to such licences."

Amendment of
section 31.

4. Section 31 of the principal Enactment is amended by the addition at the end thereof of a new sub-section as follows:

"(iii) Every person licensed to possess arms under this Enactment shall upon leaving the Federated Malay States for any period exceeding three months unless he exports such arms on so leaving transfer the same to some person authorised under section 12 to take delivery thereof or deposit them for safe keeping at a Police Station."

Amendment of
second
schedule.

5. The second schedule to the principal Enactment is amended by the insertion therein after form G of a new form as follows:

"FORM G (1).

INTERIM LICENCE TO IMPORT ARMS.

A.B.,.....of..... is hereby permitted to import into.....arms of the number and description hereunder specified:

DESCRIPTION OF ARMS AND MARKS THEREON.

One.....marked.....

" "

" "

" "

ARMS AMENDMENT.

3

This licence remains in force for 14 days from the date hereof within which period A.B.....is required to produce the said arms to the senior officer of the police district wherein he resides or is visiting. The arms described hereon may be re-exported by the licensee (but by no other person) within 14 days from the date of issue hereof on production of this licence for endorsement.

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

Place.....

Fee, nil.

Inspector of Police
Principal Officer of Customs."

Passed this 10th day of July, 1923.

G. W. BRYANT,
Clerk of Council.

No. 5294.—The following Enactment, passed at a meeting of the Federal Council held on the 10th July, 1923, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 14 OF 1923.

An Enactment to amend "The Official Secrets Enactment, 1922."

L. N. GUILLEMARD,
President of the Federal Council.

[20th August, 1923.]

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 Official Secrets Enactment, 1922, Amendment Enactment, 1923," and shall come into force upon the publication thereof in the *Gazette*.

(ii) This Enactment shall be read and construed as one with "The Official Secrets Enactment, 1922," 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 2.

2. Section 2 of the principal Enactment is amended by inserting after the word "naval" in line 1 of paragraph (a) of the interpretation "Prohibited place" the word "military".

Amendment of
section 13.

3. Section 13 of the principal Enactment is amended by deleting the word "and" in line 3 and substituting therefor the word "or".

Passed this 10th day of July, 1923.

G. W. BRYANT,
Clerk of Council.

No. 5295.—The following Enactment, passed at a meeting of the Federal Council held on the 10th July, 1923, is published for general information:

FEDERATED MALAY STATES.

ENACTMENT No. 15 OF 1923.

An Enactment to amend "The Minor Offences Enactment, 1920."

L. N. GUILLEMARD,
President of the Federal Council.

[20th August, 1923.]

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 Minor Offences Enactment, 1920, 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 Minor Offences Enactment, 1920," 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 16 of the principal Enactment is amended by adding at the end of sub-paragraph (6) the words "or public electric lighting system". Amendment of section 16.

3. Section 23 of the principal Enactment is repealed and the following section is substituted therefor: Substituted section 23.

"23. (i) The keeper of any hotel, boarding-house, public house, common lodging house, native inn, eating house, coffee shop or other place of public entertainment or resort who permits drunkenness or other disorderly behaviour in such house or place or permits prostitutes or persons of notoriously bad character to meet or remain therein shall be liable on conviction to a fine not exceeding three hundred dollars or in the case of a second or subsequent offence to a fine not exceeding five hundred dollars. Disorderly conduct in hotels, boarding-houses, etc.

(ii) Whenever any person would be liable under the provisions of the preceding sub-section to punishment for any act, omission, neglect or default, he shall be liable to the same punishment for every similar act, omission, neglect or default of any agent or servant employed by him in the course of his business as keeper of such hotel, boarding-house, public house, common lodging house, native inn, eating house, coffee shop or other place of public entertainment or resort; and every agent or servant employed by any person in the course of his business as aforesaid shall also be liable to the punishment prescribed by sub-section (i) for such acts, omissions, neglects or defaults as fully and effectually as if such agent or servant had been the keeper of such hotel, boarding-house, public house, common lodging house, native inn, eating house, coffee shop or other place of public entertainment or resort."

Passed this 10th day of July, 1923.

G. W. BRYANT,
Clerk of Council.

No. 5296.—The following Enactment, passed at a meeting of the Federal Council held on the 10th July, 1923, is published for general information:

FEDERATED MALAY STATES.

ENACTMENT No. 16 OF 1923.

