PAPERS ON

MALAYAN HISTORY

Papers submitted to the First International Conference of South-East Asian Historians, Singapore, January 1961.

edited by

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INTRODUCTION

These fourteen papers were presented to the First International Conference of South-East Asian Historians held in Singapore in January 1961. Publication of their work in book form has been made possible by a generous grant from the Lee Foundation.

The study of Malayan history is undergoing a swift change. For many years it has been regarded in a Europe-centric fashion. It has been written either as the history of the European in Malaya, or it has been looked at from outside; or both. Now it has become generally accepted that the Malayan community itself must be the centre of studies. Malaya itself has become the core, and developments are studied in the light of their effect on it. It is as if one now studies Malaya from within, looking outwards, the correct way after all to study the history of any country. This stand is clearly reflected in these papers.

Here is assembled for the most part recent research by the post-war generation of Malayan historians. As their work illustrates, Malaya offers exciting research possibilities. There is a vaste field for historians, sociologists, economists, jurists and others to explore. If this book and the Conference from which it sprang stimulate further study into the history of the area, particularly by Malayans themselves, then Dato Lee Kong Chian I am sure will feel well rewarded, and my hopes too will have been realized.

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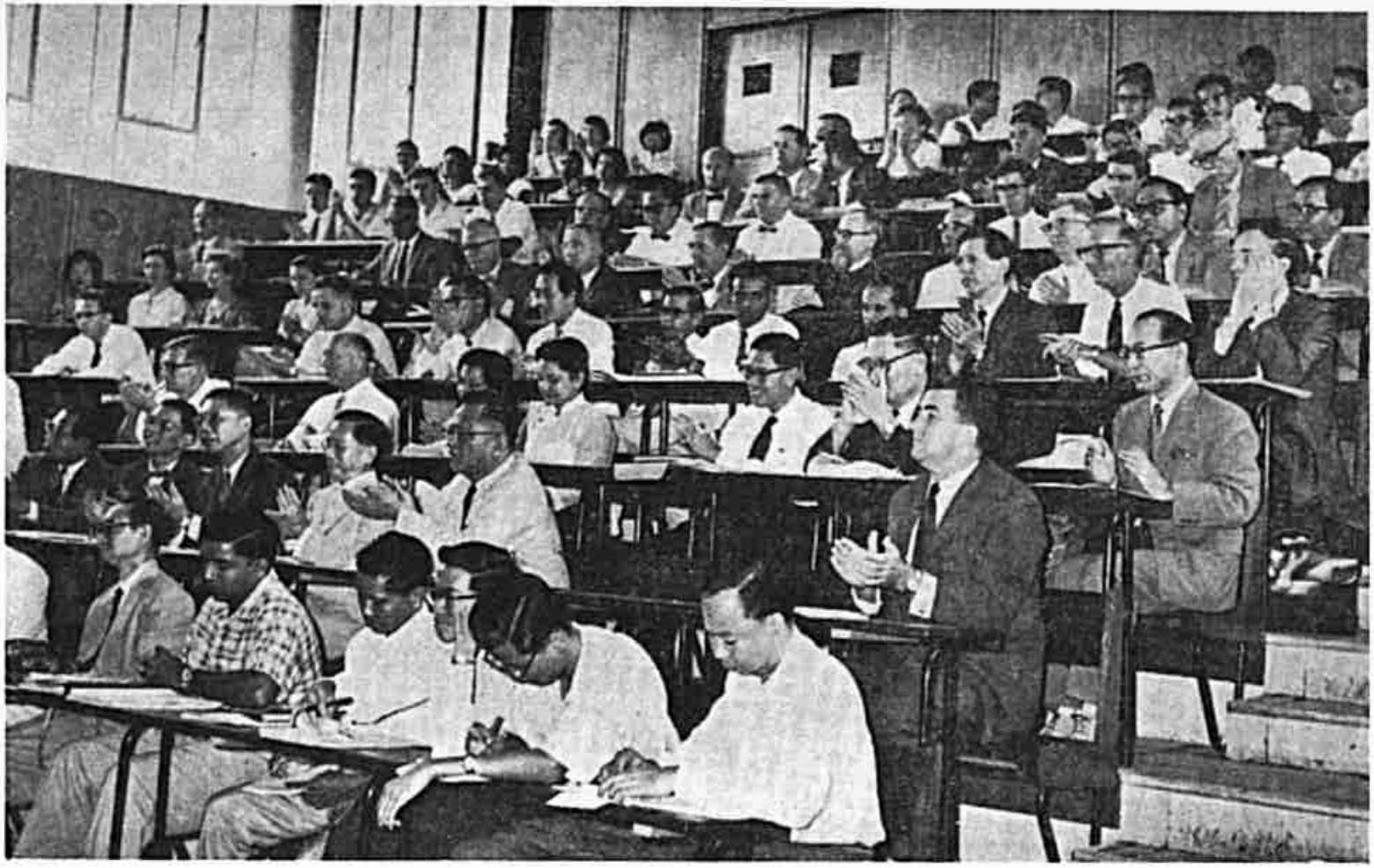

THE 1ST INTERNATIONAL CONFERENCE OF SOUTH-EAST ASIAN HISTORIANS IN SESSION AT THE UNIVERSITY OF SINGAPORE, JANUARY 1961.

SIAMESE DOCUMENTS CONCERNING CAPTAIN FRANCIS LIGHT.

By Kachorn Sukhabanij.
National Library, Bangkok.

In the Library of the School of Oriental & African Studies in London, there are about 60 Letters in Siamese addressed to Captain Francis Light from the provincial governors of P'uket, P'attalung, Trang, etc. The first letter bearing the name of Captain Francis Light was dated 1773 A.D., and the last one was dated 1792 A.D., just two years before the time of his death. With the assistance of Mr. O. Simmonds of that School, the writer succeeded in having these Mss. microfilmed for the National Library in Bangkok. There is also another Siamese Mss. belonging to Captain Francis Light, a Siamese Primer, bearing his name as owner with the date 1778 A.D., which explains his mastery over the Siamese script and language.

Captain Francis Light is generally known as the Founder of Penang, but his biography is far from complete. There are gaps in his life, especially the early part before he acquired the Island of Penang for the British East India Company in 1786 A.D. These Siamese Letters may throw some further light on this period ot his activities.

From the traditional history of Bangkok, Thonburi Period, Captain Francis Light was referred to as "Captain Hlek, the Governor of Penang," who in the year 1776 A.D. despatched to the Court of Bangkok 1,400 muskets and various complimentary commodities. Light's official appointment to be Superintendent of Penang was not authorized until 2nd May 1786, but as these Siamese Letters will bear out, he was moving about from P'uket to Penang and to Kedah between the year 1773-1786 A.D., and was honored by King Taksin to the title of nobility: *P'ya Raja Capitan* in the year 1778 A.D. presumably because of the various

muskets despatched for the defence of the country. The title: Governor of Penang in the year 1776 A.D. might be a mistake made by the Court scribe, or it might be a claim made by his Agent at the Court of Bangkok.

In Mr. H. P. Clodd's book: *Malaya's first British Pioneer – The Life of Francis Light* (Luzac & Co., London, 1948) it was stated that Light embarked at Blackwell for Bombay & Madras in January 1765, and arrived at Kedah via Acheen in August 1771. His activities around Kedah, P'uket and finally Penang may be taken as from August 1771.

There is however one Letter in his possession, but his name did not appear in it, bearing the date of 1763 A.D., two years before his arrival in the East. It was in the form of a Promissory note made out by a husband and wife to an undeclared person, for the value of Tin: 1 P'ara, 2 Tamlung and 3 S'lung – against which their little son was mortgaged as guarantee. This note bore the date: P'uket, Saturday, Seventh Month, Tenth Night of the Waxing Moon, Year of the Goat, 1125 which corresponds to 1763 A.D., four years before the fall of Ayudhaya to the Burmese. How Light came in possession of this Promissory Note is not known, but as he was very friendly with the Governor of P'uket in the reign of King Taksin (1762-1782), he might have acquired or bought this document from the Governor or his officials.

Mr. Clodd states in his book (p. 7) that "a contemporary writer recorded that the Sultan (of Kedah) conferred a title of nobility – Dewa Raja upon Light, and for authority he quotes John Crawfurd's *Journal of an Embassy to Siam*. Now on page 22 of John Crawfurd's book, Crawfurd writes: "The person who recommended it (Penang) to the attention of the Government of India was a Mr. Francis Light, who had traded and resided for a number of years at Siam and Queda, and who had a title of nobility from the *former* country". Obviously Crawfurd means the title of nobility, P'aya Raja Capitan, bestowed on Light was from King Taksin, whom Light was accorded an audience in one of his visits to Bangkok in the year 1777 A.D. The ceremony of conferring upon Light the title of "P'aya" must have taken

place about this year, as we find in a Siamese letter dated 1779 that he was referred to as "P'aya Raja Captain" by his first friend in the island, now ex-Governor of P'uket. As a result of this audience, Clodd (p. 29) quotes Light's letter to Calcutta dated the 22nd September 1777, relating how King Taksin "in his conversation expressed a strong desire of cultivating friendship with the Honorable Company and showed great uneasiness at no English vessels having come to his port. He said his soldiers would go against Mergui this season and if they took it he would give it to the English." King Taksin in the year 1777 was in his 10th year of reign, and had just succeeded in repelling the Burmese army headed by the famous Maha Sihasura, Hsinbyushin's foremost general. His offensive against Burma was not to be, however, as the country needed a respite after a seven-years (1770-1777) defensive war against Hsinbyushin's armies. Had Mergui been taken from the Burmese, King Taksin might 'give it' to the English as a concession to trade freely, but as to cession of territory after a bloody conquest, we doubt Light's word.

Captain Francis Light's overture in Kedah in 1771 resulted in a failure, as the Honorable Company had ignored him and despatched in February 1772 the Hon. Edward Monkton to negotiate for the Company for a Grant of settlement in Penang with the Sultan of Kedah, Muhammad Jiwa Mu'azzam Shah II. The Sultan's demand for an offensive military alliance was vetoed by the Honorable Company, and so Light in disgust retired to live in the island of P'uket.

Light's residence in P'uket started about June 1772, after one year's overture in Kedah. At P'uket, he 'co-habited' with a lady of Portuguese descent, Martina Rozells, who eventually bore him five children (Clodd, p. 26). He made friends with the Governor and must have been on good terms with him even after he was deposed. Though making P'uket his head-quarter till the year 1786, Light made voyages to different places at different periods, e.g. to Bangkok, Calcutta, and finally to Kedah again about January 1786. At Kedah he again succeeded in obtaining a grant of Settlement in the island of Penang from the new Sultan, Abdullah, which he reported to the Honorable Company.

This time, in a letter of instruction dated 2nd. May 1786, the Company authorized him to take possession of the Island which he eventually did on 12th. August 1786. The rest of the story at Penang is well-known.

These Siamese letters may throw some light for the period of years he had made P'uket his headquarters, i.e. from 1772 to the year 1786. Let us go through some of them in order to get some information of his activities and his services to the Court of Bangkok during this period.

The first document bearing Light's name was dated 1777, but given to a certain Captain 'Mang-ku'. It runs: "As Captain Light has instructed Captain Mang-ku to take delivery in his name of 100 B'ara of tin from the King being the cost of 926 muskets with the instruction to hand over these muskets in Bangkok, and Captain Mang-ku has now made delivery of 900 German muskets, together with 926 'Su-tan' muskets, totalling 1826 muskets, and also some cloths and silk which the officials have bought: it is ordered that the prices of all these muskets and silken goods be paid for in full in tin at P'uket. This note is given on Friday, Eight month, 2nd. Eighth, 7th. Night of the Wax Moon, Year of the cock, Year ending in 9". This Siamese year corresponds to 1777, probably August of that year. It looks as if the document was issued at Bangkok.

The second document bearing Light's name, but this time his title of nobility was given, was dated 1779 A.D. It was a short note written by the ex Governor of P'uket and two officials to P'aya Raja Capitan to acknowledge receipt of goods to the value of 13 and a half p'ara of tin with a promise to pay for them in tin in a few months time. The note was given Wednesday, Eight month, 1st Night of the Waxing Moon, Year of the Pig, Year ending in the figure 1. This date corresponds to July, 1779 A.D.

From this year on, Captain Light was always referred to as P'aya Raja Capitan, so we may take it that he was given the title of nobility by King Taksin in the year 1778 A.D.

The third, fourth, and fifth letters to Light were all dated 1786 A.D. The third letter was written about April of that year, the fourth about August, and the fifth the month was unreadable, but the context states that Light was already

stationed in Penang, and therefore, it must be written after 12th. August 1786 – the official date of Light's occupation of Penang.

All these three letters were written to Light by different persons, but all bore the same theme: the Burmese invasion of P'uket early in that year.

The back-ground of these letters should be given here, so as to get some idea of what happened in Siam, Burma and also at P'uket.

King Taksin was deposed in April, 1782 and his foremost general was crowned king, known as Rama I. As for Burma, Hsinbyusin's son, Singu, ruled from 1776 to 1782, during which time there was a lull in the war between Burma and Siam. In 1782, however, a palace intrigue deposed Singu, and his uncle, Bodawpaya, came on the throne. So, from 1785, war between Burma and Siam briskly resumed.

In the war of 1785, although the main Burmese army was repulsed at the Three Pagodas Pass, three small forces (of 3,000; 2,500; and 4,500) were making raids towards P'uket, Ranong and Nakorn Sridhammarat. The force against P'uket probably arrived around January or February, 1786 with 3,000 men.

