



# Straits Settlements

## GOVERNMENT GAZETTE

### EXTRAORDINARY.

Published by Authority.

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NO. 22.]

SINGAPORE, WEDNESDAY, MARCH 8, 1922.

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The following Notifications are, by command of His Excellency the Governor, published for general information.

F. S. JAMES,  
*Colonial Secretary.*

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No. 376.—THE following is published for general information:—

**Memorandum of Agreement** made and entered into this 16th day of February, 1922, BETWEEN THE CHIEF SECRETARY TO GOVERNMENT, FEDERATED MALAY STATES (hereinafter called the said Corporation) of the one part and the GOVERNOR AND COMMANDER IN CHIEF of the Straits Settlements and his SUCCESSORS in Office for and on behalf of HIS MOST GRACIOUS MAJESTY GEORGE V King of Great Britain and Ireland and of the British Dominions Beyond the Seas Emperor of India of the other part.

WHEREAS by section 4 of Ordinance No. IV of 1913, being now section 3 of Ordinance No. 199 (Chief Secretary to Government, Federated Malay States), it was enacted that the then Chief Secretary to Government, Federated Malay States, and his successors should be a Body Corporate and under the name of "Chief Secretary to Government, Federated Malay States" should have perpetual succession and a corporate seal with the right to acquire purchase take hold and enjoy moveable and immoveable property of every description.

AND WHEREAS by section 8 of the said Ordinance, being section 7 of Ordinance No. 199, it was enacted that the said Corporation should be deemed to be a Company for the purposes of the "Acquisition of Land for Public Purposes Ordinance, 1890".

AND WHEREAS by section 46 (1) of the said Acquisition of Land for Public Purposes Ordinance being Ordinance No. VI of 1890 it was enacted that His Excellency the Governor in Council might from time to time authorise any officer of any company desiring to acquire land for its purposes to exercise the powers conferred by section 4 of the said Ordinance.

AND WHEREAS it is desired to acquire the lands situated near Bukit Mertajam in Province Wellesley in the Colony of the Straits Settlements, more particularly described in the Schedule hereto, for the purposes of a water supply for the service of the Federated Malay States Railways.

AND WHEREAS by section 47 of the said Acquisition of Land for Public Purposes Ordinance it is enacted that the provisions of sections 6 to 45 (both inclusive) of the said Ordinance should not be put in force in order to acquire land for any company unless with the previous consent of the Governor in Council and unless the company should first have executed the agreement thereafter mentioned and such as is herein-after contained.



AND WHEREAS by section 48 (1) of the said last-mentioned Ordinance it was enacted that such consent by the Governor in Council shall not be given unless the Governor in Council be satisfied by an enquiry held by such officer and at such time and place as the Governor should appoint—

- (a) that such land is needed for the construction of some work; and
- (b) that such work is likely to prove useful to the Public in general.

AND WHEREAS His Excellency the Governor duly appointed the Senior District Officer, Butterworth, as such officer to conduct such enquiry as aforesaid respecting the acquisition of the Lands above mentioned the subject matter of this agreement and the hour of 10 A.M. upon the 25th day of June, 1918, at the Court House, Bukit Mertajam, as the time and place when and where such enquiry should be proceeded with.

AND WHEREAS the said Officer after giving due and proper public notice of his intention to hold such enquiry at the said time and place duly proceeded with such enquiry at the time and place mentioned and took and recorded the evidence of such persons interested who attended thereat and completed the said enquiry upon the said date.

AND WHEREAS the said Officer duly reported to the Governor in Council the result of the said enquiry as required by the provisions of section 49 of the said Ordinance for the Acquisition of Land for Public Purposes, 1890.

AND WHEREAS in pursuance of the said Report the acquisition of the lands hereinbefore mentioned, and more fully described in the Schedule hereto and being the subject matter of this agreement, was duly approved of by the Governor in Council subject to the agreement hereinafter contained being duly made and entered into between the parties hereto.

AND WHEREAS the Acquisition of Land for Public Purposes Ordinance, 1890 has been repealed by the Land Acquisition Ordinance No. 28 of 1920 and has ceased to have any operation on and after the 13th day of December, 1920, the date of the coming into operation of the said Ordinance.