An Enactment to amend and consolidate the law relating to the purchase and smelting of Mineral Ores.

L. N. GUILLEMARD,
President of the Federal Council.

[18th August, 1923.]

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

Short title and
commence-
ment.

1. (i) This Enactment may be cited as "The Mineral Ores Enactment, 1923," and shall come into force upon the publication thereof in the *Gazette*.

Repeal.

(ii) Upon the coming into force of this Enactment the Enactments mentioned in schedule A shall be repealed.

Interpretation.

2. In this Enactment—

"Treat" with its grammatical variations and cognate expressions means to subject to any process whereby chemical change takes place in the substance subjected thereto;

"Mines Officer" means any officer of the Mines Department not below the rank of Inspector and includes any Inspector or Sub-Inspector appointed under this Enactment;

"Warden" means Warden of Mines of a State and includes Assistant Warden of Mines;

"Mineral ore" does not include gold.

Appointment of
officers.

3. The Resident of a State may by notification in the *Gazette* appoint so many Inspectors and Sub-Inspectors as he may consider necessary for carrying out the purposes of this Enactment.

Prohibition of
purchase, treat-
ment or storage
of ore except
under licence.

4. On and after the commencement of this Enactment it shall not be lawful for any person, unless duly licensed in that behalf under this Enactment—

- (i) To purchase any mineral ore;
- (ii) To keep any factory or place for the purpose of smelting or otherwise treating mineral ore;
- (iii) To keep any house, store, shop or place for the purpose of purchasing or storing therein any mineral ore other than such as has been raised from land in his own occupation;

provided that every licence to purchase mineral ore shall include the right to keep a house, store, shop or place for the purchase or storage thereof, and that every licence to keep a factory or place for the purpose of smelting or otherwise treating mineral ore shall include all rights conveyed by a licence to purchase mineral ore and provided further that nothing in this Enactment shall be deemed to affect the sale of ore by a sub-lessee to his sub-lessor.

5. (i) Such licence may be issued by the Warden upon application and payment of a fee of one hundred dollars and shall be substantially in the form in schedule B with such variations as may be necessary, but no such licence shall be issued until the applicant therefor shall have made a deposit of two hundred dollars, to be returned as hereinafter provided: such deposit shall be either by cash paid into the Treasury or by delivery at the Treasury of a Bank receipt evidencing the payment of the said amount to the credit of the Government with such Bank; interest allowed by the Bank on any such amount shall be payable to the depositor.

Form and terms
of licence.

(ii) Every such licence shall expire on the 31st day of December of the year in respect of which it was issued and shall be valid only for the place and purpose specified therein.

(iii) In the event of the death, mental disorder or bankruptcy of a licensee it shall be lawful for the Warden to issue a permit to a representative of the licensee appointed by the Court to carry on the business for the remainder of the term of such licence.

(iv) No licensee shall transfer or attempt to transfer his licence or except with the written consent of the Warden authorise any other person to exercise any right or privilege under the licence.

6. (i) It shall be lawful for the Warden, on the application of any person licensed to purchase mineral ore, to issue to such person for the use of himself or his agents sub-licences which shall be substantially in the form of schedule C, subject to the payment of a fee of five dollars for each sub-licence.

Sub-licences.

(ii) To every sub-licence there shall be attached, on issue, a photograph of the sub-licensee. Such photograph shall be supplied by the sub-licencee, who shall preserve the same in good condition or return the sub-licence to the Warden with a view to having a fresh photograph attached.

(iii) No sub-licence shall remain in force after the termination of the licence to which it relates.

(iv) Every holder of a sub-licence when acting in pursuance thereof shall keep such sub-licence on his person and shall produce it on demand for the inspection of any Mines Officer or Police Officer.

7. Every applicant for or holder of a licence or sub-licence under this Enactment shall if called upon to do so produce before the Warden, or an Inspector of Mines, or Inspector under this Enactment every weight or instrument for weighing which he may use or intend to use for the purpose of such licence or sub-licence or the certificates of verification for the same.

Weights to be
produced.

8. (i) The Warden shall endorse upon the licence or sub-licence, as the case may be, a description of the weights and instruments for weighing so produced or to which the certificates of verification relate; provided that the Warden shall not endorse on a sub-licence any weights or instruments for weighing which have not been endorsed on the licence to which such sub-licence relates; and provided further that the Warden may in his discretion disallow the use, for the purposes of the licence or sub-licence, of any weight or instrument for weighing so produced before him and shall not endorse upon the licence or sub-licence the description of any weight or instrument for weighing so disallowed by him.