The third letter addressed to Light, dated 12th, April, 1786, relates that the Burmese force invested the town of P'uket for a month, and was eventually repulsed, leaving behind 300-400 dead. A request was then made that Light supply the town and the surrounding area with goods and food. This letter was written by Chao P'aya Surin, the Commissioner for P'uket and its eight adjacent districts of the West coast.

The fourth letter was from Ok-Pra Plol Plakdi, an official in the P'uket administration, dated 1st October 1786, informing Light that his Agent, Captain Leaky (Liki?) could not speak the language of the country and therefore to trade with him was very difficult, that Light should send Captain Slard (Scott?) to represent him and to bring over some 2,000-3,000 gunnies of rice for sale as the people was still short of rice. (To this request, Light sent over 500 bags).

The fifth letter was from the Acting Governor of P'uket,

dated after August 1786, informing him that he and the Commissioner were not on good terms, and that he was ordered to proceed to Bangkok, and if he was confirmed Governor of P'uket, he would on his return proceed to Penang to give thanks to his benefactor.

This Acting Governor of P'uket would probably be a relative or nephew of the ex-Governor who died just before the Burmese force invested the town — whose name, in Mr. Clodd's book, (p. 35) was given as "Pia Pimon, the Governor".

It appears that Light, after having failed in his venture to get Penang for the Honorable Company in 1772, turned his attention on the island of P'uket. From the moment of his arrival in June, 1772, he entered deep into local politics, as reported by the Hon. Monkton to Madras before leaving Kedah in the same year: (Clodd p. 25) "Light had settled at Junk Ceylon as a private trader and had been well received by the Governor and principal inhabitants of the island", that "the King of Siam had lately sent a man over to depose the old Governor and that they were shut up in a small compound and were without arms and ammunition. They were surrounded by one or two thousand Siamese and would very shortly fall a sacrifice to them unless he got assistance from me." Monkton continued: "All the head people of the island are willing to give the Company any terms they might ask for their protection. But as I dare not think of embarking on such an enterprise without your Honour's permission, I have ordered Captain Wedderburn, of the Tankaville, to touch there and make signals by firing of guns if he can bring off Mr. Light."

This deposed Governor, whom Light sided with in 1772, must be the writer of the second letter, who, in 1779 was still living. However, when the new Governor was installed by King Taksin, Light did not lose time in getting into friendly relations with him.

The idea of getting Mergui for the Honorable Company intervened after Light had an audience with the King in Bangkok in 1777, but since the Siamese had not captured Mergui as forecasted by the king, Light reverted to the plan of getting P'uket. But the Siamese army under

Rama I was too strong for the Burmese, so Light saw no opportunity of taking possession of the island without serious quarrel with the Court of Bangkok. In 1785, his second friend the Governor died, and though the Governor's relative was set up as Acting Governor, a new man was despatched from Bangkok to administer P'uket with its eight adjacent districts covering the west coast of the Peninsula. Had the Governor or P'aya Pimon still lived, it would still be doubtful whether Light would succeed in his venture. As the results bore out, in late 1786, while Light officially occupied Penang for the Honorable Company, an army under the King's brother moved down to Nakorn Sridhammarat and Songkla, and eventually succeeded in forcing Kedah, Kelantan and Trengganu into tributary states in the same year.

After 1786, whether Light still played on with the idea of taking P'uket is not known, but he still kept on good relations with the Court of Bangkok. The task of building up Penang as a sea port and of governing a new Settlement must have been very heavy, and French and Dutch political intrigues at Kedah must have occupied all his spare time.

In one of the last Siamese letters addressed to Light, there is one from the Court of Bangkok, written by the Smuha P'ra Kalahom, Prime Minister for the South, dated August, 1792, addressed to P'aya Raja Capitan: "The King of Siam has ordered the following to be conveyed to you: in March, 1792, the Governor of Tavoy had despatched a golden letter with gold and silver tributary trees to Bangkok, requesting to be readmitted under the protection of Siam as of old, but Mergui has not done the same. Hence, the King will despatch his royal brother in November with an army and navy to take Mergui, Martaban, Bassein, Rangoon as well as Ava, whilst a land force from the North will also push up through the Shan States into Upper Burma. As the number of soldiers who will take the field will be very great, requisition has been despatched to the Sultan of Kedah to convey rice to the island of P'uket in November. Considering the friendly relations long existed between P'aya Raja Capitan and the Court of Bangkok, it is hoped

that P'aya Raja Capitan will lend a helping hand by despatching 400-500 kwien of rice, together with cannons, muskets, ammunitions, etc. to proceed with the forces of Kedah and P'uket for the maintenance of the Siamese army. When instructions from the Commanding General, the King's Royal Brother, for the ships to set sail are received, it is expected that the ships supplied by P'aya Raja Capitan will start with the rest. As for the cost of rice, and all articles of war, as well as wages and salaries for all service men supplied, they will be paid for as has been customary. Moreover, all the ships captured at Tavoy will also be presented to P'aya Raja Capitan. If, however, P'aya Raja Capitan does not lend a helping hand to our national cause, friendship between us (will be at an end). English text of this letter (also accompanies) (written on)....eighth month, sixth night of the waxing moon, year....(July 1792 A.D.). Official Seal (of the Smuha P'ra Kalahom).

This letter refers to one of the counter-offensives of the Siamese army into Burma from the year 1787. The counter-offensive of the year of the Rat, 1792 A.D., did not go according to plan. After capturing Tavoy, it was found only that the town with difficulty could be kept. So instructions were given to migrate the population into Siam, and the town to be burnt to the ground. We do not know whether Light supplied the requested articles, and if so, what was his share of the war. But it is quite evident from this letter (and various others) that Light maintained friendly relations with the Court of Bangkok till the very last years of his life. He died in office as Superintendent of Penang on the 21st October 1794.

Arriving in Kedah in 1771, Light first tried to obtain for the Honorable Company the island of Penang, then P'uket then Mergui, then P'uket again, with no result until finally he succeeded in 1786, after 15 years persistent efforts, in obtaining the island of his first choice for the Honorable Company. In the same year, however, the Court of Bangkok reasserted its claim of suzerainty over Kedah, and, in addition, forced Kelantan and Trengganu to become its vassal states. It was through Captain Francis Light that the Court of Bangkok started its contact with the English, and,

giving allowance to his ambition to serve his Country, it was found that he never failed to give services to the Court of Bangkok when called upon to do so. Hence, the title of nobility, P'ya Raja Capitan, conferred upon him by King Taksin in 1778 and later confirmed by Rama I, was befittingly bestowed.

May the noble soul of 'P'ya Raja Capitan Hlek' rest in peace.

THE MALAYAN TIN INDUSTRY: A STUDY OF THE IMPACT OF WESTERN INDUSTRIALIZATION ON MALAYA

By Wong Lin Ken

University of Malaya in Singapore.

This paper is a very limited study on the connection between the rise of the Malayan tin industry and the growing demand for tin in the West as the result of industrialization. The aim is to show that this industrial demand for the metal had a particular impact on the direction of the Straits tin trade. No attempt is made to trace the development of tin mining itself, but as the bulk of the Straits tin came from the Malay Peninsula, the direction and expansion of the physical volume of the trade can be taken for the purpose of this paper as adequate evidence that there was a growth in mining activities in Malaya in direct response to the expansion in the industrial demand.

The history of tin mining in Malaya, like that of gold mining, goes back to prehistoric times. The demand for tin in the Bronze Age of Malaya must have been met by production in the local mines. It has even been claimed that the vast quantity of tin used in the bronze works of the ancient Mediterranean world came from Malaya as well as from Spain and Britain.[1] The early tin miners of Malaya were succeeded in the fifth century by Indian miners. Henceforth, the control of the foreign tin trade of Malaya came into the hands of a succession of non-Malay merchants. From the fifth century onwards, Indian merchants took the metal to India where it was in demand for the manufacture of Hindu images. Then in the ninth century, Arab merchants came to Malaya in quest of tin. By 1291, tin was already being exported to China. From

1. Wray, L., "Some Account of the Tin Mines and Industries of Perak", *Perak Museum Notes*, No. III, 1894, pp. 1-3.

1511 onwards, the tin trade was under the influence of the Portuguese until their political and commercial decline in the East at the beginning of the 17th century. From this date to the end of the eighteenth century, when the supremacy of the Dutch, in the Malay Archipelago was challenged by the British, the tin trade was dominated by the Dutch who sought strenuously to monopolize the traffic. The Dutch made treaties with the local princes who undertook to supply at fixed prices favourable to the buyers all or most of the tin produced in their territories. In the course of the 17th and 18th centuries, the Dutch secured and extended their control with varying success over the exportation of tin from various Malay states on the western seaboard of the Malay Peninsula, namely, Kedah, Perak, Selangor, and Sungei Ujong.[2] Until the discovery of tin in Banka in 1711, Malaya was the principal producer of the metal in the Archipelago.[3] With the emergence of a new centre of production, the Dutch had to extend their control of the tin trade to Banka if they were to maintain their monopoly of the traffic. This was done in 1755.[4]

Since the discovery of the Cape route to India, there was always the possibility that tin from the Malay Archipelago would be introduced into the European market, which had been the commercial preserve of Cornish tin from time immemorial. As early as 1513, the Portuguese had imported into Europe some tin from the East.[5] In the 18th century, the Dutch began to ship regularly small quantities of Banka tin to meet their own requirements in Holland. In 1787, they unloaded some of their unconsumed tin in the London market and depressed the price of Cornish tin to

2. Winstedt, R. O. (Editor), *Malaya, the Straits Settlements, and the Federated and Unfederated Malay States*, London, 1923, p. 123 et. seq.; Winstedt, R. C., *Malaya and Its History*, London, (date of publication?), p. 118; Burkill, I. H., *A. Dictionary of the Economic Products of the Malay Peninsula*, 2 vols., 1935, vol. I, p. 483.
3. Crawfurd, J., *History of the Indian Archipelago*, 2 vols., Edinburgh, 1820, Vol. III, pp. 451-2; Phipps, J., *A Practical Treatise on the China and Eastern Trade: Comprising the Commerce of Great Britain and India, Particularly Bengal and Singapore, with China and the Eastern Islands*, Calcutta, 1835, p. 334.
Henceforth referred to as Phipps, *A Practical Treatise on the China and Eastern Trade*.
4. Furnivall, J. S., *Netherlands India*, Cambridge, 1944, p. 202.
5. Lewis, G. R., *The Stanneries*, Cambridge, 1924, p. 53.

such an extent that British tin producers feared competition from oriental tin. But the amount of tin brought back to Holland by Dutch traders was small. Between 1760 and 1789, the average quantity of the metal imported annually was no more than 256 tons, and in only one year, 1787, did the amount exceed 500 tons.[6] This was because Banka tin could not compete with the Cornish product, and was brought to Holland as ballast rather than as an article of trade. The lucrative part of the Banka tin trade was in the East. The insignificance of Europe as an outlet for Banka tin may be gauged from the fact that, during thirty years from 1760 to 1789, the quantity of Banka tin shipped to Holland did not amount to more than 7,669 tons, which worked out to be no more than 18% of the total yield of the mines in Banka during these years.[7] There was indeed a possibility that Cornish tin might be sold in the East, if the price of the metal in the oriental market allowed an attractive margin of profit over the cost of producing and transporting the article from the Cornish mines. At least on five occasions before 1789, Cornish tin had been shipped to China by both private traders and the East India Company, but on not a single occasion had the speculation been paying. However, in 1789 the East India Company made the first successful shipment of Cornish tin to China, and in the course of the next twenty-eight years Cornish tin invaded the China market, which, until then, had been the preserve of tin produced in the Malay Archipelago.[8]

In the 1780's the demand for tin in the China market had exceeded the supply, so that prices of the metal became inflated, ranging from £84.10s. per ton to £105 per

6. Carne, J., "The Tin Mines of Cornwall", *Journal, Royal Statistical Society*, Vol. II, 1839, p. 267 Flower, P. W. *A History of the Trade in Tin and a Description of the Ancient and Modern Processes of Manufacturing Tin-Plates*, London, 1880, pp. 20-203.
Henceforth referred to as Flower, *A History of the Trade in Tin*.
7. The amount of tin imported into Holland is calculated from Carne, *Journal, Royal Statistical Society*, Vol. II, 1839, p. 367; the amount of tin produced in Banka is calculated from *International Tin Research and Development Council, Statistical Year Book 1937*, p. 36.
8. Unwin, G., *Letters, Remarks, etc., with a View to Open Extensive Trade in the Article of Tin from the County of Cornwall to India, Persia and China*, London, 1790, pp. 6-27; Carne, *op. cit., Journal, Royal Statistical Society*, Vol. II, 1839, pp. 262-3; Flower, *A History of the Trade in Tin*, pp. 20-21.

ton. But at this time, the Cornish tin industry was suffering from over-production. In 1789, George Unwin, a purser in the East India Company's service, pointed out that the depressed conditions of the Cornish tin mines might be alleviated if the East India Company undertook to ship Cornish tin to China. The export of Cornish tin to China might also help to adjust the adverse balance of British trade with that country.[9] The outcome was that the Cornish miners entered into an arrangement with the East India Company in 1789, whereby they supplied the Company with tin at low prices, making up their loss by the high prices of the metal at home, created by an artificial shortage of the commodity. The advantages of such an arrangement became even more obvious with the outbreak of the Napoleonic Wars in 1793, in the course of which the European market was closed to British trade. This arrangement was so successful that in 1813, the artificially inflated prices in the British metal market made it worthwhile to repurchase Cornish tin in the East, and bring it back for sale in Britain. The days of the Cornish trade to China were numbered, and in 1817 the arrangement with the East India Company was terminated. After this date, Cornish tin hardly appeared in the oriental market again, except on a few rare occasions in the 1820's.[10]

