

IN THE JUDICIAL COMMITTEE
OF THE PRIVY COUNCIL

No. 1 of 1971

ON APPEAL FROM
THE FEDERAL COURT OF MALAYSIA

B E T W E E N:

PEGANG MINING COMPANY LIMITED
(formerly known as PEGANG
PROSPECTING COMPANY LIMITED)

Appellants

- and -

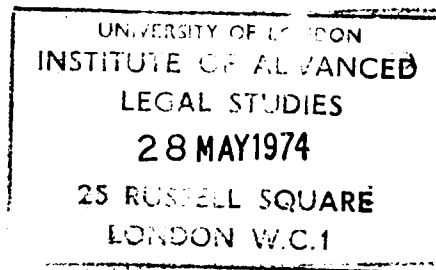
1. CHOONG SAM
2. LEE CHIM YEE AND CHAN HON
PENG (f) AS EXECUTORS OF
THE ESTATE OF CHAN PHOOI
HOONG DECEASED
3. TONG SWEE KING (f)
AS EXECUTRIX OF THE ESTATE
OF HO KOK YEW (DECEASED)

Respondents

RECORD OF PROCEEDINGS

(VOLUME 2)

Exhibits - pages 133 to 276



PARKER GARRETT & CO.,
St. Michael's Rectory,
Cornhill,
London, EC3V 9DU

Solicitors for the
Appellant

GRAHAM PAGE & CO.,
51, Victoria Street,
London,
S.W.1H OEU

Solicitors for the
Respondents

E X H I B I T SExhibitsP.12 - PERMIT TO PROSPECT, WITH PLANP.12

PERMIT TO PROSPECT STATE LAND UNDER
SECTION 58 OF THE MINING ENACTMENT (CAP. 147)

Permit to
Prospect,
with plan.

12th July 1951

Permit to Prospect No. 25/51

10 PERMISSION is hereby granted to PEGANG
PROSPECTING COMPANY LIMITED of IPOH to prospect
the land within the area marked RED on reverse/
attached plan for a period of six months from
date hereof.

2. This permission conveys no rights whatsoever
to select any area or to receive any title over
the land mentioned herein.

3. Prospecting is only permissible by means of
bores or pitting with the consent of the Senior
Inspector of Mines, and subject to a deposit
against filling up of pits.

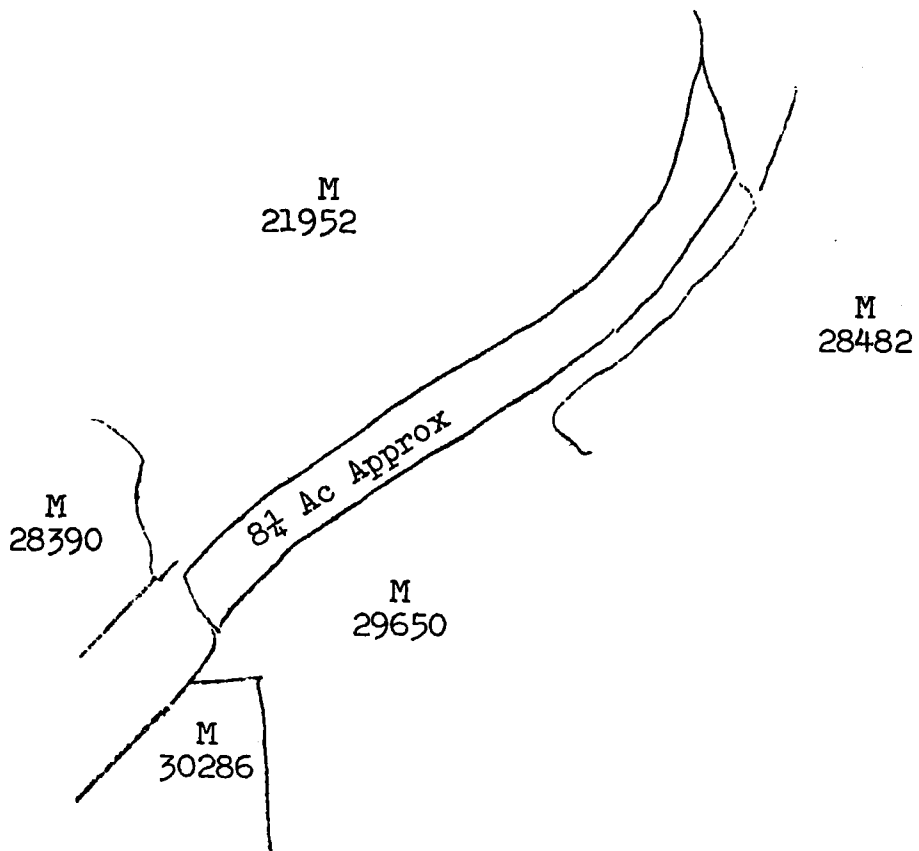
20 4. Within one month of the expiration of this
permit or of completion of prospecting work
whichever is the earlier, there shall be submitted
to the Senior Inspector of Mines, Perak, the
results of prospecting operations in the
following forms:-

30 A plan on a scale of 8 chains to an
inch showing the position number, depth,
and average value in terms of katties per
cubic yard of the bores, accompanied by a
detailed description of the bores, and a
sample of the bedrock or ground on which
the bores bottom.

5. Any transfer or attempted transfer of the rights
under this Permit will render this Permit
liable to immediate cancellation.

Dated at Batu Gajah this 12th day of July, 1951.

Sd:



P.14 - LETTER COLLECTOR OF LAND REVENUE
TO EXECUTORS OF HO KOK YEW

Exhibits

P.14

Kinta Land Office,
Batu Gajah.

7th August, 1954.

Letter
Collector of
Land Revenue
to Executors
of Ho Kok Yew,

7th August,
1954

No. (4) in KLO.142/47

To:

10 The Executors of the Estate of
Ho Kok Yew, deceased,
2, Lau Ek Ching Street,
Ipoh.

I have to refer to an application by the
late Mr. Ho Kok Yew, for a Mining Lease over
approximately 10 acres of state land in the
Mukim of Blanja, comprising a part of the former
Tronoh Branch of the F.M.S. Railways.

20 2. I am now to enquire whether you wish to
reassert the application which was then refused
and if so, please submit a formal application in
duplicate for consideration.

Sd:

COLLECTOR OF LAND REVENUE,
KINTA.

Exhibits

P.15 - LETTER TONG SWEE KING TO
COLLECTOR OF LAND REVENUE

P.15

Letter Tong
Swee King to
Collector of
Land Revenue
20th August,
1954

20th August, 1954.

The Collector of Land Revenue,
Kinta, Batu Gajah.

Sir,

Your KLO 142/47

I have to acknowledge receipt with thanks of
your letter of the 7th instant.

2. I have given your kind enquiry careful
consideration and have decided that before I
submit a formal application for the approximately
10 acres of land recently Railway Administration
Reserve, I should inform you that my future and,
to some extent, present, mining operations are
the subject of an appeal by Pegang Prospecting
Co. Ltd. to the Court of Appeal from a judgment
of Mr. Justice Thomson given in my favour, and
that they may be affected by that judgment.

10

3. I think therefore it would be inadvisable
and perhaps premature of me to re-assert the late
Mr. Ho Kok Yew's application now and would ask you
to allow this matter to stand over until after the
Court of Appeal (which is fixed to sit at the end
of this month) has given its judgment.

20

4. I am much obliged to you for the suggestion
in your letter and would be glad to hear from
you in reply to my para. 3 above.

Yours faithfully,

Sd: S.K. Tong.

30

Executrix, Est. of Ho Kok Yew decd.

P.20 - APPLICATION BY PEGANG FOR RENEWAL
OF MINING LEASES

Exhibits

P.20

No. (3) in Pk. Mines 310/49
RFS/KSN.

Application by
Pegang for
renewal of
Mining Leases,
14th October,
1949

APPLICATION BY PEGANG PROSPECTING COMPANY
LIMITED FOR RENEWAL OF MINING LEASES 8899,
9946, 11646, 11647, 12338, 11543, 10217 &
11544, MUKIM OF BLANJA.

10 All the leases except Mining Lease 10217 are
aggregated under section 20 (i) of the Mining
Enactment (Cap.147) in Aggregation Permit No.
2/49.

2. MINING LEASES 8899, 9946, 11646, 11647 &
12338. These leases are included in the scheme
of work for the Company's tributor's mine, the
Khong Heng Kongs, now operating on Mining Lease
8899.

20 3. MINING LEASE 11543. The Khong Heng Kongs
will work this lease in conjunction with the
adjoining Railway Reserve if and when alienation
is approved.

4. MINING LEASE 10217. This lease is being
worked by the Company's tributor by lampanning
and shafting.

5. MINING LEASE 11544. The Foong Seong Mines,
now working on adjoining Mining Lease 5975, are at
present negotiating for a sublease to work into
this lease.

30 6. I recommend renewal of all the leases for a
period to expire on 31.12.1965 as they fall within
the Holford Scheme Area.

7. The essential boundaries are shown in BLUE
on the attached tracing.

Sd:
Senior Inspector of Mines,
PERAK.

Mines Office, Perak,
IPOH: 14.10.49

Exhibits

D.23 - LETTER THOMAS & HORNIDGE TO SENIOR INSPECTOR OF MINES

D.23

Letter Thomas & Hornidge to Senior Inspector of Taxes
28th January 1949

THOMAS & HORNIDGE
Consulting Mining Engineers

P.O. Box 119,
No.1, Brewster Road,
Ipoh,
PERAK.

HFCG/CKL

28th January, 1949

10

Senior Inspector of Mines,
Perak,
Ipoh.

Sir,

Khong Heng Kongsi
Estate of Ho Kok Yew, decd.

With reference to acquisition of the abandoned Railway Reserve and more particularly the deviation of the water supply pipe line accommodated thereon, the Executive Engineer, Way & Works, has agreed to all details of the deviation and an agreement is to be drawn up. We are informed that for the purpose of the latter a Certificate to the effect that the mine has been granted a Rehabilitation Loan is required and the Executive Engineer suggested we should apply to you for such a document, presumably in the shape of a letter of confirmation.

20

We shall be greatly obliged if you will be good enough to let us have a letter to the above effect.

30

We have the honour to be,

Sir,

Your obedient servants,

Sd: Thomas & Hornidge
Consulting Mining Engineers.

D.24 - LETTER, SENIOR INSPECTOR OF MINES
TO EXECUTIVE ENGINEER, WORKS AND
BUILDINGS

Exhibits

D.24

No. (37) in Pk. Mines 371/46.
WLS/KSN.

Office of the Senior Inspector
of Mines, Perak.

IPOH: 9th February, 1949.

Letter, Senior
Inspector of
Mines to
Executive
Engineer, Works
and Buildings,

9th February
1949

To:

10

The Executive Engineer,
Works & Buildings,
I P O H.

KHONG HENG KONGSI: PROPOSED
DEVIATION OF PAPAN PIPE LINE

Reference your (16) in E.E.W. & B.(I)
132/47 Pt.I. of 5th inst. a loan of \$58,600/-
has been granted under the Chinese Tin Mines
(Loans Rehabilitation) Scheme to the above
Kongsi.

20

2. The loan was granted for the rehabilitation
of the mine and not, as far as I am aware, for
the deviation of the pipe line, although that
would make considerable more land available
for mining.

Sd:
f. Senior Inspector of
Mines Perak.

ExhibitsD.25 - REPORT ON APPLICATION (BY PEGANG)
FOR MINING LANDD.25

Report on
Application
(by Pegang)
for Mining
Land

21st November
1951

No:(48) in B.G. Mines 187/46. Pk. Mines
371/46:KLO.104/46

REPORT ON APPLICATION FOR MINING LAND

1. Applicant: : Pegang Prospecting Co.Ltd.
2. Census of applicant: Owns 218 acres of mining
land with 3152 lab:
force equivt: in Batu
Gajah District. 10
3. Status of applicant:
as a miner : Good.
4. His financial
position: : Sound
5. Proposed working
method : Gravel Pumping.
6. Nature of land : Flat.
7. Whether suitable to
be worked as a high
grade mine or on a
large scale by
dredging, by hydrau-
licing etc. : Suitable for gravel
pumping. 20
8. Is there water available:
 - (i) For hydraulicing - -
 - (ii) " gravel pump Yes.
 - (iii) " open cast -
9. Name of stream : Nil.
10. Is there a suitable
site for retaining
tailings? : Yes. 30
11. Could the land be
worked without pre-
judicing agricultural
interests? : Yes.
12. Is the land above the
250' contour? : No.
13. Limestone cliffs? : No.
14. Any right of way
across land: 40
 - (Hydraulic -
 - (Electric -
 - (Other Kinta Water Supply
Main Line.

- 15. Any squatters on land? : No.
- Any timber on land? : No.
- 16. Distance from road or railway : Adjoining the Pusing/
: Papan Road.
- 17. Any other remarks)
- 18. Recommendations) Please see below.
- 19. Term of Mining Lease)

Exhibits

D.25

Report on
Application
(by Pegang)
for Mining
Land,

21st November
1951

(continued)

10

This area was first applied for by the applicant in 1946 and was recommended vide (9) in Pk.Mines 371/46. The progress is vague from hereon but in 1949 the applicant was instructed to apply for a prospecting permit. This was issued, although the land had been bored by him in 1934 and it was not his intention to rebore.

20

2. It is with the resubmission of those results that this present selection and application is made. The main objection to the issue of this land under mining title is the presence of the Public Works Department Pipe Line in the reserve. Much discussion and reporting recommending etc. was done on this in 1948 and is terminated in my file by (30) in Pk. Mines 371/46, which informs the applicant to approach the P.W.D. A piecemeal deviation scheme was approved in February 1949 but never put into practice, if the miner had, the lease would have been issued.

30

3. Until a comprehensive overall policy is decided upon by all concerned regarding the pipe line, I can make no recommendations on the land.

4. Further applications by Papan Tin and others are also held up for the same reason.

Sd:

Inspector of Mines
Batu Gajah.

Mines Office, Batu Gajah
21st November 1951.

ExhibitsD.26

Memorandum of Mining/Prospecting Application over Section 'B' of the former Ipoh-Tronoh Railway Reserve

29th June 1957

D.26 - MEMORANDUM OF MINING/PROSPECTING APPLICATIONS OVER SECTION 'B' OF THE FORMER IPOH-TRONOH RAILWAY RESERVE AFFECTED BY THE P.W.D. WATER MAIN.

Mines Pk. 787/54/8.

Mines North No. 371/46/55.

Details of applications in respect of Section 'B' of the former Ipoh-Tronoh Railway Reserve and contiguous areas are as follows:-

Name of Applicant & Date of Application	References	Nature of Application	Details of area	Remarks
(a) Pegang Prospecting Company Limited 3.8.46	KLO. 104/46 Pk.M.371/46	Mining	34 acres Railway Reserve	P.P.25/51 issued over 8 1/2 acres of Rly.Reserve. Application for M.L.over the area prospected under P.P. 25/51 received on 17.9.51
(b) Ho Kok Yew (19.4.47) 12.12.56	KLO.142/47 Pk.M.475/47	Mining	10 acres Railway Reserve	Re-assertion of application dated 16.4.47 Conflicts with application (a).
(c) Papan Tin Limited 2.1.48	KLO. 386/47 " 387/47 Pk.M.933/47 " 928/47	Mining	22 acres Railway Reserve & adjoining State land	Selection of area prospected under P.P.13/51
(d) Pegang Prospecting Company Limited 13.9.51	KLO. 917/51 Pk.M.189/52	Prospecting	31 acres Railway Reserve & adjoining State land	Ex.Co.postponed consideration on 14.6.54 pending re-assertion of application by Ho Kok Yew (decd) - See (b) above. Railway Reserve prospected under P.P.25/51 by Pegang Prospecting Company, Limited

<u>Name of Applicant & Date of Application</u>	<u>References</u>	<u>Nature of Application</u>	<u>Details of area</u>	<u>Remarks</u>
(e) Merbau Limited 13.7.54	KLO. 853/54 Pk.M.787/54	Mining	12 acres Railway Reserve	Conflicts in part with application (c)
(f) Choong Sam 3.1.56	KLO. 9/56 Pk.M.83/56	Mining	3.5 acres State land.	
(g) Wong Kwai 12.1.56	KLO. 46/56 M.N.281/56	Mining	4½ acres State land.	Conflicts with application (f)
(h) Yap Kow 29.8.56	KLO.1531/56 M.N.845/56	Prospecting	40 acres State land	Conflicts in part with applications (c), (e) & (l)
(i) Estate of Yau Wah Fong (decd.) 5.9.56	KLO.1537/56 M.N.689/56	Mining	3 acres State land	Conflicts with applications (f) & (g)
(j) Hock Hin Leong Limited 21.11.56	KLO.2105/56 M.N.60/57	Prospecting	20 acres State land	
(k) Pegang Prospecting Company Limited 10.4.57	KLO.720/57 M.N.341/57	Mining	18 acres State land	
(l) Hock Hin Leong Ltd.	KLO. M.N.421/57	Mining	7 acres State Land & Railway Reserve	Conflicts in parts with applications (e) & (h).

ExhibitsD.26

Memorandum of Mining/Prospecting Application over Section 'B' of the former Ipoh-Tronoh Railway Reserve

29th June 1957

(continued)

ExhibitsD.26

Memorandum of
Mining/Pros-
pecting Appli-
cation over
Section 'B' of
the former
Ipoh-Tronoh
Railway
Reserve

29th June 1957

(continued)

2. The application listed above are shown on the plan at Appendix 'A' together with the adjoining mining interests of the Applicants. Under the existing policy only those who have an interest in mining land adjacent to the abandoned railway reserve may apply for mining rights over the relevant portion of the reserve.

3. Pegang Prospecting Co., Ltd. (a) are the Lessees of mining land (M.Ls.8899 and 11543) on both sides of the former Railway Reserve at the North end of Section 'B' of the former Railway Reserve. Their Tributors, the Estate of Ho Kok Yew (decd.) are operating the Khong Heng Mine on M.L.8899. 10

4. Applications by Pegang Prospecting Co., Ltd. (a) and Ho Kok Yew (b) over that portion of the former Railway Reserve lying between Lots 28358 and 28390 to the North West and Lot 30286 to the South West were refused on the grounds that the land could only be worked in conjunction with these Lots, at that time held under Mining Title by another Lessee; but this no longer applies as the titles have expired and been cancelled. It is in respect of this area that Executive Council on 14.6.54 decided that the Estate of Ho Kok Yew (decd.) should be asked to reassert the application and this has now been done (b). A further application by Pegang Prospecting Co., Ltd. (d) also includes this area (Pk.Sec.2240/53: KLO. 917/51; Pk.M.189/52). 20 30

5. Immediately to the South of the Papan road, Papan Tin Ltd's application (c) adjoins their existing lease (M.L.8928) and the area already prospected under P.P.13/51 can best be exploited by them. The subsequent application by Merbau Ltd. (e) conflicts in part (Northern portion) with Papan Tin Ltd's application (c) but the former Company has no interest in that area which is in conflict.

6. Merbau Ltd. (e) are the Lessees of mining land (M.L.12728, 12600 and 13388) to the West of the Southern portion of the former Railway Reserve for which they have applied but only M.L.12728 has a common boundary with the Railway Reserve over a short distance of 6 chains. Thus Merbau Ltd. cannot be considered eligible for participation 40

in the scheme.

Exhibits

D.26

Memorandum of
Mining/Pros-
pecting Appli-
cation over
Section 'B' of
the former
Ipoh-Tronoh
Railway
Reserve

29th June 1957

(continued)

7. Application by Choong Sam (f), Wong Kwai (g) and Estate of Yau Wah Fong (decd.) (i) in respect of Lot 28715 and adjoining State land conflict in whole or in part whilst (i) also conflicts with Papan Tin Ltd's prior application (c). Choong Sam (f) the prior Applicant is a senior partner of Hock Hin Leong Ltd., which operates a gravel pump mine on the adjoining M.C.2460. Lot 28715 can best be worked in conjunction with M.C.2460. Applicants (g) and (i) have no adjacent interests.
8. The Application by Yap Kow (h) over the Southern portion of Section 'B' of the Railway Reserve conflicts in part with the prior application by Merbau Limited (e) and subsequent application by Hock Hin Leong Ltd. (l). Yap Kow (h) has no adjoining interests. The balance of the area is available State land.
9. The application submitted by Hock Hin Leong Ltd. (j) is in respect of Lot 10697 formerly held by Merbau Limited under M.L.5911, which was forfeited for breach of the labour conditions. It has been extensively worked and dumped upon.
10. Application (k) - Pegang Prospecting Co.Ltd. - is in respect of Lot 30286 formerly held by Chan Phooi Hoong under M.L. 11447, which was cancelled due to failure to comply with the labour conditions. A portion of the land is in use as a tailings retention area for the Khong Heng Mine operating on the Company's M.L. 8899 (See para. 3 above).
11. Application (L) - Hock Hin Leong Ltd., conflicts in part with prior applications submitted by Merbau Ltd. (e) and Yap Kow (h). Messrs. Hock Hin Leong Ltd. are the Lessees of the adjoining M.C.2460 on which they are operating their No. 2 Mine and are in the best position to work this section of the former Railway Reserve.
12. Recommendations :
- (The areas recommended together with the adjoining mining interests are shown on the plan at Appendix 'B')
- (1) Pegang Prospecting Co., Ltd.

ExhibitsD.26

Memorandum of
Mining/Pros-
pecting Appli-
cation over
Section 'B' of
the former
Ipoh-Tronoh
Railway
Reserve

29th June 1957

(continued)

Approval of applications (a), (d) & (k) and the issue of Mining Leases, preceded by Mining Certificates for a period of ten (10) years and subject to

(i) the payment by the Applicant of the full cost of any necessary diversions of the P.W.D. Water Main.

and (ii) the payment of a contribution of \$5/= per picul on the estimated tin concentrate content of the area within the former railway Reserve, such content to be assessed by the State Financial Officer and the Senior Inspector of Mines and, if so required by the Applicant and at his expense, an independent Consulting Engineer mutually acceptable.

10

N.B. Application (d) (Prospecting) - The area comprises Lots 28358 and 28390 formerly held under M.Ls. 10526 and 10527, and a portion of the Railway Reserve which was prospected by the Applicants under P.P.25/51 with excellent results (Average value .87 k.p.c.y. Average depth 52 feet). For this reason the recommendation is for the issue of a Mining Lease over this portion of the Railway Reserve and adjoining State land. The Applicants have no objection to this action.

20

(2) Estate of Ho Kok Yew (decd.)

Refusal of application (b) on the grounds that the Applicants are not the prior Applicants and have no adjoining interest.

30

(3) Papan Tin Ltd.

Approval of application (c) and the issue of a Mining Lease, preceded by a Mining Certificate, for a period of ten (10) years and subject to special conditions as at 12 (1) (i) & (ii) above.

(4) Merbau Limited.

Refusal of application (e) on the grounds that Applicants adjoining interest are restricted to M.L.12728 and that in

40

consequence they cannot be considered eligible for participation in the scheme.

Exhibits

D.26

(5) Choong Sam

(i) Approval of application (f) in respect of Lot 28715 and the issue of a Mining Lease, preceded by a Mining Certificate (land urgently required in order to allow the expansion of operations by Hock Hin Leong Ltd. on M.C.2460) for a period of five (5) years. No special conditions necessary as the former Railway Reserve is not affected.

Memorandum of Mining/Prospecting Application over Section 'B' of the former Ipoh-Tronoh Railway Reserve

(ii) Approval of application (L) in respect of the Railway Reserve only and the issue of a Mining Lease, preceded by a Mining Certificate, for a period of ten (10) years subject to special conditions as at 12 (1), (i) & (ii) above.

29th June 1957

(continued)

(6) Wong Kwai, Yap Kow, Estate of Yau Wah Fong (decd.) & Hock Hin Leong Ltd.

Refusal of applications (g), (h), (i) and (j) on the grounds that the area have been recommended to prior Applicants and that it is desirable to restrict to a minimum the number of parties operating in this locality.

Sd: A.W. Burne

Ag. SENIOR INSPECTOR OF MINES,

PERAK.

(A.W.Burne)

30 Mines Department, Perak.

IPOH: 29th June, 1957.

Exhibits

D.27

Memorandum on Mining/
Prospecting Applications over Section 'B' of the former Ipoh-Tronoh Railway Reserve

18th September 1958

D.27 - MEMORANDUM ON MINING PROSPECTING APPLICATIONS OVER SECTION 'B' OF THE FORMER IPOH-TRONOH RAILWAY RESERVE AFFECTED BY THE P.W.D. WATER MAIN.

Pk. Mines 787/54/10.
JEVC/KSN.

Mines North No. 371/46/56

Details of applications in respect of Section 'B' of the former Ipoh-Tronoh Railway Reserve and contiguous areas are as follows:-

<u>Name of Applicant & Date of Application</u>	<u>References</u>	<u>Nature of Application</u>	<u>Details of Area</u>	<u>Remarks</u>
(a) Pegang Prospecting Company, Limited. 3.8.46	KLO.104/46 Pk.M.371/46	Mining	34 acres Railway Reserve	P.P. 25/51 issued over 84 acres of Rly Reserve. Application for M.L. over the area prospected under P.P.25/51 received on 17.9.51
(b) Ho Kok Yew (19.4.47) 12.12.56	KLO.142/47 Pk.M.475/47	Mining	10 acres Railway Reserve	Re-assertion of application dated 16.4.47 conflicts with application (a)
(c) Papan Tin Limited 2.1.48	KLO. 386/47 " 387/47 Pk.M.933/47 " 928/47	Mining	22 acres Railway Reserve & adjoining State land.	Selection of area prospected under P.P.13/51.

<u>Name of Applicant & Date of Application</u>	<u>References</u>	<u>Nature of Application</u>	<u>Details of Area</u>	<u>Remarks</u>
(d) Pegang Prospecting Company, Limited 13.9.51	KLO. 917/51 Pk.M.189/52	Prospecting	31 acres Railway Reserve & adjoining State land.	Ex. Co. postponed consideration on 14.6.54 pending re-assertion of application by Ho Kok Yew (dec'd.) - See (b) above. Railway Reserve prospected under P.P. 25/51 by Pegang Prospecting Company Limited.
(e) Merbau Limited 13.7.54	KLO. 953/54 Pk.M.787/54	Mining	12 acres Railway Reserve	Conflicts in part with Application (c)
(f) Choong Sam 15.9.54	KLO. 1091/54 M.N. 271/56	Mining	10½ acres	Conflicts with application (c)
(g) Choong Sam 3.1.56	KLO. 9/56 Pk.M.83/56	Mining	3.5 acres State land.	
(h) Wong Kwai 12.1.56	KLO. 46/56 M.N.281/56	Mining	4½ acres State land	Conflicts with application (g)
(i) Yap Kow 29.8.56	KLO.1531/56 M.N. 845/56	Prospecting	40 acres State land	Conflicts in part with applications (c), (e), (m) & (n)
(j) Estate of Yau Wah Fong (dec'd.) 5.9.56	KLO.1537/56 M.N. 689/56	Mining	3 acres State land	Conflicts with applications (g) & (h)

ExhibitsD.27

Memorandum on Mining Prospecting Applications over Section 'B' of the former Ipoh-Flonoh Railway Reserve

18th September 1958

(continued)

ExhibitsD.27

Memorandum on
Mining
Prospecting
Applications
over Section
'B' of the
former Opoh-
Tronoh Railway
Reserve

18th September
1958

(continued)

	<u>Name of Applicant & Date of Application</u>	<u>References</u>	<u>Nature of Application</u>	<u>Details of Area</u>	<u>Remarks</u>
(k)	Hock Hin Leong Ltd. 21.11.56	KLO.2105/56 M.N. 60/57	Prospecting	20 acres State land	
(l)	Pegang Prospect- ing Company, Limited 10.4.57	KLO. 720/57 M.N. 341/57	Mining	18 acres State land	
(m)	Hock Hin Leong Ltd. 11.3.57	KLO.555/57 M.N.481/58	Mining	81 acres State land & Railway Reserve	Conflicts with applications (a), (b) (c), (d) (e) & (i)
(n)	Hock Hin Leong 24.6.57	KLO.944/57 M.N.421/57	Mining	7 acres State land & Railway Reserve	Conflicts with applications (e), (i) & (m)

2. The applications listed above are shown on the plan at Appendix 'A' together with the adjoining mining interests of the Applicants. Under the existing policy only those who have an interest in mining land adjacent to the abandoned railway reserve may apply for mining rights over the relevant portion of the reserve.

ExhibitsD.27

Memorandum on
Mining
Prospecting
Applications
over Section
'B' of the
former Ipoh-
Tronoh Railway
Reserve

18th September
1958

(continued)

3. (i) Pegang Prospecting Co., Ltd. -
Applications (a) & (d)

10 The Company are the Lessees of the adjoining M.Ls. 11646, 9946, 8899 & 11543. M.L.8899 is being mined under registered sub-lease by Khong Heng Kongsi, operated by the Estate of Ho Kok Yew (decd.) [Applicant (b)]. A decision on application (d) was postponed by Executive Council to enable the Estate of Ho Kok Yew to re-assert their application. The Railway Reserve was prospected by the Applicant Company under P.P.25/51.

20 (ii) Estate of Ho Kok Yew (decd) -
Application (b)

The application covers that portion of the Rly. Reserve, lying between Lots 28358 & 28390, and Lot 30286, and conflicts with applications (a) & (d). The Estate have no adjoining interests, but are the registered sub-Lessees of the adjacent M.L.8899, which they are mining under the style of Khong Heng Kongsi. The Estate cannot be considered eligible for participation in the scheme.