Endorsement
and testing by
Warden.

MINERAL ORES.

3

(ii) If at any time after such endorsement upon a licence any weight or instrument for weighing other than as described therein shall be found

(a) in the possession of the licensee, or

(b) in the possession of any person to whom a sub-licence shall have been issued on the application of the licensee, and it be not proved to have been in the possession of such person without the knowledge or consent of the licensee, or

(c) in the building or place licensed,

the licensee shall be deemed to have committed an offence against the provisions of this Enactment; and if at any time after such endorsement upon a sub-licence any weight or instrument for weighing other than as described therein shall be found in the possession of the sub-licencee, the sub-licencee shall be deemed to have committed an offence against the provisions of this Enactment.

Certain
furnaces may
be prohibited.

9. (i) It shall be lawful for the Warden to refuse to allow any furnace to be used in any smelting-house if he shall be satisfied that such furnace can only be efficiently worked with charcoal made from the woods specified in schedule D.

(ii) The Warden may also refuse to license any smelting-house containing any such furnace as aforesaid.

Resident
may vary
schedule D.

10. The Resident may from time to time, by notification in the *Gazette*, add to or otherwise vary schedule D.

Resident may
cancel licence.

11. It shall be lawful for the Resident in his discretion to cancel any licence without assigning any reason for so doing.

Power of
Warden to
refuse licence or
sub-licence.

12. It shall be lawful for the Warden to refuse to issue or renew a licence or sub-licence to any person for reasons to be stated by him in writing, if so required by the applicant or licensee.

Power of
Warden to
cancel licence
or sub-licence.

13. (i) It shall be lawful for the Warden to cancel any licence at any time, either upon application by the licensee for the withdrawal of the deposit made under section 5 (i), or upon the conviction of the licensee of any offence under this Enactment or on any charge involving fraudulent dealing.

(ii) It shall be lawful for the Warden in his discretion to cancel any sub-licence at any time.

Penalty for
false weights.

14. Any person who may be convicted under sections 15 or 18 of "The Weights and Measures Enactment, 1921," in respect of any purchase of ore shall be liable to a fine not exceeding two hundred and fifty dollars, in addition to any penalty inflicted under the provisions of that Enactment, and in case of a second or subsequent conviction shall also be liable to imprisonment of either description for a term not exceeding three months.

Duties of
licensee.

15. (i) Every licensee under this Enactment shall keep posted in a conspicuous place in the building or place licensed both his licence and a list, signed by the Warden, of all sub-licences issued under section 6 upon his application, and shall allow at all times the inspection of such building or place by any Magistrate, Mines Officer or Police Officer not below the rank of Inspector.

(ii) Licensees shall produce on demand for the inspection of any Mines Officer or Police Officer not below the rank of Inspector all mineral ore on their premises.

(iii) No licensee shall purchase mineral ore elsewhere than at the place where his licence is posted except under and in accordance with a sub-licence issued to him under section 6.

(iv) Every licensee shall keep one book of accounts in which shall be entered at the time of purchase the following particulars of every parcel of ore purchased :

- (a) The date of purchase ;
- (b) The mukim or locality from which the ore came ;
- (c) The number and description of the title to the land from which the ore was raised, or the number of the individual licence or dulang pass under which the ore was won, or if bought from a licensee under this Enactment the number of his licence ;
- (d) The name of the landowner or individual licensee or dulang pass holder or licensee under this Enactment as the case may be and also the name of the advancer (if any) ;
- (e) The name of the Kongsi (if any) from which the ore was bought ;
- (f) The name of the person delivering the ore and producing authority for the sale in the form in schedule E ;
- (g) The gross weight and description of ore purchased ;
- (h) The weight of clean dry ore on which the price was based ;
- (i) The price per pikul and the total price paid.

(v) Every licensee shall also keep one book of accounts in which he shall make a correct record of all sales or other disposals of ore made by him shewing the following particulars :

- (a) Date of sale ;
- (b) Name and address of buyer ;
- (c) The gross weight and description of ore purchased ;
- (d) The weight of clean dry ore on which the price was based ;
- (e) The price per pikul and the total price paid.