Despite fluctuations, the course of tin prices in Britain had shown an upward trend since 1790. In 1814 the average price of the metal stood at a peak of £176 per ton, a record value never to be exceeded again until 1906, when the price of English block tin in the London metal market averaged £181.4s. per ton. The reason for this upward trend in the market values of tin was simply that the demand for the metal was increasing faster than the supply. An

9. Unwin, pp. 1-3, 31.
10. *Report from the Select Committee of the House of Lords Appointed to Inquire into the Present State of the Affairs of the East India Company* (646). H.C. (1830), VI, p. 646; Milburn, W., *Oriental Commerce*, 2 vols., London, 1813, Vol. II, p. 314; Carne, *Journal, Royal Statistical Society*, Vol. II, 1839, p. 263; Flower, *A History of the Trade in Tin*, pp. 20-1; Phipps, J., *A Guide to the Commerce of Bengal, for the Use of Merchants, Ship Owners, Commanders, Officers, Pursers, and Others Resorting to the East Indies....Containing a View of the Shipping and External Commerce of Bengal*, Calcutta, 1823, p. 287. Henceforth referred to as Phipps, *A Guide to the Commerce of Bengal*.

artificial shortage of the metal had been created by withdrawing the article from the British market for exportation to China. Between 1783 and 1790, the average yearly export of Cornish tin was 2,160 tons, and in the next decade, it rose to 2,432 tons. Meanwhile, there was barely any increase in the yield from the Cornish mine. In the decade 1790-1800, the production of Cornish tin averaged 3,178 tons per year, a yield which exceeded the average annual output of the previous eight years by only 104 tons. In the first decade of the 19th century, the output of tin actually began to decline, and the yearly yield now averaged 2,614 tons. In 1810, the output dropped to 2,006 tons, the lowest recorded yield since 1750.[11] The decline in output was caused partly by the exhaustion of the deposits in the more shallow stream and lode mines, and partly by the limitations of the existing mining machinery in coping with the increasing depth of the tin mines.[12] But, in the meantime, the demand for tin had been growing. The quantity of tin consumed each year in the decade 1801-1810 averaged about one and a half times as much as the yearly consumption during the previous ten years. The increased demand for the metal was chiefly the result of the expansion of the British tinplate industry.[13]

In the early part of 19th century, tin was used for many purposes in Britain. Its chief industrial application was in the manufacture of alloys from which other articles were made. The alloys in great demand were pewter, plumber's solder, and bronze. The term "pewter" included several alloys of which tin formed a constituent part. The best pewter had one hundred parts of tin to seventeen of antimony. Some kinds of pewter consisted of an alloy of tin and zinc, while others had tin, antimony, bismuth, and copper in several proportions. The chief use of pewter was for the manufacture of a wide range of household utensils and wine measures. Bronze, an alloy of tin and copper was in demand for the casting of statues, bells, and pieces of artillery. Plumber's solder was compounded of tin and lead,

11. Hunt, R., *British Mining*, 2nd Edition, London, 1887, pp. 887-888.
12. Rowe, J., *Cornwall in the Age of the Industrial Revolution*, Liverpool, 1953, pp. 174-6.
13. Carne, *Journal, Royal Statistical Society*, Vol. II, 1839, p. 266.

and the proportion of both metals varied with the purpose for which the solder was intended. Tin was alloyed with antimony to form a hard white alloy specially used for the manufacture of the specula in telescopes. This alloy was also used for the production of rolled plates on which music was engraved for ornamental purposes. Tin was also employed in the preparation of scarlet and purple dyes for colouring British textiles. Another important use of the metal was for the tinning of finished iron wares.[14] "Of late years", ran part of a paper read on the 20th February, 1818, before members of the Literary and Philosophical Society of Manchester, "cast-iron sauce-pans, and pots of a large size, are permanently tinned on their inner surfaces to prevent the liquors which boiled in them from acquiring any stain by a partial dissolution of the iron. Many other articles such as bridle bits, common stirrups, small nails, &c. (sic) are now made much cheaper than formerly, by first fabricating them in cast-iron, and then covering them with a thin coat of tin, by immersion of them in a hot-mass of that fluid metal."[15] However, the more important use of tin was in the tinplate industry, which, by 1805, was absorbing between one-third and one-half of the total annual consumption of tin in Britain.

A tinplate is nothing more than a sheet of steel or iron coated with tin so as to prevent the steel or iron from rusting. From very early times, iron and copper wares were given a coating of tin for a similar purpose. These articles were first finished and then immersed in a bath of molten tin to receive the protective covering. In the case of tinplate wares, the articles were fashioned from raw material which had already been tinned.

The manufacture of tinplates was not feasible for many centuries because of the costs and technical difficulties involved. Tinplates were probably first made at Wunsiedel in Bavaria in the fourteenth century. From there the tech-

14. Parkes, Samuel, *A Descriptive Account of the Several Processes which are usually Pursued in the Manufacture of the Article Known in Commerce by the Name of Tin-plate*, (Manchester?), 1818, pp. 3-5; *Encyclopaedia Britannica*, 6th Edition, Edinburgh, 1823, Vol. XVI, p. 244; *Encyclopaedia Britannica*, 9th Edition, Edinburgh, 1875-89, Vol. XXIII, p. 401.
15. Parkes, p. 6.

nique of manufacture spread slowly, first to Nurnberg and the Amberg region of the Upper Palatinate, where tinplates were already being manufactured by the end of the fifteenth century, and then to Saxony during the early sixteenth century. In the course of this century, a rival industry was set up in Bohemia, but it met with only limited success. Saxony and the Upper Palatinate retained an effective monopoly of the manufacture of tinplates until the early seventeenth century.

In Britain the tinplate industry took a long time to become established. In 1623 and, again, in 1661 attempts to produce tinplates on a commercial basis failed. At about the time of the second venture, a commission was sent to Saxony by a group of British businessmen to bring back information about tinplate making. The mission was a success, and the knowledge of the method of tinplate manufacture acquired from Saxony, where the industry was flourishing, led to another attempt to establish tinplate works in Britain. Like the earlier ventures, the results of this third attempt proved that it was technically possible to make tinplates in Britain, but that it was not feasible to produce them on a commercial scale. The prevailing circumstances were not favourable to the establishment of a British tinplate industry. Although the commission had brought back the knowledge of the art of tinplate manufacture, there were at this time in Britain not enough men with the necessary skill and experience to exploit this knowledge on an industrial scale. Moreover, in the face of competition from an established rival in Saxony, British entrepreneurs were reluctant to risk their capital unless they could be sure of quick and immediate profits.

However, the conditions required for the successful establishment of a British tinplate industry came in the fullness of time. The problem of foreign competition was solved in 1703 by imposing a very high duty on imported tinplates. Under the shelter of this tariff, the first British tinplate works on a commercial basis was erected at Pontypool in the early years of the eighteenth century. The infant industry also benefited from the store of technical knowledge and experience, which had been slowly built up from

the earlier but unsuccessful experiments. New processes were also being developed, and these reduced the costs of manufacture as well as improved the quality of the finished plates. Consequently, by 1800, a tinplate industry was firmly established in Britain, and was even successfully competing with its continental rivals. But it was still small in scale, and only had attained that size by slow growth.[16] In 1800 there were nine tinplate works in the country, only five more than in 1750.[17] But in the course of the nineteenth century, the tinplate industry began to expand more rapidly, the rate of expansion being particularly marked after 1860, as may be inferred from Table I below.[18]

I. *Number of Tinplate Works and Output of Tinplates in Great Britain, 1825-1875*

Year	Number of Works	Output
1825	16	Not available
1850	34	748,000 boxes
1860	40	1,550,000 boxes
1865	47	1,755,000 boxes
1870	59	2,700,000 boxes
1875	75	3,500,000 boxes

By 1875, the British tinplate industry had expanded to such an extent that it was supplying practically all the needs

16. Minchinton, W. E., *The British Tinplate Industry*, Oxford, 1957, p.1. et. seq.
On the history of the British tinplate industry we consulted several contemporary and modern studies on the subject, but we have only cited Dr. Minchinton's book because it embodies the results of the latest researches into the subject.
17. Flower, *A History of the Trade in Tin*, p. 209.
18. The figures for the number of tinplate works are from Flower, *A History of the Trade in Tin*, p. 209; the figures for the output of tinplates are from Brooke, E. H., *Chronology of the Tinplate Works of Great Britain*, Cardiff, 1944, pp. 1-2. Gray, William G., "Tin and Terne Plate," *Twelfth Census of the United States, Taken in the Year 1900*, Washington, 1902, Vol. X, p. 110, gives the output as 1,700,000 boxes for 1860 and 3,459,782 boxes for 1870. These figures indicate larger outputs for these two years than those given by Brooke. We have used the figures provided by Brooke because the latter has been cited as an authoritative source of statistics by Dr. W. E. Minchinton in his book *The British Tinplate Industry*.

of the world. It had out-stripped its continental rivals, because it could produce better and cheaper plates owing to the advantageous location of the works in Wales, and to the benefits of the continual series of inventions and new processes from the early years of the eighteenth century. In 1875, the industry was on the threshold of yet another important stage of economic and technical progress. In this year, the commercial production of tinplates with Siemen's openhearth steel was started. The use of steel plates in place of those made from charcoal iron brought about great improvements in the quality of the finished products, as well as significant reduction in the cost of manufactures, so that tinplates could be sold cheaper in the markets, with the consequential increase in demand for them.[19]

The external stimulus for the growth of the British tinplate industry was provided by the use of tinplates. The most important of these new articles made from tinplates were cans used for preserving food, and barrels for storing and transporting oil.

About the second decade of the 19th century, the technique of preserving food in tin cans was developed both in Britain and France to meet the needs of feeding armies and navies on long and distant campaigns. Before the end of the Napoleonic Wars, the British army and navy were already using tinned food. With this development a new and important market for tinplates was opened. But it was not until about 1860 that the canning industry became the dominant factor in stimulating the expansion of the tinplate industry. Previous to this date, tinned food was not popular outside the army and navy, because the public was prejudiced against it. Moreover, the surplus in food production, so necessary for the establishment of large scale canning, did not exist. But by the middle of the 19th century, the economic development of several countries had led to the existence of food surpluses, which encouraged the growth of large scale canning industries in these places. In Australia a canning industry grew up with the handling of surplus meat for export, while in France, the industry ex-

19. Flower, P. W., *Origin and Progress of the Manufacture of Tin-plates*, Neath, 1886, pp. 13-15.

panded rapidly to deal with the surplus in vegetables, fruits, and fish. But the most important developments occurred in the United States, where the first attempt to set up a canning industry was made as early as 1819. In 1850, there was already a flourishing industry in the United States, but the great period of expansion came after 1860, with the military needs of the American Civil War. This, together with the development of communications, the improved and cheaper processes of canning, and the rapid unbanization of the United States and Western Europe all combined to stimulate the consumption of tinned food.[20]

In the United States there were two other uses of tinplates which provided important stimuli for the expansion of the tinplate industry. The first of these was the use of tinplates for the manufacture of barrels to store oil. For a long time petroleum was known to exist in the United States, but the production of crude petroleum on an industrial scale only began with the discovery of oil in Pennsylvania in 1859. From that date onwards, the petroleum industry expanded rapidly. In 1860, 500,000 barrels of crude oil were produced, and in the ensuing decade production increased by leaps and bounds, the average annual yield being 3,246,228 barrels. In each of the consecutive years following 1870, the annual output exceeded this average, reaching 10,926,945 barrels in 1874.[21] The other use of tinplates was for roofing in the frontier settlements. Sometimes terneplates were used instead of tinplates.[22] The former were thin sheets of iron or steel coated with an alloy of tin and lead, and were also a product of the tinplate industry. Terneplates were probably used for roofing purposes in Britain, France, and Germany before they were employed in the United

20. Minchinton, pp. 25-28, 255-258; Flower, *A History of the Trade in Tin*, p. 177 et. seq.; Hunt, Arthur L., "Canning and Preserving Fruits, Vegetables, Fish, and Oysters," *Twelfth Census of the United States, Taken in the Year 1900*, Washington, 1902, Vol. IX, p. 463 et. seq. The last work gives a more detailed account of the history of canning than the other works cited, but it has a bias towards the development of the American canning industry. It also gives the dates when various articles of food were first canned on a commercial scale.
21. Weeks, Joseph D., "Petroleum," *Report on Mineral Industries in the United States at the Eleventh Census 1890*, Washington, 1892, pp. 425, 431.
22. Flower, *A History of the Trade in Tin*, pp. 177, 181.