30

(iii) Papan Tin Ltd. - Application (c)

The application covers a portion of the Rly. Reserve to the South of the Papan road and adjoining State land, all of which was prospected under P.P.13/51. The Company are the Lessees of the adjoining M.L.8928. The area under application can be best exploited by the Company.

(iv) Merbau Ltd. - Application (e).

40 The application covers the Rly. Reserve to the South of Papan road, and conflicts with application (c). The Company are the Lessees of the adjacent M.Ls.13388, 12600 & 12728 of which

ExhibitsD.27

Memorandum on
Mining
Prospecting
Applications
over Section
'B' of the
former Ipoh-
Tronoh Railway
Reserve

18th September
1958

(continued)

the latter title has a common boundary with the Rly. Reserve over a short distance of 6 chains. Merbau Ltd. cannot be considered eligible for participation in the scheme.

(v) Choong Sam - Application (f)

The application covers State land lots 21800 & 12269 adjoining the Rly. Reserve. The Applicant has no adjoining interests except that Hock Hin Leong Ltd., of which Company he is the Managing Director, has registered interests over the adjacent M.C.2460. The application conflicts with application (c).

10

(vi) Choong Sam - Application (g)

The application covered State land Lot 28715, which was previously held under mining title. The Applicant is the Managing Director of Hock Hin Leong Ltd., which Company holds registered interests over the adjoining M.C.2460. Lot 28715 can best be worked in conjunction with M.C.2460.

(vii) Wong Kwai - Application (h).

20

The application covers Lot 28715 and State land adjoining the Rly Reserve. The Applicant has no adjoining interests and the application conflicts with prior applications (c), (f) & (g). The Applicant cannot be considered eligible.

(viii) Yap Kow - Application (i)

The application covers the Southern portion of the Rly. Reserve, the adjoining State land Lot 34951 and adjoining State land. The Applicant has no adjoining interests and the application conflicts with applications (c) & (e). The Applicant cannot be considered eligible for participation in the scheme.

30

(ix) Estate of Yau Wah Fong (decd.) - Application (j)

The application covers Lot 28715, which the Estate previously held under M.L.10855, which expired on 31.12.55 and was cancelled on 16.2.56. The Applicants have no adjoining interests, and the application conflicts with applications (g) & (h). The Applicant cannot be considered eligible.

40

(x) Hock Hin Leong Ltd. - Application (k)Exhibits

The application covers Lot 10697, previously held under M.L.5911, which was forfeited on 11.10.56. The land has been extensively mined and dumped upon, and prospecting is considered necessary.

D.27

Memorandum of Mining Prospecting Applications over Section 'B' of the former Ipoh-Tronoh Railway Reserve

(xi) Pegang Prospecting Ltd. - Application (l)

10 The application covers State land Lot 30286, previously held under M.L.11447, which was cancelled on expiry. The land has been mined in the past, and a portion is now being used for dumping purposes by the Applicant Company's sub-Lessees. The Company are the Lessees of the adjoining M.L.11543.

18th September 1958

(xii) Hock Hin Leong Ltd. - Applications (m)

(continued)

20 The application covers the whole of the Rly. Reserve and the adjoining State land Lots 28482, 29652, 29657, 28390, 28358, 30286, & 10698. The Company have registered interest only in M.C.2460, which adjoins the Southern portion of the Rly. Reserve. The application conflicts with all prior applications except for applications (f), (g), (h) & (j). The Southern portion of the Rly. Reserve can best be mined in conjunction with M.C.2460.

(xiii) Hock Hin Leong Ltd. - Application (n)

30 The application covers the Southern portion of the Rly. Reserve and State land Lot 34149. The Company have registered interests only in M.C. 2460, which adjoins the Rly. Reserve. The application conflicts with applications (e), (i) & (m).

4. Recommendations.

(The areas recommended together with adjoining mining interests are shown on the plan at Appendix 'B').

(i) Pegang Prospecting Co., Ltd. - Applications (a), (d) & (l).

Approval of the application as follows:-

- a) Issue of a Mining Lease, preceded by

ExhibitsD.27

Memorandum of
Mining
Prospecting
Applications
over Section
'B' of the
former Ipoh-
Tronoh Railway
Reserve

18th September
1958

(continued)

- a Mining Certificate for a period of Ten (10) years, covering Lots 28358 & 28390, subject to an Agreement for filling and levelling the area mined within three (3) chains of the Papan road.
- b). Issue of a Mining Lease, preceded by a Mining Certificate, for a period of Ten (10) years over the Rly. Reserve North of the Papan road, subject to:- 10
- i) Payment by the Applicant Company of the full cost of any necessary diversion of the P.W.D. Water Main.
 - ii) Payment of a contribution of \$5/= per pikul on the estimated tin concentrate content of the area within the former Rly. Reserve, such content to be assessed by the State Financial Officer, the senior Inspector of Mines, and, if so required by the Applicant Company and at his own expense, an independent Consulting Engineer mutually acceptable. 20
 - iii) Agreement for filling and levelling the area mined within three (3) chains of the Papan road. 30
- c) Issue of a Mining Lease, preceded by a Mining Certificate, for a period of TEN (10) years over Lot 30286, subject to an Agreement for filling and levelling the area mined within:-
- i) Three (3) chains of the Papan road.
 - ii) five (5) chains of the Ipoh-Pusing road. 40

Note. Application (d) (Prospecting) includes Lots 28358 & 28390 which were formerly held under

M.L.10526 and M.L.10527, and a portion of the Rly. Reserve, which was formerly prospected by the Applicants under P.P.25/51. Further prospecting is considered unnecessary and the issue of a Mining Title has been recommended. The Applicant Company have been consulted and have no objection.

Exhibits

D.27

Memorandum of Mining Prospecting Applications over Section 'B' of the former Ipoh-Tronoh Railway Reserve

18th September 1958

(continued)

ii) Estate of Ho Kok Yew (decd.) - Application (b)

10 Refusal of the application on the grounds that the Estate are not prior Applicants and have no adjoining interests.

iii) Papan Tin Ltd. - Application (c)

Approval of the application as follows:-

a) Issue of a Mining Lease, preceded by a Mining Certificate, for a period of TEN (10) years, over that portion of Lot 21800 as indicated on the Plan, subject to an Agreement for filling and levelling the area mined within:-

- 20 i) three (3) chains of the Papan road
ii) five (5) chains of the Ipoh-Pusing road.

b) Issue of a Mining Lease, preceded by a Mining Certificate, over the Rly. Reserve and Lot 10698, subject to the Special Conditions as at 4 (i) (b) (i), (ii) & (iii).

iv) Merbau Ltd. - Application (e).

30 Refusal of the application on the grounds that the Company's adjoining interests are restricted to M.L.12728, in consequence of which they cannot be considered eligible for participation in the Scheme.

v) Choong Sam - Application (f) & (g)

Approval of the application and the issue of a Mining Lease, preceded by a Mining Certificate, for a period to expire co-terminously with the adjoining M.C.2460 on 6.12.66, over Lots 12269, 28715 and a portion of Lot 21800, subject to an Agreement for filling and levelling the area mined

Exhibits

within five (5) chains of the Ipoh-Pusing road.

D.27

Memorandum of
Mining
Prospecting
Applications
over Section
'B' of the
former Ipoh-
Tronoh Railway
Reserve

18th September
1958

(continued)

vi) Wong Kwai - Application (h)

Yap Kow - Application (i)

Estate of Yau Wah Fong (decd.) - Application (j)

Refusal of the applications on the grounds that the Applicants have no adjoining interests; that the area have been recommended to prior Applicants; and that it is desirable to restrict to a minimum the number of mines operating in this locality.

10

vii) Hock Hin Leong Ltd. - Application (k)

Approval of the application and the issue of a Permit to Prospect for a permit of SIX (6) months over Lot 10697.

viii) Hock Hin Leong Ltd. - Application (m)

i) Approval of the application in respect of the Southern portion of the Rly. Reserve adjoining M.C.2460, and the issue of a Mining Lease, preceded by a Mining Certificate, for a period to expire co-terminously with MC.2460 on 6.12.66, subject to the Special Conditions appertaining to the Rly. Reserve as in 4 (i) (b) (i) & (ii). An Agreement for filling and levelling is not necessary in this case.

20

ii) Refusal in respect of the balance of the area covered by the application.

ix) Hock Hin Leong Ltd. - Application (n)

Refusal of the application on the grounds that a portion of the area has been recommended to prior Applicant (m), and that the balance is too small for an independent mining scheme.

30

Sd: J.K.V.Collins
Ag. SENIOR INSPECTOR OF MINES,
PERAK.
(J.K.V.Collins)

MINES DEPARTMENT, PERAK.
IPOH: 18th September, 1958.

c.c. to Pk.M.371/46.

P.30 - LETTER TO TONG SWEE KING FROM MERINYU
GALIANExhibitsP.30

Galian B.G. 23/60 Bil(33)

Pejabat Galian,
Batu Gajah.

13th March, 1963.

Letter to Tong
Swee King from
Merinyu Galian
15th March
1963Madam Tong Swee King (f),
2, Lau Ek Ching Street,
IPOH.

10 Madam,

Khong Heng Kongsi - Papan.

I have the honour to refer to your letter dated 20th January, 1963 informing me of the stoppage of your mine on 15th January, 1963. You are hereby requested to:-

- (a) Submit an up-to-date surveyed plan, in duplicate, showing the area worked, existing water holes, and areas filled with tailings;
- 20 (b) Drain and make self-draining the dumps on Lot (s) 21952, 21951, 24921, 11191, 16426 and 23945.

2. Please have the above works carried out as soon as possible and inform me by letter when they have been completed.

I have the honour to be,

Madam,

Your obedient servant,

Sd:

30

(Fong Ah Siang)
Meringu Galian,
Batu Gajah.

ExhibitsP.32 - LETTER, HANNAY & STEEDMAN TO
EVATT & CO.P.32

Letter, Hannay
& Steedman to
Evatt & Co.

6th January
1966

HANNAY & STEEDMAN,
Mining Engineers

Mercantile Bank Buildings,
P.O. Box 41, IPOH,
Perak, Malaya.

6th January, 1966.

Messrs. Evatt & Co.,
Secretaries,
Pegang Mining Co.Ltd.,
Chartered Bank Chambers,
IPOH.

10

Dear Sirs,

Sublease No. 89/56 of Sublease No.78/56
over M.L.8899 & 11543 Lots 21952 and
29650 Mukim of Blanja.

We act for Madam Tong Swee King, Executrix of the Estate of Ho Kok Yew deceased, who is the subsublessee from the late Chan Phooi Hoong in respect of the above lands.

Mining operations which have been carried on the said lands by Khong Heng Kongsi have had to cease on 30th December 1965 due to the subsublease expiring on 30th December, 1965.

We understand that you have on behalf of M/s Pegang Mining Co.Ltd. applied for renewal of M.L. 8899 and 11543 for Lots 21952 and 29650 respectively Mukim of Blanja.

We shall be glad if you could kindly let our client have an assurance that on the renewal of the aforesaid leases you will cause to be given to her a subsublease on the same terms as the subsublease which has just expired.

30

In the meantime will you kindly as an interim measure issue to our client a temporary permit to mine so as to enable her to continue operations.

An immediate reply will be much appreciated as it is desirable to have an early resumption of mining operations.

Yours faithfully,

Sd: Hannay & Steedman
Consulting Engineers.

40

c.c. Lee Chim Yee and Chan Hon Peng, Executors of the Estate of, Chan Phooi Hoong deceased, Chop Chan Thye Lee, No.164 High Street, Kuala Lumpur.

D.36 - NOTES WRITTEN BY MR. C.E.CUMMINGExhibitsD.36Notes re. Mining Lease 10217

Notes written
by Mr. C. E.
Cumming,
10th August,
1950

- a. The Sub-lessees held the area for umpteen years while doing nothing with it at all.
- b. All parties were doubtful as to renewal of the Lease.
- c. Ho Kok Yew gave the apthong to Lee Fook and joined with the Company in the appointment of Foo Kim Swee to look after the work and production.
- 10 d. The Land and Mines Offices queried Ho Kok Yew's right to give permission for working the area so the Company had to carry on with Lee Fook as figure head until Thong Yee Kooi took over.
- e. We cannot doubt that the fact of the land being worked counted when Government decided to renew the Lease.

Notes re. Mr. Wagner's Latest.

20 The four concluding paragraphs are the limited "standing clear" when the S/Lessee and the S/S/Lessee each made contraventional application for the Railway Reserve in opposition to the Company "cannot be expected to" "pay the cost of prospecting land" etc. when the objective is a Sub-lease at 7% to his clients; respectable and solvent pukka tin-miners would jump at the opportunity to ascertain for themselves the value and depth of their ground.

30 Anyhow I think it likely that Government will accept the prospecting already carried out by the Company as being sufficient in the absence of any more by the Sub-lessees; if necessary we can submit clean copies of the plan and estimates of contents which are in my office; the records submitted to Government are likely to be piecemeal and not collated.

Sd: C.E. Cumming
10/8/50

ExhibitsD.37 - LETTER, EVATT & CO. TO PEGANG
PROSPECTING CO. LTD.D.37

Letter, Evatt
& Co. to Pegang
Prospecting
Co. Ltd.

14th June 1950

PEGANG PROSPECTING COMPANY, LIMITED
Incorporated in the Federation of Malaya
Secretaries P.O. Box No.136
EVATT & CO. CHARTERED BANK CHAMBERS,
Chartered Accountants IPOH, PERAK.
Federation of Malaya

Telegrams
"EVATTANDCO"
PPCL/V

14th June, 1950.

10

The Directors,
Pegang Prospecting Co.Ltd.

Dear Sirs,

We attach a letter from Messrs. Das & Co. dated 12th instant with copy of the letter from Mr. Wagner referred to therein and his letter of 15th May. We had not replied to the letter as it crossed our letter of 16th May to Madam Tong Swee King on this subject.

20

All our Blanja Leases except M.L. 12338 are covered by the Agreement of 22nd October 1931 as to the renewal clause while M.L. 12338 is covered for renewal by the Sublease 23/36.

On the advice of Messrs. Das & Co. we have maintained that M.L. 10217 was not covered as to renewal, and the Company has given to Thong Yee Kooi a huptong over the Menelai area, which huptong expires on 1st November 1950.

The only point on which we do not agree is regarding M.L. 10217 Menelai area and here we agree as to rates of tribute to be paid to Madam Tong Swee King and Mr. Chan Phooi Hoong. Mr. Wagner suggests the Company grants the sublease over the whole of this area direct to his client as opposed to our intention that the Kacha area should be subleased to Mr. Chan Phooi Hoong at 7% and he grant a Sub-sublease at 10% to Madam Tong Swee King.

30

Are we to hold out to deal independently over

40

the Menelai area or are we to agree that after the expiry of the huptong on 1st November 1950 we will give Madam Tong Swee King a sublease for the period of the Lease and renewals over the whole area - Kacha and Menelai - she to pay the Company 7% and Mr. Chan Phooi Hoong 3% over the Kacha area, but in respect of the Menelai area the Company selects the miner and fixes the rate of tribute and 2% thereof goes to Madam Tong Swee King, 2% to Mr. Chan Phooi Hoong and the balance to the Company.

10

Yours faithfully,

(Sgd.) EVATT & CO.

C.E. Cumming Esq.

Secretaries.

I must apologize for keeping you waiting, I regret to say that I wasted a lot of time and trouble before I realized the significance of the Secretaries lines (which I have now underlined in blue) according to which Mr. Das made a mistake so, my notes & comments go to the W.P.B.

20

I waited some time for the arrival here of Mr. Thong Yee Kooi the Hupthong holder who left for Ipoh yesterday; he I may say "Agrees to give up the Hapthong on its expiry so as to avoid trouble with Khong Heng and the Company provided that a yearly Hapthong is granted to him on the same terms & conditions"

30

There may be nothing doing in the Menelai area by November first, the date of expiry, so that it may not become renewable; news from Menelai is not too good and owing to circumstances as to water & dump the working scheme did not come off.

Should renewal of the S/L of M.L. 10217 be due by virtue of Agreement of 22nd of October, 1931 it would be in favour of Mr. Chan so before sub-letting direct to Madam Tong as Trustee we should need permission from Mr. Chan to so do otherwise we may become liable.

40

I am wondering how the Company stand in regard to 6/13ths of the collected Menelai tribute, shall we have to disgorge while retaining 7% only;

Exhibits

D.37

Letter, Evatt & Co. to Pegang Prospecting Co. Ltd.

14th June 1950

(continued)

ExhibitsD.37

Letter, Evatt
& Co. to Pegang
Prospecting
Co. Ltd.

14th June 1950

(continued)

perhaps we might retain that odd 2% in condonation of the other parties serious breaches of the 1931 Agreement as to each applying direct for the Railsay Reserve, the penalty for which was to be cancellation of the Sub-leases.

I think that we might give the S/L with apology, of the whole area to Madam Tong as Trustee provided that Mr. Chan agrees and provided that Madam Tong give the promised Hapthong to Mr. Hoong and subject to Mr. Thong's Hapthong and the terms thereof which seem to be agreed at a Meeting held in August of 1948 and were to be the subject of a short agreement or an exchange of letters: should Mr. Thong Yee Hooi's Hapthong expire finally I do not see that under the proposed arrangement we shall need or desire to appoint any more working miners as was done in order to safeguard the title: we should then be entitled to 7% tribute.

10

I think that a copy of the Menelai area "coloured red" is to be found in my office and Mr. Thong should know about it.

20

(Sgd.) C. E. CUMMING

Tanjong Bunga: 24/6/50

H.F.C.Greenwood Esq.

Wagner knows one side of the question only and correspondence with him is repugnant.

If we follow his suggestions we are back where we started. The agreement of 22.10.31 provides for renewal of the Sublease for M.L. 10217 "so far as such subleases shall be required for the proper carrying out of the said Mining Scheme". The Menelai area sublet to Thong Yee Kooi is not in the "Mining Scheme" and therefore we are not committed to sublease it unless by law the whole lease is indivisible.

30

Having freed this area from the toils of Kong Heng Kongsi I feel we should stick to it. Its loss does not affect the Kongsi in anyway. With this exception there appears nothing in Wagner's letter to which we have not always agreed, which confirms our contention that a new comprehensive

40

agreement as demanded by Madam Tong was never necessary.

Exhibits

D.37

Were the whole area sublet Wagner proposes them to split the area in exactly the same way as is in force now, except that Chan Pooi Hoong will be cut out of the Kacha area. Surely this is contrary to the much followed agreement and would not be acceptable to Chan. If Chan accepts I would agree to the proposal regarding the Kacha area.

Letter, Evatt & Co. to Pegang Prospecting Co. Ltd.

14th June 1950

10

(continued)

The remarks of Mr. Cumming on 6/13ths tribute are not understood.

Madam Foong to Pegang, except 2% to Chan and sublet M. L. 11544 to to

Regarding Wagner's letter of 15.5.50 he might be told that we have neither the time or inclination to answer his queries as the information can be obtained from his own clients.

20

(Sgd.)

28.6.50

G.G. Duddell Esq.

Adhere to our contention that M.L.10217 was reverted to the , we give Madame Tong a SL over the Kacha area.

- see his letter 1.7.50 to Mr.Das

(Sgd.)

DUDELL

1.7.50



Exhibits

P.38 - LETTER, HO KOK YEW TO INSPECTOR OF MINES

P.38

Letter, Ho Kok Yew to Inspector of Mines

"Kacha & Menelai Mining Scheme"

From Ho Kok Yew: No.2, Lau Ek Ching Street, Ipoh.

28th June 1946

June the 28th, 1946.

Application for permission to slope From Mining Lease No.8899, M.21952, Into Abandoned Railway Reserve.

Sir,

10

Referring to my letter of even date re "Loan" I respectfully submit attached plan of Khong Heng Mine No.5 and the abandoned railway reserve which, I understand, is now state Land.

Stage No.1 of the mining scheme as submitted calls for a 1 - 1 slope to the south as shown on the plan leaving particularly solid ground for the K.W.S. main.

Application is about to be submitted to the commissioner of lands for the abandon reserve, necessary only for stage 2 and 3 of the mining scheme and subject to removal and re-laying of the watermain; this will take a long time; thus, I trust that your Department will be able to meet the needs of the preliminary operations.

20

I have the honour to be,

Sir,

Your obedient servant,

Signed Ho Kok Yew.

Enclosures: 1 Blue print.

30

Inspector of Mines,
Batu Gajah.

P.39 - COMPLAINT IN ENCLOSURE (1) OF HIGH
COURT IPOH CS417/64

Exhibits

P.39

Mines Department, Perak
Senior Inspector of Mines'
Court at Ipoh

Complaint in
Enclosure (1)
of High Court
Ipoh
CS417/64

Complaint

15th May 1964

No. 4 of 1964.

10 The Complaint of Pegang Mining Co. Ltd.
(formerly known as Pegang Prospecting Co.Ltd.)
having its registered office at Chartered Bank
Chambers, Ipoh, in the State of Perak, taken at
Ipoh before me the
Senior Inspector of Mines, Perak, this 15th day of
May, 1964.

20 We depose that we are the registered lessees
of mining lands described in Mining Leases Nos.
8899 and 11543 for Lots Nos. 21952 (hereinafter
referred to as "area A") and 29650 (hereinafter
referred to as "area B") Mukim of Blanja
respectively.

On 12th October 1956 we subleased area A
and area B to Chan Phooi Hoong, 146 High Street,
Kuala Lumpur, vide Sublease No. 78/56, registered
in the office of the Collector of Land Revenue,
Kinta (Vol.170, Folio 93). A copy of the said
Sub-lease in annexed hereto and marked Appendix 1.

30 The said Chan Phooi Hoong is now deceased
and his executors Lee Chim Yee and Chan Hon Peng
(f) are now vested with the rights and obligations
under Sublease No. 78/56.

A copy of a plan (marked Appendix 11) is
annexed hereto from which it will be seen that
area A and area B are not contiguous.

The two areas were covered by Aggregation
Permit No. 12/58 which expired on 18th May 1963
and which has not been renewed. A copy of
Aggregation Permit No. 12/58 (marked Appendix
111) is annexed hereto.

During the past sixteen months area A has

ExhibitsP.39

Complaint in
Enclosure (1)
of High Court
Ipoh
CS417/64

15th May 1964

(continued)

been worked intermittently. Mining operations were suspended on 15th January 1963 and not resumed until 26th June 1963. Mining Operations were again suspended on 12th September 1963 and not resumed until 5th March 1964. It will be observed that during the first six months of the year 1963 area A was worked for only twenty days and that during the six months period 13th September 1963 to 12th March 1964 area A was worked for only eight days.

10

Area B has not at any time been worked since the issue of sublease No. 78/56.

Area B has not, therefore, been either worked or covered by an effective aggregation permit at any time during the period 16th January 1963 to date and the Sublessee has by his default rendered the land liable to forfeiture under the "Mining Enactment 1928".

We pray that the said Sublease No. 78/56 be cancelled on the following ground:-

20

(i) The Sublessee has by his default rendered Mining Lease No. 11543 for Lot No. 29650 Mukim of Blanja liable to forfeiture under the Mining Enactment 1928 and the Sublessee has thereby rendered Sublease No. 78/56 liable to cancellation under the provisions of clause 8 (ii) of the said Sublease.

(ii) The Sublessee has not during the period of six months from 1st January 1963 to 30th June 1963 employed at least seventy-nine (79) labourers or labour-saving apparatus equivalent thereto as prescribed in Section 16 (iii) (b) of the Mining Enactment 1928 for not less than one month in mining the land and the Sublessee has thereby rendered Sublease No. 78/56 liable to cancellation under the provisions of clause 8 (iii) of the said Sublease.

30

and (iii) The Sublessee has not during the period of six months from 13th September 1963 to 12th March 1964 employed at least seventy-nine (79) labourers or

40

labour-saving apparatus equivalent thereto as prescribed in Section 16 (iii) (b) of the Mining Enactment 1928 for not less than one month in mining the land and the Sublessee has thereby rendered Sub-lease No.78/56 liable to cancellation under the provisions of clause 8 (iii) of the said Sublease.

Exhibits

P.39

Complaint in Enclosure (1) of High Court Ipoh CS417/64

10 The Common Seal of Pegang Mining Co.Ltd. (formerly known as Pegang Prospecting Co.Ltd.) was duly affixed in my presence in accordance with the regulations of the Company.

} Seal of the Pegang Mining Company Limited.

15th May 1964 (xontinued)

Pegang Mining Co.Ltd. Sd: Lee Wan Seng

Sd: Evatt & Co. Secretaries. Director

Sd: F.N.Mugliston.

20 Director

Taken before me the day and year and the place first above written.

SIGNATURE.

Senior Inspector of Mines, Perak.

Exhibits

C O P Y

Stamp 50c
Stamp Office
Ipoh

P.39

Complaint in
Enclosure (1)
of High Court
Ipoh
CS417/64

VOLUME 170 FOLIO 93
FEDERATION OF MALAYA
PRESENTATION No. 4539 at 10 am this 15.10.56

MEMORANDUM OF SUBLEASE

15th May 1964

Schedule X
(Section 36)

Appendix 1

10

(continued)

DISTRICT OF MUKIM Blanja, Kinta

Sublease No. 78/56

We Pegang Prospecting Company Limited, a company incorporated in the Federation of Malaya hereinafter called the Sublessors being the registered lessee of two pieces of mining land at Kacha described in Mining Leases Nos. 8899 and 11543 Lots Nos. 21952 & 29650 Mukim of Blanja of date 27.6.17 & 20.12.1929 and subject to such encumbrances, liens and interests as are endorsed thereon:

20

In consideration of the sum of dollars One (\$1/-) only paid to us by Chan Phooi Hoong of 146, High Street, Kuala Lumpur hereinafter called the Sublessee the receipt of which we hereby acknowledge and of the payment of tribute as hereunder set forth:

DO HEREBY SUBLEASE to the said Chan Phooi Hoong of 146, High Street, Kuala Lumpur hereinafter called the sub-lessee the said two pieces of mining land estimated to contain (78) acres (2) roods and 25 poles, more or less, for the period of the said leases subject to the provisions of the Mining Enactment 1928 and to the following conditions, restrictions and exceptions:-

30

1. That the Sublessee shall pay to the Sublessors or to their duly appointed agent, tribute upon all ore removed from the said land at the rate of seven (7%) per cent.

40

2. That the said tribute shall be paid immediately after each sale of ore, of which sales

the Sublessors shall have two (2) clear days' notice and the right to be present at such sale.

3. That the Sublessee shall be liable upon suit before the Warden or any Court to pay to the Sublessors the sum of \$250-00 as a penalty for each and every breach of the conditions above set out which he may commit.

10 4. That the Sublessee shall work the said land in an orderly skilful and workmanlike manner and subject to the provisions of the Mining Enactment 1928 and shall be liable to indemnify the Sublessor for any expenses which he may incur, whether as fine inflicted on him or otherwise, on account of any breach of this condition by the Sublessee.

5. That the Sublessors or their duly appointed agent may at all reasonable times enter upon and view the land, and may inspect any books of account of ore produced from the land.

20 6. That the Sublessors shall be liable to pay to the State the annual rent due upon the land.

7. That the Sublessee shall not be entitled to transfer or assign this Sublease without the written authority of the Sublessors.

8. That this Sublease shall be liable to cancellation at any time at the discretion of the Warden the Court upon proof:

30 (i) That the Sublessee has failed to pay to the Sublessors the amount of any moneys which he is by the terms of this Sublease bound to pay for a period of six months from the date at which such payment became due.

(ii) That the Sublessee has not worked the land in accordance with Clause 4 of this Sublease or has by his default rendered the land liable to forfeiture under the Mining Enactment 1928.

40 (iii) That the Sublessee has not during a period of six months employed at least seventy-nine (79) labourers or labour-saving apparatus equivalent thereto as

Exhibits

P.39

Complaint in
Enclosure (1)
of High Court
Ipoh
CS417/64

15th May 1964

(continued)

Exhibits

P.39

Complaint in
Enclosure (1)
of High Court
Ipoh
CS417/64

15th May 1964

(continued)

prescribed in Section 16(iii) (b) of the Mining Enactment 1928 for not less than one month in mining the land.

(iv) That the Sublessee has committed a breach of clause 7 of this Sublease.

9. (a) That the Sublessee agrees to pay to the Sublessors tribute on any portion of the quota which they do not use to produce ore from the lands in question that is to say tribute on such portion of the quota as they use to produce ore on other lands Provided that if any part of the quota is not used at all then no tribute thereon is payable to the Sublessors.

10

Dated this 12th day of October, 1956.

Sd. ? DIRECTOR
Sd. F.N.Mugliston DIRECTOR
Sd. Evatt & Co. SECRETARIES

.....
Sublessor/s

I do hereby accept this Sublease to be held by me as Sublessee for the term and subject to the conditions, restrictions and exceptions above set forth.

20

Original P/A K.L.O.No.14/56 Chan Phooi Hoong by
Delivered and certified his attorneys,
TRUE COPY

Sd. ? Sd. Lee Chim Yee
COLLECTOR OF LAND REVENUE Sd. Chan Hon Peng
KINTA

.....
Sublessee/s.

30

Dated this day of 19
Memorial made in the Register Mining Leases
Volume 139 & 166 Folio 99 & 43 at 10 am.
this 15th day of October 1956

Sd. Sulaiman
.....
Collector of Land Revenue

COLLECTOR OF LAND REVENUE: District of
KINTA
BATU GAJAH State of

I hereby testify that the signatures of the Sublessee's attorneys above written in my presence on the 9th day of October, 1956 are to my own personal knowledge the true signatures of Chan Hon Peng (f) and Lee Chim Yee who have acknowledged to me, Ong Hock Thy an Advocate and Solicitor of the Supreme Court of the Federation of Malaya that they are of full age and that they have voluntarily executed this instrument.