AND WHEREAS under section 5 subsection (6) of the Interpretation Ordinance VI of 1912, the repeal of any former written law by any written law does not in the absence of any express provision to the contrary affect or be deemed to have affected the past operation of or anything duly done or suffered under the repealed written law.

AND WHEREAS no such express provision to the contrary is contained in the said Land Acquisition Ordinance, 1920.

AND WHEREAS the provisions of sections 46 to 50 (both inclusive) of the Acquisition of Lands for Public Purposes Ordinance VI of 1890 now repealed have been re-enacted by sections 45 to 49 (both inclusive) of the Land Acquisition Ordinance No. 28 of 1920.

AND WHEREAS by section 46 of the Land Acquisition Ordinance No. 28 of 1920, it is enacted that the provisions of sections 5 to 44 (both inclusive) shall not be put in force in order to acquire land for any company unless with the previous consent of the Governor in Council and unless the company shall have executed the agreement thereinafter mentioned and such as is hereinafter contained.

NOW it is hereby agreed by and between the Corporation and the Governor as follows:—

1. The Governor agrees to put into force and operation the provisions of sections 5 to 44 (both inclusive) of the Land Acquisition Ordinance No. 28 of 1920, for the purpose of enabling the Corporation to acquire the lands hereinbefore referred to.
2. The Governor agrees duly to make and execute to the Corporation a Statutory Land Grant of the said lands when and so soon as he shall have a good legal right or title to do so, reserving by such Grant to the Crown a ground rent or quit rent of \$1 per annum payable upon the 2nd day of January in each year in respect of the whole of such lands.
3. The Corporation will duly pay to the Governor on execution of the said Statutory Land Grant or on previous demand the whole cost of acquisition of the said lands including all payments made or to be made to all persons in any way



interested therein and all other costs and expenses incurred in or about such acquisition and the preparation of the said Grant.

4. The said Statutory Land Grant shall not be deemed to include but shall be deemed to except and reserve to the Governor the following rights or easements, that is to say, full and free right for all those cultivators of padi fields situate in the vicinity of the said lands who have heretofore benefited by the use of the waters proposed to be intercepted or taken for the purposes enumerated in the next succeeding clause hereof to an adequate and proper supply of water for the purpose of irrigation and cultivation of their said land and for all reasonable domestic or agricultural purposes in the manner and as provided for in the next ensuing clause hereof.

5. The said Corporation will make, erect and execute in and upon the said lands all such works or things as shall be necessary or proper for the purpose of providing a water supply for the use of the Federated Malay States Railways, the Travelling Public using their lines, the persons employed in and about their premises and works at Prai and the shipping using their wharfage accommodation at Prai aforesaid, and in particular will construct a by-wash from a point on the stream above the intake to any reservoir which may in pursuance of the provision of such water supply as aforesaid be erected or executed upon the said lands and provide such a quantity of water as in the opinion of the Deputy Colonial Engineer, Penang, is adequate to irrigate all padi fields situate in the vicinity of the said reservoir the cultivators whereof have heretofore and before the erection or execution of the said works benefited by the use of the waters proposed to be intercepted or taken in connection with the provision of such water supply, the said by-wash to be exclusively utilized or worked from time to time upon 7 days' notice being given in that behalf by the Senior District Officer, Province Wellesley, to the General Manager, Federated Malay States Railways, for providing a water supply for the padi fields aforesaid situate in the vicinity of the said reservoir. But so that the Federated Malay States Railways shall not thereby at any time be deprived of a sufficient supply of water for their own purposes for the use of the travelling public using their lines, for their employees and for the shipping using their wharfage accommodation at Prai aforesaid. The work shall be commenced and carried on without undue delay and shall be completed within a period of five (5) years at longest, to be computed from the date on which the transfer of the said lands and premises to the said Corporation has been finally completed. Provided always that if His Excellency the Governor be satisfied that any failure to so complete the said works within the said specified period of five (5) years should be due to causes beyond the control of the said Corporation then and in such case an extension of the said period for a further period not exceeding two (2) years may be allowed making a period of not more than seven (7) years in all. Provided further that the said works shall be made, erected, completed and maintained to the satisfaction of the Colonial Engineer and his deputies and that upon failure to complete the same in the manner and within the period above stipulated for and allowed then and in such case the said Corporation shall forfeit and pay to the Government of the Straits Settlements the sum of \$1 per diem for each and every day that the said works shall remain unfinished or incomplete as aforesaid.