States, but the manufacture of terneplates did not become an important branch of the tinplate industry until they were used for roofs in America. Some terneplates were produced in Philadelphia, and were manufactured by running imported English tinplates through molten lead. But the bulk of the terneplates came from Britain.[23]

The expansion of the British tinplate industry naturally led to an increase in the consumption of tin. From Table II below, it can be seen that the consumption of the

II. *Quantity of Tin Consumed in Britain.*[24]
1801-1880 (Figures in Tons)

Year	Cornish Tin	Foreign Tin	Total Consumed
1801-10	11,179	See note	11,179
1811-20	16,352	below	16,352
1821-30	26,157		26,157
1831-40	35,565		35,565
1841-50	50,637	4,284	58,921
1851-60	46,094	21,569	67,663
1861-70	50,309	36,811	87,120
1871-80	49,706	86,646	136,352

metal in Britain had multiplied about fivefold in the course of the first fifty years of the nineteenth century. During these fifty years, the tinplate manufacturers were the largest single group of buyers of tin. Their importance as a factor influencing the price of the metal may be gauged by

23. Gray, *Twelfth Census of the United States, Taken in the Year 1900*, Vol. X, pp. 99-111.

24. In the absence of any contemporary figures for the consumption of tin in Britain, an approximate idea of the quantity of tin consumed every year may be obtained in the following manner:—
(a) The difference between the annual yield and export of Cornish tin may be roughly taken to be the annual consumption of Cornish tin in Britain.
(b) The difference between the annual import and export of foreign tin may be roughly taken to be the annual consumption of foreign tin in Britain.
Adding (a) and (b) together will approximately give the total annual consumption of tin in Britain.
In the above Table, a decennial period has been chosen for convenience. The sources for the figures are:—
(1) Hunt, *British Mining*, 2nd Edition, pp. 887-888 for yield of Cornish tin 1801 to 1830 inclusive.
(2) Hunt, R., *Mineral Statistics of the United Kingdom and Ireland 1853-1881*, London, 1854-82, for the output of Cornish tin 1851 to 1880 inclusive.

the fact, that they used up between one-third and one-half of the total quantity of the commodity consumed in Britain in each of the years 1805 and 1851, (see Table III below).

III. *Consumption of Tin by the British Tinplate Industry 1805-1874. (Figures in Tons)*[25]

Year	Consumed by Tinplate Industry	Consumed by All Industries.
1805	357 to 563	1,144
1851	2,674 to 3,008	7,635
1860	5,536 to 6,028	6,358
1874	6,027	9,836

(3) Umhau, John B., *Summarised Date of Tin Production. Economic Paper 13, United States Dept. of Commerce,* Bureau of Mines, Washington, 1932, for the yield of Cornish tin 1831-50 inclusive. No official figures of the yield of Cornish tin for the years 1838 to 1852 inclusive seem to have been published by the British Govt. This was probably because the tin coinages in Cornwall ceased after 1838 so that no accurate returns were made for many years. The returns made after 1852 were based on data supplied by smelters and other reliable sources [Hunt, R., "The Present State of the Mining Industries of the United Kingdom," *Journal, Royal Statistical Society,* Vol. 19, 1856, p. 206].

(4) *Annual Account of the Tin Trade of Great Britain, Parliamentary Papers, 1815-1881* for the exports of Cornish and foreign tin and the imports of foreign tin for the years 1815 to 1880 inclusive.

Until 1843, practically no foreign tin was imported into Britain for consumption because of the prohibitory duties levied on foreign tin. The annual amount of foreign tin entered for home consumption previous to 1843 may be obtained by dividing the annual value of the customs duties collected on foreign tin by the appropriate rate of duty. We have not thought it necessary to do the computation because the results do not justify the labour involved and will not affect very much our estimates of the amount of tin consumed in Britain. For instance, the total quantity of tin imported for home consumption in the decade 1818-1827 was only about 11 cwt. [computed from *Account of the Quantity of Foreign Copper, Tin, Spelter, Lead, and Antimony, Imported Each Year* since 1785 (416), p. 3. H. C. (1828), XIX, p. 277]. The idea of the insignificant amount of foreign tin imported for home consumption may be further obtained from the fact that, in 1830, no foreign tin was imported for home use, and that, in 1841, only 1 cwt. 22 lbs. of foreign tin was entered for home consumption in the Customs Office, [computed from *An Account of all Changes Made since the 1st Day of January 1831 in the Duties of Customs Payable on Goods, Wares, and Merchandize Imported into the United Kingdom; showing the Dates when such Changes were effected, the Former Duties, the Presented Duties, and the Amount Received on Account of Each, During the Years ending 1st Day January 1831 and the 1st Day January 1841* (259), p. 10, H.C. (1842), XL, p. 269].

25. The quantity of tin consumed by the tinplate industry is estimated by multiplying the number of boxes of tinplates produced in each of the

The rest of the metal was consumed in the manufacture of dyes and numerous alloys, the most important of which was Britannia metal. Also known as Prince's metal and white metal, Britannia metal was first developed on a commercial scale in about 1770. By 1850, it had displaced pewter in the manufacture of a wide range of articles previously known as pewter ware. It was composed of the best block tin, antimony, copper, and brass, the proportion of the first metal being about ninety percent of the total weight of all the constituent metals. Next to the requirements of the tinplate industry, the demand for tin for the manufacture of Britannia metal was the most important cause of the in-

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years concerned by the quantity of tin required for coating each box of plates. According to Brooks, E. H., *Monograph on the Tinplate Works in Great Britain*, Swansea, 1932, pp. 40, 42, the quantity of tin required per box of tinplates was 14 lbs. in 1755, 10 to 15 lbs. in 1820, 8 to 9 lbs. in 1857, and 4½ lbs. in 1874. But according to Rogers, Ebenezer, "On the Manufacture of Tin Plates and the Use of a Substitute for Charcoal as Fuel in the Finery," *South Wales Institute of Engineers, Transactions*, Vol. 1, 1857-59, p. 17, the quantity of tin used per box of plates was about 13 lbs. until about 1829, when improved methods of annealing reduced the quantity of tin used. By 1857, the quantity of tin required was "about 9 lbs. for charcoal and 8 lbs. for the cokeplates." Two brands of tinplates were sold in the market, charcoal plates and coke-plates. Charcoal iron, being of better quality, was given a heavier coating of tin, while coke iron was used only for the cheaper grades, which were given a lighter coating. When steel came to be universally used the terms remained, referring then only to the quantity of tin used in the coating. (See Gray, op. cit., *Twelfth Census of the United States, Taken in the Year 1900*, Vol. X, p. 120).

In the above Table, the quantity of tin assumed to be required for the manufacture of one box of tinplates is 10 to 15 lbs. in 1805, 8 to 9 lbs. in 1851 and 1860, and 4½ lbs. in 1874. Except for the year 1874, the consumption of tin by the tinplate industry for each year is estimated in the following manner.

(a) Number of boxes produced multiplied by the smallest quantity of tin required to produce one box of tinplates. This gives the minimum quantity of the metal consumed by the tinplate industry.

(b) Number of boxes produced multiplied by the largest quantity of tin required to produce one box of tinplates. This gives the maximum quantity of tin consumed by the tinplate industry.

The results of (a) and (b) fix roughly the maximum and minimum quantity of tin that could have been consumed by the tinplate industry in each of the years selected in the Table.

The sources for the output of tinplates are from Minchinton, op. cit., p. 19, for 1805, Brooke, *Chronology of the Tinplate Works of Great Britain*, pp. 1-2, for 1851 1860, 1874. The figures for the total quantity of tin consumed have been estimated in the same way and from the same sources as in Table III above.

creased consumption.[26]

During the first forty-five years of the 19th century, the demand for tin in Britain was met almost wholly by Cornish production. This was because the British Government had imposed prohibitive duties on foreign tin imported for home consumption. Until the 31st December 1796, the duty on foreign tin intended for consumption stood at £53 per ton, but on this date it was raised by £2.13s. as part of the general rise in the customs tariff to meet the financial needs of the war against France. Henceforth, the duty on imported tin, as was the case with that on every article in the customs tariff, was raised at rapid intervals to support the increasingly expensive war with France, so that on the 15th April 1813, the new rate stood at £109.5s. per ton. Although the war with France ended in 1815, the duty on foreign tin stood at this rate until 5th July 1825, when it was reduced to £50 per ton. But this duty was still only £3 per ton less than the rate imposed before it was raised to meet the financial exigencies of war.

The next cut in the tin duty occurred on 9th July 1842, when Sir Robert Peel put into effect his free trade policy, which was characterised by the reduction of duties on raw materials for British manufacture to very low and, in some cases, nominal rates. Besides lowering the tin duties, Sir Robert Peel also introduced differential tariffs in favour of tin and tin ores coming from British overseas possessions, which, until then, had been paying the same rates as those imposed on the metal from non-British territories. Under the new tariff, tin in blocks, bars, or slabs imported from non-British possessions was liable to a duty of £6 per ton. This was a drastic reduction of £44 from the previous rate. On tin imported from British colonies the duty was only £3 per ton. On 1st September 1833, the British Government had levied an extraordinarily prohibitive duty of £400 per ton on foreign tin ore imported for smelting, in order to protect the Cornish tin industry. Under the

26. *Lardner's Cabinet Cyclopaedia: A Treatise on the Progressive Improvement and Present State of Manufactures in Metals*, 3 vols., London, New Edition, 1853, Vol. III, p. 118 et. seq.; Carne, *op. cit.*, *Journal, Royal Statistical Society*, Vol. III, 1839, p. 266; Hunt, *Mineral Statistics of the United Kingdom and Ireland, 1866*, p. vi.

tariff of 1842, this duty was reduced to £50 per ton for ores and regulus of tin imported from foreign countries, and £10 for those from the colonies. These reductions in the tariff of 1842 were the prelude to further changes. On 4th August, 1845, the duty on ores and regulus of tin from all places was repealed, and, eight years later, on 20th August, 1853, the duty on metallic tin imported for British consumption was abolished. The only remaining duty was a rate of £10 per ton on imported tinfoil.[27]

Under the protection of the tariff, the Cornish tin industry was able to expand and meet the demands for tin within Britain for at least half a century. On the technical side, the expansion in production was made possible, from about 1810 onwards, by the application of machinery to tin mining on a large and increasing scale. At the same time, after persistent pressure from the mining capitalist, several changes in the medieval Stanneries Laws were made to meet the needs of mining under capitalistic conditions.[28] The increase in the production of Cornish tin, however, was not large enough to meet the needs of Europe, which came to depend increasingly on supplies of the metal from the East, especially Banka. As will be seen

IV. *Quantity of Cornish Tin Produced & Exported. 1801-1880 (Figures in Tons)*[29]

Year	Output	Exports
1801-11	26,144	14,965
1811-21	30,472	14,120
1821-31	44,194	18,038
1831-41	46,405	10,840
1841-50	66,485	15,848
1851-60	63,998	17,904
1861-70	94,029	43,720
1871-80	96,544	46,838

27. *Customs Tariffs of the United Kingdom from 1800 to 1897, With Some Notes Upon the History of the More Important Branches of Receipt from the Year 1660 (c. 8706)*, pp. 16, 34, 39, 368, 538, 654, 132, 778, 854.
28. Rowe, p. 186 et. seq.
29. The sources for the statistics are the same as those cited for Table III above.

from Table IV above, the rise in tin output in Britain was not followed by a corresponding increase in the export of Cornish tin. In fact, the amount of Cornish tin exported tended to remain the same during the first half of the 19th century. This was because more and more of the metal was retained for home consumption. Another reason was that Cornish tin could not compete in the continental market with the cheaper tin from the Banka mines. An idea of the extent to which Banka tin had encroached upon the European market may be obtained from the fact that by 1836, the annual importation of Banka tin to Holland was 2,700 tons,[30] and also from the fact that, in the decade 1841-50, the annual sales of Banka tin in Europe averaged about 3,197 tons, or about three times the amount of Cornish tin exported annually from Britain. This inflow of Banka tin tended to confine Cornish tin to the British market, and so contributed towards keeping down the price of the Cornish product. However, because of the lower costs of production, Banka tin was still cheaper in the continental market than Cornish tin in Britain, but it was more expensive than the product of the Cornish mines, if it was imported into Britain for consumption, on account of the prohibitive duties levied on tin. In the long run, such a situation was bound to cause dissatisfaction among the British tin consumers with the tariff policy of the Government.[31]

Like all manufacturers, the British tinplate manufacturers wanted to obtain the right kind of raw materials as cheaply as they could. The aim of all tinplate producers was to secure a coating of tin which was not only as firm but also as thin as possible. Block tin, the name given to the metal produced from the lode mines of Cornwall, was not suitable for the purpose, because of the impurities associated with the lode ores. On the other hand, alluvial tin was more pure and, therefore, more fluid in the molten

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30. Anonymous, "Cornwall: Its Mines and Mining, Past, Present, and Prospective," *Mining Journal, Railway and Commercial Gazette, Vol. XXXVI, 29th September, 1866*, Pg. 635 (henceforth abbreviated as *Mg. Journal Comm. Gaz.*); *Mg. Journal Comm. Gaz.*, Vol. X, 12th September, 1840, p. 301: Carne, *op. cit., Journal, Royal Statistical Society*, Vol. II, 1839, p. 266.