Exhibits

P.39

Complaint in Enclosure (1) of High Court Ipoh CS417/64

10 Witness my hand
 Sd. H.T. Ong
 ADVOCATE & SOLICITOR
 IPOH

15th May 1964

(continued)

20 I, Bimal Kumar Das, an Advocate and Solicitor of the Supreme Court of the Federation of Malaya hereby certify that on this 12th day of October 1956 the common seal of Pegang Prospecting Company Limited was duly affixed to the above written instrument in my presence in accordance with the regulations of the said Company.

 Witness my hand

 Sd. B.K. Das

 ADVOCATE & SOLICITOR
 IPOH.

(COPY)

Appendix III

Mines North 993/48/17.
Pk. Sec. (L) 4362/48/5.

Aggregation Permit No.
12/58

30 THE MINING ENACTMENT
 (F.M.S. CAP 147)

At a Meeting held on the 19th day May, 1958 the Ruler-in-Council of the State of Perak pursuant to Sub-section (i) of Section 20 of the Mining Enactment, has granted to TONG SWEE KING (f) as sub-sub-lessee of the Mining lands comprised in the Mining Lease specified in the Schedule hereto permission to keep at work any one or more of the said lands the number of labourers

ExhibitsP.39

Complaint in
Enclosure (1)
of High Court
Ipoh
CS417/64

15th May 1964

(continued)

or labour-saving apparatus equivalent thereto required under Sub-section (iii) of Section 16 of the said Mining Enactment in respect of the aggregation area of such lands.

This Permit is valid until the 18th May, 1963.

SCHEDULE

<u>Title No.</u>	<u>Lot No.</u>	<u>Mukim</u>	<u>Area</u> <u>A. R. P.</u>	
M.L. 8899	21952	Blanja	59. 1. 03	10
M.L.11543	29650	"	19. 1. 22	
		Total	78. 2. 25	

Dated at Ipoh this 11th day of June, 1958.

Signed: Abdul Rahman bin
Pilus
CERTIFIED TRUE COPY. CLERK OF COUNCIL,
PERAK.

Signed: Tan Kim Bee
b.p. Merinyu Kanan,
Galian,
Perak.

MUKIM OF SG. TRAP

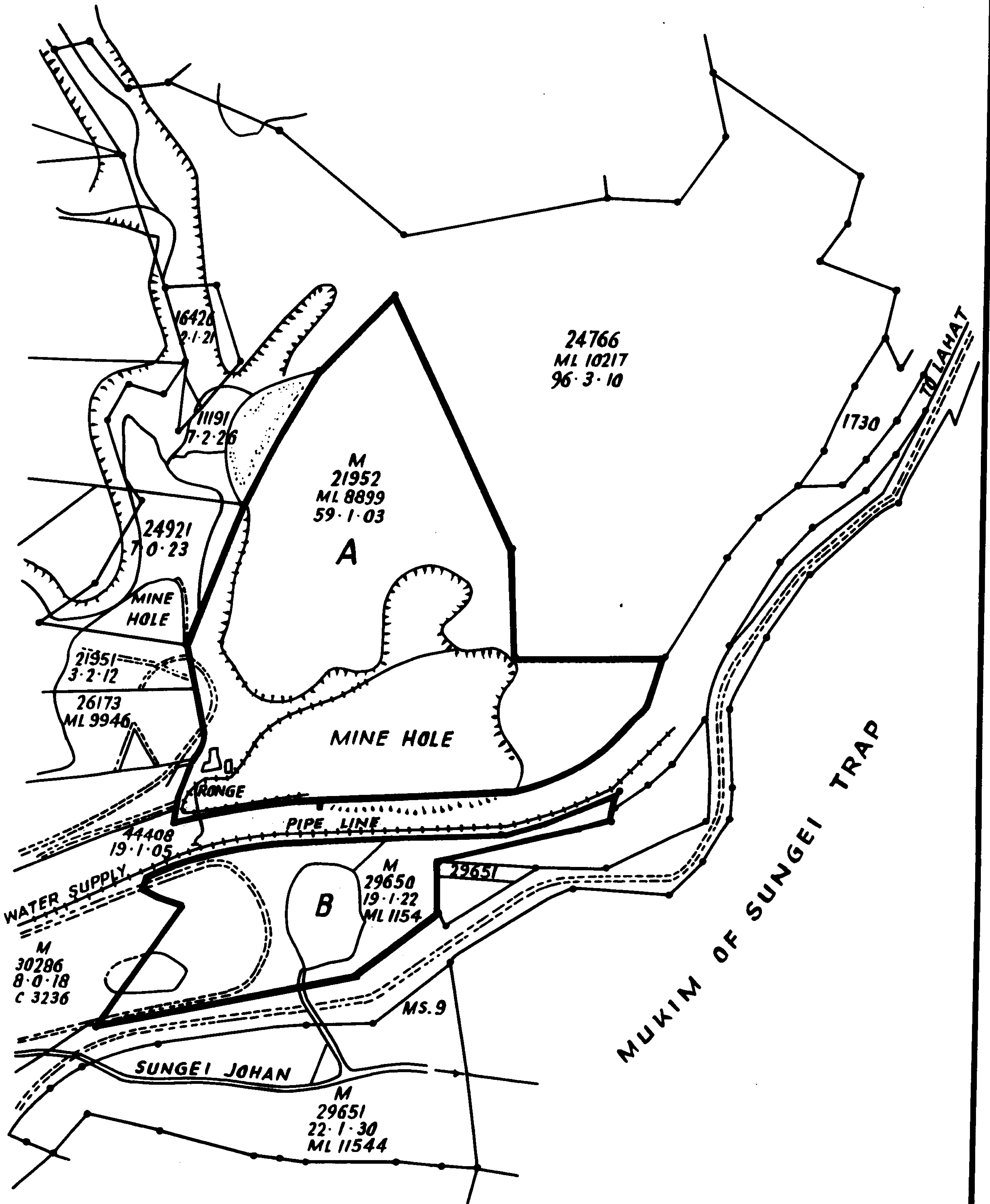
APPENDIX II

SCALE: 8 CHAINS TO AN INCH

SHEET 664 & 665

P. 39.

COMPLAINT IN
ENCLOSURE (1)
OF HIGH COURT
IPOH
CS417/64
(CONTINUED)



D.40 - LETTER E.A.S.WAGNER TO EVATT & CO.ExhibitsE.A.S.WAGNER
Advocate & Solicitor,No. 5, Old Pudu Road,
Kuala Lumpur.

EASW/L

30th January, 1950.

Messrs. Evatt & Co.,
Secretaries, Pegang Prospecting Co.Ltd.,
Chartered Bank Chambers, Ipoh.D.40Letter, E.A.S.
Wagner to
Evatt & Co.30th January
1950

Dear Sirs,

- 10 1. I have been consulted upon your letter of the 5th December last, addressed to the Executrix of the Estate of Ho Kok Yew deceased.
2. I am instructed to reply that no mining work whatsoever has been undertaken by her or by the Khong Heng Kongsii or by any person or persons with the authority of either on lot 24766 since the Khong Heng Kongsii mine was re-opened.
- You would seem to have been misinformed in that respect.
- 20 3. Madam Tong Swee King, the Executrix and sole beneficiary of the Estate of Ho Kok Yew deceased, instructs me to apply for a new sublease to be issued in her favour of the new lease over lot 24766 in accordance with the provisions of existing documents.
- 30 4. As regards the Government pipe-line, I am instructed to say that, my clients are not at present prepared to incur the expense of the deviation of the pipe-line, even in accordance with the plan approved by Government, until a lease over the area has been approved and a mining certificate or lease issued to your Company and, in turn, a sublease has been executed thereover and registered in favour of Madam Tong Swee King.
5. The scheme of mining that area, as advised by the Kongsii's consulting engineer does not envisage the necessity for the deviation of the existing pipe-line for several months after mining operations have entered the area referred to.
- 40 Particulars of the proposed scheme of working the area are under the expert advice of their consulting engineer, who is in negotiation with the Executive Engineer, Ipoh, upon this matter.

Yours faithfully,
Sd: E.A.S.Wagner.

ExhibitsA.1 (p.365)

Memorial of Ho
Kok Yew and
Pegang Pros-
pecting Ltd. to
Deputy Controller
Perak Batu
Gajah on the
Kacha Menelai
Mining Scheme
together with
Petition from
Ho Kok Yew,

10th August,
1932

A.L. (p.365) - MEMORIAL OF HO KOK YEW AND
PEGANG PROSPECTING LTD. TO DEPUTY
CONTROLLER PERAK BATU GAJAH ON THE
KACHA MENELAI MINING SCHEME TOGETHER
WITH PETITION FROM HO KOK YEW.

KACHA & MENELAI MINING SCHEME:

PAPAN, PERAK. Aug 10th 1932

Memorial In The Matter Of Revision Of Assessment.

Sir,

We, Ho Kok Yew and Pegang Prospecting Company, Ltd., holder of Permit 2/32 under Section 20 (1) of The Mining Enactment and principal land owners, respectively, have the honour to address you in the Tenth Year of the working of this Scheme.

10

2. The Scheme provides for acquisition of old mining areas and the thorough prospecting and re-working thereof in three rising stages during a life of 20 to 30 years, each stage being laid out so as to form dumping area for the next.

The 1st. Stage (1923-1931) "Lower Flats" "Soon Heng Kongsi"

20

This part of the Scheme covered exhaustion of remaining tin-bearing deposits in the lowest part of the Company's area and also a deviation of the main road at the 63rd Mile, Now known as the 8th Mile Ipoh - Pusing, in order to provide dumping area for the 2nd and 3rd Stages of the Scheme; the 1st Stage was concluded in February of 1931.

The 2nd Stage (1926 to date) "Upper Flats" "Khong Heng Kongsi"

30

This, considered to be the acme of the Scheme, provides for working the deep tin-bearing deposits associated with the Kacha-Menelai granite-limestone contact (vide M.G.F.M.S.278/28) in order to provide dumping area for the Hill Area.

The 3rd Stage: "Hill Areas" is in course of preparation.

3. We respectfully submit the following data in order to show that Kacha & Menelai Mining Scheme is considerably under assessed in view of:-

- A. The 10 years of preparation for the present Stage.
- B. Actual production during past years.
- C. The 1929-30 special equipment & expenditure for the present workings.
- 10 D. The class and potentiality as foreseen for present workings.
- E. The cut of 2004 pikuls from 1929 production by the assessment authorities.
- F. The present and future importance of the Scheme to the neighbourhood and the break-down of Scheme under restriction.

Taking the items in alphabetical order:-

- A. Particulars already submitted in opening paragraphs.
- 20 B. & C. In 1928 Soon Heng produced 4343 pikuls of ore although stopped for two months pending completion of road deviation; Khong Heng, then in it's infancy, produced 1489 pikuls; total for Scheme 5832 pikuls.

In 1929 Soon Heng produced 3712.41 pikuls. having been held up during January & February by subsidence of the road deviation; the infant Khong Heng, then beset by tailings difficulties, produced 3721.59 pks; total for Scheme as declared in Form A 7434 pikuls.

- 30 In 1930 the productions were:- Soon Heng, then in it's decline, 2363.57 pikuls; Khong Heng, still beset by tailings, 3864.49 pikuls; total of Scheme as declared in Form A 6228.06 pikuls.

Towards the end of 1930 and in anticipation of the much needed dump to become available under an agreement on completion of the 1st Stage (vide Mines 442/25) Khong Heng entered into expenditure amounting to some \$30,000 for the purposes of a

Exhibits

A.1 (p.365)

Memorial of Ho Kok Yew and Pegang Prospecting Ltd. to Deputy Controller, Perak Batu Gajah on the Kacha Menelai Mining Scheme together with Petition from Ho Kok Yew

10th August, 1932

(continued)

ExhibitsA.1 (p.365)

Memorial of Ho
Kok Yew and
Pegang Pros-
pecting Ltd.
to Deputy
Controller,
Perak Batu
Gajah on the
Kacha Menelai
Mining Scheme
together with
Petition from
Ho Kok Yew

10th August,
1932

(continued)

new Engine, over-head railway crossing for tailings, etc. etc.

D. The general equipment and lay-out of Khong Heng Mine provided for producing 1000 pikuls monthly from the eastern and western faces and the deep lead in the bottom of the mine; as the mine now lies this could easily be done, or, the possibility of doing so proved by boring.

E. On the 13th of March, 1931, we declared under Form A:-

	<u>1929</u>	<u>1930</u>	
Soon Heng	3712.41	2363.57	
Khong Heng	<u>3721.59</u>	<u>3864.49</u>	
(Assessment 5430 pks.)	<u>7434.00</u>	<u>6228.06</u>	Pikuls

10

Being production from two paddocks during the Change-over from the 1st to the 2nd Stage of the Scheme.

F. The remaining life of the Scheme should be 20 years of more as a large producer and employer of labour; in 1929 on the basis of which the mine is presumably assessed Khong Heng Kongsai was pumping 70 feet only and free of dry cuttings, sloping and dry dumping, the years 1930-31 called for a double lift and 1932 calls for a third lift in series in order to cope with the deep lead on the granite-limestone contact which is known to a depth of 200 feet or more; ordinarily the greatly increased expenditure in depth would more than be provided for by largely increased production from which the mine is now precluded; all manner of contrivance has been tried out in order to bring the mine down to the present quota but the mine will not have it; an attempted stoppage of six weeks and cessation of work on the slopes lead to serious subsidence and consequent stop & go procedure which is heart-breaking to those concerned with mine and the Company which is supplying electrical power.

20

30

INFERENCE AND CONCLUSION

KACHA & MENELAI MINING SCHEME is

a. Wrongly assessed in view of the 2004 pikuls

40

cut from 1929 production and the bases of assessment having been Soon Heng Mine during its decline and Khong Heng Mine during it's infancy, each mine then having been in considerable difficulty during the change-over from the 1st to the 2nd Stage of the Scheme.

10 b. Under-assessed in view of the long and careful preparations made for the present workings which compose the 2nd Stage, the acme of a true economic mining scheme of great potentiality and importance to the neighbourhood.

c. Under-assessed in view of the depth and value of the tin-bearing deposit and the geological features which demand large scale working and correspondingly large production.

d. Under-assessed in view of the preparedness of the management to produce 1000 pikuls monthly or, alternatively, prove such capacity by boring.

20 e. Impossible as an economic and workmanlike scheme unless allowed commensurate and adequate assessment; alternatively, Khong Heng Mine is compelled to abandon the main principle of Kacha & Menelai Mining Scheme as to preparation of dumping areas and to resort to dumping back on the partly worked deep lead in order to become an "Economic Producer".

4. A petition from Ho Kok Yew, addressed to The Deputy Controller, Perak, accompanies this memorial.

We have the honour to be,

30 Sir,

PEGANG PROSPECTING CO. LTD.,

Sd: Ho Kok Yew Evatt & Co.
Secretaries.

DEPUTY CONTROLLER, PERAK,
BATU GAJAH.

Exhibits:

A.1 (p.365)

Memorial of Ho Kok Yew and Pegang Prospecting Ltd. to Deputy Controller, Perak Batu Gajah on the Kacha Menelai Mining Scheme together with Petition from Ho Kok Yew

10th August,
1932

(continued)

Exhibits

KACHA & MENELAI MINING SCHEME,
PAPAN, PERAK, MALAYA.

A.1 (p.365)

Memorial of Ho
Kok Yew and
Pegang Pros-
pecting Ltd.
to Deputy
Controller,
Perak Batu
Gajah on the
Kacha Menelai
Mining Scheme
together with
Petition from
Ho Kok Yew

KHONG HENG KONGSI,
PAPAN,
PERAK, MALAYA.

TOWN OFFICE:
Nos.2 & 4, LAU EK CHING
STREET,
IPOH, MALAYA,
TELEPHONE NO.235 IPOH.

Application for Revision of Assessment,
C.P., B.G.64.

Sir,

10

I, Ho Kok Yew, holder of Permit No. 2/32
under Section 20 of The Mining Enactment and of
the above-named Certificate of Production, respect-
fully address you:-

2. The Kacha & Menelai Mining Scheme produced from
the group of lands of which I am sub-lessee:-

1928	-----	5832	pikuls	of	tin-ore.
1929		7434	do	do	
1930		6228	do	do	

3. On August the 10th 1932, (vide S.W.M.490/32)
I applied for revision of assessment and my
Certificate of Production was raised to 6,300
pikuls per annum, nevertheless, I was compelled to
abandon my mine because it was essentially a large
producer requiring three power units and, under
the restriction laws it was no longer an economic
undertaking.

20

4. In order to hold my Certificate of Production
I opened a new mine called Khong Heng II and,
with a single power unit in lot 21952, have
succeeded in producing my quota from the old
mines and tailings dumps which have now been
bottomed; the mine sump is now about sixty feet
below Tronoh Railway level and boring indicates
that the values are greater in depth.

30

5. Although richer in depth the mine becomes
much more expensive and I am now liable to heavy
expenditure in connection with the Road and the
Railway; I foresee further financial difficulty
unless I be permitted to produce and market
during the extended term of the International

40

10th August,
1932

(continued)

Agreement a quantity of tin-ore more in keeping with the requirements of the mine.

Exhibits

A.1 (p. 365)

6. My assessment seems to have been based on our production during 1930 a year in which "Kacha & Menelai Mining Scheme" was changing over from the 1st to the 2nd Stage of the Scheme, known as "Lower Flats" and "Upper Flats" respectively; we had to alter all our incline haulage in the Lower Flats (Soon Heng Mine) in order to make a dumping area for the Upper Flats (Khong Heng Mine), in the meantime Khong Heng was beset by tailing difficulties and the production of the mines was reduced by about 2000 pikuls during the year 1930. I made all preparation during 1930 for full production during 1931 by arranging a sub-lease over part of the Chinese Burial Ground and other land to the west of Khong Heng Mine (known as "The Western Front") but was early compelled to close down that part of the mine by the restrictive laws.

Memorial of Ho Kok Yew and Pegang Prospecting Ltd. to Deputy Controller, Perak Batu Gajah on the Kacha Menelai Mining Scheme together with Petition from Ho Kok Yew

10th August, 1932

(continued)

7. In view of these circumstances I respectfully request that my assessment be altered so as to become on the basis of our 1929 production.

I have the honour to be,

Sir,

Your obedient servant,

Sd: Ho Kok Yew.

Deputy Controller,
Perak.

Exhibits

A.1 (p.377) - LETTER FROM C.E.CUMMING TO
MINING GEOLOGIST F.M.S. BATU GAJAH
AND BORING SHEETS AND PLAN

A.1 (p.377)

Letter from
C.E.Cumming to
Mining
Geologist, F.M.S.
Batu Gajah
and Boring
Sheets and
plan

CHARLES E. CUMMING
Mining & Planting Engineer,

Floral Villa,
Ipoh.

January the 27th, 1934.
C.G. 11/32 etseq.

KHONG HENG MINE AND TRONOH RAILWAY

27th January
1934

Sir,

I have the honour to submit herewith, for your
information, plan and Boring Sheets Nos.1-4 ex
Field Book 2/32, "Kacha and Menelai Mining Scheme".

10

2. Khong Heng Mine, as shown on plan, was closed
down in December of last year on account of sub-
sidence from the old mines beneath Tronoh Railway
Reserve; it is hoped that an application for a
Prospecting Licence made for part of the Railway
Reserve by Pegang Prospecting Company, Limited,
is a step towards locating lines for the Railway
and the Kinta Water Supply C.I. main which will
be more secure than those now in use.

20

3. The Company respectfully suggests that, in
this case, completely worked mine-holes filled
with hydraulic tailings and dressed with selected
material, would be likely to afford equally good,
if not better support for the lines, than the
existing foundation.

I have the honour to be,

Sir,

Your obedient Servant,

30

Sd: C.E. Cumming.

MANAGER & ATTORNEY:
PEGANG PROSPECTING CO. LTD.

Enclosures:-

Plan & Boring Report.

Mining Geologist, F.M.S.
BATU GAJAH.

Kacha & Menelai Mining Scheme (Contd.)

1932 - 1933 Boring

A 302

Sheet No. 2
Reference:
Field Book 2/32ExhibitsA.1 (p.377)Letter from
C.E. Cumming
to Mining
Geologist,
F.M.S. Batu
Gajah and
Boring Sheets
and plan27th January,
1934

(continued)

FULL LIST OF BORES				MINING ENGINEER'S SUMMARY					REMARKS
No.	D.	KpY3	R4	D.	KpY3	R4	S&S	FB & A Cuts.	Ganchiyard System.
	4	0.15	0.60	82	0.68	53.94	-	Nil	Red & yel. tough, fin shp. ore Probably bottom
10	6.	12	0.00		0.00				Slime.
		15	0.37		5.55				Dumped "tanah padi"
		11	1.04		11.44				Bluish sandy clay.
		14	0.20		2.80				Brown & yellow do.
		2	0.15	54	0.37	20.09	-	Nil	Pink clay; bottom ?
	7.	13	0.00		0.00				Slime
		10	2.00		20.00				Dumped "tanah padi"
		25	0.92		23.00				Bluish tough clay.
		11	1.80	59	1.06	62.80	-	39	do. sharper ore.
20		39							Blue schistose, iron pyrites. This bore seems to have picked up vein formation running towards hills; dec. lode stuff.
	8.	13	0.00		0.00				Slime. See remarks No. 7
		23	1.00		23.00				Dumped "tanah padi"
		57	5.00		235.00				Bluish clay; coarse ore.
		19	8.88		168.72				Yel. tough do. do.
		6	3.27	118	4.21	496.34	-	Nil	Schistose, iron pyrites. Some lode stuff & alluv.
30	9.	14	0.65		9.10				Dumped "tanah padi"
		11	0.35		3.85				Tough yellow clay.
		15	0.11	40	1.65	14.60	-		Bluish clay.
		5	0.00		0.00			5	Var. banded sandy sch.
	10	37	1.41		52.17				Old dump; tailings ore.
		11	0.55		6.05				Tough wh. sandy clay.
		72	8.31		598.32				Blue tough karg. coarse ore.
40		10	5.14		51.43				Red tough sandy clay
		7	2.88	137	5.31	728.12	-	Nil	Ore finer; unbottomed in alluvium.
									No.11 is plotted appr. Bore 11 not located on plan.
	11.	7	1.43		10.01				Clayey "tanah padi"
		13	0.43		5.59				Red & white.
		14	0.18	34	0.51	17.22	-	Nil	do. sandy, pulled out on account of low values
50	12	10	0.00		0.00				Slime & old workings
		16	0.66		10.56				Old dump.
		20	5.01	46	2.41	110.76	-	Nil	Brown karang; pulled out having located sufficient ore.

FULL LIST OF BORES				MINING ENGINEER'S SUMMARY				REMARKS Ganchiyard System.		
No.	D.	KpY3	R4.	D.	KpY3	R4	S&S.	FB&A Cuts.		
10	13.	10	0.00	0.00					Dump.	
		5	1.50	7.50					"tanah Padi"	
		18	1.60	28.80					Brown & yel. clay.	
		11	1.33	14.63	44	1.16	50.93		Tough sandy clay.	
									Found. main schis- tose lead, stopped on account of nearness Railway	
									No. 13 is evidently shown too far to the north on the plan, kepala's sketch.	
20										
			SCOUT BORES 1 - 3/33.							
	1.	15	0.00	0.00					Slime etc.	
		15	1.10	16.50					Wh. & yel. sandy clay	
		11	0.10	1.10					Banded various do.	
		27	0.09	2.43					Bl. & white	
		5	0.15	0.75					Peat & dec. wood.	
		32	0.16	5.12					Peaty sandy clay.	
		7	1.50	10.50	112	0.325	36.40	-	Nil	
30									Dec. wood & karang with deep lead ore; a bad mistake was made in pulling out without examining last sample.	
									This bore appears to have penetrated the "deep lead" gully on the granite-limestone contact; the ore at 112' is similar to that mined on the main lead by Khong Heng I Mine in Lot 26173 which was abandoned on account of restriction in September, 1932.	
	2.	15	0.20	3.00					Tailings & Old mine.	
		21	1.17	24.57					do do. good fine ore.	
40		6	2.00	12.00					Grey, white & are- canut. sandy clay.	
		5	1.50	7.50					Grey, white & are- canut, sandy clay.	
		17	0.50	8.50					grey, white & are- canut. sandy clay.	
		14	0.55	7.70					coarser ore.	
		11	0.67	7.37					do. do.	
		5	2.50	12.50					Red & Black karang.	
50		9	3.00	27.00					Dark grey do. Coa. ore.	
		10	3.00	30.00					Yellow do. very do.	
		11	2.33	11.65					Banded variegated Kg.	
		41	6.11	250.51					Reddish banded do. do.	
		3	4.00	12.00	162	2.55	414.30	-	Nil	
									Red & yel. do coa. ore. Unbottomed.	
									This bore appear to have found a deposit of granitic- schistose detritus from fin-bearing veins in Kacha hills; none of the ore resembled that from the granite-limestone contact gully.	
60	3.	10	1.25	2.50					Tailings. coarse mixed ore	
		0	0.65	3.90					Old dry dump.	
		4	0.25	1.00					Arecanut clay.	
		14	0.08	1.12					Red & wh. sandy clay	

Letter from
C.E. Cumming
to Mining
Geologist,
F.M.S. Batu
Gajah and
Boring Scheets
and plan

27th January,
1934

(continued)

Kacha & Menelai Mining Scheme (contd.)
1932 - 1933 Boring

Sheet No. 4
Reference:
Field Book 2/32

Exhibits

A.1 (p.377)

FULL LIST OF BORES.				MINING ENGINEER'S SUMMARY				REMARKS.	
No.	D.	KpY3	R4.	D.	KpY3	R4.	S. & S.	FB&A	Ganchiyard System.
								Cuts	
10	21	0.16	3.36						Peat & sandy clay.
	20	0.61	12.20						Grey & wh.karang, med.fine
	19	0.83	15.77						do coarser ore.
	6	0.15	0.90	100	0.50	50.75	-	Nil	Yel.schistose, 4 speci- mens of globular iron pyrites.
<p>This bore is eastward of the better known tin-bearing veins and seems to have missed the usual enrichment therefrom.</p> <p><u>BORES A/33 to E/33 IN TRONOH RAILWAY RESERVE: Nov.-Dec.1933</u></p>									
20	A.	9	0.69	6.21					Red earth, tails. old mine
		12	1.23	14.76					Grey slime do.
		10	1.32	13.20					Stiff grey schistose karang.
		24	4.21	100.80	55½	2.45	134.97	-	Stiff bluish do.
		6	0.00	0.00					6" Siderite capping limestone.
<p>On reaching 55' water & slime was ejected from the pipes to a height of 5' the pipes being then about 5' above ground; almost immediately water & slime subsided within the pipes.</p>									
30	B.	24	0.34	8.16				25%	Grey sandy earth, old mine.
		19	2.76	52.44				14%	Stiff blue schistose karan
		9	0.92	8.28	52	1.32	68.88	14	Stiff do. iron pyrites, ore
		1	0.00	0.00					12" Limestone bedrock.
<p>The fairly stiff ground found by this bore was evidently holding up Tronoh Railway Reserve to a certain extent and the very bad ground found by Bore A/33.</p>									
40	C.	10	0.00	0.00				2	Red earth, tailings. Old mine
		24	0.00	0.00				4	Brown & grey slime. Old mine.
		4	0.47	1.88				32	Light blue sandy kag
		31	3.07	95.17	69	1.41	97.05	5	Blue & purple schistose karang.
		1	0.00	0.00					12" Limestone bedrock.
		D.	15	0.00	0.00				2
50		14	0.00	0.00				2	Blue grey slime do.
		13	2.80	36.40				4	Stiff blue schistose karang.
		11	0.43	4.73	53	0.78	41.13	8	do. with iron pyrites.
		6"							6" Limestone bedrock
	E.	19	0.00	0.00				23	Red earth, tailings old mine
	19	0.00	0.00				2½	Br. & grey slime do.	
	16	0.52	8.32				9	Blue grey schistose karang.	
	10	2.88	28.80				5	Stiff W.red & blue sch.karang	
	12	1.49	17.88	76	0.72	55.04	16	Varigated do.	
	6"							6" Hard rock.	

Letter from
C.E. Cumming
to Mining
Geologist,
F.M.S. Batu
Gajah and
Boring Sheets
and plan

27th January,
1934

(continued)

Kacha & Menelai Mining Scheme (contd.)

1932 - 1933 Boring.

A.302

Sheet No. 5

References:

Field Book No. 2/32.

ExhibitsA.1 (p.377)

FULL LIST OF BORES		MINING ENGINEER'S SUMMARY						REMARKS	
No.	D.	KPY3	R4.	D.	KpY3	R4.	S & S	FB&A	Ganchiyard System.
								Cuts.	
<u>CHECK BORE No. 10 Lot 21952</u>									In mine about 20' Below No.10
10.	8	0.44	3.52					24	Brown sandy earth, old mine
	10	0.38	3.80					29	Bluish tough sandy clay.
	34	5.63	291.42	52	3.82	198.74		18	Stiff bluish schistose karang pulled out by order.
<u>No. 4/33 in bottom of mine.</u>									
4.	11	2.08	22.88					25	Variegated granitic Karang
	4	1.18	4.72					30	do. do.
	7	5.09	35.63					26	do. do.
	9	2.34	21.06					5	do. do.
	5	2.27	11.35					2	do. do.
	15	2.50	37.50	51	2.61	133.14		3	do. do.