(vi) Every licensee under this Enactment who is also an occupier of mining land shall enter in an account book to be kept for that purpose all particulars regarding the weight of clean dry ore and origin of ore raised from land in his own occupation when such ore has been placed in his licensed premises. Such ore may be sold under the authority of his licence or he may dispose of such ore to a purchaser giving the necessary particulars required in schedule E (i).

(vii) Every licensee shall keep a stock book in which he shall enter at the close of each day's business the gross weight of ore

- (a) on his licensed premises and owned by him ;
- (b) on his licensed premises and not owned by him ;
- (c) owned by him and stored elsewhere.

(viii) All account books kept as required by this section shall be produced on demand for the inspection of any Magistrate, Mines Officer or Police Officer not below the rank of Inspector.

MINERAL ORES.

5

(ix) Books shall not be destroyed until an interval of twelve months shall have elapsed from the date of their last being used.

Vendor's
authority for
sale.

16. (i) No licensee or sub-licensee shall purchase any mineral ore except

(a) upon delivery to him by the vendor of a written authority for the sale thereof substantially in the form in schedule E (i) bearing the signature or chop of the person in lawful occupation of the land from which such ore was raised or of his duly authorised agent;

(b) from a licensee under this Enactment upon delivery of a written authority for the sale thereof substantially in the form in schedule E (ii) bearing the signature or chop of such licensee or his duly authorised agent;

(c) from the holder of a dulang pass upon production thereof.

(ii) Every written authority required by the preceding sub-section shall be filed and kept by the licensee for one year after the date of the purchase of any ore and the file shall be produced on demand for the inspection of any Magistrate, Mines Officer or Police Officer not below the rank of Inspector.

(iii) The "agent" mentioned in sub-section (i) shall be authorised in writing by the lawful occupier of the land or licensee as the case may be and shall produce this authority if so required by the licensee.

Ore to be
accompanied by
document when
in transit.

17. (i) No ore other than ore won under a dulang pass shall be removed beyond the boundaries of the land on which it has been obtained or on which it is being treated or dressed, without a written document accompanying it stating the name of the owner of the ore, the number of the title to the land from which it has been raised and the number of bags of ore, and no ore shall be conveyed between one licensed place and another unless accompanied by a document stating the name of the owner and his title to its possession.

Seizure of ore
unaccompanied
by document.

(ii) Any ore being removed unaccompanied by such document shall be liable to be seized and detained at the nearest Police Station or Mines Office until the lawful ownership of such ore is fully established.

(iii) When the ownership of such ore is disputed or when a Mines Officer or Police Officer not below the rank of Inspector is not satisfied that a claim made in respect of such ore is a just one, reference shall be made to a Court of competent jurisdiction. In the event of such claim or claims being rejected by the Court, or if no claim is made within a period of fourteen days from the date of detention, the property in the ore shall vest in the Government.

Detention of
ore sold under
document
suspected to be
false.

18. Where a Mines Officer or Police Officer not below the rank of Inspector shall have reason to believe that ore has been sold under a document the contents of which are false, and that the purchaser thereof has been a party to the giving and receiving of such false document it shall be lawful for him to issue an order in writing to a licensee prohibiting the removal of such ore for such time as may be stated in such order, and the licensee shall be bound to comply with such order.

6

No. 16 OF 1923.

19. It shall be lawful for any Mines Officer other than a Sub-Inspector under this Enactment or any Police Officer not below the rank of Inspector to arrest without warrant and take before the Warden or a Magistrate any person whom he may find committing or attempting to commit an offence against the provisions of this Enactment, and to take possession of any ore in respect of which such offence is or has been committed.

Power to arrest.

20. Any Magistrate may by warrant addressed to any Mines Officer or Police Officer not below the rank of Inspector empower such officer to enter upon and search any premises within the jurisdiction of such Magistrate in any case in which it shall appear to such Magistrate upon the oath of any person that there is reasonable cause to believe that in such premises is concealed or deposited any mineral ore in respect of which an offence has been committed against this Enactment and to take possession of such mineral ore and to arrest any person being in such premises who it is reasonable to assume is the lawful occupier of such premises, and any officer to whom such warrant shall have been directed may in case of obstruction or resistance break open any inner or outer door of such premises and any chests, trunks, or packages, and by force if necessary enter upon any part of such premises and remove any obstruction to such entry, search or seizure and detain any person found in such premises until the search shall have been completed.

Search warrants.