31. *Mg. Journal Comm. Gaz.*, Vol. XXIII, 6 August 1853, p. 483.

state. In the operation of tinning, it ran off the plates better than molten block tin, with the result that a thinner coating was obtained. Consequently, if alluvial tin was used, less of the metal would be required to manufacture a specific quantity of tinplates. It also gave the finished products a superior colour and lustre. Thus, alluvial tin, or grain tin, as it was more commonly known in the 19th century, was the only kind of tin employed for making tinplates.[32] But in the course of the first half of the nineteenth century, there was an increasing scarcity of alluvial tin because the deposits of stream alluvial ores in Cornwall became more and more exhausted. This scarcity might have been relieved by the importation of alluvial tin produced in the mines of Malaya and Banka, but the prohibitive duties made it uneconomical to use foreign tin. This shortage of alluvial tin was felt acutely by the tinplate manufacturers, not only because their demand for the metal had grown with the expansion of the tinplate industry, but also because they had to compete with manufacturers of dyes and tinfoil for the diminishing supply of Cornish grain tin. In the end, the cost of alluvial tin was so high that the tinplate manufacturers had to resort to a substitute in the form of English refined tin.[33]

Refined tin was first introduced into the British metal market about 1812 by some enterprising smelters. By selecting certain ores from the lode mines, these smelters produced a metal which was fluid enough for tinning the iron plates, although the colour and lustre were still inferior to alluvial tin.[34] Tinplate manufacturers, however, did not take to the new product immediately. In 1818, they were using block and alluvial tin in equal proportion, although Samuel Parkes, who was probably a British tinplate manufacturer, was already advocating that "it would be profitable to the proprietor of a tinplate work, if he were to use *grain* tin alone, or grain tin mixed with that kind which is known by the name of "Refined Tin", because these kinds not only

32. Parkes, pp. 15-16; *Mg. Journal Comm. Gaz.*, Vol. XXI, 12 July, 1851, p. 334; Carne, *Journal, Royal Statistical Society*, Vol. II, 1839, p. 264.
33. Carne, *Journal, Royal Statistical Society*, Vol. II, 1839, p. 264.
34. *Ibid.*; Hunt, *Mineral Statistics of the United Kingdom and Ireland, 1857*, p. 2.

contain less dross but they smelt, as I know by my own experience, into a more fluid metal; consequently more would run off the plates in the operation of tinning, and less tin would be consumed."[35] But, gradually, refined tin came to be used. In the first stage, block tin was discarded in favour of refined tin. The plates were tinned in two operations, in the first of which they were given a preliminary coating of refined tin, while in the second operation, they received a final covering of alluvial tin. Later, even grain tin was begun to be discarded. By 1839, most tinplate manufacturers were employing refined tin only. The reasons for this change were: first, the quality of refined tin had improved, although it was still inferior to that of alluvial tin; second, the quality of grain tin had deteriorated because the metal was not longer reduced solely from alluvial ores, but from the latter mixed with small quantities of the best ores produced in the lode mines; third, alluvial tin was the most expensive kind of tin on the market owing to its increasing scarcity, and, in 1839, it still cost about £5 per ton more than refined tin, in spite of improved and cheaper processes of smelting. In fact, by this date, the principal consumers of grain tin were manufacturers of dyes and tinfoil.[36]

Although refined tin came to be used in the manufacture of tinplates, it was not the cheapest substitute for the diminishing supply of grain tin from the Cornish mines. Nor was it the best substitute. Since its introduction into the market, refined tin had always cost more than common tin, although the price gap tended to narrow in the course of time. Previous to about 1837, the price of refined tin ranged from £8 to £12 per ton above that of common block tin. Thereafter, the difference in price averaged about £6 per ton. Refined tin was also more costly than the Banka tin sold in the continental market.[37] For instance, in 1837, Banka tin fetched on an average £85 10s. per ton in Holland, being about £2 10s. cheaper than common Cornish tin in the London metal market, and

35. Parkes, p. 16.
36. Carne, *Journal, Royal Statistical Society*, pp. 264, 265.
37. Hunt, *Mineral Statistics for the United Kingdom and Ireland*, 1857, p. 2.

£7 13s. cheaper than refined tin.[38] It was inevitable that tinplate manufacturers should become dissatisfied with a customs tariff which made it impossible for them to obtain their raw materials at the lowest possible price.

The complete story of the pressure exerted by the tinplate manufacturers on the British Government to reduce the prohibitive import duties on foreign tin, and the opposition put up by the Cornish tin producers has still to be investigated. The latest work on the British tinplate industry makes no reference to the subject.[39] As far as we know, the tinplate manufacturers met at Newport on 5th June, 1834, to discuss the problem of rising tin prices. In 1834, the average market value of tin in Cornwall had risen to £78 per ton, having increased by five guineas above the average price in 1833. In the meeting, the tinplate manufacturers alleged that the Cornish smelters were demanding excessive prices, and that they were losing the foreign tinplate markets to their continental rivals who used cheaper Banka tin. They therefore resolved to ask the Government to abolish or, at least, to reduce the duty on foreign tin. This was done in 1835.

Towards the close of 1837, the tinplate manufacturers again decided to petition the Government to reduce the import duty, complaining that the Cornish mines were not producing enough tin to meet their needs. This decision was embodied in a memorial to the Government in the early part of 1838. On both occasions, the tinplate manufacturers were strongly opposed by the Cornish mining interest.[40] With regard to Sir Robert Peel's tariff reforms of 1842, "it does not seem that the tinplate manufacturers had pressed Peel to abolish the duties, although their industry had expanded considerably recently."[41] Early in 1850, they again memorialized the Government, and this time they asked for the duties on foreign tin to be repealed.

38. The price of Banka tin is taken from Hunt, *Mineral Statistics for the United Kingdom and Ireland, 1857*, p. 3, and the prices of refined and common block tin are from Carne, *op. cit., Journal, Royal Statistical Society*, Vol. II, 1839, p. 265.
39. Minchinton.
40. Rowe, pp. 199-204.
41. Rowe, p. 206.
42. *Mg. Journal Comm. Gaz.* Vol. XX, 2nd March, 1850, p. 104.

By this time, the ores, from which refined tin were made were already running short, and the English smelters were resorting to foreign tin to improve the quality of their product.[42] It was clear to many that the duties on foreign tin would be removed. Commenting on the memorial presented by the tinplate manufacturers to the Government, Bateman and Vondelszen, Jun., a firm of metal brokers,[43] wrote on 11th July, 1851:[44]

> We feel convinced that next year we shall have free trade in tin; when such takes place it will be of great service to the tinplate manufacturers. The tin coming from the East Indies (sic.) is all stream tin, the ore being round stoney pebbles, the same as is found to a limited extent in this country, and from which the English smelters make their granulated tin; and there is no doubt that if the foreign tin were refined as well as the English smelters refine theirs, it would be quite equal to their granulated tin. Foreign tin being smelted with charcoal, there is a large amount of carbon infused into the metal, thus making it of a purer nature, more fluid, and of a better colour, hence the reason that in manufacturing tinplates you have a yield equal to 2½ per cent more out of the same quantity of foreign than out of the same quantity of English: but the lost upon refining must be reckoned at ¾ or 1 percent, thereby leaving a profit of 1½ per cent in the use of foreign over English; moreover the plate is better covered and of a better colour.

But it was on 20th August, 1853, and not in 1852, as predicted by Bateman & Vondelszen, Jun., that the duties on foreign tin were repealed.

Even before these duties were repealed, the consumption of foreign tin in Britain had been steadily rising for at least a decade. Since the cessation of the East India Company's monopoly of the Indian trade, tin produced in the Malay Archipelago had been constantly shipped to Britain by private traders. The bulk of the metal came

43. *Post Office London Directory for 1851*, London, 1850, p. 1135.
44. *Mg. Journal Comm. Gaz.*, Vol. XXI, 12th July, 1851, p. 334.

by way of the Straits Settlements, particularly Singapore, while the rest came by way of India, Java, and Holland. But the amount imported was small, averaging no more than 248 tons per year between 1815 and 1841 inclusive, and almost all the tin was bonded in warehouses for re-export, having been brought to Britain probably as ballast.[45] An attempt was made to smelt ore from the Malay Archipelago, but it failed because of the prohibitive duty on imported tin ore.[46] It was, therefore, only after the lowering of the duties in 1842 that the consumption of foreign tin began to assume importance. In 1843, only 98 tons of foreign tin were imported for consumption; thereafter, the amount began to increase, passing beyond 1,000 tons in 1850. In 1852, the quantity of tin entered for British consumption in the trade returns stood at 1,571 tons. With the repeal of the tin duties in 1853, British industries began to use more and more foreign tin. By 1871, the consumption of foreign tin exceeded that of Cornish tin, which had to rely increasingly on foreign markets for its disposal.[47] Most of the foreign metal was taken up by the tinplate industry, whose requirements could no longer be met by English smelters, because the latter could not supply tin of suitable quality.[48] The industry continued to be the principal consumer of the metal, its annual consumption being about two-thirds of the total annual amount consumed in Britain during the period 1860 to 1874.[49] It was rightly pointed out by an anonymous writer of an article published in the *Mining Journal, Railway and Commercial Gazette*, of 29th September, 1866, that "no item of future demand will be of more importance to tin mining than that of tinplate

45. *Report from the Select Committee on the Present State of the Affairs of the East India Company; and on the State of the Trade between Great Britain, the East Indies, and China* (65), pp. 23-4. H.C. (1831), V. pp. 27-8; *Annual Account of the Tin Trade of Great Britain, Parliamentary Papers, 1815-1841;* see also notes to Table III above.

46. M'Culloch, R. R., *A Dictionary Practical, Theoretical and Historical of Commerce and Commercial Navigation*, London, 1839, p. 1047.

47. *Account of the Tin Trade of Great Britain, Parliamentary Papers, 1842-74.*

48. *Mg. Journal Comm. Gaz.*, Vol. XXVIII, 5th June, 1858, p. 374.

49. Based on figures in Table IV above.

manufacture."[50]

As in the period before the repeal of the tin duties, the bulk of the foreign tin imported into Britain came from the Straits Settlements. In spite of the absence of statistical material for the period before 1844, the figures of the tin exports from the Straits Settlements, tabulated below, point roughly to a significant change in the direction of the tin trade round about the middle of the nineteenth century.

V. *Tin Exports from the Straits Settlements. 1844-1873. (Figures in Tons)*[51]

Year	Europe	United States	India	China	Other Countries	Total Exported
1844-48	4,099	1,072	4,824	1,255	978	12,228
1849-53	8,124	3,486	5,081	1,044	554	18,289
1854-58	8,563	4,714	1,766	2,734	973	18,750
1859-63	Complete data			not	available	
1864-68	21,817	6,707	2,820	7,675	574	39,593
1869-73	21,884	13,907	4,441	9,282	830	50,344

It will be noticed that previous to about 1850, Asian countries, particularly China and India, engrossed a larger proportion of the total tin trade of the Straits Settlements than Europe and the United States together. Further support for this conclusion may be inferred from the fact that contemporary writers, who made observations on the tin trade of the Straits Settlements earlier than in 1850, made little or no reference to the tin markets of Europe and the United States, but confined their attention chiefly to India and China.[52] After 1850, Europe became the most impor-

50. Anonymous, "Cornwall: Its Mines and Mining, Past, Present, and Prospective," *Mg. Journal Comm. Gaz.*, Vol. XXXVI, 29th September, 1866, p. 635.

51. *Straits Settlements Commerce and Shipping, 1844-57, 1863-66; Annual Trade Statements of the Straits Settlements, 1867-74.*

52. Milburn, Vol. II, p. 296 et. seq.; Phipps, *A Guide to the Commerce of Bengal*, p. 287; Anderson, J., *Political and Commercial Considerations Relative to the Malayan Peninsula and the British Settlements in the Straits of Malacca*, Penang, 1824, pp. 123-4. Henceforth referred to as *Anderson, Political and Commercial Considerations.* Newbold, T. J., *Political and Statistical Account of the British Settlements in the Straits of Malacca, viz. Pinang, Malacca, and Singapore; with a History of the Malayan States on the Peninsula of Malacca*, 2 vols., London, 1839, Vol. I, pp. 428-9. Henceforth referred to as Newbold, *British Settle-*

tant market for tin from the Straits Settlements. The bulk of the metal exported to Europe went to Britain, which became practically the sole importer by the 1860's.[53]

It will also be noticed from Table V above, that the export trade in tin to Europe expanded more rapidly than that to the Asian countries. This was because the uses to which tin was applied in these countries were very limited. In the Malay Peninsula, tin was used in the manufacture of oil-lamps and cast-net chains, and was occasionally mounted on walking sticks for decorative purposes. As a component metal of bronze, tin was widely used in the Malay Archipelago for the manufacture of musical instruments such as gongs, and for the making of weapons of war such as bullets, spear heads, swivels, and small cannon. In certain parts of the Malay Archipelago, tin was used as a coinage, but tin currency did not have widespread acceptance, the usual media of exchange being the Spanish dollars and gold. None of the uses of tin enumerated above were such as could have stimulated any significant expansion in the consumption of the metal.[54]

In China, tin was beaten into leaves which were burnt in sacrificial offerings. For this purpose, alluvial tin was particularly suitable, and it was the needs of the tin-leaf industry which gave rise to the importation of tin produced in the Malay Archipelago. Banka tin was in especial demand for the production of tin-leaves.[55] This fact probably accounted for the small quantity of tin exported from the Straits Settlements to China. Without the necessary investigation, which has not been possible with the time at my disposal, it is impossible to indicate the principal uses of tin in India during the nineteenth century, but whatever

ments in the Straits of Malacca. Begbie, Captain P. J., *The Malayan Peninsula, Embracing Its History, Manners and Customs of the Inhabitants, Politics, Natural History, etc. from Its Earliest Records*, Madras (?), 1834, p. 388; Phipps, *A Practical Treatise on the China and Eastern Trade*, p. 334.

53. The percentage of the total tin exports from the Straits Settlements to Europe which went to Britain was as follows: 1844-48, 70%; 1849-53, 69%; 1854-58, 75%; 1859-63, complete data not available; 1864-68, 97%; 1869-73, 98%. Calculated from the data collected from sources cited in Table VI above.

54. Wray, L., "Some Account of the Tin Mines and Industries of Perak," *Perak Museum Notes*, No. III, 1894, p. 24.

55. Unwin, pp. 6-7; Phipps, *A Guide to the Commerce of Bengal*, p. 287.

they were, they were not such as had led to any significant increase in the demand for tin from the Straits Settlements, as reference to Table V above will show. In contrast with Asia, the industrial consumption of the metal in Europe had been increasing since the turn of the century, the rate of increase being particularly marked after about 1855, as may be inferred from Table VI below.