Boring ceased on account of cessation pumping of mine.

The mine known as Khong Heng was closed down on account of subsidence into the mine from Tronoh Railway Reserve.

Further boring in the Railway Reserve was stopped by the Acting Warden of Mines; results to date indicate that the mine endangered the Railway - that the granite-limestone & schistose leads pass from the mine and under the railway in a south-easterly direction - application has been made for a prospecting licence over the Railway Reserve.

Sgd. C.E. Cumming.

January the 25th 1934.

Letter from
C.E. Cumming
to Mining
Geologist,
F.M.S. Batu
Gajah and
Boring Sheets
and plan

27th January,
1934

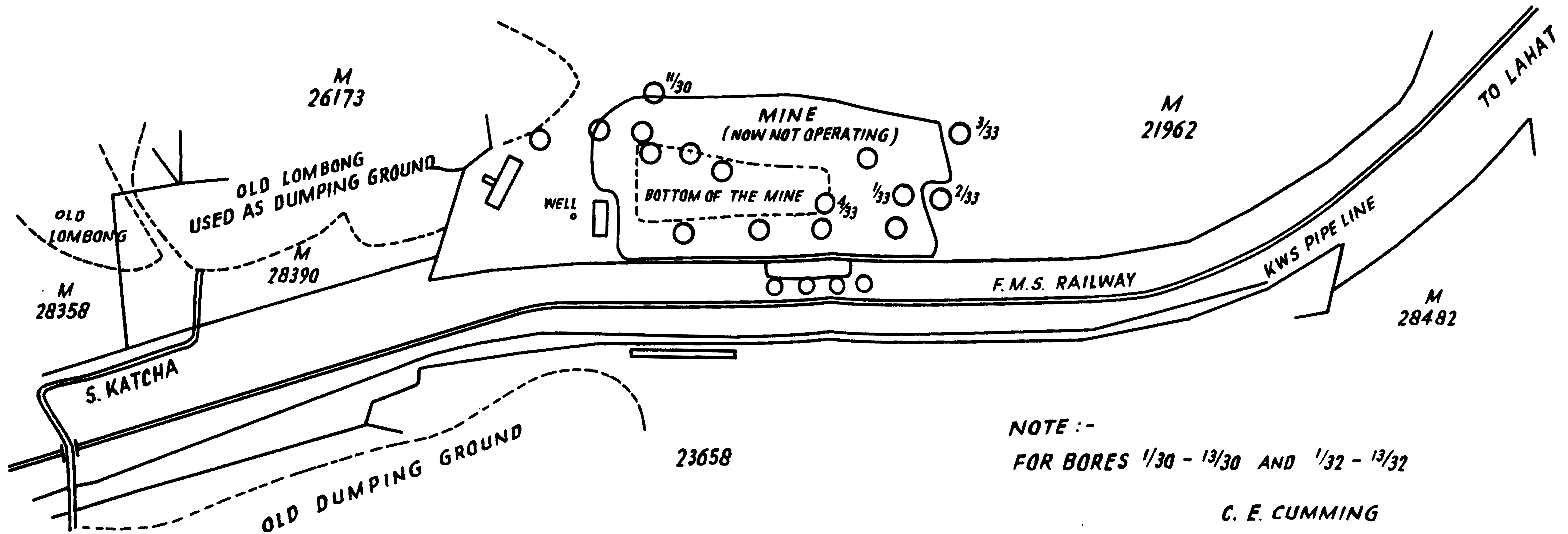
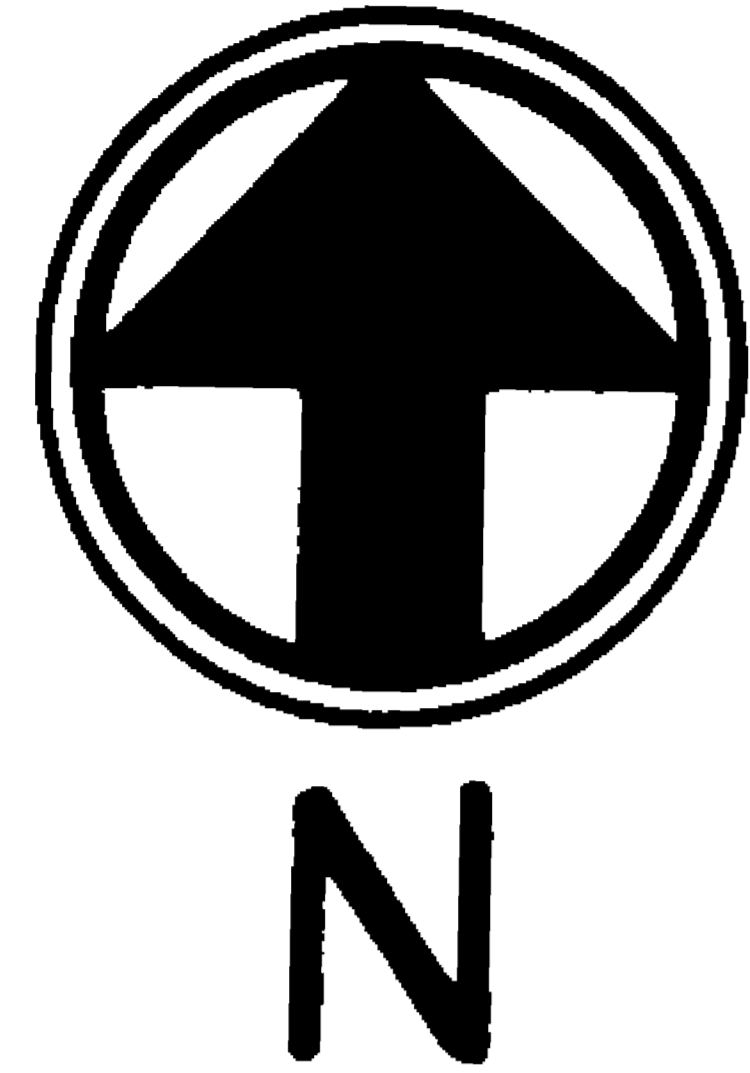
(continued)

187

KHONG HENG KONGSI
PAPAN
MUKIM OF BLANJA

SCALE: 4 CHAINS TO AN INCH.

EXHIBITS
A.1. (P.377)
LETTER FROM
C.E. CUMMING
TO MINING
GEOLOGISTS,
F.M.S. BATU
GAJAH AND
BORING SHEETS
AND PLANS
27TH JANUARY 1934
(CONTINUED)



NOTE :-
FOR BORES 1/30 - 13/30 AND 1/32 - 13/32

C. E. CUMMING
27. 1. 1934

A.1 (p.396) - MEMORANDUM OF SUB-LEASE NO. 67/37 OF SUB-LEASE NO. 66/37 OVER MINING LEASES 8899, 10217, 11543 AND 11544 FOR LOTS 21952, 24766, 29650 AND 29651.

Exhibits

A.1 (p.396)

Memorandum of Sub-Lease No. 67/37 of Sub-Lease No. 66/137 over Mining Leases 8899, 10217, 11543 and 11544 for Lots 21952, 24766, 29650 and 29651,

25th June 1937

FEDERATED MALAY STATES
MEMORANDUM OF SUB-LEASE

SCHEDULE X

(Section 36 of the Mining Enactment 1928)
Presentation No.4964 at 10 a.m.28.6.1937

DISTRICT OF KINTA MUKIM OF BLANJA & SUNGEI TRAP

Sublease No. 67/37 of Sublease No.66/37

10

20

30

40

We, Mak Shi (f) and Chan Phooi Hoong as Trustees of Kuala Lumpur hereinafter called the sub-lessors being the registered sub-lessees of 4 pieces of mining land at Kacha described in Sublease No. 66/37 over Mining Leases Nos. 8899, 10217, 11543 and 11544 for Lots Nos. 21952, 24766, 29650 and 29651 of dates 27.6.17, 7.3.23, 20.12.29 & 20.12.29 and subject to such encumbrances, liens and interests as are endorsed thereon:

In consideration of the sum of dollar one (\$1.00) paid to us by Ho Kok Yew of Ipoh hereinafter called the sub-lessee the receipt of which we hereby acknowledge and of the payment of tribute as hereunder set forth.

Do hereby sub-lease to the said Ho Kok Yew all the said piece of mining land estimated to contain 197 acres 3 roods and 25 poles, more or less, for the period of the said Sublease No. 66/37 less one day subject to the provisions of the Mining Enactment, 1928 and to the following conditions, restrictions and exceptions:

1. That the sub-lessee shall pay to the sub-lessors, or to their duly appointed agent, tribute upon all ore removed from the same land at the rate of eight per cent. In place of paying the whole tribute to the Sublessors, the Sublessee may pay seven (7) per cent of the same to Pegang Prospecting Company Limited the Sublessors of

ExhibitsA.1 (p.396)

Memorandum of
Sub-Lease No.
67/37 of Sub-
Lease No.
66/137 over
Mining Leases
8899, 10217,
11543 and
11544 for Lots
21952, 24766,
29650 and
29651,

25th June 1937

(continued)

Sublease No 66/37 or their authorised agent and the balance of one (1) per cent shall be paid to the Sublessors

2. That the said tribute shall be paid immediately after each sale of ore of which sales the said Pegang Prospecting Company Limited and/or the Sublessors shall have two (2) clear days' notice and the right to be present at such sale.

3. That the sub-lessee shall be liable upon suit before the Warden or any Court to pay to the sub-lessor the sum of \$250.00 as a penalty for each and every breach of the conditions above set out which they may commit.

4. That the sub-lessee shall work the said land in an orderly, skilful and workmanlike manner and subject to the provisions of the Mining Enactment 1928 and shall be liable to indemnify the sub-lessors for any expenses which they may incur, whether as fine inflicted on them or otherwise, on account of any breach of this condition by the sub-lessee.

5. That the sub-lessors or their duly appointed agent may at all reasonable times enter upon and view the land, and may inspect any books of account of ore produced from the land.

6. That the Original Sublessors shall be liable to pay to the State the annual rent due upon the land.

7. That the sub-lessee shall not be entitled to transfer or assign this sub-lease without the written authority of the sub-lessors.

8. That this sub-lease shall be liable to cancellation at any time at the discretion of the Warden or the Court upon proof.

(i) That the sub-lessee has failed to pay to the sub-lessors the amount of any moneys which he is by the terms of this sub-lease bound to pay for a period of six months from the date at which such payment became due.

(ii) That the sub-lessee has not worked the

10

20

30

40

land in accordance with clause 4 of this sub-lease or has by his default rendered the land liable to forfeiture under the Mining Enactment 1928

Exhibits

A.1 (p.396)

Memorandum of Sub-Lease No. 67/37 of Sub-Lease No. 66/137 over Mining Leases 8899, 10217, 11543 and 11544 for Lots 21952, 24766, 29650 and 29651,

25th June 1937

(continued)

(iii) That the sub-lessee has not during the period of six months employed at least two hundred labourers or labour-saving apparatus equivalent thereto as prescribed in section 16(iii)(b) of the Mining Enactment 1928 for not less than one month in mining the land.

10

(iv) That the sub-lessee has committed a breach of Clause 7 of this sub-lease.

9. That the Sub-lessee agrees to pay to the Sub-lessors tribute on any portion of the quota which he does not use to produce ore from the lands in question that is to say tribute on such portion of the quota as he uses to produce ore on other lands Provided that if any part of the quota is not used at all then no tribute thereon is payable to the Sublessors.

20

Dated this 25th day of June, 1937.

Sd: Mak Shi (f) in Chinese
Sd: Chan Phooi Hoong
.....
Sub-lessors

I do hereby accept this sub-lease to be held by me as sub-lessee for the term and subject to the conditions, restrictions and exceptions above set forth.

30

Sd: Ho Kok Yew
.....
Sub-lessee.

Memorial made in the Register of Subleases Volume 158, Folio 66 at 10 a.m. this 28th day of June, 1937.

Sd:
Collector.

L.S.

Exhibits

SCHEDULE XXXVIII (a)

A.1 (p.396)

(Under section 178 of "The Land Code, 1926".)

Memorandum of
Sub-lease No.
67/37 of Sub-
Lease No.
66/137 over
Mining Leases
8899, 10217,
11543 and
11544 for Lots
21952, 24766,
29650 and
29651,

I, hereby testify that the signature of one of the Sub-lessors above written in my presence on this 16th day of June 1937 is to my own personal knowledge the true signature of Chan Phooi Hoong who has acknowledged to me Muthusami Narayanasami Cumarasami an Advocate & Solicitor of the Supreme Court of the Federated Malay States that he is of full age and that he has voluntarily executed this instrument. 10

WITNESS my hand

Sd: M.N. Cumarasami
Advocate & Solicitor,
Kuala Lumpur.

25th June 1937

(continued)

I hereby testify that the signature of one of the Sub-lessors above written in my presence on this 16th day of June 1937 is to my own personal knowledge the true signature of Mak Shi (f) who has acknowledged to me Yong Shook Lin an Advocate & Solicitor of the Supreme Court of the Federated Malay States that she is of full age and that she has voluntarily executed this instrument. 20

WITNESS my hand

Sd: Yong Shook Lin
Advocate & Solicitor
Kuala Lumpur.

I, hereby testify that the signature of the Sub-lessee above written in my presence on this 25th day of June 1937 is to my own personal knowledge the true signature of Ho Kok Yew who has acknowledged to me Arthur Noel Kenion of Ipoh an Advocate & Solicitor of the Supreme Court of the Federated Malay States that he is of full age and the he has voluntarily executed this instrument. 30

WITNESS my hand

Sd: A.N. Kenion.

A.1 (p.414) - REPORT FOR MONTH OF OCTOBER RE
PRODUCTION OF PEGANG PROSPECTING
LIMITED by C.E.CUMMING

Exhibits

A.1 (p.414)

CHARLES E. CUMMING,
MINING & PLANTING ENGINEER,

FLORAL VILLA,
IPOH, PERAK.
FEDERATED MALAY STATES.

November the 4th 1939.

Report for
month of
October re
production of
Pegang Pros-
pecting Limited
by C. E.
Cumming,

4th November
1939

SECRETARIES,
PEGANG PROSPECTING COMPANY LIMITED.

10 Dear Sirs,

The declared Production from "The Kacha and Menelai Mining Scheme" was 50 pikuls and the declared Stock was 310 pikuls.

DISTRIBUTION ACCOUNT: October Sales:-

Date	Sales of Quota	Sales of P.P.Co.	Ore Ho Man	Price ₹	Value ₹	Tribute to Co. 8%	Remarks
17th	50.00			5.25	262.50	21.00	
30th	50.00	Nil	Nil	4.90	245.00	19.60	
			Amang	4.00	4.00	.32	
20 Pks.	100.00				511.50	40.92	

ASSESSMENT & QUOTA ACCOUNT: 4th Quarter of 1939:-

$$\begin{aligned} \text{Domestic Quota} &= \frac{(6300 \times 60\%) + (6300 \times 10\%) + (6300 \times 5\%) + (6300 \times \%)}{4} = \\ &= \frac{6300}{4} \times \% = \text{Pikuls.} \end{aligned}$$

The domestic Quota for the 4th Quarter is not yet announced.

STOCK ACCOUNT: DISTRIBUTION & VALUATION:

As at 30/9/39:	Ho Man's Estate	174.76	Pikuls
do. Pegang Prospecting Co., Ltd.,		85.24	
Production during October		50.00	
30 Declared Stock as at 30/10/39		310.00	Pikuls

ExhibitsA.1 (p.414)

Report for
month of
October re
production of
Pegang Pros-
pecting Ltd.
by C. E.
Cumming,

4th November
1939

(continued)

NEW MINE: KHONG HENG NO: 3: Production is improving; the northern slope having exposed deposits which were picked up by boring; previously; concentrates were about 80% "amang" they now appear to contain 60% of coarse and heavy hill side tin-ore forming part of the Schistose lead which dives under the railway; 100% more power and mining capacity are indicated.

BORING RESULTS: Mine No:3: Six weeks elapsed before we could get an expert to wash up the samples; the report and estimates should be ready shortly. 10

PERMIT TO PROSPECT No: 32/39: K.L.O. 758/38:-

Boring continued until the 17th of October: some special additional work was done in the dry bed of S.Johan Deviation for future reference; Papan boring samples are contaminated with foreign "amang" owing to the Village having been a tin-buying and smelting centre for some 100 years.

NEW APPLICATION: K.L.O.1318/39: 28A.OR.34P. Lot 3376: Papan:-

Discussed with the Inspector of Mines on 16/10/39 at Batu Gajah for purposes of his report. 20

APPLICATION FOR A PERMIT TO PROSPECT: K.L.O.778/38, Sungei Pinjji 70 Acres (cancelled).

The Company and Ho Kok Yew addressed the Collector on 20/9/39: so far there is no reply.

SQUATTERS: S.PINJJI: Company's Circular of 25/10/39:-

There seems to be a muddle which may be due to Enactment No: 2 of 1939; the writer retains the Circular in the meantime, having been asked to report by The Perak Mining and Planting Association. 30

S.MENELAI SECTION: Chew Aun Choon's Sub-lease:-

Director Meeting of 17/10/39: now ready for Chew Aun Choon's acceptance: the corollary dumping agreement is in draft.

KHONG HENG TALI AYER: After several mishaps Papan tin's Sub-lessee asked the writer to meet Messrs. Brash & Smith at the locality on 7/10/39: it seems that the writer's lay-out (vide REPORT FOR MAY) will be adopted.

Enclosure:

Sundry A/C. Oct. \$101.58. 40

Yours faithfully,

Sd: C.E.Cumming.

A.1 (p.422) - MINUTES OF THE 19TH ANNUAL
GENERAL MEETING OF PEGANG
PROSPECTING COMPANY LIMITED

Exhibits

A.1 (p.422)

PEGANG PROSPECTING COMPANY, LIMITED.
(incorporated in the Federated Malay States)

Minutes of
the 19th Annual
General Meeting
of Pegang
Prospecting
Company Limited

REPORT OF THE NINETEENTH ANNUAL GENERAL
MEETING

6th December
1939

10 Mr. C.E. Cumming presided at the 19th Annual
General Meeting of the Company which took place
at the Registered Office, Chartered Bank Chambers,
Ipoh, on the 6th December, 1939.

The Minutes of the last Annual General Meeting
were confirmed and the Secretaries read the
Notice calling the Meeting and the Auditors'
Report.

In moving the adoption of the Directors'
Report and Accounts for the year ended 30th
September, 1939, the Chairman said:-

20 "The duly audited Balance Sheet and Profit &
Loss Account before you show a profit of
£3,757.34, and to this the balance of £6,644.83
from last year's account must be added, and the
final dividend of 2½% deducted; this leaves a
balance available amounting to £8,552.17 which
your Directors recommend to be disposed of by
paying a first and final dividend of 2½% absorbing
£1,850.00. Under the Articles of Association
your Directors are entitled to £3,000.00 but with
30 your permission they waive any claim for the
balance in excess of £1,200. After such
provision, the balance of £5,502.17 on Profit &
Loss Appropriation Account is carried forward.

40 Referring to your Directors' Report; Mine
No.4 opened during the year by your Sub-lessee,
was prospected by the Company at the Towkay's
expense locating what is known as the valuable
Schistose lead to a depth of nearly 100 feet
below ground level beneath some 50 feet of old
workings; your Sub-lessee intends to increase
his pumping plant in order to cope with the
unexpected depth;

ExhibitsA.1 (p.422)

Minutes of the
19th Annual
General Meet-
ing of Pegang
Prospecting
Company
Limited

6th December
1939

(continued)

unfortunately previous prospecting by the Company has disclosed that the "Schistose Lead" as opposed to the "Granite Limestone contact lead" strikes N.E. from Mine No: 4 under the Tronoh Railway to return and disappear in a southerly direction also beneath the Railway at a point some 24 chains east of the Mine: thus you will understand that we, as are many others, remain up against the miniature railway which for many years has served little purpose other than obstructing tin-mines by its presence and the considerable main road traffic with its numerous level crossings. 10

Under "Prospecting": During the Current Year we shall need to close bore a selected part of the approved 214 acres at Sungei Pinjjii so as to locate an initial mining area; as to mining at Pinjjii I am able to say that the Company's layout seems to be favourably received. Quoting Messrs. Brash & Smith's report to the Mines Department. "We have inspected the whole area with the Company's General Manager and have formed the opinion that no difficulty whatever should be experienced in working any of this area, to the satisfaction of your Department. Unlike the areas applied for by others on the west of the Sungei Pinjjii, the difficulty of water does not arise. There are six or seven streams flowing into the Pinjjii from the east, any two of which would provide sufficient water for an eight inch pump". As to dumping:- "We have examined this area and have taken a large number of levels on it and can assure your Department that it is entirely satisfactory as a settling area." 20 30

To continue in the matter of prospecting:- we are falling back upon our 1920 work; the Company has obtained an extension of its lease for Lot 29651 and now intends to re-bore some partly worked areas which were barred from the old Soon Heng Mine by Sungei Johan: we expect to prove additional potential mining area which will serve for valuation in the event of re-assessment as recommended by Sir Lewis Fermor in his able "Report upon the Mining Industries of Malaya" of 1939. 40

During the year prospecting for tin-ore has been continued in and around the Village of Papan; nooks and crannies hardly describe the work done; we have been inside abandoned shop houses; through vacant town lots, in old foundations, roads, and streams; under telegraph and electric lighting wires and have not yet half finished; such 50

explorations are necessary to locate new mining areas nowadays. We are looking at least five years ahead and so far have succeeded only in completing two dumping agreements with adjoining land owners which should provide for future mining operations, and locating in spots the granite-limestone contact lead much of which is virgin; Papan Village is an ancient mining & Smelting centre; rows of shop houses are situated on land which has been sluiced off possibly 100 years past.

10

I do not propose to say any more about prospects except that our Sub-lessee Towkay Ho Kok Yew is preparing for larger production in view of our domestic quota being likely to remain more steady than during past years.

Before moving that your Directors' Report and Accounts be adopted, I would ask you to stand as a mark of respect and regret for the loss of Mr. J.R. Crawford, who passed away on 23rd April after serving as a member of the original Pegang Prospecting Syndicate and this Company for 19 years; I must also record our sympathy for Mr.G.G.Duddell who is unable to attend this Meeting on account of a sudden illness.

20

On the proposal of the Chairman, seconded by Towkay Ho Kok Yew the Directors' Report and Accounts were adopted.

The retiring Director, Mr.G.G.Duddell, was re-elected on the proposal of Mr.Cumming, seconded by Towkay Ho Kok Yew, and the appointment of the letter in place of Mr.J.R.Crawford was confirmed.

30

Auditors: The retiring auditors, Messrs. Brown, Phillips & Stewart, were re-elected for the current year at a fee to be decided by the Directors.

The Chairman then formally moved that in view of the Directors' Report a dividend of 2½% be declared for the year payable on 13th instant to shareholders on the Register at 6th instant, Towkay Ho Kok Yew seconded the motion which was carried.

40

Conclusion: No further business arising, the Meeting terminated at 12.30 p.m. with a vote of thanks to the Chair.

ExhibitsA.1 (p.422)

Minutes of the
19th Annual
General Meet-
ing of Pegang
Prospecting
Company
Limited

6th December
1939

(continued)

Exhibits

A.1 (p.430) - LETTER FROM C.E.CUMMING TO
SECRETARIES, PEGANG PROSPECTING
CO. LTD.

A.1 (p.430)

Letter from
C.E. Cumming
to Secretaries
Pegang Pros-
pecting Co.Ltd.

REPORT FOR AUGUST.

CHARLES E. CUMMING.
MINING & PLANTING ENGINEER

FLORAL VILLA,
IPOH,
PERAK.

FEDERATED MALAY STATES.

10th September
1941

September, the 10th 1941

SECRETARIES,
PEGANG PROSPECTING COMPANY, LIMITED.

10

Dear Sirs,

The declared production from the "Kacha & Menelai Mining Scheme" was 238.47 pikuls and the declared stock as at 31-8-41 was 30.00 pikuls.

DISTRIBUTION ACCOUNT: August Sales: Khong Heng Kongs:-

Date Aug.	Sales of Quota	Sales of Ore	Price \$	Value \$	Rate %	Trib.to Coy.	Remarks
6-29th		208.47		16432.49	7	1150.28	For det-
	204.43		.15	30.66	8	2.45	ails see
	<u>Amang</u>			<u>140.00</u>			S/L's
Pikuls	<u>204.43</u>	<u>208.47</u>	\$	<u>16603.15</u>		<u>\$1163.93</u>	Statement of 2-9-4

20

ASSESSMENT & QUOTA ACCOUNT: 3rd Quarter of 1941:-

Quota available as at 1-8-41		1104.54 Pk
Quota sales during August	204.43	
Ore do. do.	208.47	
Quota available as at 31-8-41	<u>691.64</u>	
	1104.54	1104.54 Pk

STOCK ACCOUNT:

Declared Stock as at 1-8-41		Nil
Production during August		238.47 Pikul
Ore Sales do.	208.47	
Declared stock as at 31-8-41	<u>30.00</u>	
	238.47	238.47 Pikul

30

WORKING OF MINE: No: 5 in Lot 21952:-

Exhibits

Work continues on the "Hill Area" and the N-E face seems to be finding its way behind a tough blanket of low grade schistose clay which has absorbed a great deal of energy for little effect during past months: a set of boring tools is at work on the granitic side of the granite-schist contact. The mine is now operating with one 8" gravel pump only owing to the excessive cost of P.R.H.E. Co's so called cheap power.

A.1 (p.430)

Letter from
C.E. Cumming
to Secretaries
Pegang Pros-
pecting Co.
Ltd.

10

TRONOH RAILWAY: The Resident has refused the writer's application to prospect the line.

10th September
1941

(continued)

S. JOHAN DEVIATION: The writer will again take up the matter with Messrs. Brash & Smith; it is complicated by the Railway & the Kinta Water Main in the Railway Reserve.

COMPANY'S FINANCIAL YEAR: Ends with this month.

WATCHMAN PALANLANDI: Please note that I have found it necessary to raise the watchman's salary to \$10.50 monthly as from August.

20

Yours faithfully,

Sd. C. E. Cumming

Enclosure:

Sundry A/cs. Aug. \$91.33
July, Report.

ExhibitsA.1 (p.431) - MINUTES OF DIRECTORS MEETING
OF PEGANG PROSPECTING CO. LTD.A.1 (p.431)

Minutes of
Directors
Meeting of
Pegang Pros-
pecting Co.Ltd.

24th February
1946

PEGANG PROSPECTING COMPANY, LIMITED

Meeting of Directors held at Hotel Metropole,
Ipoh at 11 A.M. on Sunday, 24th February, 1946.

PRESENT

Mr. C.E.Cumming (Chairman) Towkay
Ho Kok Yew and Mr. G.G. Duddell (also
representing the Secretaries, Messrs.
Evatt & Co. Mr. Duddell resumed his
seat on the Board in place of Mr. Ian
Noble.

10

Annual
General
Meeting

Messrs. Cumming and Ho Kok Yew
confirmed that the Annual General
Meeting was held prior to the evacuation
of Ipoh, on 13th December, 1941, when:-

1. The Directors' fees were
voted at \$950/-.

2. A Dividend on 2½% was voted.

20

The above were in respect of the year
ended 30th September, 1941, but had not
been paid.

DIRECTORS'
FEES YEAR

The Secretaries were instructed to
pay the Directors' fees of \$950/- noted
above (C.E. Cumming \$350/-, Ho Kok Yew,
and G.G.Duddell \$300/- each).

DIVIDEND
1941

It was decided to hold the payment
in abeyance.

FINANCE

The Secretaries reported Bank
Balances as:-

30

Current account \$7,178.88,
Unclaimed Dividends \$135/-. The
Secretaries were authorised to operate
the Bank Account as formerly.

DOCUMENTS

The Secretaries reported that they
held mining leases which they believed
represented all the property, and certain

agreements, but all other books and records had apparently been destroyed during the occupation.

MINING
OPERATIONS

Towkay Ho Kok Yew reported that all mine buildings had been destroyed and all machinery looted and he was unable to indicate when he would be in a position to recommence operations.

Exhibits

Minutes of
Directors
Meeting of
Pegang Pros-
pecting Co.Ltd.

24th February
1946

10 TRONOH
OPERATIONS

The railway track was removed by the Japanese and it therefore appeared that there was every likelihood of this reserve now becoming available for mining. The Directors decided to make application for mining rights over the Tronoh Railway reserve where adjoining or near the Company's property viz from West side - from the Eastern boundary mark of Lot No. 10697 and North East to the Southern boundary mark of Lot 12262 and North Eastern boundary mark M1730 also Lot 21800 (previously prospected by the Company) Lots M.30286, M19364, 19365, 19366 and 1730 or available part thereof.

(continued)

20

Mr. Cumming was authorised to arrange with Col: Hornidge to prepare applications on behalf of the Company.

CONCLUSION

The meeting closed at 12.15 P.M. with a vote of Thanks to the Chair.

30

Confirmed.
Sd: C.E. Cumming.
Chairman.
26.11.1946.

Exhibits

A.1 (p.433) - LETTER, C.E. CUMMING TO
COMMISSIONER OF LANDS, SEREMBAN.

A.1 (p.433)

Letter, C.E.
Cumming to
Commissioner
of Lands,
Seremban

KHONG HENG MINE

KACHA & MENELAI MINING
SCHEME, PAPAN,

July the 2nd, 1946.

2nd July 1946

From C.E.Cumming, Attorney and
General Manager of Pegang Prospecting Co Ltd.,

10

To COMMISSIONER OF LANDS, SEREMBAN.