6. The said Corporation will at all times supply from the said works all waters which shall or may be required by the Deputy Colonial Engineer or by the persons and at the places referred to in the preceding clause five hereof subject as therein set forth. Provided always that certain standpipes not exceeding four (4) in number shall be erected, fixed and maintained on the pipeline for the use of the members of the General Public at such points as may be decided upon and selected by the Deputy Colonial Engineer as most suitable and convenient for the purpose.

IN WITNESS WHEREOF the said parties hereto have hereunto set their respective hands and seals the day and year first above written.



The Schedule above referred to.

Part of Forest Reserve

„	Lot	465
„	„	466
„	„	467
„	„	468
„	„	469
„	„	470
„	„	471
„	„	472
„	„	473
„	„	474
„	„	475
„	„	476
„	„	483
„	„	625
„	„	626

Mukim XVII Central District.

Part of Forest Reserve Lot No. 627

„	„	„	628
„	„	„	629
„	„	„	630
„	„	„	673
„	„	„	674
„	„	„	675
„	„	„	676
„	„	„	677
„	„	„	678
„	„	„	681

Sealed with the seal of the said Corporation  
in the presence of and also signed by the Chief  
Secretary to Government Federated Malay  
States.

LS

W. GEORGE MAXWELL.

Signed sealed and delivered by His Excel-  
lency the Governor of the Colony of the Straits  
Settlements on behalf of His Majesty the King  
of Great Britain, etc., in the presence of

LS

L. N. GUILLEMARD.

F. M. BADDELEY.



## APPOINTMENTS.

**No. 377.**—His Excellency the Governor has been pleased to appoint Mr. FRANKLYN ROBINSON to act as Deputy Public Prosecutor, Straits Settlements, with effect from the 1st March, 1922.

[No. 11501/21.]

**No. 378.**—His Excellency the Governor has been pleased to appoint Mr. O. E. VENABLES to act as District Officer, Dindings, with effect from the 27th February, 1922. [No. 1861/22.]

**No. 379.**—His Excellency the Governor has been pleased to appoint Mr. R. W. GRANT to act as District Officer, Nibong Tebal, with effect from the 1st March, 1922. [No. 1930/22.]

**No. 380.**—ORDINANCE NO. 121 (CRIMINAL PROCEDURE CODE).

His Excellency the Governor has been pleased, under the provisions of section 384 of Ordinance No. 121 (Criminal Procedure Code), to appoint Mr. FRANKLYN ROBINSON, Advocate and Solicitor, to act as Deputy of the Attorney-General in the performance of the following duties of the Public Prosecutor under the said Code, with effect from the 1st March, 1922:—

1. To conduct prosecutions and inquiries before the District Courts and Police Courts, and to authorise Advocates, officers and other persons to conduct such prosecutions and inquiries.

2. To grant sanctions for prosecutions when such sanctions are required under the provisions of section 136 of the said Code.

3. To conduct criminal prosecutions before the Supreme Court.

4. To appear on behalf of the Crown in criminal appeals and on points of law reserved under Chapter XXIX of the said Code.

5. To sign fiats and alter or re-draw charges or frame additional charges under sections 390 and 393 of the said Code.

6. To order any Police Officer in a non-seizable case to exercise all or any of the special powers in relation to Police investigations given by Chapter XIII of the said Code.

7. To exercise all the powers given to the Public Prosecutor by Chapters XXI and XXVIII of the said Code. [No. 11501/21.]

**No. 381.**—ORDINANCE NO. 101 (COURTS).

In exercise of the powers conferred on him by Ordinance No. 101 (Courts), His Excellency the Governor has been pleased to appoint Mr. O. E. VENABLES to be Police Magistrate and Assistant District Judge for the Settlement of Penang. [No. 1861/22.]

**No. 382.**—ORDINANCE NO. 101 (COURTS).

In exercise of the powers vested in him by Ordinance No. 101 (Courts), His Excellency the Governor has been pleased to appoint Mr. R. W. GRANT to be a Police Magistrate and an Assistant District Judge for the Settlement of Penang, with effect from 1st March, 1922. [No. 1930/22.]