21. Whenever it appears to a Mines Officer or Police Officer not below the rank of Inspector that there is reasonable cause to believe that in any dwelling-house, shop or other building or place there is concealed or deposited any mineral ore subject to forfeiture under this Enactment or as to which an offence under this Enactment has been committed and he has good grounds for believing that by reason of the delay in obtaining a search warrant the mineral ore is likely to be removed, the Mines Officer or Police Officer in virtue of his office may exercise in, upon, and in respect of such dwelling-house, shop or other building or place all the powers in the preceding section mentioned in as full and ample a manner as if he were empowered to do so by warrant issued under the said section.

Search without warrant.

22. (i) Any person who wilfully or dishonestly inserts or causes to be inserted false particulars or omits to insert the necessary particulars required by schedule E in any document purporting to be an authority for the sale of mineral ore shall be guilty of an offence and liable on conviction to imprisonment of either description for a term not exceeding one year or to fine not exceeding one thousand dollars or to both such imprisonment and fine.

Penalty for false or incomplete authority.

(ii) A person whose chop is affixed to a document purporting to be an authority for the sale of mineral ore shall be presumed, until the contrary is proved, to have affixed such chop, or caused the same to be affixed, thereto.

(iii) In this section the words "dishonestly" and "document" have the meanings assigned thereto, respectively, in the Penal Code.

MINERAL ORES.

7

Penalty.

23. Except as provided in section 22, any person who shall commit or abet the commission of any offence against the provisions of this Enactment, or who shall make default in complying with any obligation imposed on him by this Enactment, shall be liable on conviction to a fine not exceeding five hundred dollars, or to imprisonment of either description for a term not exceeding one year.

Jurisdiction.

24. (i) All prosecutions under this Enactment may be had before a Magistrate of the First Class or before the Warden who shall by virtue of this section be vested with the powers of a Magistrate of the First Class for the purpose of compelling the attendance of witnesses, of keeping order in his Court and of hearing prosecutions under this Enactment and passing sentence or making order thereon.

(ii) Such prosecutions may be conducted by a Mines Officer.

(iii) Any person who is dissatisfied with any judgment, sentence or order pronounced by the Warden may prefer an appeal to the Supreme Court in the manner provided by the Criminal Procedure Codes, 1902.

Rules.

25. The Resident may, with the approval of the Chief Secretary to Government, make rules, not inconsistent with the provisions of this Enactment, for the purpose of further securing the effectual control of the sale, purchase, storage and treatment of mineral ores and the prevention of fraud in connection therewith, and such rules, when published in the *Gazette*, shall have the force of law.

Breach of rules.

26. Any person who shall commit any breach of the provisions of any such rule shall be liable on conviction to a fine not exceeding one hundred dollars, and, when the breach has been a continuing one, to a further fine of twenty-five dollars for every day during which such breach shall have continued.

Rewards.

27. It shall be lawful for any Magistrate or Warden before whom a conviction may be had under this Enactment to direct that any sum not exceeding one-half of any fine recovered upon such conviction shall be paid to any person upon whose information or evidence such conviction was obtained.

Appeal to Resident against order of Warden.

28. Any person aggrieved by any refusal or order of the Warden under this Enactment or any rules made thereunder, other than an order made upon any prosecution, may appeal to the Resident whose decision shall be final; provided that such appeal shall not be admitted after the expiration of thirty days from the date of the refusal or order appealed against.

Return of deposit.

29. (i) Every applicant for a licence, or licensee, shall, on demand, be entitled to receive from the Warden an order on the Treasury authorizing the return of any deposit made under section 5 (i); provided that no deposit shall be returned to any licensee until after the expiration of one month from the date on which his licence expired or while any legal proceedings under this Enactment are pending against the licensee.

(ii) All moneys deposited by any licensee shall be at all times liable to be applied in satisfaction of any fine inflicted upon him by any Court.

8

No. 16 OF 1923.

30. No document purporting to give any licensee under this Enactment any charge, lien or security over any ore shall in the absence of an express provision to that effect be required to be attested or registered under "The Bills of Sale Enactment, 1922," or any enacted modification thereof, or shall be rendered in any way void or invalid by reason of the absence of such attestation or registration, provided

Certain documents exempt from registration.