SUBJECT:- Application for State Land
by Pegang Prospecting
Company Ltd.

Sir,

I respectfully submit herewith in duplicate an
application for approximately 34 acres of State
Land comprising abandoned mining areas in the
vicinity of Papan, Perak.

2. The area would fall into our mining scheme
of which the annual assessment is 6300 pikuls;
our production was broken by restriction but we
expect to live up to our reputation in the course
of time; the Scheme is registered as No. 2/32
under the Mining Enactment the holder being Ho Kok
Yew of No. 2, Lau Ek Ching Street, Ipoh.

20

I have etc.

ATTORNEY & GENERAL MANAGER:

PEGANG PROSPECTING COMPANY LTD.

Enclosures:

30

Application for State Land
near Papan, Perak.

A.1 (p.434) - LETTER FROM C.E.CUMMING TO
COMMISSIONER OF LANDS, SEREMBAN
WITH PLAN.

Exhibits

A.1 (p.434)

KACHA & MENELAI MINING SCHEME,
Papen, July the 2nd, 1946

From C.E.Cumming, Attorney and
General Manager of Pegang Prospecting Co.Ltd.
To COMMISSIONER OF LANDS, SEREMBAN.

Letter from
C.E. Cumming
to Commissioner
of Lands,
Seremban.
with plan
2nd July 1946

Subject: Application for part of Tronoh
Railway Reserve.

10

Sir,

I respectfully submit herewith in duplicate
an application for about 34 acres of State land
forming part of the abandoned Tronoh Railway
Reserve.

2. The Kinta Water Supply main passes through
the area for which application is made; we
propose to arrange for a deviation thereof which
will avoid future mining operations.

20

3. The area would fall into our mining Scheme
of which the annual assessment is 6300 pikuls;
our production was broken by restriction but we
expect to live up to our reputation in course of
time; the Scheme is registered as No. 2/32 under
the Mining Enactment the holder being Ho Kok Yew
of No. 2, Lau Ek Ching Street, Ipoh.

I have etc.

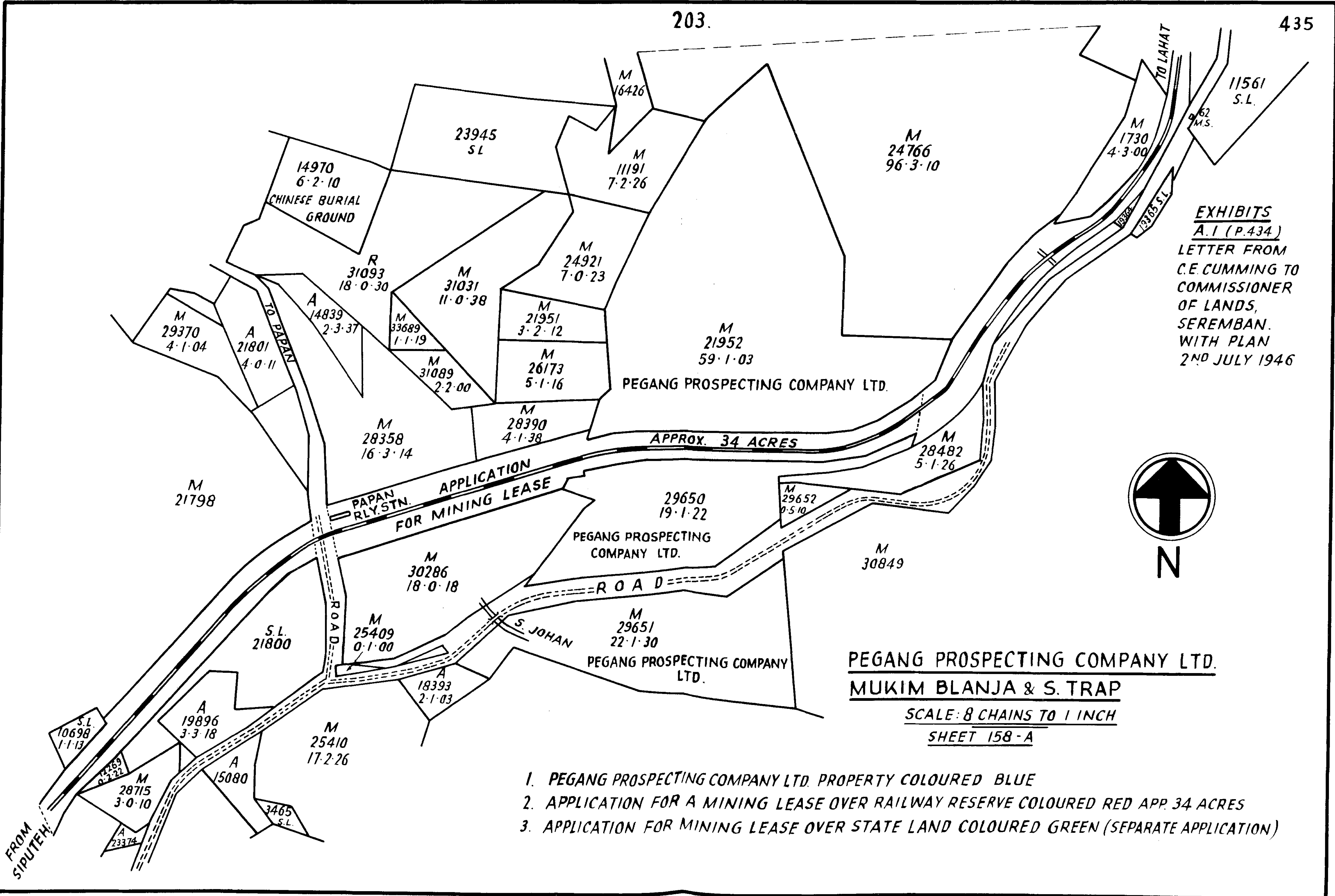
ATTORNEY AND GENERAL MANAGER:

30

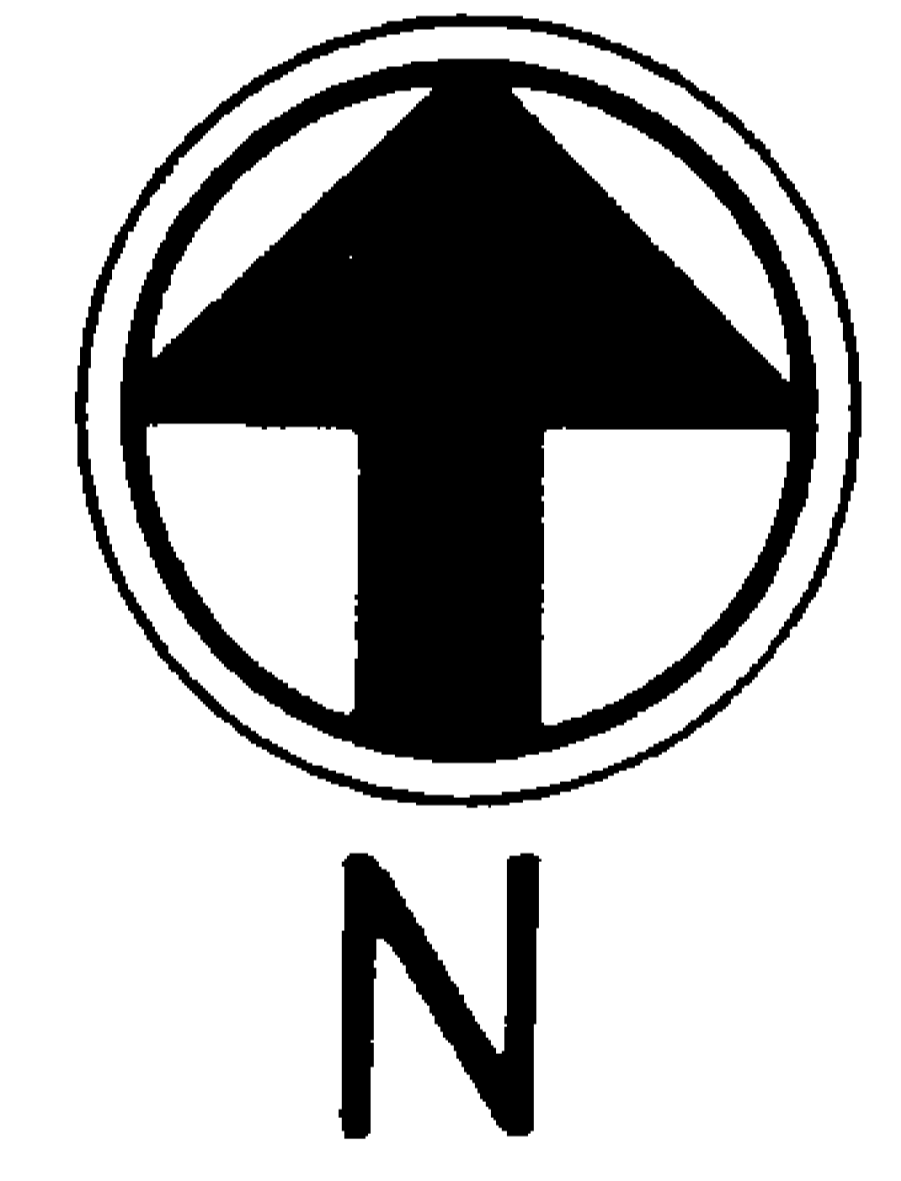
PEGANG PROSPECTING COMPANY LTD.

Enclosures:

Application for part of Tronoh
Railway Reserve in duplicate.



EXHIBITS
A.1 (P.434)
 LETTER FROM
 C.E. CUMMING TO
 COMMISSIONER
 OF LANDS,
 SEREMBAN.
 WITH PLAN
 2ND JULY 1946



PEGANG PROSPECTING COMPANY LTD.
MUKIM BLANJA & S. TRAP
 SCALE: 8 CHAINS TO 1 INCH
 SHEET 158-A

1. PEGANG PROSPECTING COMPANY LTD. PROPERTY COLOURED BLUE
2. APPLICATION FOR A MINING LEASE OVER RAILWAY RESERVE COLOURED RED APP. 34 ACRES
3. APPLICATION FOR MINING LEASE OVER STATE LAND COLOURED GREEN (SEPARATE APPLICATION)

A.1 (p.436) - LETTER FROM COLLECTOR OF LAND REVENUE, BATU GAJAH TO GENERAL MANAGER, KACHA MENELAI MINING SCHEME.

Exhibits

A.1 (p.436)

No.3 in KLO 104/46.

District Office,
Batu Gajah.
7th August, 1946.

Letter from
Collector of
Land Revenue,
Batu Gajah to
General Manager
Kacha Menelai
Mining Scheme

7th August
1946

10 The General Manager,
Kacha & Menelai Mining Scheme,
12 Leong Sin Nam Street,
I P O H.

Sir,

KACHAN & MENELAI MINING SCHEME

I have the honour to refer to your letter dated 2nd July 1946 addressed to the Commissioner of Lands applying for land as follows:-

- 20 (i) 34 acres comprised in abandoned mining areas in the vicinity of Papan.
(ii) 34 acres of State Land forming part of the Tronoh Railway Reserve.

The majority of the land in application (i) is alienated land and your application for this area cannot be entertained.

As regards your application (ii) the Commissioner of Lands is prepared to allow consideration of your application only in respect of portion "AA to BB" as indicated on the attached plan.

30 Please let me know whether you wish the application over this area to proceed.

I have the honour to be,

Sir,

Your obedient servant,

Sd: T.E. Smith.

Collector of Land Revenue,
Batu Gajah.

ExhibitsA.1 (p.437) - LETTER FROM C.E.CUMMING TO
SENIOR INSPECTOR OF MINES, PERAKA.1 (p.437)C O P Y

Letter from
C.E.Cumming to
Senior
Inspector of
Mines, Perak

In Duplicate to S.I.O.M.Perak on "K.M.M.S.letter head
From C.E.Cumming; Att.Pegang Prospecting Co. Ltd.
Office at No.45, Gopeng Road, Ipoh.
To:- Senior Inspector of Mines, Perak.

Aug.8th 1946

8th August
1946

Application No. of 1946 by the Company
for Lot No. 30286 Etc. vide attachments

10

Sir,

I have the honour to refer to our interview of some days past when it transpired that Lot 30286 is recorded as lease-hold thus considerably affecting your recommendations regarding our application.

2. I beg to inform you that Towkay Ho Kok Yew tells me that as attorney for Towkay Chan Phooi Hoong the credited lessee he duly applied for renewal and that the application was refused; thus Lot 30286 on expiry of the lease intentionally and finally reverted to the State.

20

3. This mining scheme now approaches more important existence than the past: the next stage to full production necessitates road river and pipeline deviations and operations in which the "straggle bits of land" are very much concerned: we need to show a clear passage to make way for capital expenditure approximating \$250,000.

4. Lot 21800, Papan Road Reserve and the Railway reserve on the eastern side of the road have already been prospected by the company and we understand that our reports remain filed with the Government Geologist in Batu Gajah.

30

5. The Company desires to prospect that part of the railway reserve which is situated west of the road and to complete the work in the straggle areas.

I have the honour to be,

Sir,

Your obedient servant,

40

Enclosures:-

Duplicate of letter
copy of application
No. and tracing.

Signed C.E. Cumming.
Attorney and General Manager.
PEGANG PROSPECTING CO. LTD.

A.1 (p.441) - LETTER FROM EVATT & CO. TO
COLLECTOR OF LAND REVENUE, BATU
BAJAH.

Exhibits

A.1 (p.441)

The Collector of Land Revenue 14th October 1946
BATU GAJAH.

Letter from
Evatt & Co. to
Collector of
Land Revenue,
Batu Gajah

Sir,

PEGANG PROSPECTING COMPANY, LIMITED
KACHA & MENELAI MINING SCHEME

14th October
1946

10 We have the honour to refer to your letter No.
3 in KLO 104/46 dated the 7th August; this letter
has been passed to us by Mr. C. E. Cumming who is the
Chairman of Directors of this Company.

With regard to paragraph 3 of your letter, we
shall be obliged if you will accept this as the
formal application of the Company for alienation
of that portion of the Railway Reserve shown on
the Plan which was forwarded to you as between
points AA and BB where the Railway Reserve cuts
through the Company's property.

20 The delay in replying to your letter is
regretted, and we have been awaiting the return
of Mr. Cumming who has been away on sick leave.

We have the honour to be,

Sir,

Your obedient servant,

Sgd. Evatt & Co.,

Secretary

Exhibits

A.1 (p.442) - LETTER FROM COLLECTOR OF LAND
REVENUE, BATU GAJAH TO
EVATT & CO.

A.1 (p.442)

Letter from
Collector of
Land Revenue,
Batu Gajah to
Evatt & Co.

No. (6) in KLO 104/46

Land Office,

Batu Gajah, 21st. October, 1946.

21st October
1946

Messrs. Evatt & Co.,
P.O. Box 136,
I P O H

Gentlemen,

10

PEGANG PROSPECTING COMPANY, LTD.

Kacha & Menelai Mining Scheme

I have the honour to acknowledge receipt of
your letter dated 14th October, 1946 on the above
subject and to inform you that the area between
points AA and BB is covered by the original
application.

We have the honour to be,

Gentlemen,

Your obedient servant,

20

Sgd.

Collector of Land Revenue,
Batu Gajah.

A.1 (p.444) - LETTER FROM EVATT & CO. TO
COLLECTOR OF LAND REVENUE,
BATU GAJAH.

Exhibits

A.1 (p.444)

EVATT & CO.
Chartered Accountants,

P.O. Box No.136,
Chartered Bank Chambers,
Ipoh,
Malaya.

Letter from
Evatt & Co. to
Collector of
Land Revenue,
Batu Gajah

27th November
1946

10

27th November, 1946.

PPCL

Collector of Land Revenue,
Batu Gajah.

Sir,

PEGANG PROSPECTING COMPANY, LIMITED
KACHA & MENELAI MINING SCHEME

20

We have the honour to refer further to your
letter No. 3 in KLO 104/46 dated 7th August
addressed to the General Manager of the Kacha &
Menelai Mining Scheme.

We are advised that renewal of M.L.11447 which
expired during the Japanese occupation and was
consequently extended to 31st December 1947, has
now been applied for by Chan Phooi Hoong, the
Lessee, and consequently alienation of the portion
of the Railway Reserve adjoining that area and
the adjoining State Land will be made to him and
not to Pegang Prospecting Company Limited.

30

Prior to the outbreak of war, we believe
that the British Resident, on the recommendation
of the Mines Department, had refused renewal of
M.L.11447 to the Lessee, and had authorised it
for use as a dump by this Company.

For many years this Company had been
interested in a scheme for mining the Railway
Reserve and had spent a considerable sum of money

Exhibits

A.1 (p.444)

Letter from
Evatt & Co. to
Collector of
Land Revenue,
Batu Gajah

27th November
1946

(continued)

on prospecting the areas in question and adjoining areas.

We have now ascertained from the Geological Survey Department that they hold boring plans and schedules of boring results filed with them over a period from 1921 to 1938 by Mr. C.E. Cumming, our attorney, for the whole of the Railway Reserve coloured pink on the plan submitted to you.

The Geological Survey Department references are A293, A412, A620 & A738.

10

In view of the foregoing, it is requested that in accordance with Government's pre-war decision, M.L. 11447 be not renewed on expiry but be re-alienated to Pegang Prospecting Company Limited to form part of the Kacha & Menelai Mining Scheme, and that the whole of the Railway Reserve marked in pink on the Plan submitted to you be alienated to this Company.

We have the honour to be,

Sir,

20

Your obedient servants

Sd: Evatt & Co.

Secretaries.

A.1 (p.447) - MINUTES OF 22ND ANNUAL GENERAL
MEETING OF PEGANG PROSPECTING
CO.LTD.

Exhibits

A.1 (p.447)

PEGANG PROSPECTING COMPANY, LIMITED

Minutes of
22nd Annual
General
Meeting of
Pegang Pros-
pecting Co.
Ltd.

The Twenty Second Annual General Meeting of the Share-holders of the Company was held at the Registered Office, Chartered Bank Chambers, Ipoh, on Friday, 20th December, 1946.

10 Present: Mr.C.E.Cumming (Chairman) and Messrs. Ho Kok Yew and G.G.Duddell (the latter also representing the Secretaries, Messrs. Evatt & Co.)

20th December
1947

The Secretaries reported that the Shareholders present were registered holders of 28,246 shares.

The Secretaries read the Notice calling the Meeting and the report of the Auditors.

The Chairman, Mr.C.E.Cumming, addressed the Meeting as follows:-

20 "Gentlemen - after all that has happened during the past five years it gives me great pleasure to be able to address you again; you have had for the prescribed period the Directors' Report which was circulated with the Accounts and with your permission I will take them as read; should any questions arise concerning the Accounts I will endeavour to reply thereto.

The Japanese occupation has robbed us of practically to come, during which our Sublessee Towkay Ho Kok Yew hopes to get going again.

30 The Accounts for the period under review which cover from 1st October, 1941, until 30th September, 1946, subject to Directors' and Auditors' Fees show a net loss of \$1,597.66 against which we have unpaid Dividend No.29 of 5% amounting to \$3,700 which was held up by the evacuation but is to be paid out from tributes to come as soon as possible; your Directors recommend that subject to Dividend No.29, Directors' and Auditors' Fees the balance of \$7,601.57 be carried to next account.

40 Although the Japanese did not actually work the Company's land while it was out of control,

ExhibitsA.1 (p.447)

Minutes of
22nd Annual
General
Meeting of
Pegang Pros-
pecting Co.
Ltd.

20th December
1947

(continued)

numerous tin-stealers found rich spots in our Hill Area at Kacha and Menelai and must have produced a great deal of tin-ore judging by appearances which is all we have to go by; rather than close down on the hills which, in ordinary circumstances we kept in reserve, our Sublessee has given short term agreements for working the land from which we now expect some early if minor revenue; our tribute from sales since the 30th September, 1946, amounts to \$117.69 only.

10

The Japanese served us one good turn in that they stole the Tronoh Railway which not only divided the Company's property into two but kept us out of some of the deepest and best alluvial deposits; that bugbear of 20 years is no more, but still a very large water main which unfortunately followed the railway and will call for a lot of shifting; well; we shall be getting down to it.

Before passing on to the remainder of the agenda I must thank our Secretaries for no mean job in having produced the Accounts in the absence of books and records and I consider that it will be our duty to make special provision in consideration of the tiresome re-construction of our Share Register.

20

There being no questions the Chairman moved that the tabled Report & Accounts for the period ended 30th September, 1946, be hereby adopted; this was seconded and the motion was carried unanimously.

Messrs.C.E.Cumming, G.G.Duddell and Ho Kok Yew were re-elected Directors, and agreed to accept a total fee of \$400/- for Directors' Fees for the period ended 30th September 1946 instead of the Fees of \$3,000 as provided under the Articles of Association.

30

Messrs.Brown, Phillips & Stewart, the retiring Auditors were re-elected at a fee to be arranged by the Directors, and their fee for the audit of the Accounts to 30th September 1946 was voted at \$50/-.

The Meeting closed with a vote of thanks to the Chairman.

40

Mr. Ho Kok Yew,
2, Lau Ek Ching Street, Ipoh. Postage stamp dated
23rd. December, 1946

EVATT & CO.,
P.O. Box 136,
Ipoh.

A.1 (p.450) - APPLICATION FROM HO KOK YEW
FOR 10 ACRES RAILWAY RESERVE.

Exhibits

A.1 (p.450)

FEDERATED MALAY STATES
District of Kinta.
Application for Mining Land

Application
from Ho Kok
Yew for 10
acres Railway
Reserve.

Schedule II
Section 8 of the Mining Enactment
Cap.147

16th April
1947

Received by me this day of 19

10 Address: No.2, Lau Ek Ching Street, Ipoh.

Date: 16th. April 1947.

Sir,

I have the honour to apply that I may be granted a lease under The Mining Enactment for 10 Acres of State Land described below, which I desire to work for Tin.

2. The land can be pointed by me who lives at No.2, Lau Ek Ching Street, Ipoh.

20 3. My address to which any communications concerning this may be sent to me by post is,

No. 2, Lau Ek Ching Street, Ipoh.

I am, Sir,

Your obedient servant,

Signed: Ho Kok Yew.

To the Collector of Land Revenue, Batu Gajah.

Description of the Land Applied for.

Mukim: Blenja & Sungei Trap

Locality: Papan

Distance from nearest town, village or milestone.

30 - mile from Papan

Area (in acres) 10 acres.

Position of land: Papan Station.

Exhibits

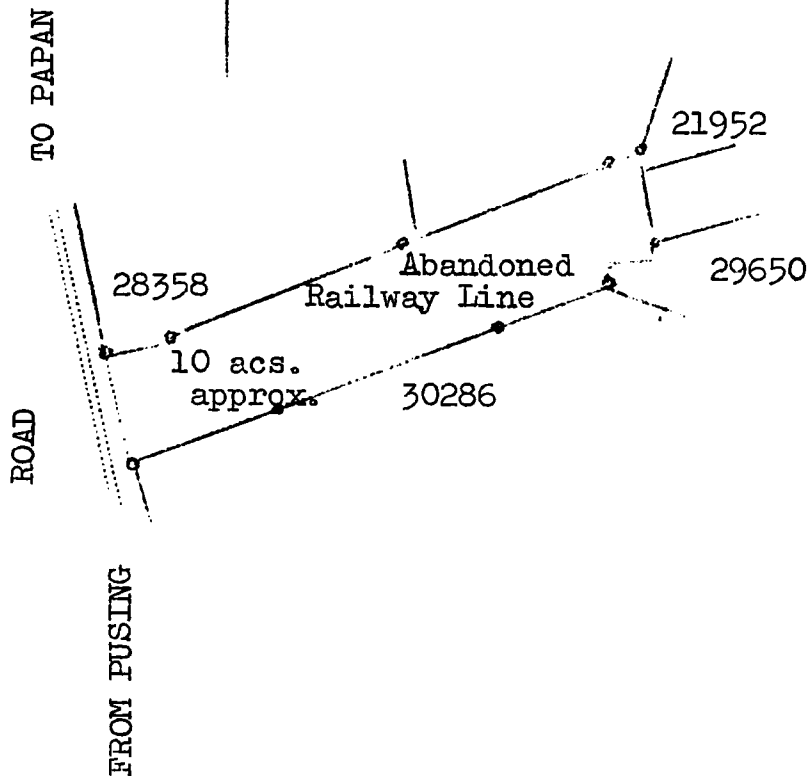
A.1 (p.450)

Application
from Ho Kok
Yew for 10
acres Railway
Reserve

16th April
1947

(continued)

MUKIM OF BLANJA
Scale: 8 chains to an inch
Sheet No.665



A.1 (p.451) - LETTER OF APPLICATION FROM C.E. CUMMING TO COLLECTOR OF LAND REVENUE, BATU GAJAH ENCLOSING COPIES OF LETTERS DATED 2ND JULY, 1946.

Exhibits

A.1 (p.451)

Letter of application from C.E. Cumming to Collector of Land Revenue, Batu Gajah, enclosing copies of letters dated 2nd July 1946

22nd April, 1947

From C.E.Cumming No. 45, Gopeng Road, Ipoh.
to
COLLECTOR OF LAND REVENUE:

Kinta: Batu Gajah. April, 22nd, 1947.

10 Application for Permit to Continue Prospecting in View of Proposed Transfer of Kinta Water Main from Old Railway Res. to Road Reserve & Deviation of S.Johan.

Sir,

I respectfully submit for your consideration the attached plan showing:-

- a. Pegang Prospecting Company's mining lots and part of those held by Papan Tin Limited.
- 20 b. Pegang Prospecting Co's two applications, each for 34 acres, dated the 2nd of July, 1946 and addressed to Comissioner of Lands, Sereban; I attach two copies of letters relative thereto.
- 30 c. Lot M 30286 of which renewal is said to have been refused originally but which has been automatically renewed until the end of this year under War legislation; the area was relegated as a dumping ground and is now allotted as such for Lot 21952 thus being an essential part of this Company's future operations; on behalf of Pegang Prospecting Company, Limited I respectfully lodge an objection to any further renewal of the lease.

40 2. Towkay Ho Kok Yew is Sub-lessee and Director of Pegang Prospecting Co. Ltd. he holds Permit No. 2/32 as granted by the British Resident on the 21st of December, 1932 under Section 20(1) of the Mining Enactment, 1928 (No.6 in Perak Mines 946/31); the Permit was granted for "Kacha & Menelai Mining Scheme" the past and present objective being exhaustion of all low-lying land in the vicinity in order to provide legitimate dumping area for higher-lying lands of which the Company has leases for some 140 acres which are held in abeyance by virtue of the Permit and

ExhibitsA.1 (p.451)

Letter of application from C.E. Cumming to Collector of Land Revenue, Batu Gajah, enclosing copies of letters dated 2nd July 1946

22nd April, 1947

(continued)

subject to provision of further dumping area.

3. Obstructions to Mining: A kinta Water Supply Main runs through the old railway reserve, the central part where shown on plan by a blue line prevents exploitation of deep and very valuable State assets in tin-ore; another valuable asset is Lot 29651 working of which is prevented by Sungei Johan, an exceptionally rich spot is indicated therein by red and blue concentric circles on the plan.

10

4. Proposed Deviation of Kinta Water Supply Main: Subject to further investigation a line following the Road Reserve and between the blue arrows east and west of the plan would appear to be the line to which the water main should be transferred in order to be safe and so as to no longer interfere with tin-mining.

5. Proposed Deviation of Sungei Johan: In order to release for mining the isolated end of the railway reserve to the west of which the remaining values are unknown, Lot 21800, a small part of Lot 30286 and Lot 29651 the line would need to be north of the main road after mining operations there via Lots 21952, 28482 and 30849; some good solid ground would be found at the western end.

20

6. Lots M 30286 & 28358: Lessee Chan Phooi Hoong as Trustee:

The Lessee has offered to sell the areas to Pegang Prospecting Company subject to Sub-leases at 7% tribute to Ho Kok Yew: the Company has offered \$4000/- for the 7% interest in the six or so acres which can be re-worked under existing conditions on a small scale; so far the offer has not been accepted; the importance of the areas lies not in their actual value but in the fact that they will be and are required for dumping, in that the holdings seem to have blocked the Company's application for land and that the holder is unlikely to subscribe towards the heavy expenses of pipe and river deviations;

30

40

7. The complicated situation as described with it's road reserves, pipe lines, a river and different Lessees calls for careful consideration followed by a "lay-out" and team work in order to obtain best results from the land; also; possibly a sinking fund to provide for contingencies such as pipe, river, road deviations etc.; patchwork such as independent mining on either side of the

water main would inevitably leave adjacent holes full of mud and water which, coupled with reduced values, would be likely to render a deviation of the pipe line uneconomic and a great loss of potential revenue.

10 8. The writer is Attorney, General Manager and a Director of Pegang Prospecting Company Limited and Papan Tin Limited, the principal adjoining Lessees and is closely associated with Towkays Ho Kok Yew and Wong Kwai the Companies respective sub-lessees.

A. The writer has carried out practically all the prospecting work in the areas shown on the plan during more than 25 years and which has been recorded by the Mines and Geological Survey Departments thus qualifying for a favourable position when it comes to completing efficiently the work which has been commenced.

20 9. In view of the foregoing and importance to those whom I represent I respectfully request that I be permitted to continue prospecting in the area covering about 23½ acres which I have outlined in red and hatched in blue upon the attached plan; it will be noted that the area is part of that applied for by Pegang Prospecting Company Ltd. on July the 2nd. 1946; at that time the adjoining Lessees Papan Tin Limited were not operating but the Company is now active and it is my duty to see that it's interest, if any, be
30 safeguarded.