VI. *Tin Sold in the European Market, 1831-75*
(Figures in Tons)[56]

Year	Tin from the East		Tin Produced in Cornwall	Tin Produced in other countries	Total Sold in Europe
	Banka	British Possessions			
1831-35	3,935	5,086	20,905	1,000	30,926
1836-40	7,876	4,143	25,500	1,000	38,519
1841-45	12,261	4,212	32,485	1,000	49,958
1846-50	20,329	4,046	34,000	589	58,964
1851-55	21,034	6,499	30,524	887	58,944
1856-60	29,891	8,928	33,474	940	73,233
1861-65	22,895	16,385	46,079	2,324	87,683
1866-70	24,782	17,795	47,950	860	91,387
1871-75	23,775	29,257	49,988	12,649	115,669

It will be seen that the large supply of tin put on the European market after about 1856 was made possible partly by increased production in Cornwall but mainly by large

56. In the absence of contemporary figures, the quantity of tin sold in the European metal market is assumed to be the same as the total production of the tin mines in Europe, plus the aggregate amount of the metal imported into Europe by both Holland and Britain. The omission of the imports by other European countries will not subject the figures in the Table to a wide margin of error, because the Dutch Trading Company had the exclusive privilege of shipping Banka tin to Holland (see *Mg. Journal Comm. Gaz.*, Vol. XX, 2nd March, 1850 p. 104), and because most of the Straits tin imported into Europe went to Britain (see footnote No. 60 above).

Under *Tin from the East, Banka* are included the total imports of Banka tin into Holland and Britain. *Under Tin from the East, British Possessions*, are included all the imports into Britain from British territories in the East, especially the Straits Settlements. It is impossible to give separate figures for the import from the Straits Settlements because the British Customs Returns made no separate entry for imports from these territories until 1865. The imports from Singapore, however, were entered separately in the returns as early as 1828. *Under Tin Produced in Other Countries* are included the tin produced in Austria, Czechoslovakia, Germany, Portugal, and Spain, and the metal imported from various countries such as Peru, Bolivia, and Australia. The imports from the last country were responsible for the large figure for the years 1871-75.

imports from the East. The shift in importance of the direction of the Straits Settlements tin trade from Asia to Europe can, therefore, be attributed generally to the rapid expansion in the industrial consumption of the metal in Europe after 1855, and particularly to the consumption of the tinplate industry in Britain.

We have not discovered when tin from the Straits Settlements acquired the commercial name of Straits tin. The metal was already advertised by this name in the Singapore metal market as early as the 29th May, 1830, the earliest Singapore price current known to me.[57] It is probable that this name was already in use in the British metal market by this date.[58] At any rate, it is certain that when the first issue of the *Mining Journal, Railway and Commercial Gazette* was published on the 29th August, 1835, Straits tin was already a well established trade name.[59] But to the British public, Straits tin was known as Banka tin for a very long time, probably because this brand of tin had been selling in Europe for so many years, that any tin produced in the Malay Archipelago became associated in popular imagination with the island of Banka.[60] In the commercial

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The sources for the figures are the same as these cited for Table III above. The only additional sources are *Mg. Journal Comm. Gaz.*, Vol. XX, 20th July, 1850, p. 344, and Vol. XXIII, 6th August, 1853, p. 483.

57. Phipps, *A Practical Treatise on the China and Eastern Trade*, p. 276.
58. We examined the series of *The New London Price Current* for the years 1818-1831 inclusive, but in not a single issue was Straits tin being advertised. This was probably because Straits tin was not then in demand in the British metal market. Banka tin was first advertised in this series of price currents on 15th August, 1826.
59. This is a well-known trade journal, dealing with mining matters all over the world. The publishers of the journal have at various times, sponsored the publication of many technical books on tin mining. This journal is widely cited. For instance, the average prices of Straits tin in the London market quoted in the *Annual Report of the Mines Department, Federated Malay States, 1903-14* were extracted from this journal. The journal was also frequently cited by Puey Ungphakorn in his *The Economics of Tin Control*, an unpublished Ph.D. thesis (1949) in the University of London.
60. For instance, there was no clear-cut distinction made between Straits and Banka tin in M'Culloch, J. R., *A Dictionary Practical, Theoretical, and Historical of Commerce and Commercial Navigation. Latest Edition with a Supplement Containing the Most Recent Information by A. J. Wilson*, London, 1882. See p. 1393. Mr. G. H. Brooke of the Briton Ferry Steel Co. Ltd., in a letter to us, dated 1st December, 1957, mentioned that in the British tinplate works "to this day an ingot of Tin, irrespective of the country of origin, is always called a 'Banca' by the workmen."

world, both in Europe and Asia, Banka tin enjoyed a reputation for quality which Straits tin did not shatter until the 1860's.

The reason for the superiority of Banka tin over that produced in the Malay Peninsula was that, in Banka, the ores were reduced by Chinese miners who employed a better technique of smelting than the Malays, whose products usually contained a considerable amount of impurities.[61] Tin from the Malay mines had, therefore, to be refined in the Straits Settlements before it was exported for world consumption. But it was still of inferior quality and fetched a lower price than tin from Banka and even Junk Ceylon, where the metal was smelted by Chinese. Consequently, Chinese merchants in the Straits Settlements, who monopolised the refining trade, resorted to the fraudulent practice of passing Straits tin as the Banka product "by putting a slight sprinkling of sulphur"[62] into the metal in the process of refining, so that Straits tin could assume the colour of Banka. Another trick was to adulterate the ingots of tin with cheaper material such as lead, stones, and pieces of iron.[63] So excessive was the adulteration in 1831, that the tin trade of Singapore with China and India was severely depressed in that year. Straits tin, it was discovered by an assay made in Calcutta, contained "a compound of scoria and refused dust, concealed from view by an outward case of good metal."[64] The dishonest practices of the Straits merchants and the inferior quality of the metal itself naturally gave Straits tin a bad reputation in the world market. "Straits tin," wrote a contemporary English observer in

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61. *Report from the Select Committee of the House of Lords Appointed to Inquire into the Present State of the Affairs of the East India Company* (646), p. 397. H.C. (1830), VI, p. 397; Newbold, *British Settlements in the Straits of Malacca*. Vol. I, pp. 427-28; Milburn, p. 314; M'Culloch, (1839 Edition), pp. 1047-8, (1882 Edition), p. 1394; *The Economist, Supplement*, 10th March, 1866, p. 16; Crookewit, H., "The Tin Mines of Malacca," *J.I.A.*, Vol. VII, 18, p. 130.

62. Anderson, *Political and Commercial Considerations*, p. 124.

63. Newbold, *British Settlements in the Straits of Malacca*, Vol. I, p. 428; Milburn, Vol. II, p. 317; M'Culloch, (1839 Edition), p. 1048.

64. Prinsep, J., "On the Supposed Adulteration of Banca Tin," *Gleanings in Science*, 3 vols., Calcutta, 1829-31, Vol. III, p. 332.

1839, "is always considered as of more doubtful quality than the Banka tin."[65]

Because of this, Straits tin was sold at very low prices in the European market. It was the cheapest brand of tin on the London metal market. The difference in the price gap between refined tin and other kinds of the metal is indicated in Table VII below.

VII. *The Price Gap between Refined and Other Brands of Tin in the London Metal Market. 1851-74 (Prices in £ sterling per Ton)*[66]

Year	Average Price of Refined Tin	Average Price Gap Banka Tin	Average Price Gap Straits Tin	Average Price Gap Common Block Tin
	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1851-53	105 1 8	Not available	-18 7 6	Not available
1854-56	130 5 8		-9 7 9	
1857-59	133 12 2		-5 1 -	
1860-62	127 16 1	-1 5 0	-5 12 9	-2 13 5
1863-65	110 12 3	-1 7 9	-4 5 8	-3 16 11
1866-68	95 2 3	-4 9 6	-7 1 1	-2 5 8
1869-71	132 18 4	-2 16 1	-4 16 1	-3 14 6
1872-74	132 5 10	-2 1 5	-6 7 6	-0 15 10

It will be noted that the price gap between Straits and refined tin tended to narrow with the passage of time. This was because the demand for Straits tin was increasing at such a rate as to affect its price from about the middle of the nineteenth century. There were two main reasons for this. The first was that the quality of Straits tin had been constantly improving, thereby rendering the metal more

65. Carne, *Journal, Royal Statistical Society*, Vol. II, 1839, p. 627.

66. Flower, *A History of the Trade in Tin*, p. 201 for all prices in 1857-1874 inclusive; Hunt, *Mineral Statistics of the United Kingdom and Ireland, 1851-6, for prices of refined tin 1851-6 inclusive; Brooke, Chronology of the Tinplate Works of Great Britain* pp. 3-4 for prices of Straits tin 1851-6 inclusive.
The minus sign before each figure denotes that the average price of the metal was lower than the average price of refined tin by the value represented by the figure.

attractive to consumers. The improved quality of Straits tin was probably owing to the fact that the tin produced in the Malay States, from which a large proportion of Straits tin was manufactured, was increasingly mined and smelted, from about 1850 onwards, by Chinese miners who swarmed into the Malay States in such numbers as to assume both the control and production of the mines. The second important reason for the increased consumption of Straits tin was that the amount of Banka tin imported into Europe did not increase rapidly enough to meet the demand for it, with the result that the price of Banka tin tended to rise relatively higher than that of other brands. In fact, the average annual import of Banka tin began to decline after 1860. In 1861 and 1862, the average price of Banka tin in the London market was higher than that of any other brand of tin.[67] This fact must have had a decisive influence in forcing British tin-consuming industries to substitute Straits tin for Banka wherever possible. This may be inferred from Table VIII below, which points to a conspicuous increase in the imports of tin from British possessions in the East after 1860.

VIII. *Foreign Tin Imported into Great Britain, 1816-1875 (Figures in Tons)*[68]

Year	From British Possessions in the East	From Holland and Dutch Possessions in the East	From Other Countries
1816-20	663	Nil	Nil
1821-25	721	Nil	Nil
1826-30	1,131	57	30
1831-35	5,086	423	Nil
1836-40	4,143	179	Nil
1841-45	4,212	130	Nil
1846-50	4,046	785	9
1851-55	6,499	3,615	737
1856-60	8,928	3,966	Nil
1861-65	16,385	3,692	14
1866-70	17,795	6,131	5
1871-75	29,257	4,853	11,784

67. Flower, *A History of the Trade in Tin*, p. 201.
68. *Account of the Tin Trade of Great Britain, Parliamentary Papers, 1816-75.* See notes to Table IX above.

The use of Straits tin led to a great acquaintance with the qualities of the metal, with the result that the old prejudices against it were overcome. By 1865, it was in popular demand in the British metal market. In a review of the tin trade for this year, published in the *Economist*, the author of the article wrote of Straits tin:—[69]

> This description of tin has, in fact, so improved in quality, and is now so much more uniform than formerly, that in many trades it has taken the place of English, of which, during the latter part of the year there has been rather a deficiency in the supply, and almost superseded Banca in this country, the extra quality of which is not equal to the extra price. Consumers have confidence in using it and large speculative transactions are daily taking place in it which would be almost impossible in any other description.

By 1865, Straits tin was already flowing into the European market in such large quantities that the prices of both Cornish and Banka tin were "ruled by fluctuations in the price of Straits."[71]

It is not known when Straits tin was first used in the manufacture of tinplates. The latest researches on the tinplate industry reveal that after 1860, the major part of tin used came "from the expanding mines in Malaya and Australia."[72] In view of the fact that no large or important tin deposits were discovered or developed in Australia until 1872,[73] and that in the five years 1871 to 1874, the quantity of Straits tin imported into Britain was about four and a half times more than that of Australian, it is quite

69. *Mg. Journal Comm. Gaz.*, Vol. XXXV, 30th September, 1865, p. 630, Vol. XXXVI, 2nd September, 1866, p. 603.
70. *The Economist, Supplement*, 10th March, 1866, p. 16.
71. *Ibid.*; see also *Mg. Journal Comm. Gaz.*, Vol. XXXV, 30 September, 1865, p. 630, Vol. XXXVI, 2nd September, 1866, p. 603; *The Mining Quarterly*, No. 3, 1st December, 1869, p. 12; *The Mining and Smelting Magazine: A Monthly Review of Mining, Quarrying, and Metallurgy*, Vol. VI, November, 1864, pp. 291-2.
72. Minchinton, pp. 56-57.
73. Flower, *A History of the Trade in Tin*, p. 35.

evident that Straits tin was mainly used up to at least 1874,[74] But it must be pointed out that Straits tin was not the only metal used in the tinning of the plates, as it formed only the "finishing coat to tin plates, English being used for the foundation or first coating."[75]

74. Calculated from the figures in *Account of the Tin Trade of Great Britain, Parliamentary Papers, 1871-74.* The import were (a) Straits Settlements, 5,456 tons in 1871, 6,095 tons in 1872, 4,812 tons in 1873, 4,177 tons in 1874, (b) Australia, 10 tons in 1871, 50 tons in 1872, 492 tons in 1873, and 4,019 tons in 1874.

75. Flower, *A History of the Trade in Tin*, p. 169.

SOME PRELIMINARY OBSERVATIONS OF THE ORIGINS AND CHARACTERISTICS OF INDIAN MIGRATION TO MALAYA, 1786—1957.

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Abbreviations Used:

A.R.S.I.L.F.B.:	*Annual Report of the South Indian Labour Fund Board* (Kuala Lumpur).
B.S.P.:	*British Sessional Papers, House of Commons* (London).
L.C.P.F.M.:	*Legislative Council Proceedings of the Federation of Malaya* (Kuala Lumpur).
L.C.P.S.S.:	*Legislative Council Proceedings of the Straits Settlements* (Singapore).
R.L.C. 1890:	*Report of the Commissioners of Enquiry into the State of Labour in the Straits Settlements and the Protected Malay States, 1890* (Singapore).
R.L.C. 1896:	*Report of the Commissioners Appointed to Enquire into the Question of Indian Immigration, 1896* (Singapore).