- (i) That the loan secured by such document shall not be less than one hundred dollars.
- (ii) That such document shall give no charge, lien or security on any ore after the lapse of six months from the date thereof.
- (iii) That the signatures of the parties to such documents shall be attested by two witnesses.
- (iv) That such document and a duplicate thereof, both duly stamped, shall be produced in the Court of a Magistrate of the First Class within fourteen days of the date of its execution, and be endorsed by such Magistrate in the manner hereinafter prescribed.
- (v) That every such document shall be in the English language and that the Magistrate may refuse to endorse, or to retain, or file the duplicate of any document the terms of which may in his opinion not be sufficiently explicit or be liable to misconstruction.

31. Every Magistrate before whom such document and duplicate are so produced shall endorse thereon the date of production and shall retain and file the duplicate.

Duty of Magistrate.

32. (i) No action shall be brought against any person for anything done or *bona fide* intended to be done in the exercise or supposed exercise of the powers given by this Enactment, or by any rules made thereunder—

Provisions as to actions.

- (a) without giving such person one month's notice in writing of the intended action, and of the cause thereof;
- (b) after the expiration of three months from the date of the accrual of the cause of action;
- (c) after tender of sufficient amends.

(ii) In every action so brought it shall be expressly alleged that the defendant acted either maliciously or negligently and without reasonable or probable cause, and if, at the trial, the plaintiff shall fail to prove such allegation, judgment shall be given for the defendant.

(iii) Though judgment shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Court before whom the action is tried shall certify its approbation of the action.

MINERAL ORES.

9

SCHEDULE A.

ENACTMENTS REPEALED.

State.	No. and year.	Short title.
Perak ...	5 of 1904	The Mineral Ores Enactment, 1904
Selangor ...	5 "	" " "
N. Sembilan	4 "	" " "
Perak ...	9 of 1907	The Mineral Ores Enactment, 1904, Amendment Enactment, 1907
Selangor ...	13 "	" " "
N. Sembilan	13 "	" " "
Perak ...	9 of 1908	The Mineral Ores Enactment, 1904, Amendment Enactment, 1908
Selangor ...	10 "	" " "
N. Sembilan	10 "	" " "
Pahang ...	1 of 1915	The Mineral Ores Enactment, 1915
Federal ...	19 of 1919	The Mineral Ores Enactments Amendment Enactment
" ...	6 of 1920	" " "

SCHEDULE B.

"The Mineral Ores Enactment, 1923."

STATE OF.....

LICENCE.

Licence is hereby given to.....of.....at.....in the district of.....to purchase mineral ore within the following area, that is to say.....and to keep the place hereunder specified for the purpose of purchasing and storing *and of smelting and otherwise treating** therein mineral ore according to the provisions of "The Mineral Ores Enactment, 1923."

Description of place.....

Deposit \$200.

Fee \$100.

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

.....

Warden of Mines.

(To be added below by Warden.)

DESCRIPTION OF WEIGHTS AND INSTRUMENTS FOR WEIGHING

UNDER SECTION 8.

* Delete the words in italics when licence to treat is not given.

10

No. 16 OF 1923.

SCHEDULE C.

GOVERNMENT OF.....

"The Mineral Ores Enactment, 1923."

SUB-LICENCE.

No. of principal licence.....

Name of licensee under principal licence.....

No. of sub-licence.....

This sub-licence authorizes.....to purchase mineral ore as agent for the principal licensee according to the provision of "The Mineral Ores Enactment, 1923," within the following area, that is to say.....

Dated at.....this.....day of....., 192...

.....
*Warden of Mines.**(To be added below by the Warden.)*DESCRIPTION OF WEIGHTS AND INSTRUMENTS FOR WEIGHING
UNDER SECTION 8.

SCHEDULE D.

The wood of gutta-percha trees and all other wood the conversion of which into charcoal is prohibited by rule 21 (a) of the Forest Rules, 1920.

SCHEDULE E (i).

AUTHORITY FOR SALE OF ORE BY PERSON HOLDING
TITLES TO MINE.

Date.....192....

Authority is hereby given to*.....to sell.....pikuls.....
katis of †.....ore won on land held under mining lease No.....
plan No..... (or mining certificate No.....) (or won under the
authority of individual licence No.....) in the mukim of.....
district of.....

Name of holder of title or licence.....

Name of advancer (if any).....

Name of Kongsee (if any).....

.....
(Signature or chop.)

* Name of person bringing ore for sale. † Description of ore.