10. I regret to say that Towkay Ho Kok Yew of "Kacha & Menelai Mining Scheme" Khong Heng Kengsi and Director of Pegang Prospecting Company Etc. is lying desperately ill at his house No.2 Lau Ek Ching Street, Ipoh and that I have been obliged to tell his family that I intend to carry on with due regard to his interests.

40 I have the honour to be,
Sir,
Your obedient servant,
Sd: C.E.Cumming.

Enclosures:

1 Tracing showing Application for Permit to Bore, etc.

2 Copies of Letters dated July 2nd, 1946.

Exhibits

A.1 (p.451)

Letter of application from C. E. Cumming to Collector of Land Revenue, Batu Gajah, enclosing copies of letters dated 2nd July 1946

22nd April 1947

(continued)

Exhibits

KHONG HENG MING.

A.1 (p.451)

KACHA & MENELAI MINING SCHEME.

Papan, July the 2nd. 1946.

Letter of application from C. E. Cumming to Collector of Land Revenue, Batu Gajah, enclosing copies of letters dated 2nd July 1946

From C.E.Cumming, Attorney and General Manager of Pegang Prospecting Co.Ltd.

To COMMISSIONER OF LANDS SEREMBAN.

SUBJECT:- Application for State Land by Pegang Prospecting Company Ltd.

Sir,

22nd April 1947

I respectfully submit herewith in duplicate an application for approximately 34 acres of State Land comprising abandoned mining areas in the vicinity of Papan, Perak. 10

(continued)

2. The area would fall into our mining scheme of which the annual assessment is 6300 pikuls; our production was broken by restriction but we expect to live up to our reputation in the course of time; the Scheme is registered as No. 2/32 under the Mining Enactment the holder being Ho Kok Yew of No. 2, Lau Ek Ching Street, Ipoh. 20

I have etc.

ATTORNEY & GENERAL MANAGER;
PEGANG PROSPECTING COMPANY LTD.

Enclosures:

Application for State Land near Papan, Perak.

KACHA & MENELAI MINING SCHEME,

Papan, July the 2nd. 1946

Exhibits

A.1 (p.451)

From C.E. Gunning, Attorney and
General Manager of Pegang Prospecting
Co. Ltd.

Letter of
application
from C. E.
Gunning to
Collector of
Land Revenue,
Batu Gajah,
enclosing cop-
ies of letters
dated 2nd July
1946

To THE COMMISSIONER OF LANDS, SEREMBAN.

Subject: Application for part of
Tronoh Railway Reserve.

Sir,

10 I respectfully submit herewith in duplicate
an application for about 34 acres of State Land
forming part of the abandoned Tronoh Railway
Reserve.

22nd April,
1947

(continued)

2. The Kinta Water Supply main passes through
the area for which application is made; we
propose to arrange for a deviation thereof which
will avoid future mining operations.

20 3. The area would fall into our mining Scheme
of which the annual assessment is 6300 pikuls;
our production was broken by restriction but we
expect to live up to our reputation in course of
time; the Scheme is registered as No. 2/32 under
the Mining Enactment the holder being Ho Kok Yew
of No. 2, Lau Ek Ching Street, Ipoh.

I have etc.

ATTORNEY AND GENERAL MANAGER:

PEGANG PROSPECTING COMPANY LTD.

Enclosures:

Application for part of Tronoh

30 Railway Reserve in duplicate.

ExhibitsA.1 (p.458) - LETTER FROM CHINESE
REHABILITATION MINES LOANS
BOARD TO EXECUTRIX OF HO KOK YEWA.1 (p.458)

Letter from
Chinese Rehabi-
litation Mines
Loans Board to
Executrix of
Ho Kok Yew

Ref. No.(9) in CTLC/P/328

Chinese Tin Mines
Rehabilitation Loans' Board,
Department of Industry & Commerce,
Malayan Union, Kuala Lumpur.

3rd June 1947

3rd June, 1947.

The Executrix,
Estate of Ho Kok Yew (Deceased),
2, Lau Ek Ching Street,
I P O H.

10

Madam,

KHONG HENG KONGSI NO.5

I have pleasure in advising you that the Board has approved of your application for financial assistance.

2. The loan of \$56,600/- has been approved for rehabilitation of the above mine (as outlined in your application) to the approval of the Department of Mines.

20

3. A first instalment of \$40,000/- has been authorized, cash \$15,000/- and \$25,000/- will be placed to the credit of the tenechnical Adviser's Machinery Reserve Account.

4. Payments will be made by instalments, subject to securities and Bill of Sale being submitted to the Board for approval and acceptance. It is noted that an offer of 20 shop lots at Papan was made by your representative. Full particulars should be given to your list to be submitted to the Board.

30

I am, Madam,
Your obedient servant,
Sd: N.A.J. KENNEDY,
Secretary,

CHINESE TIN MINES REHABILITATION
LOANS' BOARD.

c.c. Technical Adviser,
Inspector of Mines, Batu Gajah.

A.1 (p.460) - LETTER, EVATT & CO. TO E.A.S.
WAGNER

Exhibits

A.1 (p.460)

EVATT & CO.

Chartered Accountants,

Ipoh,

6th June, 1947.

Letter, Evatt
& Co. to E.A.S.
Wagner

6th June 1947

Mr. E.A.S. Wagner,
Advocate & Solicitor,
5, Old Pudu Road,
Kuala Lumpur.

10 Dear Sir,

Pegang Prospecting Company Ltd.

We thank you for your letter of the 4th instant, and confirm that, pending the Grant of Probate in respect of the will of the late Mr. Ho Kok Yew, we are prepared to consider Mrs. Ho as representing the interests of her late husband.

20 At the time of Mr. Ho Kok Yew's death, arrangements were being made for huptong to be granted to Thong Yee Kooi over 75a: 3r. 10p part of M.L. 10217 which lease expired during the Japanese occupation, and was therefore extended to 31st December 1947. This lease is one of those covered by the Agreement dated 22nd October 1931 and the sublease granted by the Company to Ho Man was for the period of the lease only.

Yours faithfully,

Sd: Evatt & Co.,

Secretaries.

Exhibits

A.1 (p.461) - LETTER FROM KHONG HENG KONGSI TO EVATT & CO.

A.1 (p.461)

Letter from
Khong Heng
Kongsi to
Evatt & Co.

KACHA & MENELAI MINING SCHEME,
PAPAN, PERAK, MALAYA

6th June 1947

KHONG HENG KONGSI,
PAPAN,
PERAK, MALAYA.

Town Office,
2-4 Lau Ek Ching Street,
Ipoh, Malaya.

7th June, 1947.

Messrs Evatt & Co.,
Secretaries,
Pegang Prospecting Co Ltd.,
Ipoh.

10

Dear Sirs,

Railway Reserve, Papan.

I am directed by Mrs. Ho Kok Yew (nee Tong Swee King) to inform you that she and her son remember quite distinctly that the late Mr. Kok Yew received the approval from Government to an application made for that portion of the Tronoh Railway line that runs through our mining area at Papan. I am also inclined to say that a thorough search had been made of his papers and files with the hope of discovery of this important document but without success. I have, however, a copy of a letter (attached) which bears out the existence of such a document, and that it had been forwarded to your goodselves.

20

Will you please let me know whether you have found the approval in question since the signatory of this letter discussed the subject with you in your office about a fortnight ago, as it is intended to resume mining operations in the near future and that I expect the Estate of Ho Kok Yew (dec'd) would be favoured from you with a sub-lease to mine the approved area.

30

You will understand, I am sure, this matter obviously affects considerably the immediate plan that has to be adopted for the resumption of mining activities.

40

Yours faithfully,

Sd: ???

on behalf of Khong
Heng Kongsi, Papan.

Incl: copy letter.

A.1 (p.463) - LETTER FROM EVATT & CO. TO
TONG SAM POY

Exhibits

A.1 (p.463)

EVATT & CO.
CHARTERED ACCOUNTANTS
SINGAPORE, PENANG
KUALA LUMPUR & MALACCA

P.O.Box 136
CHARTERED BANK CHAMBERS
IPOH, MALAYA

Letter from
Evatt & Co. to
Tang Sam Poy

9th June 1947

TELEGRAMS. "EVATT"
TELEPHONE: IPOH 129

10 PPCL/V

9th June, 1947.

Mr. Tong Sam Poy,
2-4 Lau Ek Ching Street,
I P O H

Dear Sir,

PEGANG PROSPECTING COMPANY, LTD:
Madam Ho Kok Yew
Railway Reserve.

20 We thank you for your letter of the 7th instant, enclosing copy of a letter dated 28th August from the late Mr. Ho Kok Yew to Mr. C.E. Cumming.

We have made a thorough search of all our records, but could not trace the letter mentioned by you from Government approving our application for the Tronoh Railway Reserve. However we enclose copies of letters relative to our application, for your information.

Yours faithfully,

30

Sd: EVATT & CO.

Secretaries.

Encls:-

Exhibits

A.1 (p.465) - LETTER FROM KHONG HENG KONGSI
TO EVATT & CO.

A.1 (p.465)

Letter from
Khong Heng
Kongsi to
Evatt & Co.

KACHA & MENELAI MINING SCHEME,
PAPAN, PERAK, MALAYA

10th June 1947

KHONG HENG KONGSI,
PAPAN,
PERAK, MALAYA.

Town Office:-
Nos:- 2-4, Lau Ek Ching Street,
Ipoh, Perak.

10th June, 1947.

Messrs. Evatt & Co.,
Secretaries,
Pegang Prospecting Co. Ltd.,
Ipoh.

10

Dear Sirs,

Tin Mines 'rehab. Loans

I have the pleasure to enclose herewith a copy of letter (No. 9 in CTLC/P/328) in connection with the application by Khong Heng Kongsi for a rehabilitation loan. In view of this, I am glad to inform you that mining operation is expected to be resumed in the near future.

20

I sincerely hope the mutual profit we obtained previously will be maintained if not increased in the future and trust that the most cordial feelings between your goodselves with the late Mr. Ho Kok Yew will be extended to us.

Yours faithfully,

Sd: ???

On behalf of Khong Heng
Kongsi, Papan.

Incl. copy letter.

30

A.1 (p.467) - LETTER FROM EVATT & CO. TO
COMMISSIONER OF LANDS, SEREMBAN

Exhibits

A.1 (p.467)

EVATT & CO.,
CHARTERED ACCOUNTANTS
SINGAPORE, PENANG, IPOH
KUALA LUMPUR & MALACCA

P.O. Box No. 136
CHARTERED BANK CHAMBERS
IPOH, MALAYA

Letter from
Evatt & Co. to
Commissioner
of Lands,
Seremban.

TELEGRAMS. "EVATT"
TELEPHONE: IPOH 129

13th June 1947

PPCL/V

13th June, 1947.

10 The Commissioner of Lands
SEREMBAN.

Sir,

PEGANG PROSPECTING COMPANY, LIMITED.
KACHA & MENELAI MINING, SCHEME.

20 We have the honour to enquire whether the
application made by this Company for a mining
lease over the portion of the former Tronoh
Railway Reserve, has been approved. The portion
was that between points marked AA and BB indicated
on the plan submitted to the Collector of Land
Revenue, Batu Gajah in August, 1946, and covers
the area which is bounded by the Company's property.

^w
e understand that the former sublessee, the
late Mr. Ho Kok Yew, stated that the Company's
application had been approved, but we are unable
to trace anything in writing to this effect.

We have the honour to be,
Sir,
Your obedient servants,

30 Sd: EVATT & CO.,
Secretaries.

Copy to

Mr. Tong Sam Poy,
2-4 Lau Ek Ching Street,
I P O H.

Exhibits

A.1 (p.468) - LETTER FROM E.A.S.WAGNER TO
EVATT & CO.

A.1 (p.468)

Letter from
E.A.S. Wagner
to Evatt & Co.

E.A.S. Wagner,
Advocate & Solicitor

No. 5 Old Pudu Road,
Kuala Lumpur.

28th June 1947

28th June, 1947

Messrs. Evatt & Co.,
Secretaries - Pegang Prospecting Co.Ltd.,
P.O. Box No.136,
Ipoh.

10

Dear Sirs,

I have taken instructions upon your letter of the 17th instant and I am now to reply that the purpose implicit in the suggestion of the Inspector of Mines is appreciated but; notwithstanding that protest must be and is hereby laid accordingly against any alienation by the Company of the rights or concessions held by the sublessee or miner under the agreement of the 22nd October, 1931 in respect of or affecting the lands specifically mentioned in the Schedule. Any alienation of these rights or concessions would not only be contrary to the specific terms of the agreement but would also adversely affect the mining scheme of which your Company has full knowledge and also the prospects of a rehabilitation loan for which my clients have applied.

20

It is anticipated that forthwith upon the receipt of any rehabilitation loan full mining operations will be resumed.

30

Yours faithfully,

Sd: E.A.S. Wagner.

A.1 (p.470).- LETTER FROM EVATT & CO. TO
COLLECTOR OF LAND REVENUE.

Exhibits

A.1 (p.470)

EVATT & CO.
Chartered Accountants

PPCL/V

P.O. Box 136
Chartered Bank Chambers
Ipoh, Malaya.

7th July, 1947.

Letter from
Evatt & Co.
to Collector of
Land Revenue

7th July 1947

10 The Collector of Land Revenue,
BATU GAJAH

Sir,

Pegang Prospecting Company Limited and
Kacha & Menelai Mining Scheme.

We have the honour to refer to the application made by this Company for a mining lease over part of the Tronoh Railway Reserve which application was made in August, 1946, and the area was indicated on a Plan attached as between points "AA" and "BB".

20 We wrote to the Commissioner of Lands, Sereban, in connection with the application on 13th June, last, but have not yet received a reply.

The position is that the Company has an agreement with the Estate of Ho Man, Deceased, and the late Ho Ko Yew for mining the surrounding areas and any future areas we may obtain in this neighbourhood; Mr. Ho Kok Yew died in April last and his representatives have applied for a Rehabilitation Loan to enable mining to be recommenced, but before the Loan can be obtained they have to put up an approved scheme, and this entails plans for working the Railway Reserve.

30 We should be obliged if the matter could receive your early attention.

We have the honour to be,
Sir,
Your obedient servants,
Sd: Evatt & Co.
Secretaries.

40 Copy for -
The Representatives of Ho Kok Yew, Deceased,
2 Lau Ek Ching Street,
IPOH.

ExhibitsA.1 (p.472) - LETTER FROM COLLECTOR OF LAND
REVENUE, BATU GAJAH TO EVATT
& CO.A.1 (p.472)

Letter from
Collector of
Land Revenue
Batu Gajah
to Evatt & Co.

8th July 1947

C O P Y for the Estate of
Ho Kok Yew, Decd.

Land Office,
Batu Gajah,

8th July, 1947.

Messrs. Evatt & Co.,
P.O. Box No. 136,
IPOH.

10

Gentlemen,

PEGANG PROSPECTING CO. LTD.
and
KACHA & MENELAI MINING SCHEME

I have the honour to refer to your letter dated 7th July 1947 and to inform you that the above Company's application for a Mining Lease over part of the Ipoh Tronoh Railway Reserve cannot be considered until the Reserve has been revoked and a decision has been reached by Government as to how the trunk water-main is to be deviated.

20

2. As consideration of the Company's application will therefor be delayed probably for some time, I suggest that you discuss the question of the Rehabilitation Loan with the Senior Inspector of Mines, Perak.

3. Since the Moratorium on transactions in land was to a great extent abolished in December 1946, the Commissioner of lands is no longer concerned with individual applications for land.

30

I have the honour to be,

Gentlemen,

Your obedient servant,

Sd: Collector of Land Revenue,
Kinta.

VSM

A.1 (p.473) - LETTER FROM EVATT & CO. TO
MADAM TONG SWEE KING

Exhibits

A.1 (p.473)

EVATT & CO.
Chartered Accountants
PPCL/V

P.O. Box No.136
Chartered Bank Chambers,
IPOH, MALAYA

12th July, 1947.

Letter from
Evatt & Co. to
Madam Tong Swee
King.

12th July 1947

Madam Tong Swee King,
Representative of the Estate of Ho Kok Yew, Dec'd,
2 Lau Ek Ching Street, I P O H

10 Dear Madam,

PEGANG PROSPECTING COMPANY, LIMITED
APPLICATION FOR TRONOH RAILWAY RESERVE.

With reference to the letter dated 8th instant from the Collector of Land Revenue, Kinta, a copy of which has been sent to you, we have since discussed the matter with Mr. Greenwood of Messrs. Thomas & Hornidge; he is also a Director of this Company.

20 Mr. Greenwood suggests that you submit a scheme showing to what extent you require to slope back the present Railway Reserve area to enable mining operations to be re-commenced on Mining Lease 8899, and indicate whether this would necessitate removal of the pipe line situated in the Railway Reserve. He also suggests that if you wish to mine the whole of the Railway Reserve you should submit a scheme, showing to what extent the pipe line would require to be deviated, and the suggested new site for it, and indicate whether
30 Khong Heng Kongsu could finance the removal and re-erection of the pipe line; these schemes should then be discussed with the Mines Department and the Public Works Department, and if they were approved by them then we will make an application for the revocation of the part of the Railway Reserve concerned.

40 If you could finance the removal of the whole of the pipe line of the area concerned and the scheme put up by you were approved, we could then apply for the revocation of the whole of the area between the points "AA" and "BB" on the Plans which accompanied our original application for the area.

Yours faithfully,

Sd: Evatt & Co.

Secretaries.

ExhibitsA.1 (p.476)A.1 (p.476) - LETTER FROM THOMAS & HORNIDGE
TO COLLECTOR OF LAND REVENUE,
BATU GAJAH

Letter from
Thomas &
Hornidge to
Collector of
Land Revenue,
Batu Gajah.

12th November,
1947

THOMAS & HORNIDGE
CONSULTING MINING ENGINEERS,

P.O. Box No. 119,
No. 1 Brewster Road,
Ipoh, Perak.

HFCG/CKL:

12th November, 1947.

Collector of Land Revenue,
Land Office,
Batu Gajah.

10

Sir,

Railway Reserve & Kinta Water Supply
pipe Line, Papan.

The Pegang Prospecting Co. Ltd: have applied for a Mining Lease over the Railway Reserve adjacent to their land and shewn in red on attached plan in duplicate. Enquiries elicited the information that the application had been recommended for approval subject to revocation of the reserve and deviation of the pipe line.

20

2. The mine cannot resume operations until a mining title for the reserve is issued and the pipe line deviated. The matter is therefore of urgency to the Company who have been inactive for a long period and wish to resume operations at the earliest possible date.

3. The deviation of the pipe line as shewn in plan has been discussed with, and provisionally approved by the Executive Engineer, Kinta. The method of deviation has not been finalised and we suggest the following course for consideration and approval.

30

(a) The approximate length of the existing pipe line is 3430 feet, and the length of the proposed deviation approximately 4480 feet, an increase in length of 1050 feet.

(b) To obviate the supply of costly cast iron piping, it is proposed that 3430 feet of 14" diameter mild steel slip joint pipe be laid on the line of the deviation to accommodate temporarily the water supply. The existing cast iron pipe line can then be lifted and laid with an addition of 1050 feet of new pipe. On completion of this line the water to be switched into it and the temporary mild steel pipe lifted.

- 10 (c) It is doubtful if cast iron pipes can be acquired and we would enquire whether the 1050 feet additional length required for the deviation may be supplied by the Government.

As such pipes will remain Government property and are of no use for mining purposes, we would ask that the cost of supplying such pipes be for Government account.

- 20 (d) With the exception of supplying approximately 1050 feet of cast iron pipe the cost of the deviation including the supply of the mild steel pipe and all materials required will be for clients account.

(e) Clients are prepared to undertake the work of deviating the pipe line, under supervision or to the satisfaction of the Public Works Department, or such part of the work as may be considered appropriate by Government.

5. Early consideration of the above will be of great assistance to the Company and much appreciated.

30

We have the honour to be,

Sir,

Your obedient servants

Sd: Thomas & Hornidge

Consulting Mining Engineers.

Estate of Ho Kok Yew,
2-4, Lau Ek Ching Street,
Ipoh.

Copied for your information and file.

Exhibits

A.1 (p.476)

Letter from
Thomas &
Hornidge to
Collector of
Land Revenue,
Batu Gajah.

12th November,
1947

(continued)

Exhibits

A.2 (p.480) - EXTRACT FROM PROBATE OF WILL OF HO KOK YEW.

A.2 (p.480)

Extract from
Probate of
Will of Ho Kok
Yew

17th July 1947

CLC. (E.D.O. 19)
(78) in E.D.O.X. F.457/47 FORM No. 12.
Estate of HO KOK YEW... Deceased
The.....REGISTRY AT.....IPOH.....
Petition No. 288...of 1947
(Affidavit delivered the 17th day of July, 1947
Schedule of the property of the above-named
deceased:

8299-20,000-20-1-48-R58/2

Gross Value-	₹	c.
<u>Assets.</u>		
1. As per statement shewn on pages 1 and 2 attached.	95,075	40
<u>Liabilities-</u>		
1. Funeral expenses	₹1,000.00	
2. Wan Mee Kiew	<u>8,000.00</u>	9,000 00
	Nett Value	86,075 40
		=====

10

20

CERTIFICATE OF PAYMENT.

I hereby certify that ~~₹~~4,466.55, being the estate duty payable in respect of the property aforesaid has been paid.

Dated at KUALA LUMPUR, this 15th day of
SEPTEMBER, 1949.

Filed this 20th day of
Sept. 1949

Sd: ?
.....
Ag: Collector of Estate
Duty.

30

Sd: S.S.Gill
Ag: Asst: Registrar, Ipoh.

Federation of Malaya

CLC. No.	(E.D.O.20) Page...1....	<u>Assets.</u>	₹	c.	<u>Exhibits</u> A.2 (p.480)
	No. 78A in E.D.O.X. F.457/47				
					Extract from Probate of Will of Ho Kok Yew
		1. 100 shares in the Chinese Bankers Trust Co Ltd.	1,000	00	
		2. 100 shares in Keng U Ltd.	60	00	
		3. 7,000 shares in Papan Tin Ltd.	700	00	17th July 1947
		4. 200 shares in Hong Fatt (Sungei Besi) Ltd.	216	50	(continued)
10		5. 40 shares in Eastern Hotel (Cameron Highlands) Ltd.	3,000	00	
		6. 700 shares in Perak Trust & Investment Co. Ltd.	280	00	
		7. 13,996 shares in Pegang Prospect- ing Co., Ltd.,	6,298	20	
		8. 116,790 shares in Toh-Allang Chinese Tin Ltd.	26,277	75	
		9. C.T. 2298 Lot 9 with a house No. 81 Main Road, Papan	500	00	
20		10. C.T. 828 Lot 31 with a house No.37, Main Road, Papan	500	00	
		11. C.T. 827 Lot 30 with a house No.39, Main Road, Papan	500	00	
		12. C.T. 5126 Lot 63 with a house No.26, Main Road, Papan	500	00	
		13. C.T.2413 Lot 12 with a house No.75, Main Road, Papan	500	00	
		14. C.T.2745 Lot 32 with a house No.35 Main Road, Papan	500	00	
30		15. Grant 71 Lot 28 with a house No.43, Main Road, Papan	500	00	
		16. C.T.5127 Lot 62 with a house No.28, Main Road, Papan	500	00	

<u>Exhibits</u>				
<u>A.2 (p.480)</u>	17.	L. of T. Land 994 Lot 20 with a house No.59, Main Road, Papan	500	00
		<u>Papan Township</u>		
Extract from Probate of Will of Ho Kok Yew	18.	C.T.1631 Lot 117	50	00
17th July 1947	19.	C.T.5367 Lot 45	50	00
(continued)	20.	C.T.5366 Lot 56	50	00
	21.	C.T.5365 Lot 47	50	00
	22.	C.T.5364 Lot 46	50	00
	23.	C.T.5363 Lot 44	50	00
	24.	C.T.5362 Lot 43	50	00
	25.	C.T.8450 Lot 55	50	00
	26.	C.T.8449 Lot 54	50	00
	27.	C.T.4209 Lot 120	50	00
	28.	L. of T. Land 899 Lot 80	50	00
	29.	Cash at the Mercantile Bank of India Ltd., Ipoh	943	92
	30.	Cash at the Chartered Bank of India, Australia & China, Ipoh	258	17
	31.	Book debts due to the deceased	2,300	00
	32.	Cash at the Hongkong & Shanghai Banking Corporation, Ipoh	476	44
	33.	The deceased's share as a partner in the firm of Khong Heng Kongsí	7,853	08
	34.	Amount due under Tin Buffer Stock Scheme	1,666	12
	35.	Amount paid on application for 80 shares of \$100/- ea. in the Chinese Miners Industrial Corporation Ltd.	800	00
	36.	Remuneration from Eastern Hotel, Cameron Highlands	213	35

10

20

30

				<u>Exhibits</u>
	37.	Amount due by RMMA Annamalai Chettiar	<u>85,000</u>	
		ARM.Muthuraman Chettiar	<u>5,000</u>	10,000 00
	38.	Interest due on above		1,500 00
	39.	Amount due by Wong Weng deceased		500 00
	40.	Money in Post Office Savings Bank a/c Nos. 332,335, 336, 337, 492 and 839 Ipoh East		1,104 52
				17th July 1947 (continued)
10	41.	Benefits payable by:		
		(a) Shun Tak Woi Khoon	<u>8173.64</u>	
		(b) The Chinese Philanthropic Society	<u>431.77</u>	605 41
	42.	Rent due		246 94
		<u>Mukim Blanja</u>		
	43.	Sub-Sub Lease 67/37 over ML.8899)		
		Sub-lease 140/37 over ML.8918)		
		Sub-lease 69/37 over ML.9946)		
20		Sub-Sub-Lease 67/37 over ML.10217)		
		Sub-Sub-lease 67/37 over ML.11543)		
		Sub-Sub-Lease 67/37 over ML.11544)		
		Sub-lease 86/37 over ML.11646/7)		
		Sub-lease 23/36 over ML.12338)		
		Sub-lease 5/36 over ML.10526/7)		
		Sub-lease 100/28 over ML.10400)		
		and 10525)		
		Sub-lease No.99/28 over ML.6694)		
30	44.	M.L.s. 12824 and 12825)		
		Ulu Kinta - (1/2 share))	<u>23,625</u>	00
				<u>95,075 40</u>
				<u>95,075 40</u>
		Total		<u>95,075 40</u>

Sd: ?

 Ag: Collector Estate Duty
 Federation Malaya.

ExhibitsA.2 (p.497)A.2 (p.497) - LETTER FROM THOMAS & HORNIDGE TO
SECRETARY, CHINESE TIN MINES
REHABILITATION LOANS BOARD

Letter from
Thomas & Horn-
idge to
Secretary,
Chinese Tin
Mines
Rehabilitation
Loans Board.

20th February,
1948

THOMAS & HORNIDGE
CONSULTING MINING ENGINEERS P.O. Box 119
No.1 Brewster Road,
Ipoh, Perak.
HFCG/CKL. 20th February, 1948.

Secretary,
Chinese Tin Mines Rehabilitation Loans Board,
1, Clarke Street, Kuala Lumpur.

10

Sir,

Khong Heng Mine
Estate of Ho Kok Yew (Decd).

We are informed that the loan application
for above was not finalised due to Probate not
having been granted. Probate has recently been
granted and the documents are with the Estate
Solicitors who are dealing with the matter of
security for the loan.

20

In addition we are attempting to get early
conversion of the abandoned railway reserve, and
are awaiting approval of a scheme submitted for
deviation of the water supply pipe line accommo-
dated on the reserve. The reserve is embodied
in the mining scheme and it is proposed to delay
resumption of mining operations until a title
to the reserve is obtained.

We trust that this course will receive the
Boards approval and will in no way jeopardize the
receipt of a loan.

30

We have the honour to be, Sir,
Your obedient servants,
Sd: Thomas & Hornidge
Consulting Mining Engineers.

Executors,
Estate of Ho Kok Yew (dec'd),
2-4 Lau Ek Ching Street,
Ipoh.

40

Copies for your information and file.

A.2 (p.499) - LETTER FROM EVATT & CO. TO MADAM
TONG SWEE KING

Exhibits

A.2 (p.499)

EVATT & CO.
CHARTERED ACCOUNTANTS

P.O.Box No. 136
Chartered Bank Chambers,
IPOH, MALAYA.

Letter from
Evatt & Co. to
Madam Tong
Swee King.

PPCL/V

2nd April, 1948

2nd April 1948

10 Madam Tong Swee King,
Executrix of the Estate of the late
Towkay Ho Kok Yew,
2, Lau Ek Ching Street,
I P O H.

Dear Madam,

PEGANG PROSPECTING COMPANY, LTD.
SUBLEASE 66/37

The above sublease from the Company to Mr.
Chan Phooi Hoong covers the undernoted Leases at
a tribute of 7%:-

20	<u>M.L.</u>	<u>Plan No.</u>	<u>Lot No.</u>	<u>A r e a</u>
	1. 8899	21952		59:1:03
	2. 10217	24766		96:3:10
	3. 11543	28785	29650	19:1:22
	4. 11544	28785	29651	22:1:30

The areas were sub-subleased by Mr. Chan
Phooi Hoong to the late Towkay Ho Kok Yew at
8% thus leaving a net 1% tribute payable to Mr.
Chan Phooi Hoong.

30 Mr. Cumming has, we understand, already
explained to you that the Company is extremely
concerned that 2½ years after the re-occupation
of the country, mining operations have not been
resumed by the sub-sublessee and feels that it
can no longer allow matters to continue as
they are.