I. INTRODUCTION

Malaya[1] has a multi-racial population including Malays, Chinese, Indians, Europeans, Eurasians, Sinhalese, Arabs, Jews, Siamese, Aborigines, etc. The first three communities, however, are the dominant groups, forming 97 per cent of the total population.

This population is essentially "alien" in character; it

1. The term "Malaya" is used in the text to include both the Federation of Malaya and the State of Singapore.

is composed predominantly of Malay,[1] Chinese and Indian[2] immigrants or descendants of such immigrants, who moved into the country consequent upon its opening up during the last one hundred years.

The Malays, though in actual fact being also immigrants of perhaps a little longer standing than the Indians or the Chinese, have been habitually and in constitutional theory and political practice regarded as the "natives of the country and owners of the soil". In terms of numbers, however, the influx of the latter two groups, traditionally referred to as "alien immigrants",[3] into Malaya has completely altered the racial composition of the population of the country. For example, as early as 1921 the Chinese and Indians already outnumbered the Malays, making the latter a minority in their own country: And by 1957 the Chinese alone outnumbered the Malays in Malaya (Table I)! This transformation was primarily the result of the tremendous volume of the Chinese and Indian immigration into pre-war[4] Malaya.

It is estimated that between 1900 and 1940 alone, a total of about sixteen million Indian and Chinese immigrants landed in Malaya. This century has witnessed only one other movement on this scale – the migration of Europeans to the United States of America totalling some nineteen millions during the same four decades. But while this European movement to America has been analysed and studied in great detail, the same, however, cannot be said of the corresponding migration of the Chinese and Indians to Malaya. For example, omissions, often serious, still remain in the information regarding the Indian immigrants

1. Though the Malays have been settled in the country since before the beginning of the Christian era, the majority of the present Malay population of the country is descended from immigrants entering the country during the medieval and modern times (C. A. Vlieland, *British Malaya: A Report on the 1931 Census and on Certain Problems of Vital Statistics*, London, 1932, pp. 8-10).
2. Unless otherwise indicated, this term is used to include all persons of Indian origin.
3. The Indian and Chinese immigrants were regarded as "alien immigrants" in Malaya and were generally denied most of the citizenship privileges enjoyed by the Malays till after the last World War.
4. The terms "pre-war" and "post-war" are used in the text to refer to the period before and after, respectively, the Second World War.

Table I. *The Population of Malaya: Growth and Racial Composition, 1911-1957*

Year	Administrative Unit	Total Population	Percentage Racial Composition			
			Malays	Chinese	Indians	Others
1911	Federation	2,339,051	58.5	27.3	10.2	4.0
	Singapore	305,439	14.0	72.3	9.1	4.6
	Malaya	2,644,490	53.3	34.6	10.1	2.0
1921	Federation	2,906,691	54.0	29.4	15.1	1.5
	Singapore	420,004	12.9	75.2	7.7	4.2
	Malaya	3,326,695	48.8	35.2	14.2	1.9
1931	Federation	3,787,758	49.2	33.9	15.1	1.8
	Singapore	559,946	11.8	74.9	9.1	4.2
	Malaya	4,347,704	44.4	39.2	14.3	2.1
1947	Federation	4,908,086	49.5	38.4	10.8	1.3
	Singapore	940,824	12.3	77.6	7.3	2.8
	Malaya	5,848,910	43.5	44.7	10.3	1.5
1957	Federation	6,278,763	49.8	37.2	11.1	1.9
	Singapore	1,445,929	13.4	73.9	8.4	4.3
	Malaya	7,724,692	42.9	44.2	10.6	2.3

Source: Compiled from population figures in:

(i) M. V. del Tufo, *Malaya: A Report on the 1947 Census of Population* (London, 1949), Table I; Appendix C.

(ii) *1957 Population Census of the Federation of Malaya, Report No. 1* (Kuala Lumpur, n.d.),

(iii) *1957 Census of Population, Singapore: Preliminary Release No. 3* (Singapore, 1959), Table II.

in Malaya. In the following pages an attempt has been made to assemble the information on Indian migration to Malaya and analyse some of the characteristics of this movement, from the beginning of the British rule in Malaya to 1957, the year of the last population census in Malaya and of *merdeka* (Independence), which marks the end of one and of the beginning of another epoch.

II. CAUSES OF INDIAN MIGRATION TO BRITISH MALAYA

The Indian overseas movement to Malaya began some 2,000 years ago, but nearly everyone of the 900,000 Indians in Malaya today is either a recent immigrant or descendant of immigrants of the nineteenth and early twentieth centuries. Furthermore, whereas the earlier immigrants were ambassadors of a great civilization or traders in rare commodities, the modern Indian migrant was chiefly an unlettered labourer coming in to work for a pittance on some plantation or government project.[1] Again, too, unlike the earlier phase, the modern migration was not spontaneous but rather politically arranged by Europeans and brought about to a considerable extent, by the persuasions of agents and recruiters.[2] The causes for this transformation were mainly political and economic though some social changes in India,[3] like the growing rigidity of caste, the growth of prejudice against crossing the seas and of the *purdah* system, also discouraged emigration among the middle and upper classes.

By the mid-nineteenth century nearly the whole of Indian Sub-Continent had come under British political and economic control. Henceforth, until India's independence in 1947, Indian interests were subordinated to the needs of the paramount power. Following the Industrial Revolution, the industrial and commercial needs of England necessitated the transformation of India from a manufacturing power to that of a market for the supply of raw materials and the consumption of British manufactures.[4] To this end rival Indian commercial and industrial competition in India was curbed by the British in the eighteenth and nineteenth centuries.[5] Similarly emigration of Indian

1. C. Kondapi, *Indians Overseas: 1838-1949* (New Delhi, 1951), pp. 1-2.
2. "Mr. J. Geoghegan's Report on Coolie Emigration from India", *B.S.P. (1874)*, Vol. 47, Paper 314, pp. 431 ff.; Lanka Sundaram, "International Aspects of Indian Emigration", *Asiatic Review* (October, 1930), p. 4.
3. Unless otherwise stated the term "India" is used in the text to include both Pakistan and the Union of India.
4. L.C.A. Knowles, *The Economic Development of the British Overseas Empire*, Vol. I (London, 1928), pp. 53-4.
5. Pramathanath Bannerjee, *Fiscal Policy in India* (London, 1922), pp. 50-1.

merchants into British colonial possessions was also not encouraged for fear of the rise of an entrepreneur class of Indians, in these places, who might compete with European business. On the other hand immigration of Indian labour was not only welcomed and openly solicited by the colonial territories, but also, for some time, procured through "a regularly organised system of kidnapping".[1] This British attitude towards Indian migration, especially in the earlier stages, is succinctly summarised in the late South African statesman, Sir Thomas Hyslop's oft quoted phrase: "We want Indians as indentured labourers but not as free men".[2] This policy appears to have been surreptitiously, if not openly,[3] pursued and largely explains the preponderance of labourers in the stream of modern Indian migration to Malaya.

(i) *Labour Migration*

Indian labour migration[4] to Malaya began shortly after the establishment of the British Crown Colony of Penang in 1786, the immigrants being employed as domestic servants and as agricultural labourers.[5] By the end of the eighteenth century, there were nearly a thousand of these "coolies" in Penang[6] alone, and their numbers kept increasing following the foundation of Singapore in 1819. But the demand for labor nearly always exceeded the supply. After 1825,[7] when Singapore, Penang and Malacca were opened up as penal stations, this shortage of labour was partially offset by the employment of Indian convicts who had been sentenced here to terms of transportation. But this did not

1. "Mr. J. Geoghegan's Report on Coolie Emigration from India", p. 489.
2. C. Kondapi, p. 7.
3. *The Malay Mail* (Kuala Lumpur), 18.8.1910, p. 7, cols. 1-3.
4. This aspect of the Indian migration to Malaya has been analysed in some detail in N. Jagatheesan, "Immigration of Indian Labour into Malaya, 1867-1910" (Unpublished B.A. Honours Thesis, History Department, University of Malaya, Singapore, 1954) and Jess Norman Parmer, "Colonial Labour Policy and Administration: A History of Labour in the Rubber Plantation Industry in Malaya, 1910-1941" (Ph.D Thesis, Cornell University, U.S.A., 1957).
5. "Mr. J. Geoghegan's Report on Coolie Emmigration from India", p. 431.
6. H. P. Clodd, *Malaya's First Pioneer* (London, 1948), p. 99.
7. Ronald St. J. Braddell: "Crime: Its Punishment and Prevention", in W. Makepeace, et al. (eds.), *One Hundred Years of Singapore*, Vol. I (London, 1921), p. 283.

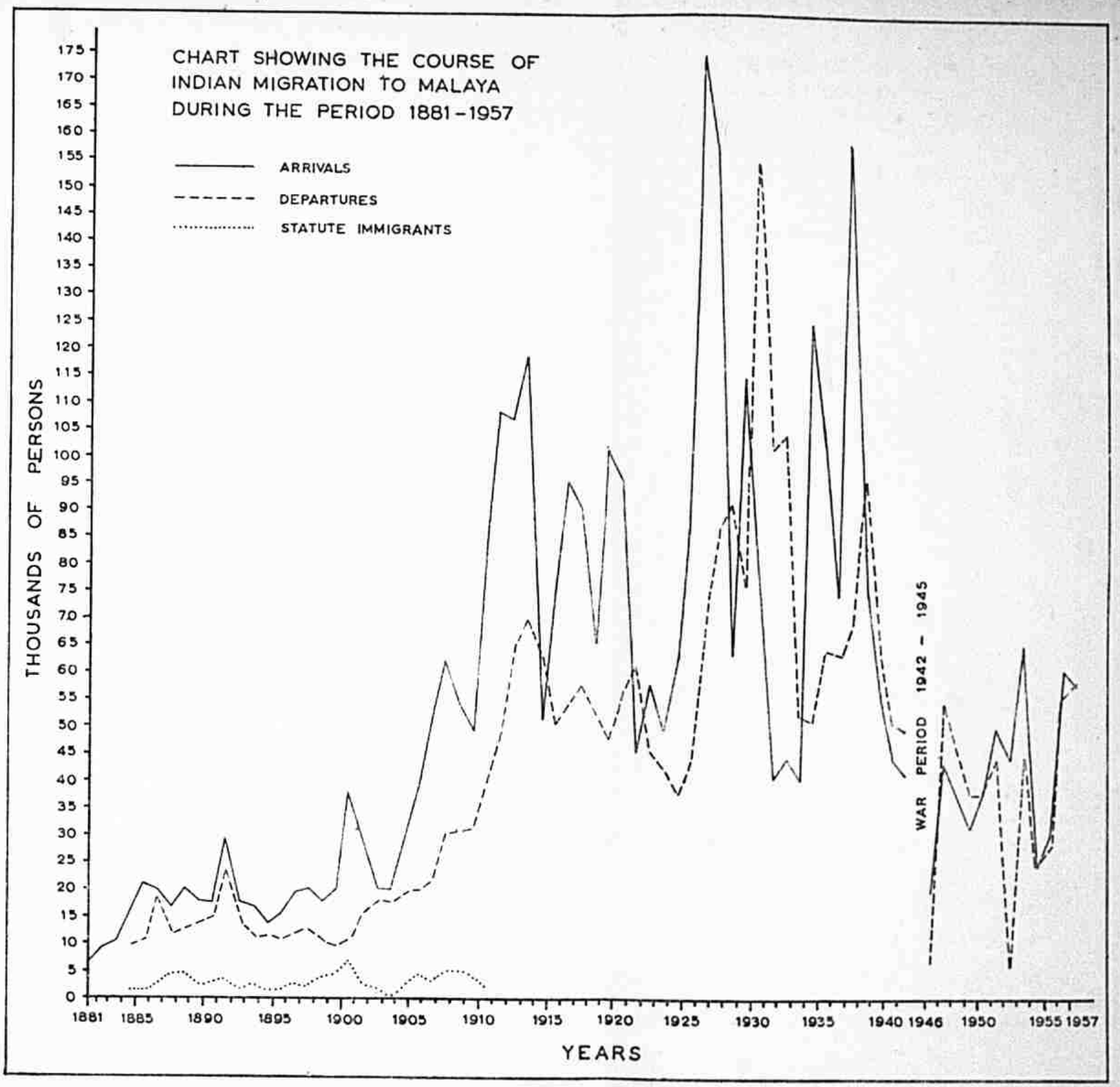
CHART SHOWING THE COURSE OF
INDIAN MIGRATION TO MALAYA
DURING THE PERIOD 1881-1957
ARRIVALS
DEPARTURES
STATUTE IMMIGRANTS
THOUSANDS OF PERSONS
175
170
165
160
155
150
145
140
135
130
125
120
115
110
105
100
95
90
85
80
75
70
65
60
55
50
45
40
35
30
25
20
15
10
5
0
1881
1885
1890
1895
1900
1905
1910
1915
1920
1925
1930
1935
1940
1946
1950
1955
1957
YEARS
WAR PERIOD 1942 - 1945

last long for as a result of protests from the local British settlers against accepting "expatriated villains from the jails of India", the Straits Settlements penal stations were finally closed in 1873 and the convicts removed to the Andaman Islands.[1] The withdrawal of convict labour left a gap in the labour needs which became gradually more and more acute as both planters and the Government embarked on ambitious programmes of economic development after about the mid-nineteenth century.