MINERAL ORES. 11

SCHEDULE E (ii).

AUTHORITY FOR SALE OF ORE BY LICENSEES UNDER
THE MINERAL ORES ENACTMENT.

Authority is hereby given to *.....to sell.....pikuls.....
katis of†.....ore owned by.....chop.....licence No.....under
“The Mineral Ores Enactment, 1923.” Address.....

.....
Signature or chop.

* Name of person bringing ore for sale. † Description of ore.

Passed this 10th day of July, 1923.

G. W. BRYANT,
Clerk of Council.

No. 5297.—The following Enactment, passed at a meeting of the Federal Council held on the 11th July, 1923, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 17 OF 1923.

An Enactment to make Final Provision for the Public Service for the year 1922.

L. N. GUILLEMARD,
President of the Federal Council.

[20th August, 1923.]

WHEREAS by Enactment No. 23 of 1921 a sum not exceeding sixty-two million, one hundred and fifty-one thousand, one hundred and forty-seven dollars was charged upon the revenue and other funds of the Federated Malay States for the public service during the year 1922 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 1922 exceeded the amount so charged upon the revenue of the Federated Malay States by seven hundred and twelve thousand, five hundred and thirty-eight dollars and fifty 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, Title. 1923."

2. The further sum of seven hundred and twelve thousand, five hundred and thirty-eight dollars and fifty cents shall be charged upon the revenue and other funds of the Federated Malay States for certain public services for the year 1922 to be appropriated in the proportions detailed in the schedule hereto annexed :

THE SCHEDULE.

Heads of Expenditure.	Excess.
	\$ c.
1. Pensions, Retired Allowances, Gratuities and etc.	281,658 24
2. Charges on account of Public Debt	237,053 51
3. Courts	11,837 66
4. Legal Adviser	1,208 27
5. Treasury	7,654 48
6. Miscellaneous Services	118,627 09
7. Railways (Expenditure on Capital Account) ...	54,499 25
Total ...	712,538 50

Passed this 11th day of July, 1923.

G. W. BRYANT,
Clerk of Council.

No. 5298.—The following Enactment, passed at a meeting of the Federal Council held on the 11th August, 1923, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 20 OF 1923.

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

L. N. GUILLEMARD,
President of the Federal Council.

[24th August, 1923.]

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 Land 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 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.

New section
43A.

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

Charges
payable on
demand.

"43A. (i) 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.

(ii) Where money secured by a charge under this Enactment is made payable on demand a demand in writing shall be equivalent to the notice in writing provided for by section 47 of this Enactment, and no further notice shall be required to create the default mentioned therein."

Passed this 11th day of August, 1923.

G. W. BRYANT,
Clerk of Council.

No. 5299.—The following Enactment, passed at a meeting of the Federal Council held on the 11th August, 1923, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 21 OF 1923.

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

L. N. GUILLEMARD,
President of the Federal Council.

[24th August, 1923.]

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 Registration of Titles 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 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.

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". Amendment of section 43.

3. 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 it relates to the time for repayment be deemed to be in substance in conformity with the forms annexed hereto."

Charges payable on demand.

4. Immediately after section 46 of the principal Enactment there is inserted a new section as follows : New section 46A.

"46A. Where money secured by a charge under this Enactment is made payable on demand a demand in writing pursuant to the charge shall be equivalent to the notice in writing to pay the money owing provided for by section 46 of this Enactment and no other notice shall be required to create the default in payment mentioned in section 47 of this Enactment."

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

"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."

Rules.

2

No. 21 OF 1923.

Substituted
section 80.

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

Creation of
lien.

"80. (i) When a lien is intended to be created over any land the proprietor may deposit his grant or certificate of title and the person with whom the same has been deposited may lodge a caveat in the manner provided by Part XII hereof to prevent all dealing with the land. Upon entry of a memorandum of such caveat in the register 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.

(ii) The lien created before the coming into operation of this Enactment shall not be rendered invalid by the provisions of this Enactment but before any lien-holder shall be entitled to apply for enforcement of his lien he shall lodge a caveat in accordance with the provisions of this Enactment."

Addition to
second
schedule.

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

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.

REGISTRATION OF TITLES AMENDMENT.

3

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 hereby 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 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.*]

4

No. 21 OF 1923.

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.]

Passed this 11th day of August, 1923.

G. W. BRYANT,
Clerk of Council.