The Company is in a position to negotiate
for mining to be commenced on the area covered
by M.L. 11544 by Towkay Foong Seong who has a
mine operating in the adjacent area. It can

ExhibitsA.2 (p.499)

Letter from
Evatt & Co. to
Madam Tong
Swee King.

2nd April 1948

(continued)

also arrange for operations to commence on the area covered by M.L. 10217.

The Estate of your late husband, who is the largest shareholder in the Company, will benefit materially by revenue derived from the resumption of mining operations in these areas.

We have asked Mr. Chan Phooi Hong to surrender his sublease to the Company, as his interest is only a nominal one, and he has asked us to approach you. 10

We are now instructed to ask you to transfer to the Company your sub-sublease over Sublease No. 66/37 in so far as it concerns Mining Leases 11544 and 10217, and to ask Mr. Chan Phooi Hong to surrender his interest in Sublease No. 66/37 so that mining operations can be commenced. As regards M.L.11544 this is so situated that only Towkay Foong Seong can work it properly.

A Meeting of the Directors is being held at Mr. Cumming's house No. 45 Gopeng Road at 6 p.m. on Friday, 9th April to discuss the matter, and you are invited to attend together with your adviser, and also you are requested to arrange for Mr. Chan Phooi Hong or his representative to attend. 20

If no satisfactory arrangement can be made, it may be necessary for the Company to apply for cancellation of the Sublease.

Yours faithfully,

Sd: Evatt & Co. 30

Secretaries.

Sd: C.E. Cumming

Director.

A.2 (p.514) - LETTER FROM EVATT & CO. TO
MADAM TONG SWEET KING

Exhibits

A.2 (p.514)

EVATT & CO.
Chartered Accountants
.....

P.O.Box No.136,
Chartered Bank Chambers,
Ipoh, Perak,
Malaya.

Letter from
Evatt & Co.to
Madam Tong
Sweet King.

14th April 1948

PPCL/V

14th April, 1948.

10 Madam Tong Sweet King,
Executrix of the
Estate of Mr. Ho Kok Yew, deceased,
2, Lau Ek Ching Street,
I P O H.

Dear Madam,

Pegang Prospecting Company Ltd.

20 With further reference to our letter of 2nd
instant, we have to advise you that the Directors
of this Company held a Meeting on the evening of
9th instant, and expressed regret that you were
not able to attend; your letter of 7th instant,
together with a letter dated 6th instant from Mr.
E.A.S.Wagner, who stated that he wrote as Legal
Adviser of Khong Heng Kongs, was considered; the
Company is unable to deal with Khong Heng Kongs in
this matter, but only with Mr. Chan Phooi Hoong
and the Estate of the late Mr. Ho Kok Yew.

30 We have been asked by the Director to assure
you that the Company is not trying to deprive you
of your interests, and you will benefit by any
saving effected by the Company, as your late husband
was the largest shareholder in the Company, and
still holds 13,996 shares out of a total of
74,000 shares.

40 The areas which you have been asked to agree
to surrender, namely Mining Leases 11544 and
10217 were not included in the pre-war mining
operations, and would not effect in any way the
application made for a Rehabilitation Loan;
Mining Lease 11544 is so situated that only
Towkay Foong Seong, who has a property adjoining

ExhibitsA.2 (p.514)

Letter from
Evatt & Co. to
Madam Tong
Swee King.

14th April 1948

it, can work it properly; it cannot be fitted into any mining scheme of the Sub-Sublessee, and as regards Mining Lease 10217 it may be extremely difficult to arrange dumping areas unless mining operations are commenced in the near future, and the Company can arrange for this to be done.

Both of these Mining Leases expire on 31st December, 1950, and the Directors fear that, unless operations are started on these areas on a reasonable scale, renewal of the leases may be refused, and a valuable source of revenue lost to the Company, and hence a proportion in respect of its holding lost by your late husband's estate.

10

If Mr. Chan Phooi Hoong and the Estate of the late Mr. Ho Kok Yew will surrender their rights to Mining Leases 11544 and 10217, the Company is willing to reserve one-fifth of the tribute it receives in respect of Mining Lease 11544 as a contribution by the Company towards the cost of deviating the Government pipe line, which will have to be borne by you when your scheme for working the railway reserve and the adjoining area is commenced.

20

May we invite you to give the matter your careful attention, and agree to the surrender to the Company of the Sub-Sublease over these two areas, and persuade Mr. Chan Phooi Hoong to surrender his Sublease in respect of the area.

Yours faithfully,

Sd: Evatt & Co.,

30

Secretaries.

A.2 (p.517) - LETTER FROM KHONG HENG KONGSI
TO THE SECRETARIES, PEGANG
PROSPECTING CO. LTD.

Exhibits

A.2 (p.517)

KACHA & MENELAI MINING SCHEME,
PAPAN, PERAK, MALAYA

KHONG HENG KONGSI,
PAPAN,
PERAK, MALAYA.

Town Office;-
2, Lau Ek Ching Street,
Ipoh, Malaya.

20th April, 1948

Letter from
Khong Heng
Kongsi to
Secretaries,
Pegang Pros-
pecting Co.Ltd.

20th April,
1948

10 Secretaries,
Pegang Prospecting Co.Ltd.,
P.O.Box No.136,
Ipoh, Perak.

Dear Sirs,

Pegang Prospecting Co.Ltd.,
Sublease No.66/37

I duly received your letter of the 14th instant the contents of which have been considered by me and my partners in the Khong Heng Kongsi.

20 In reference to paragraph 3 of your letter as Mining Leases Nos. 11544 and 10217 are actually included in the Sublease above referred to, I do not admit that the application for a Rehabilitation Loan would not be affected by their surrender.

In any event that is a matter not for your Directors but for the Rehabilitation Loans Board to decide.

30 As regards your statement that mining lease 11544 cannot be fitted into any mining scheme of the sub-sublease the fact remains that it did actually form a part of the mining scheme as appears by the agreement of 22nd October, 1931 to which your Company affixed its seal.

In reply to your fourth paragraph, I understand that you have already been informed that a loan has been arranged with the Board abovenamed for the purposes of recommencing mining operations and that the draft charge and Bill of Sale have already been submitted to the Board's Solicitors.

Exhibits

A.2 (p.517)

Letter from
Khong Heng
Kongsi to
Secretaries,
Pegang Pros-
pecting co.
Ltd.

20th April,
1948

(continued)

I do not agree that the renewal of any leases included in the sublease is likely to be refused.

The Government is not likely to refuse to renew leases over land which the Board has undertaken to pay over nearly \$60,000 to work.

Under the circumstances neither I nor my partners are prepared to surrender any rights which we have under the sublease above mentioned or which accrue to us under the agreement of the 22nd October, 1931.

10

Yours faithfully,

Sd: Tong Swee King

Khong Heng Kongsi

Managing Partner.

A.2 (p.523) - LETTER FROM E.A.S.WAGNER TO
EVATT & CO.ExhibitsA.2 (p.523)

E.A.S.WAGNER
Advocate & Solicitor.

No.5, Old Pudu Road,
Kuala Lumpur.

11th May, 1948.

Letter from
E.A.S.Wagner
to Evatt & Co.

11th May 1948

Messrs. Evatt & Co.,
Secretaries Pegang Prospecting Co.Ltd.,
P.O. Box No.136
Ipoh.

10 Dear Sirs,

Khong Heng Kongsi
Sub-lease No. 66/37

20 I am instructed by Madam Tong Swee King the
Managing Partner of the Kongsi above-mentioned to
inform you that she has signed a charge and also
a Bill of Sale over assets of the Kongsi as the
security for a loan of \$58,600/= which the
Chinese Tin Mines, Rehabilitation Loans Board has
agreed to lend to the Kongsi for the purpose of
furthering their mining operations on the lands
covered by the sub-lease above-mentioned and
included also in the agreement of 22nd October
1931.

These documents signed by her have been
handed over to the Solicitors for the Board for
the purposes of registration.

I have advised Madam Tong Swee King that
your Board's recent proposals and actions should
be fully disclosed to the Loans Board Solicitors.

30 That has been done by me personally.

Government having sanctioned this substantial
loan to this Kongsi I shall be glad to hear from
you at an early date that all the proposals and
suggestions made by your Board to Madam Tong Swee
King in any capacity whatever in recent corres-
pondence have been withdrawn and that no obstruc-
tion will be placed in the way of the mining
operations it is intended to resume at an early
date.

40 EASW/TL.

Yours faithfully,
Sd: E.A.S.Wagner.

Exhibits

A.2 (p.525) - LETTER FROM CHAN PHOOI HOONG TO
PEGANG PROSPECTING CO.LTD.

A.2 (p.525)

Letter from
Chan Phooi
Hoong to
Pegang Pros-
pecting Co.Ltd.

CHAN THYE LEE,
MINERS & PLANTERS

Head Office:-
No.164, High Street,
Kuala Lumpur.

15th May 1948

15th May 1948.

Messrs.Pegang Prospecting Co.Ltd.,
Ipoh.

10

Dear Sirs,

M.L.10217 Lot 24766-Kacha.

I refer you to your sublease No.66/37 to
Madam Mak Shi and myself as Trustees for the late
Ho Man in which the land comprised in the above
M.L. together with 3 other pieces of land under
M.Ls. 8899, 11543 and 11544 were sub-leased to us
for the terms thereof.

Madam Mak Shi has no longer any interest in
the sublease of those pieces of land as the
same was by agreement taken over by me with the
approval of the Supreme Court at Kuala Lumpur.

20

Under the sublease the above land subleased
to me for the term of the above lease and as the
lease had expired on the 7th March 1944 the
sublease so far as concerns the above M.L. had
lapsed.

I am desirous of making arrangement to
commence mining operation on the land, I shall
be glad if you will kindly grant me fresh sub-
lease over this land.

30

Please let me hear from you.

I am forwarding a copy of this letter to my
Solicitors in Ipoh Messrs Cheang Lee & Ong for
their information. I have instructed Messrs
Cheang Lee & Ong to act for me in all matters
where the Estate of Ho Man deceased has to
transfer its rights under mining leases and
subleases etc. to me.

Yours faithfully,
CHAN PHOOI HOONG,
By His Attorney,
Sd: Chan Kwong Soon.
.....

40

A.2 (p.528) - LETTER FROM THOMAS & HORNIDGE
TO TONG SAM POY

Exhibits

A.2 (p.528)

THOMAS & HORNIDGE
Consulting Mining Engineers,

P.O. Box No. 119,
No.1 Brewster Road,
Ipoh, Perak.

Letter from
Thomas &
Hornidge to
Tong Sam Poy

24th May 1948

HFCG/CKL.

24th May, 1948.

10 Mr. Tong Sam Poy,
2-4 Lau Ek Cheng Street,
Ipoh.

Dear Sir,

Railway Reserve & Kinta Water
Supply Pipe Line - Papan

We forward herewith the proposed agreement
for deviation of the Water Supply Pipeline.

Under (a), (B) and (B)3 of the agreement
we suggest requesting Khong Heng Kongsi be sub-
stituted for Thomas & Hornidge.

20 Will you please peruse the terms and
conditions and let us have your views and
instructions.

Yours faithfully,

Sd: Thomas & Hornidge

Consulting Mining Engineers.

Exhibits

A.2 (p.529) - LETTER FROM CHAN PHOOI HOONG
TO EVATT & CO.

A.2 (p.529)

Letter from
Chan Phooi
Hoong to Evatt
& Co.

CHAN THYE LEE,
MINERS & PLANTERS

Head Office:
No.164 High Street
Kuala Lumpur.

25th May 1948

Your Ref. PPCL/V

25th May 1948.

Messrs.Evatt & Co.,
P.O. Box No.136,
Ipoh.

10

Dear Sirs,

Pegang Prospecting Company Ltd.,
Sublease 66/37
M.L. 10217 - Lot 24766

I thank you for your letter of the 17th
instant contents of which are noted.

As you are aware the land was all along under
sub-sublease to the late Ho Kok Yew during the late
Mr.Ho Man's management of Chop Chan Thye Lee and I
am at the moment unable to let you have particulars
of the proposed scheme. I shall, however, upon a
sublease being granted to me, take steps to bore
the land and after that I shall put up a scheme of
working. If the boring results show that the land
is workable I propose to work the land myself or
to form a new Company to work it and I have no in-
tention to sub-sublease it to the Estate of the
late Ho Kok Yew the former sub-sublease being for
the term of the lease since expired and they have
not taken energetic steps to recommence mining
operations.

20

30

I trust that in view of my firm's past
relationship with the Company, the Directors will
see their way to grant me a fresh sublease.

Yours faithfully,

CHAN PHOOI HOONG

By His Attorney,

Sd: Chan Kwong Soon.

A.2 (p.535) - LETTER FROM EVATT & CO. TO
MADAM TONG SWEET KING.

Exhibits

A.2 (p.535)

EVATT & CO.
Chartered Accountants

P.O.Box 136,
Chartered Bank Chambers,
Ipoh, Perak, Malaya.

Letter from
Evatt & Co. to
Madam Tong
Sweet King.

PPCL/V

22nd June, 1948

22nd June 1948

Madam Tong Sweet King,
Executrix of the Estate of
Ho Kok Yew, deceased,
2, Lau Ek Ching Street, Ipoh.

10

Dear Madam,

PEGANG PROSPECTING COMPANY LTD.
SUBLEASE 66/37 OVER MINING LEASE
10217, LOT 24766 & MINING LEASE
11544, LOT 29651

We enclose a copy of our letter of even date addressed to Mr. Chan Phooi Hoong, from which you will note that although the Company is not prepared to grant him a new sublease over Mining Lease 10217, it is prepared to grant a sublease to you over the Kacha Water Shed area comprised in this Mining Lease at 7% tribute for the period of the lease; the Directors consider that other more suitable arrangements can be made by the Company with regard to the Menelai Water Shed area comprised in the lease.

20

With regard to Mining Lease 11544, Lot 29651, we are instructed to ask you to surrender to the Company your rights under Sublease 66/37 and the Agreement dated 22nd October, 1931, in order that the area may be subleased to Towkay Foong Seong, and if you agree to do this, the Company will pay to you 20% of the tribute which it receives from the output from this area.

30

If Mr. Chan Phooi Hoong and yourself will not surrender your rights over this area, we have to advise you that the Company proposes to sue for cancellation of the Sublease since no attempt has been made to mine the area, and it is not comprised in your present mining scheme relative to your rehabilitation loan.

40

We would point out that the directors are making the best arrangements they can for increased revenue for the Company as early as possible, and in this connection it will also benefit you as the Estate of the late Mr. Ho Kok Yew is the biggest shareholder in the Company.

Yours faithfully,
Sd: Evatt & Co., Secretaries.

Exhibits

A.2 (p.537) - LETTER FROM EVATT & CO. TO
CHAN PHOOI HOONG

A.2 (p.537)

Letter from
Evatt & Co. to
Chan Phooi
Hoong.

EVATT & CO
Chartered Accountants

P.O. Box No.136
Chartered Bank Chambers,
Ipoh, Perak,
Malaya.

22nd June 1948

PPCL/V

22nd June, 1948.

Mr. Chan Phooi Hoong,
164, High Street,
Kuala Lumpur.

10

Dear Sir,

PEGANG PROSPECTING COMPANY LTD.
MINING LEASE 10217, LOT 24766

With reference to your letter of the 25th
May, we have to advise you that the Directors
have considered your request for a sublease over
the above area, and are not prepared to grant
your request as they consider that more suitable
arrangements can be made for the proper working of
this area.

20

The Directors are prepared to give you a
written undertaking to pay to you 2% of the
value of output from this area on which the
Company receives tribute, subject to your agreeing
to the following conditions:-

(a) You will surrender to the Company all
your rights to renewal of Mining Lease
11447, Lot 30286 and your rights to the
Railway Reserve adjoining this Mining
Lease. When the Company obtains a
lease over this portion of the Railway
Reserve it will then sublet it to you if
you wish at 7% tribute on condition that
production on the area starts within 6
months of the date of the sublease.

30

(b) You will surrender to the Company your

rights under Sublease 66/37 and the Agreement dated 22nd October, 1931, in so far as Mining Lease 11544 (Lot 29651) is concerned.

10 The general idea of the Directors is that Mining Lease No. 10217 should be given to two sublessees, the one to work the Menelai Water Shed area and the other (the Estate of Ho Kok Yew Deceased) to work the Kacha Water Shed area; under the old arrangements your net tribute would have been 1%, but under the suggested agreement you would receive 2% while Clause (a) above is one of the conditions by which you were bound under the Agreement dated 22nd October, 1931.

Mining Lease 11544, Lot 29651, is an area which cannot be incorporated by the Estate of Ho Kok Yew, Deceased, in any reasonable mining scheme, but can be worked by Towkay Foong Seong whose property adjoins it.

20 We trust that the suggested arrangements will meet with your approval as we are anxious to finalise matters.

Yours faithfully,

Sgd: Evatt & Co.,

Secretaries.

Exhibits

A.2 (p.537)

Letter from
Evatt & Co. to
Chan Phooi
Hoong.

22nd June 1948

(continued)

Exhibits

A.2 (p.539) - LETTER, EVATT & CO. TO MADAM
TONG SWEE KING.

A.2 (p.539)

Letter, Evatt
& Co. to Madam
Tong Swee King
2nd July 1948

EVATT & CO.,
Chartered Accountants,
Singapore, Penang, Ipoh
Kuala Lumpur & Malacca

Telegrams, "EVATT"
Telephone: IPOH 129

P.O. Box 136,
Chartered Bank Chambers,
Ipoh, Malaya.

PPCL/V

2nd July, 1948.

10

Madam Tong Swee King,
Executrix of the Estate of
Ho Kok Yew, Dec'd.
2, Lau Ek Ching Street,
I P O H.

Dear Madam,

PEGANG PROSPECTING COMPANY LTD.
M.L. 10217 Lot No. 247/66

We would refer to our letter of 22nd June
and shall be obliged if you will let us have a
reply to our enquiry before Tuesday 6th instant;
if we do not receive the reply before that date,
we can only assume that you are not prepared to
agree to any of the proposals contained in our
letter of 22nd June.

20

Yours faithfully,

Sd: Evatt & Co.,

Secretaries.

A.2 (p.542) - RECORD OF MEETING OF DIRECTORS
OF PEGANG PROSPECTING CO.LTD.
WITH REPRESENTATIVES OF CHAN
PHOOI HOONG AND OF TONG SWEE
KING.

Exhibits

A.2 (p.542)

Record of Meet-
ing of Directors
of Pegang Pros-
pecting Co.Ltd.
with Represent-
atives of Chan
Phooi Hoong
and of Tong
Swee King.

PEGANG PROSPECTING COMPANY LIMITED.

Record of a Meeting held at the
registered office of the Company,
Chartered Bank Chambers, Ipoh, at 9.30
a.m. on Thursday, 5th August, 1948.

10

PRESENT:

Messrs. C.E.Cumming, H.F.C.
Greenwood and G.G.Duddell (Directors
of the Company), Mr.Chan Kwong Soon
(Attorney for Mr.Chan Phooi Hoong,
Sublessee,) Mr. Shun Tin Fook (Assistant
to Mr. Chan Kwong Soon). Mr. Tong Sam
Pooi (Attorney for Mrs.Ho Kok Yew) and
Mr.Ho Win Look (son Mrs.Ho Kok Yew).

5th August,
1948.

20

M.L.11442
Lot 30286

This lease adjoined the Railway
Reserve and renewal had been granted by
Government to Mr. Chan Phooi Hoong up
to 31st December 1955. It was pointed
out by Mr. Cumming that the area
covered by the lease had been worked
out and was to have been reserved for
dumping ground for the Khong Heng Mining
Scheme.

8

30

Mr.Chan Kwong Soon, on behalf of
his principal, agreed to transfer to
the Company his rights over this area
and permit dumping thereon, the Company
to re-sublet the area to him at 7% and
he to sub-sublease it to the Estate of
Ho Kok Yew, Deceased, at 8%.

(Note: if Mr Chan Kwong Soon is able
to confirm that this area is worked
out, he will transfer it to the Company
for dumping purposes at no consideration)

40

Railway Reserve: Mr. Chan Kwong Soon
agreed that Mr. Chan Phooi Hoong would
use his best endeavours to have the
portion of the Railway Reserve adjoining

ExhibitsA.2 (p.542)

Record of Meeting of Directors of Pegang Prospecting Co.Ltd. with Representatives of Chan Phooi Hoong and of Tong Swee King.

5th August, 1948

(continued)

M.L.10217
Lot 24766

M.L.11447 alienated to the Company; the Company would then sublease it to him at 7% and he would sub-sublease it to the Estate of Ho Kok Yew, Deceased, at 10% tribute.

Pipe Line Deviation: Mr.Tong Sam Pooi said that his principal would proceed with the deviation of the Government pipe line as agreed by Government.

The representatives of the Company stated that they had obtained legal advice to the effect that the sublease over this area expired on 26-3-44 when the lease expired and was not covered by the renewal (in 1947) of the lease up to 31st December, 1950.

10

The area covered by the lease was divided by the hill into two watershed areas, the Kacha, which could be operated by the Khong Heng Kongsi, and the Menelai which could not be incorporated in the Khong Heng Kongsi mining scheme and for which they had no dumping facilities.

20

The Company suggested that it should grant to Mr. Chan Phooi Hoong a new sublease over the Kacha area at 7% and he would grant a sub-sublease to the Estate of Ho Kok Yew. Mr.Chan Kwong Soon agreed to this and stated that the rate of tribute under the sub-sublease would be at 10%. Mr.Tong Sam Pooi agreed to this.

30

As regards the Menelai watershed area, the Company proposed to work this itself or sublease it to another party who could arrange dumping rights and make an early start on mining operations. In view of past associations, the Company was prepared to give a written undertaking to Mr.Chan Phooi Hoong and the Estate of Ho Kok Yew to pay them each 2% of the value of the output from the area on which

40

the Company received the proceeds or tribute.

Exhibits

A.2 (p.542)

10 Mr. Chan Kwong Soon agreed to the Company's proposals but Mr. Tong Sam Pooi was opposed to them wishing the whole area covered by M.L.10217 to be subleased to Mr. Chan Phooi Hoong who would sub-sublease it to the Estate of Ho Kok Yew who in turn would grant a huptong over the Menelai watershed area to the party who had the dumping facilities.

Record of Meeting of Directors of Pegang Prospecting Co.Ltd. with Representatives of Chan Phooi Hoong and of Tong Swee King.

20 It was pointed out to Mr.Tong Sam Pooi that the Company was offering him and Mr.Chan Phooi Hoong 2% each when it was advised that neither of them had any legal rights in the matter. This was offered to enable amicable relations to continue and the only recourse left was to arbitration and the courts, which would be expensive and costly to the Estate of Ho Kok Yew as a party to the action and as the biggest shareholder in the Company.

5th August, 1948

(continued)

30 Mr. Tong Sam Pooi stated that he wished to refer the matter to Mrs.Ho Kok Yew and would notify the Company and Mr. Chan Phooi Hoong of her decision in 10 days' time.

M.L.11544
Lot 29651

40 It was agreed by all present that the Khong Heng Kongsii could not properly work this land. The Company was willing that Towkay Foong Seong, who had a mine working on the boundary, should be granted a hoptong by the Estate of Ho Kok Yew with an undertaking to grant a renewal of the huptong up to a total period of 5 years provided Towkay Foong Seong undertook to assist the Company to obtain renewal of the Lease when it expired and when the renewed period expired. Mr. Chan Kwong Soon stated that Mr. Chan Phooi Hoong would agree to the granting of the suggested

ExhibitsA.2 (p.542)

Record of Meeting of Directors of Pegang Prospecting Co.Ltd. with Representatives of Chan Phooi Hoong and of Tong Swee King.

5th August, 1948

(continued)

huptong provided that he received half the tribute (in excess of the Company's 7% share) which the Estate of Ho Kok Yew received; the sub-lessee could not re-sublease without his and the Company's consent. Work to commence within 3 months of signing the huptong.

The question of the deviation of the Sungei Johan in this area and Foong Seong's adjoining land was discussed. Mr. Tong Sam Pooi did not agree with the line of the suggested deviation in the Company's land unless Foong Seong were to be granted a huptong; he was advised that neither the Company nor Mr. Chan Kwong Soon objected to the proposed deviation line.

10

Mr. Tong Sam Pooi agreed to discuss this matter also with Mrs. Ho Kok Yew and advise the Company and Mr. Chan Phooi Hoong of her decision within 10 days.

20

It was pointed out in conclusion that the Company had not asked for any increase of tribute and in consideration of the amicable settlement of its contention regarding M.L.10217, it would pay out a total of 4% from the output of the Menelai area and grant a new sublease over the Kacha area at the old rate.

30

It was agreed by all present that when the matters under discussion had been settled, it was desirable that a new agreement should be drawn up between the existing parties in place of the 1928 Dumping Agreement and the 1931 Mutual Assistance Agreement.

The Meeting closed at 12.15 p.m.

40

A.2 (p.548) - LETTER FROM TONG SWEE KING TO
THE SECRETARIES PEGANG PROSPECT-
ING CO. LTD.

Exhibits

A.2 (p.548)

Secretaries,
Pegang Prospecting Co.Ltd.
P.O. Box No.136
Chartered Bank Chambers,
Ipoh.

9th August, 1948.

Letter from
Tong Swee King
to the
Secretaries
Pegang Pros-
pecting Co.Ltd.

9th August,
1948

10 Dear Sirs,

I am in receipt of your note dated the 5th instant enclosing copy of the record of the Meeting held at your office on the 5th August, 1948.

20 I am to inform you that my representative, Mr Tong Sam Poy, who attended that meeting, has been erroneously recorded as having agreed, under heading M.L. 10217 Lot 24766 of the minutes, to the suggestion by your Company to give a new sublease over the Kacha area at 7% to Mr. Chan Phooi Hoong who agreed to sub-sublease it to the Estate of Ho Kok Yew at 10%.

What he agreed to was the proposal that the Estate of Ho Kok Yew would receive a sub-sublease over the whole length of the Railway Reserve at a tribute of 10% which is being made up of 7% to Pegang Prospecting Co.Ltd. and 3% to Mr. Chan Phooi Hoong.

30 Will you please make the necessary corrections?

Yours faithfully,

Sd: T. S. K.

Exhibits

A.2 (p.549) - LETTER FROM EVATT & CO. TO
MADAM TONG SWEET KING.

A.2 (p.549)

Letter from
Evatt & Co. to
Madam Tong
Swee King.

EVATT & CO.,
Chartered Accountants,
Singapore, Penang, Ipoh,
Kuala Lumpur & Malacca.

9th August,
1948

P.O. Box No. 136
Chartered Bank Chambers,
Ipoh, Malaya.

Telephone: Ipoh 129

10

PPCL/V

9th August, 1948.

Madam Tong Swee King,
2, Lau Ek Ching Street,
Ipoh.

Dear Madam,

PEGANG PROSPECTING COMPANY LTD.

We are in receipt of your letter of even date
regarding the record of the Meeting held on 5th
August.

Our recollection and that of Messrs. Cumming
and Greenwood was that Mr. Tong Sam Pooi on your
behalf agreed to the proposed rate of 10% tribute
payable by you if a new sublease were granted by
the Company to Mr. Chan Phooi Hoong over the Kacha
Area of M.L.10217 but Mr. Tong Sam Pooi wanted a
sub-sublease over the whole of the area covered
by M.L. 10217.

20

We have yet to receive Mr. Chan Kwong
Soon's comments.

Yours faithfully,

30

Sd: Evatt & Co.

Secretaries

A.2 (p.550) - LETTER FROM THOMAS & HORNIDGE
TO EXECUTOR OF ESTATE OF HO
KOK YEW.

Exhibits

A.2 (p.550)

THOMAS & HORNIDGE
CONSULTING MINING ENGINEERS

Letter from
Thomas & Horn-
idge to
Executors of
Estate of Ho
Kok Yew

P.O.Box 119,
No.1 Brewster Road,
Ipoh, Perak.

12th August,
1948

HFCG/CKL

12th August, 1948.

10 Executors,
Estate of Ho Kok Yew,
4, Lau Ek Ching Street,
Ipoh.

Dear Sirs,

KHONG HENG KONGSI

20 With reference to the deviation of the
Government pipeline we understand that after
the recent meeting with Directors of Pegang
Prospecting Co. Ltd., and others, it was decided
to adopt the original scheme approved by
Government.

The proposed agreement was forwarded to you
on 24.5.48. If you wish us to proceed with this
matter will you please let us have your
instructions on your written confirmation that
the agreement is acceptable to you please.

Yours faithfully,

THOMAS & HORNIDGE.

Sd: ?

.....

Consulting Mining Engineers.

30

Exhibits

A.2 (p.551) - LETTER FROM EVATT & CO. TO
MADAM TONG SWEE KING.

A.2 (p.551)

Letter from
Evatt & Co.
to Madam Tong
Swee King.

EVATT & CO.,
Chartered Accountants,
Singapore, Penang, Ipoh,
Kuala Lumpur & Malacca.

16th August,
1948

P.O.Box No.136.
Chartered Bank Chambers,
Ipoh, Malaya.

PPCL/V

16th August, 1948.

10

Madam Tong Swee King,
2, Lau Ek Ching Street,
I P O H.

Dear Madam,

PEGANG PROSPECTING COMPANY LTD.

At the Meeting held on 5th instant, Mr.
Tong Sam Pooi undertook to advise us within 10
days of your agreement or otherwise to the
proposals agreed to by the other parties regarding
a new sublease over part of M.L.10217 and the
proposed Sungei Johan deviation through M.L.
11544.

20

The ten days have now elapsed, and we shall
be glad to hear if you agree, otherwise will you
consent that matters in dispute be submitted to
arbitration and nominate your arbitrator.

Yours faithfully,

Sd: Evatt & Co.
.....

Secretaries.



A.2 (p.552) - LETTER FROM EVATT & CO. TO
MADAM TONG SWEE KING.

Exhibits

A.2 (p.552)

EVATT & CO.,
Chartered Accountants,
Singapore, Penang, Ipoh,
Kuala Lumpur & Malacca.

Letter from
Evatt & Co.
to Madam Tong
Swee King

7th September,
1948

P.O.Box No.136
Chartered Bank Chambers,
Ipoh, Malaya.

10 Telegrams: "VATTANDCO"

Telephone: Ipoh 129.

7th September, 1948.

PPCL/V

Madam Tong Swee King,
Executrix of the Estate of
Ho Kok Yew, deceased,
2, Lau Ek Ching Street,
Ipoh.

Dear Madam,

PEGANG PROSPECTING COMPANY LTD.

20

M.L. 11544 (Lot 29651)

Will you please advise us as soon as possible whether you have now concluded arrangements and granted a huptong to work the above land on terms which are acceptable to Mr. Chan Phooi Hoong, and within what period are mining operations to commence.

If you have not yet finalised these arrangements, will you endeavour to do so without delay and advise us when they are finalised.

30

M.L. 10217, Lot 24766 Kacha Area: Mr. Chan Phooi Hoong stated at the Meeting in this office on 5th August that he would require 10% tribute from you for this area, not 8% as stated in your letter of 16th August.

ExhibitsA.2 (p.552)

Letter from
Evatt & Co.
to Madam Tong
SweeKing

7th September,
1948

(continued)

Renewal of Sub-sublease: You ask for an under-
taking for renewal of your sub-sublease over
certain areas for the period of renewal of the leases.

Subject to the proper working of the areas
you are covered under the agreement dated 22.10.31
as regards M.Ls. 8899, 9946, 11543, 11544 held
under Sub-sublease from Chan Phooi Hoong, and as
regards M.Ls. 11646, 11647 by the same agreement
with the Company. M.L. 12338 held by you under
Sublease 23/36 from the Company is for the period
of the Lease and renewals.

10

Provided you work the areas properly you are
therefore covered, but the Company cannot issue to
you subleases over area which are subleased to
Chan Phooi Hoong.

We would ask for your prompt co-operation in:-

- (1) completing arrangements for the huptong
over M.L. 11544 (Lot 29651)
- (2) agreeing to the terms for division and
tributes in respect of M.L.10217
Lot 24766.

20

The Company has shewn every consideration in
the matter of the failure to work the land properly
during the past three years, but it now feels that
there is no longer any reasonable grounds for you
to hold up operations on M.Ls. 11544 and 10217
thereby depriving the Company of revenue.

Yours faithfully,

Sd: Evatt & Co.,

Secretaries.

30

A.2 (p.555) - LETTER FROM THOMAS & HORNIDGE
TO ESTATE OF HO KOK YEW DECEASED

Exhibits

A.2 (p.555)

THOMAS & HORNIDGE
CONSULTING MINING ENGINEERS

Letter from
Thomas &
Hornidge to
Estate of Ho
Kok Yew
deceased

P.O.Box No.119
No. 1 Brewster Road,
Ipoh, Perak.

11th September,
1948.

HFCG/CKL.

11th September, 1948.

10 Estate of Ho Kok Yew, deceased,
2, Lau Ek Ching Street,
Ipoh.

Dear Sirs,

Khong Heng Kongsi

20 While preparing estimated costs for deviation
of the water supply pipe line for above we had
occasion to refer to the Executive Engineer in
regard to certain materials. We were informed by
him unofficially that due to the fact that Govern-
ment had received applications for 26 deviations of
this line it was not practicable to allow
individual deviations and that Government intended
to remove the whole line themselves. All
applications for deviation are therefore being
refused.

Our enquiry as to when the deviation would
be undertaken elicited the fact that it would take
at least two years to obtain the necessary
materials.

30 We are writing the C.D.R. to try and obtain
official intimation of what it happening.

In view of this it may be necessary for you
to reconsider your programme of operations at the
mine.

Yours faithfully,

THOMAS & HORNIDGE,
Sd.
Consulting mining Engineers

Exhibits

A.2 (p.557)

A.2 (p.557) - LETTER FROM THOMAS & HORNIDGE
TO THE SENIOR INSPECTOR OF
MINES, PERAK, IPOH.

Letter from
Thomas &
Hornidge to
the Senior
Inspector of
Mines, Perak,
Ipoh.

THOMAS & HORNIDGE
CONSULTING MINING ENGINEERS

P.O. Box 119,
No. 1 Brewster Road,
Ipoh, Perak.

20th September,
1948

HFCG/CKL.

20th September, 1948.

Senior Inspector of Mines,
Perak,
Ipoh.

10

Sir,

KHONG HENG KONGSI
PROPOSED DEVIATION OF PAPAN LINE
WATER SUPPLY

We have received advise from the Collector of Land Revenue, Kinta, in series KLO.104/46 that the above deviation is still under consideration by the Mines Department.

20

2. Since this matter is of vital importance to the mine, we have the honour to request that the following facts may receive consideration, and approval of the proposed deviation be recommended.

3. Quoting from a letter to the Loans Board, dated 20.2.48.:-

"We are attempting to get early conversion of the abandoned railway reserve, and are awaiting approval of a scheme submitted for deviation of the water supply pipe line accommodated on the reserve. The reserve is embodied in the mining scheme and it is proposed to delay resumption of mining operations until a title to the reserve is obtained".

30

4. Quoting from our letter to the Loans Board, dated 8.6.48:-

"Negotiations regarding the deviation of the supply pipe line are well advanced and all details have been agreed. It is therefor not intended to delay any further resumption of mining operations".

Exhibits

A.2 (p.557)

Letter from
Thomas &
Hornidge to
the Senior
Inspector of
Mines, Perak,
Ipoh

20th September,
1948.

(continued)

10 5. The conditions and the estimate of costs have been received from the P.W.D., and all that remains to be done is to agree the conditions and pay the deposit. This was sufficient assurance that the railway reserve would be acquired in a reasonable period of time, and rehabilitation of the mine proceeded on that belief.

20 6. To open the mine at the present site without the possibility of acquiring the new land within 6 - 12 months would entail considerable risk of being forced to curtail operations in the near future due to the fact that the mine would be confined to a very limited area and unable to develop sufficiently to treat ground at depth. The ground here exceeds 100 feet in depth. It is therefore essential to acquire the new ground if successful operations are to be assured.

7. To delay rehabilitation at this stage would prove very costly and possibly entail a demand from the Loans Board for refund of the instalments made. As such monies have already been spent on rehabilitation it would not be possible to meet such demand.

30 It will be realised that this is a very urgent matter for the time, and in view of the advanced stage reached in connection with the pipe line deviation, would earnestly request that the matter may receive special consideration.

We have the honour to be,
Sir,
Your obedient servants,
Sd: Thomas & Hornidge
.....
Consulting Mining Engineers.

40 c.c. Sec: C.T.L.C.
Inspector of Mines, B.G.
C.L.R. Kinta.

Managing Partner,
Khong Heng Kongsi,
Ipoh.

Exhibits

A.2 (p.560) - LETTER FROM THOMAS & HORNIDGE
TO EXECUTORS ESTATE OF HO KOK
YEW DECEASED.

A.2 (p.560)

Letter from
Thomas &
Hornidge to
Executors,
Estate of Ho
Kok Yew deceased

THOMAS & HORNIDGE
CONSULTING MINING ENGINEERS

P.O.Box 119,
No.1 Brewster Road,
Ipoh, Perak.

6th October,
1948

HRCG/CKL.

6th October, 1948.

Executors,
Estate of Ho Kok Yew deceased,
4, Lau Ek Ching Street,
Ipoh.

10

Dear Sir,

WATER SUPPLY PIPE LINE

We have discussed this matter further with
the Senior Inspector of Mines, Perak and
subsequently with the Executive Engineer, Works &
Buildings.

It has been agreed that you can proceed with
the deviation. Presumably this means that
estimates of costs will be required after all.

20

The Executive Engineer has agreed to the
use of 14" pipes for the TEMPORARY line.

Yours faithfully,

Sd: Thomas & Hornidge,
.....
Consulting Mining Engineers.



A.2 (p.561) - LETTER FROM KHONG HENG KONGSI
TO THOMAS & HORNIDGE.

Exhibits

A.2 (p.561)

KACHA & MENELAI MINING SCHEME,
PAPAN, PERAK, MALAYA.

Letter from
Khong Heng
Kongsi to
Thomas &
Hornidge.

KHONG HENG KONGSI,
PAPAN,
PERAK, MALAYA.

Town Office:-
Nos.2-4, Lau Ek Ching Street,
Ipoh, Malaya.

7th October,
1948

10

Friday,
7th October, 1948.

Messrs Thomas & Hornidge,
Consulting Mining Engineers,
1, Brewster Road,
Ipoh.

Dear Sirs,

WATER PIPE LINE

20 I thank you for yours of the 6th instant.
It is most gratifying news for the mine. Yes,
estimates of costs will be required.

LOANS' BOARD

I send you herewith copy of a letter (No.
67 in CTLC/P/328) dated the 7th instant from the
Secretary, Loans Board, Kuala Lumpur.

30 I wish to refer you to paragraph 6 of this
ldtter. Presumably they consider our present
scheme a new scheme. But as you know it is only
a change of our dumping area involved, which is
necessitated by the good prospects of
incorporating the railway reserve into our working
area and the difficulty of getting any deeper
into profitable grounds at the bottom of the
old mine.

In fact, should we pursue strictly to the
original plan the mine would be faced with
having to de-slime the adjacent spot, which we
propose to carry out now with the additional

ExhibitsA.2 (p.561)

Letter from
Khong Heng
Kongsi to
Thomas &
Hornidge.

7th October,
1948

(continued)

advantage of getting the mine de-watered at the same time. Whatever the change has been made, the whole and basic scheme as originally submitted has not been substantially affected. Operations will still be centred on the same spot and on the same mining lease.

All preparations will be ready by Tuesday, the 11th Oct. for commencement of operations and from the letter (copy herewith attached) dated the 7th instant from the Perak River Hydro Electric Power Co. Ltd., you would know the serious consequences involved not only to this mine but to Messrs. Toh-Allang Chinese Tin, Ltd., if a hitch should occur, as the Loans' Board's letter appears to indicate.

10

Will you be good enough to reply to the Secretary's (Loans' Board) letter on our behalf?

Yours faithfully,

20

Sd: Khong Heng Kongsi

T.S.P.

for Managing Partner.

Incls. 2 copies of letter.

A.2 (p.564) - LETTER FROM THOMAS & HORNIDGE
TO SECRETARY, CHINESE TIN MINES
REHABILITATION LOANS BOARD

Exhibits

A.2 (p.564)

P.O. Box 119,
No.1, Brewster Road,
Ipoh, Perak.

Letter from
Thomas &
Hornidge to
Secretary,
Chinese Tin
Mines Rehabili-
tation Loans
Board.

21st October, 1948.

HFCG/CKL.

Secretary,
Chinese Tin Mines Rehabilitation Loans Board,
No.1 Clark Street,
Kuala Lumpur.

10

Sir,

KHONG HENG KONGSI - CTLC/P/328.

21st October,
1948.

To develop the above mine efficiently it is essential to acquire and embody in the mining scheme the adjoining abandoned railway reserve. Unfortunately the reserve accommodates the Government water supply pipe line which must be deviated first.

20

Agreement has now been reached with all departments concerning the deviation. Final approval awaits payment of a deposit of \$22,000/-. This covers cost of the work which the P.W.D. wish to do themselves. The remainder, and by far the greater amount, including all equipment and materials, is to be done and paid for by the mine. Client is prepared to finance the cost of the work to be done by him but request approval by the Board for a supplementary loan for the \$22,000/- deposit to Government.

30

Application for a mining lease over the railway reserve was made in 1946 and we understand will be approved in due course. This has been bored and high values proved. It will be a valuable addition to the mine reserves. On issue it can be charged to the Board as security for the proposed supplementary loan.

We have the honour to be,

Sir,

Your obedient servants,
Sd: Thomas & Hornidge,
.....
Consulting Mining Engineers.

40

- c.c. Inspector of Mines,
Batu Gajah.
- c.c. Estate of Ho Kok Yew,
4, Lau Ek Ching Street, Ipoh.
Copied for your information.

ExhibitsA.2 (p.569)

Letter from
Khong Heng
Kongsi to the
Secretaries,
Penang Pros-
pecting Co.Ltd.

5th November,
1948

A.2 (p.569) - LETTER FROM KHONG HENG KONGSI
TO THE SECRETARIES, PEGANG
PROSPECTING CO. LTD.

KACHA & MENELAI MINING SCHEME
PAPAN, PERAK, MALAYA

KHONG HENG KONGSI,
PAPAN,
PERAK, MALAYA.

Town Office:
Nos.2-4, Lau Ek Ching
Street,
Ipoh, Malaya.

Friday, 5th November, 1948.

10

Secretaries,
M/s Pegang Prospecting Co.Ltd.
P.O. Box No.136
Chartered Bank Chambers,
Ipoh.

Dear Sirs,

I acknowledge receipt of a copy of your
letter of the 25th ultimo addressed to Mr. Chan
Phooi Hoong.

While it is correct that I agreed subject to
the approval of my partners to the Company
granting a sub-lease over the Menelai area, this
term formed only one of the new terms and
conditions which were proposed by me as a
settlement of the differences between your Company,
Mr. Chan and the Khong Heng Kongsi.

20

I am sure your Directors appreciate that
these proposed terms and conditions must be read
and considered as one entire and inseparable
arrangement.

30

In this connection the provisions of section
8 of Ordinance 30 of 1947 must always be borne
in mind by me.

As far as I know Mr. Chan Phooi Hoong has
not yet intimated either to your Company or to
me his acceptance of my proposals.

Yours faithfully,

Sd: Tong Swee King
Khong Heng Kongsi
Managing Partner.

40

A.2 (p.574) - LETTER FROM KHONG HENG KONGSI
TO CHAN PHOOI HOONG.

Exhibits

A.2 (p.574)

KACHA & MENELAI MINING SCHEME
PAPAN, PERAK, MALAYA

KHONG HENG KONGSI,
PAPAN,
PERAK, MALAYA.

Town Office:
2-4 Lau Ek Ching St.,
Ipoh, Malaya.

29th November, 1948.

Letter from
Khong Heng
Kongsi to Chan
Phooi Hoong.

29th November,
1948

10 Chan Phooi Hoong, Esq.,
Chop Chan Thye Lee,
164 High Street,
Kuala Lumpur.

Dear Sir,

I have received your letter of the 18th instant and note its contents. I have succeeded in obtaining from Foong Seong his agreement to a tribute of 15% which I am sure you will agree is satisfactory.

20 I note the action taken by the Pegang
Prospecting Co. Ltd.

30 As the huptong to Foong Seong and the
huptong to Thong Yee Kooi form two of my proposals,
submitted without prejudice, towards a settlement
of the differences between the Company, you and
the Khong Heng Kongsi (acting through me), I am
assuming all my proposals have been accepted and
am instructing the Kongsi's solicitors to draft
the proposed comprehensive agreement without which
no deviation from or alteration of the rights
hitherto claimed by the Kongsi can come into
operation or effect.

When completed, I will send the draft for
your approval.

Yours faithfully,
Sd: Khong Heng Kongsi,
Tong Swee King,
Managing Partner.

Exhibits

A.2 (p.575) - LETTER FROM CHAN PHOOI
HOONG TO EXECUTRIX OF ESTATE
OF HO KOK YEW DECEASED.

A.2 (p.575)

Letter from
Chan Phooi
Hoong to
Executrix of
Estate of Ho
Kok Yew
deceased.

CHAN THYE LEE,
MINERS & PLANTERS.

Head Office:
No. 164 High Street,
Kuala Lumpur.

3rd December,
1948

3rd December, 1948.

The Executrix,
Estate of Ho Kok Yew deacd.,
2-4 Lau Ek Ching Street,
Ipoh.

10

Dear Madam,

I am in receipt of your letter of the 29th
ultimo.

M.L. 10217 (pt) and M.L. 11544. I am
happy to note that these two huptongs at 13% and
15% to Mr. Thong Yee Kooi and Mr. Foong Seong
respectively have been finalised.

20

As regards M.Ls. 10217 (pt), 8899 and
11543 now worked by Khong Heng Kongs, you will
remember that at our last meeting at Messrs. Evatt
& Co's office I suggested an increased tribute,
the reason being that at the time of the former
agreement I was interested in the Khong Heng
Kongs to a one-half interest whereas I am not
now, and there was a general discussion thereon.
All these mining leases are due to expire on the
31st December 1950 and in order to finalise
everything at the earliest moment, I am prepared
to consent to accept the old rate of tribute on
these three mining leases worked by Khong Heng
Kongs, until that date. Thereafter, conditional
upon the granting of a fresh sublease by Messrs.
Pegang Prospecting Co. Ltd. to me, I am prepared
to give a sub-sublease for the term thereof to
you on behalf of the Khong Heng Kongs at an

30

increased rate of tribute to be agreed between the parties. In any event, on my part I shall not charge you more than 3% over and above the rate of tribute demanded by Messrs. Pegang Prospecting Co. Ltd. It is understood that the lands under huptong to Messrs. Thong Yee Kooi and Foong Seong will not be affected by the change of the rate of tribute. In this connection, I may mention that I am charging the same rate as the Railway Reserve which I think is a fair rate.

10

Subject to the above, you may incorporate them in the proposed agreement and send the draft to me for my approval.

Yours faithfully,

Sd: Chan Phooi Hoong

By his Attorney,

Chan Kwong Soon.

Exhibits

A.2 (p.575)

Letter from
Chan Phooi
Hoong to
Executrix of
Estate of Ho
Kok Yew
deceased.

3rd December,
1948

(continued)

Exhibits

A.2 (p.577) - LETTER FROM KHONG HENG KONGSI
TO THE SECRETARIES, PEGANG
PROSPECTING CO.LTD.ENCLOSING
DRAFT OF NEW COMPREHENSIVE
AGREEMENT.

A.2 (p.577)

Letter from
Khong Heng
Kongsi to the
Secretaries,
Pegang Pros-
pecting Co.Ltd.
enclosing
draft of new
Comprehensive
Agreement.

KHONG HENG KONGSI,
PAPAN,
PERAK, MALAYA.

Town Office:
2-4 Lau Ek Ching St.
Ipoh Malaya.

Wednesday,
8th December, 1948.

10

8th December,
1948.

Secretaries,
M/s Pegang Prospecting Co.Ltd.,
P.O. Box No.136
Ipoh.

Dear Sirs,

New Compressive Agreement

I send you herewith draft of new compressive
Agreement for your perusal and consideration.

It embodies the mining rights of the Khong
Heng Kongsi under the subsisting registered and
unregistered documents as varied by proposal put
up by me in my letters of the 16th August and
14th September last.

20

I think this agreement now covers fairly and
reasonably all points and I shall be glad to hear
that you accept whereupon I will have fair copies
made for execution subject in the first place to
its submission to and acceptance by the Chinese
Tin Mines Rehabilitation Loans Board.

Yours faithfully,

30

Sd: Khong Heng Kongsi,

T.S.K.

Managing Partner.

Incl.

MEMORANDUM of Agreement made this day of 1948 between Pegang Prospecting Company Limited a Company registered in the Federation of Malaya with its registered office at Chartered Bank Chambers, Ipoh, (hereinafter called "the Company") of the first part Chan Phooi Hoong of 164 High Street, Kuala Lumpur (hereinafter called "the Sublessee") of the second part and Madam Tong Swee King as Managing Partner of, and for and on behalf of, the Khong Heng Kongsii a business registered under the Registration of Business Ordinance, of 2, Lau Ek Ching Street, Ipoh; (hereinafter called "the Miner") of the third part.

10

WHEREAS the Company are the lessees of the lands comprised in Mining Leases Nos. 8899, 10217, 11543, 11544, 11646, 11647, 12338 and 9946 of the State of Perak, (hereinafter referred to collectively as "the Company's lands")

20

AND WHEREAS the sublessee is, or has undertaken to become by virtue of an arrangement made with the legal representative of the Estate of Ho Man deceased in or about the year 1939, the lessee of the lands comprised in Mining Leases Nos. 11447, 10526, 10527, 10400, 10525 and 6694 of the State of Perak (hereinafter referred to collectively as "the Sublessee's land").

30

AND WHEREAS the partners of the Khong Heng Kongsii claim the right to mine or to utilise for dumping purposes or other mining operations those lands comprised in all the Mining Leases abovementioned by virtue of subleases or sub-sub-leases executed in favour of the late Ho Kok Yew (during his life-time the managing partner of the said Khong Heng Kongsii) and by virtue of an agreement dated the 22nd day of October 1931 made between the Company of the first part Ho Man now deceased of the second part and Ho Kok Yew deceased of the third part, and of agreement for dumping rights dated 17th December, 1928 between the Company, Ho Man, Ho Kok Yew and several other persons.

40

AND WHEREAS on the 28th day of April 1947 the said Ho Kok Yew died testate leaving his widow Tong Swee King abovenamed the sole beneficiary of his entire estate.

AND WHEREAS during the Japanese occupation of

Exhibits

A.2 (p.577)

Letter from Khong Heng Kongsii to the Secretaries, Pegang Prospecting Co.Ltd. enclosing draft of new Comprehensive Agreement.

8th December, 1948.

(Continued)

ExhibitsA.2 (p.577)

Letter from
Khong Heng
Kongsi to the
Secretaries,
Pegang Pros-
pecting Co.Ltd.
enclosing
draft of new
Comprehensive
Agreement.

8th December,
1948.

(continued)

the State of Perak the said Khong Heng Kongsi ceased for several good and justifiable reasons to carry on mining operations under the subleases, sub-sub-leases, agreement of the 22nd October, 1931 above referred to and other agreements either written or oral.

AND WHEREAS the partners of the Khong Heng Kongsi have with financial aid afforded to them by the Chinese Tin Mines Rehabilitation Loans Board recommenced their mining operations under their pre-war rights, privileges, and concessions.

10

AND WHEREAS since the liberation of Malaya in the year 1945 differences and disputes have arisen between the parties hereto as to the extent and nature of the present rights and privileges of the partners of the Khong Heng Kongsi to mine or utilise for mining operations all the lands above-mentioned.

AND WHEREAS in order to avoid prolonged and expensive litigation and to assist in the financial and social betterment of the Government and peoples of the Federation of Malaya and in consideration of the reciprocal promises and undertakings hereinafter expressed on the part of all the parties, the parties hereto have agreed to a settlement of their differences and disputes in manner hereinafter set forth.

20

NOW it is mutually agreed between the parties hereto as follows:-

1. That this agreement in its operation and effect is and shall be conditional upon the acceptance of its terms and conditions by the Chinese Tin Mines Rehabilitation Loans Board (hereinafter referred to as "the Loans Board").

30

2. That upon the execution of this agreement by the parties hereto and upon the acceptance of its terms and conditions by the Loans Board the subleases, sub-sub-leases and agreements of the 22nd day of October, 1931 and of the 17th day of December, 1928 aforesaid shall be varied or modified to the extent and in the manner provided by this agreement.

40

3. That simultaneously with the execution of this

agreement the sub-lessee and the sub-sublessee shall surrender to the Company their sub-leases and sub-sub-leases respectively over the lands comprised in mining lease No.....formerly 10217. Upon the delivery of such surrenders to the Company the Company shall forthwith execute in favour of the sub-lessee a sub-lease over the Kacha area of the land in mining lease 10217 at a tribute of 7% and the sub-lessee shall simultaneously execute a sub-sub-lease over the said Kacha area in favour of the miner at a tribute of 10%, in each case the sub-lease and sub-sub-lease being for the period of the head lease and for renewal thereof for which the Company hereby undertakes to apply.

10

And thereafter the Company shall be at liberty to grant to such person or persons as the Company may think fit a sub-lease over the Menelai area of the land in mining lease 10217 at a tribute of 13%. Of the said tribute of 13%, 2% thereof shall be payable by the Company direct to the sub-lessee and 2% thereof shall be payable direct to the miner.

20

4. That the two separate areas of the land in M.L.10217 respectively as the "Menelai area" and the Kacha area" are agreed, by the parties hereto as indicated approximately upon the plan hereto attached.

5. That the Company shall forthwith apply for mining rights over that area of state land at present constituting the Government Railway Reserve as shown shaded in blue on the plan hereto attached and upon obtaining from Government mining rights over the said Railway Reserve shall forthwith thereafter execute a sub-lease in favour of the sub-lessee at a tribute of 7% and the sub-lessee shall forthwith thereafter execute in favour of the miner a sub-sub-lease at a tribute of 10% for the period of the head lease and any renewals thereof, it being the desire and intention of all parties hereto that the mining of the Railway Reserve shall be and form part of the scheme of mining operations now being and hereafter to be carried on by the Khong Heng Kongs.

30

40

6. That the miner shall execute in favour of Foong Seong a huptong over the lands in mining lease 11544 for a period of twelve months renewable

ExhibitsA.2 (p.577)

Letter from Khong Heng Kongs to the Secretaries, Pegang Prospecting Co.Ltd. enclosing draft of new Comprehensive Agreement.

8th December, 1948.

(continued)

ExhibitsA.2 (p.577)

Letter from
Khong Heng
Kongsi to the
Secretaries,
Pegang Pros-
pecting Co.Ltd.
enclosing
draft of new
Comprehensive
Agreement.

8th December,
1948.

(continued)

from year to year on the same terms and conditions for a period not exceeding 5 years in all from date of the first huptong at a tribute of 15%. Of the said tribute of 15% the miner shall pay to the Company 7% thereof and to the sub-lessee 4%.

7. That subject to the provisions of clause 6 above the miner shall be at liberty to mine or utilise for mining operations the Company's lands (other than the Menelai area) and the said Railway Reserve (if mining rights are approved by Government) and the sub-lessee's lands in any lawful manner as one comprehensive scheme or otherwise as the exigencies of her mining operations demand without interference or control by the Company or the sub-lessee such rights to mine and utilise being for the period of the head leases in each case and of any renewal thereof.

10

8. That upon the grant of a huptong in favour of Foong Seong over the lands in Mining Lease 11544 the said Foong Seong shall be at liberty subject to the approval of the miner to deviate the course or bed of the Sungei Johan in such manner as the said Foong Seong may with the permission of Government desire, provided that due notice of any proposed deviation shall be given to the miner who shall be entitled to object thereto upon the ground that the deviation will be detrimental or prejudicial to her future operations on the said or any other lands, properties or interests.

20

30

9. The sub-lessee and the Miner and each of them hereby undertake and agree that they will not nor will either of them in any way obstruct or interfere with or attempt to obstruct or interfere with the acquisition by the Company (or its agents of any mining lands) in the vicinity of the mining operations of the said Khong Heng Kongsi or any right, title or interest therein (including water rights, rights of depositing tailings or other rights incidental to mining) for the express purpose of including such lands or rights in the said Mining operations of the Khong Heng Kongsi and the sub-lessee and the miner hereby undertake and agree further that they and each of them will use their best endeavours to assist the Company in acquiring such mining lands or interest therein. The Company on its part undertaking in the event of securing any

40

mining or other relative rights to sub-lease or assign them to the miner for the express purpose aforesaid.

Exhibits

A.2 (p.577)

10 10. That in the event of the partners of the Khong Heng Kongsii incorporating themselves into a Company of Limited liability the miner shall be entitled to transfer to any Company so formed the whole of the rights privileges and concessions conferred by this agreement upon the miner in her representative capacity, the Company and sub-lessee hereby undertaking should the occasion arise to acknowledge and recognise the transfer or assignment as valid and binding upon each of them in all respects.

Letter from Khong Heng Kongsii to the Secretaries, Pegang Prospecting Co.Ltd. enclosing draft of new Comprehensive Agreement.

8th December, 1948.

(continued)

20 11. That each of the parties hereto shall do sign execute and seal or surrender all documents and instruments sub-lease sub-sub-lease transfer or otherwise and perform all acts and things which may be necessary for the purpose of carrying into full and legal effect the arrangements undertakings agreements and promises in this agreement above set out.

12. That this agreement shall be binding upon the assigns or successors of the Company and upon the assigns and legal representatives of the sub-lessee and upon the partners of the Khong Heng Kongsii their assigns and legal representatives respectively.

IN THE JUDICIAL COMMITTEE

No. 1 of 1971

OF THE PRIVY COUNCIL

ON APPEAL FROM

THE FEDERAL COURT OF MALAYSIA

B E T W E E N:

PEGANG MINING COMPANY LIMITED
(formerly known as PEGANG
PROSPECTING COMPANY LIMITED)

Appellants

- and -

1. CHOONG SAM
2. LEE CHIM YEE AND CHAN HON
PENG (f) AS EXECUTORS OF
THE ESTATE OF CHAN PHOOI
HOONG DECEASED
3. TONG SWEE KING (f)
AS EXECUTRIX OF THE ESTATE
OF HO KOK YEW (DECEASED)

Respondents

RECORD OF PROCEEDINGS

(VOLUME 2)

Exhibits - pages 133 to 276

PARKER GARRETT & CO.,
St. Michael's Rectory,
Cornhill,
London, EC3V 9DU

Solicitors for the
Appellant

GRAHAM PAGE & CO.,
51, Victoria Street,
London,
S.W.1H OEU

Solicitors for the
Respondents