Demand for Indian Labour in Malaya. The Industrial Revolution and the development of large scale production in Britain led to the exploitation of the colonies as sources of supply of raw materials for production and as markets for consumption of manufactured goods. The mercantilist policy of the East India Company was espoused with great enthusiasm by the early British colonists in Malaya. Not only was the country to be a strategic asset, but it was also to yield exportable products wherewith to pay for its protection and administration, and, not least, to provide an outlet for the settlers' surplus capital. Many of the colonists too were of that class of lower English gentry accustomed to the management of land, and were familiar from their earliest days with such words as 'improvement' and 'agricultural geology'.[2] They were firmly convinced that the future of Malaya lay in the development of crops for export for which they felt the country was eminently suited.

Beginning with the cultivation of spices for export, shortly after the foundation of Penang, the mercantilist experiments were soon extended to the cultivation of sugar in the 1840's, coffee in the 1870's and finally rubber in the 1890's. The Government on its side launched an ambitious programme of road and railway construction, particularly the latter, for which an Imperial loan of £500,000 had been granted in 1899[3] to facilitate

1. Major J. F. A. McNair, *Prisoners Their Own Warders* (Westminster, 1899), pp. 143-6.
2. By which was meant an interest in soils. See, for example, P. Wheatley, "Land-use in the Vicinity of Singapore in the Eighteen-Thirties", *The Malayan Journal of Tropical Geography*, Vol. 2. (1954), pp. 63-6.
3. *L.C.P.S.S., 1900*, p. C117.

economic development of the country. As nearly all the work had to be done by hand and cheaply enough to make the ventures competitive with older established areas, there soon grew up a tremendous demand for lowly paid labour in nineteenth century Malaya. This demand increased as the pace of economic development quickened, especially in the first two decades of the present century.

Several avenues were explored to meet the growing needs for cheap labour.[1] African slave labour, which had built up the plantations of the West Indies,[2] was out of question as slavery had been abolished in the British Empire in 1833. White labour was not only expensive but well nigh impossible to recruit for plantation work in the tropics, because of their unhealthy conditions.[3]

The indigenous Malays appeared quite happy with their subsistence economy and were not inclined to working for fixed hours of labour day in and day out. Anyway, being natives of the country and owners of the soil, they could obtain a living usually in a more congenial manner than by working for wages on some estate or other similar foreign undertakings. As such they could not be obtained in sufficient numbers to work regularly for wages.[4] Employers, thus, had of necessity to turn to alternative possible sources of labour, principally immigrant Chinese, Javanese or Indians.[5]

Chinese immigrants were already present in substantial numbers in the Straits Settlements by the early years of the nineteenth century while many of them had also by this time begun to penetrate into the Malay States in search of tin. These Chinese were very hardworking, adaptable people, willing and able to do whatever the situation called for: But they were "inclined to be disorderly, cost more in

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1. I. M. Cumspton, *Indian Overseas, 1834-1854* (London, 1953), pp. 7 ff.
2. W. L. Mathieson, *Great Britain and the Slave Trade* (London, 1929), pp. 80-1; 149-69.
3. A. Grenfell Price, *White Settlers in the Tropics* (American Geographical Society, Special Publication No. 23, New York, 1939), pp. 20-32.
4. See, for example, T. H. Hill's letter of 19.3.1884 to the British Resident, Selangor, *The Selangor Records*, Misc. 526/84; C. A. Vlieland, pp. 8-9.
5. R. Mukerjee, *Migrant Asia: A Problem in World Population* (Rome, 1936), pp. 87-132.

police and supervision and gave more trouble.[1] Furthermore, they seemed to prosper better under the employ of their own countrymen and consequently did not cherish the idea of serving under an alien employer.

Javanese labour was, on the whole, difficult to import, largely because of the emigration strictures imposed by the Dutch authorities.[2] In addition, many of them were physically unfit while it was also said that they were hard to manage. In these circumstances, where the Malay would not work as a field labourer, the Chinese found other and more remunerative occupations, and the Javanese being both difficult to acquire and suspect as a worker, the Indian labourer became indispensable.

Altogether, the South Indian was perhaps the most satisfactory type of labourer, for in addition to being a British subject, accustomed to British rule, he was a good worker, not too ambitious and easily manageable.[3] He had none of the self-reliance nor the capacity of the Chinese,[4] but he was the most amenable to the comparatively lowly paid and rather regimented life of estates and government projects. He was well-behaved, docile[5] and had neither the education nor the enterprise to rise, as the Chinese often did, above the level of manual labour. These characteristics of the South Indian labourer made him all the more indispensable as a worker.

Apart from economic reasons, Indian immigration was also desired by British officials as a political move to counterbalance the great numbers of the Chinese in Malaya.[6]

Conditions in India, etc. Concurrent with the growing demand in Malaya for Indian labour was the fact that in

1. *R.L.C. 1890*, para. 451.
2. "Report of the Royal Commission on Labour, Vol. II, The Colonies and India", *B.S.P. (1892)*, Vol. 36, Part 5, Paper C 6795-XI, p. 157.
3. D. W. Figart, *The Plantation Rubber Industry in the Middle East* (U.S. Dept. of Commerce, Washington, D.C., 1925), p. 174.
4. C. A. Vlieland, "The Population of Malaya: A study in human migration", *Geographical Review*, Vol. 24 (1934), p. 67.
5. *R.L.C. 1890*, para. 452.
6. Lady Lovat, *The Life of Sir Frederick Weld* (London, 1914) p. 312; J. Norman Parmer, p. 28.

India, economic pressure to migrate was great.[1] The subordination of that country to the British metropolitan power together with the rapid increase in population resulted in millions being left in idleness and poverty.[2] But several obstacles had to be surmounted before large-scale emigration could begin from India to Malaya.

The Indian peasant was not naturally inclined to emigrate. In fact the migratory instinct was practically non-existent in him.[3] Even under the most desperate circumstances he always left his native land with the idea of returning to it. For example, for the ten years preceding 1898-99 it is estimated that 84 per cent of the emigrants from the Madras Presidency returned home.[4]

The prevalence of the truck system kept the peasants always in debt to the *zamindar* or landlord, who was in many cases the leasee of the land on which the peasant lived and worked. The peasant and labourer consequently experienced great difficulty in leaving the land.[5]

Apart from these factors which impeded the labour supply, the Indian Government's policy in the nineteenth century was not to encourage emigration as it felt that it would be impossible for it to secure observance of the conditions of engagement, even if agreed to, in distant colonies like Malaya; in addition, if emigration was encouraged and proved illusory to the emigrant, the action of the Government might be miscontrued, and "suspicion engendered throughout the country".[6]

Then there was also the growing demand for labour in India itself with the inauguration of extensive irrigation and railway building projects and the opening up of tea

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1. Etienne Dennery, *Asia's Teeming Millions* (London, 1931), p. 202; K. Davis, *The Population of India and Pakistan* (Princeton, U.S.A., 1957), p. 99.
2. Romesh Dutt, p. x; C. Kondapi, pp. 3-4; I. M. Cumpston, p. 6.
3. Lanka Sundaram, p. 4.
4. "Moral and Material Progress and Condition of India during the year 1898-99", *B.S.P. (1900)*, Vol. 57, Paper 207, p. 705.
5. "Report on a Visit to Southern India by E. V. Carey (Chairman of the Selangor Planters' Association)", *The Selangor Records*, Misc. 4303/95, 27.6.1895; *L.C.P.S.S., 1897*, p. C168.
6. N. Jagatheesan, pp. 18-9.

plantations, in the late nineteenth century.[1]

Similarly, geographically proximate Burma and Ceylon were also formidable competitors of Malaya for labour from South India. These countries offered higher wages than Malaya. For example, the wages of an immigrant in Burma amounted to Rs. 16 per mensem, compared to the contract wage of approximately Rs. 6 per mensem (12 cents per day) paid in Malaya in 1875.[2]

Finally, service conditions in nineteenth century Malaya were unattractive. Workers lived in dilapidated and filthy *bangsals* or *labour lines* (labourers' huts) and medical attention was poor and reluctantly given. The country was covered with thick virgin jungle, where malarial fever and beri-beri took a heavy toil of human lives and where men worked till they were fit for the graves.[3] Tales of these hardship filtered back to India and many Indians believed that Malaya was "a death trap yawning to engulf the surplus population of India."[4] Thus new migrants were naturally not too anxious to come to Malaya till conditions improved.

But since a large supply of cheap Indian labour was vital for the development of Malaya, the Government, in conjunction with the planters and other private employers of labour, set about determinedly to overcome the above obstacles and ensure a constant flow of labour from South India.

Firstly, conditions of service were generally improved as regards remuneration, passage, accommodation, etc. Wages were gradually raised from 12 cents in 1875 to 38-50 cents a day by 1904, bringing them to about on par with those prevailing in Burma and Ceylon.[5] These wages represented more than three times what the labourers could earn in India then.

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1. J. A. Baines (ed.), "Statement Exhibiting the Moral and Material Progress and Condition of India during 1891-92", *B.S.P. (1894)*, Vol. 59, pp. 274 ff.
2. *R.L.C. 1890*, paras. 255, 284 and 871; *The Selangor Records*, India 7130/84, Kuala Lumpur 1783/84.
3. M. A. Kalam Azad, "Railways in Selangor, 1882-1902" (Unpublished B.A. Honours Thesis, History Department, University of Malaya, Singapore, 1952), p. 17.
4. *The Selangor Records*, Misc. 3886/94, No. 389/94.
5. J. Norman Parmer, p. 284.

Secondly, a steamship subsidy was inaugurated to stimulate immigration. In 1887 the Straits Settlements, Perak, Selangor and Johore agreed to contribute towards an annual subsidy of $30,000 to reduce steamship fares between Negapatam[1] and Penang.[2] In consideration of this sum, a British shipping firm, agreed to run a fortnightly service at the reduced fare of Rs. 8 per head as compared to Rs. 15 before.[3]

Thirdly, in 1907, a semi-official body known as the "Indian Immigration Committee", consisting of official and unofficial representatives, was inaugurated with the desire to establish a central administrative machinery to import Indian labour on a large scale and to create a system of registration of labourers to reduce crimping or the enticing of one employer's labourers by another employer or his agent through the offer of higher wages or better conditions of service. Under this arrangement all employers of Indian labour had to pay an assessment on the number of days worked by all Indian labourers in their employ. The money thus accrued was put into the "Tamil Immigration Fund". This was to be used for the maintenance of the recruiting depots in India and the quarantine stations in Malaya besides paying for other recruitment expenditure and for providing free passage and board to all *bona fide* Indian labour emigrants from the time of their recruitment in India till their arrival at their place of employment.[4]

Fourthly, on the government level, representation to the Indian Government to look favourably on emigration to Malaya was stepped up by the Malayan Government. The Government of Malaya donated large sums of money in aid of famine relief in India, towards the end of the nineteenth century, at the same time advising the India Government that the best relief would be for the Indian Government to encourage emigration.[5] Furthermore, they felt that after

1. Negapatam was the chief "labour migration" port of India.
2. Most of the South Indians entering Malaya came through Penang.
3. *I.C.P.S.S., 1901*, pp. C7-14.
4. The fund initially called the "Tamil Immigration Fund" was later styled the "Indian Immigration Fund" ("History of the Indian Immigration Fund", *A.R.S.I.I.F.B., 1959*, Appendix 'A').
5. *I.C.P.S.S., 1900*, p. C117.

all Malaya was a British possession and its development would contribute to the common good of the British Empire. These patriotic urgings of the "Empire builders" together with the fact that the Indian Government now was satisfied with the treatment of Indian emigrants to Malaya, led to it withdrawing all restrictions on emigration on its side in 1897, and finally in 1900, agreement to facilitate the free flow of emigration to Malaya.[1] But this emigration was to be only from South India: The Indian Government felt that supply of North Indian labour, which was generally more enterprising and more difficult to contract and much of which would be coming from *Native India*, would require special laws for regulating recruitment and transport in India and for protection in Malaya. Also, many of these sturdier Indians would be required for British interests in India itself, especially in the armed and police services. Anyway it felt that the labour population of the Madras Presidency was ample enough to meet all the labour requirements of Malaya.[2]

Fifthly more emigration depots were established in South India as "clearing houses" for Indian labour migrants and Government officers were posted to these depots to supervise the movement of all labourers to Malaya.[3]

Finally, to attract more Indian labourers propaganda was stepped up by the planters themselves in both Malaya and India. For example, E. V. Carey, Chairman of the Selangor Planters' Association, even went to the extent of advocating the appointment by the Association "of an experienced European well up in the dialects of Southern India, who should travel continually with his bullock-cart and tent through the labour districts, preaching the gospel of emigration to this country, distributing advertisements freely and recruiting coolies when opportunity offered."[4] Though this suggestion of Carey's was not taken up there, how-

1. *I.C.P.S.S., 1900*, pp. C119-20.
2. *I.C.P.S.S., 1900*, p. C119.
3. Planters' Association of Malaya, *Papers on Tamil Immigration: Presented at 12th Annual Meeting of the Association held on 30th April, 1919* (Kuala Lumpur, 1919).
4. E. V. Carey, "Recruiting Tamil Labour", *The Selangor Journal*, Vol. 3 (1895), p. 412.

ever, did evolve an elaborate system of recruitment in which the agents adopted the basic ingredients of the above suggestion. They went to the propective areas of supply and spared few pains in painting highly glowing, often false, pictures of prospects and 'golden' opportunity in Malaya. This "artificial pressure of recruitment",[1] together with the actions of the Indian and Malayan Governments, discussed above, largely overcame the practically non-existent migratory instinct among the Indian peasantry and large-scale Indian labour migration to Malaya began about the beginning of the present century, in association with the development of the rubber industry and the communication network.

(ii) *Non-Labour Migration*

Predominant though they were labourers, however, were not the only Indian immigrants attracted to Malaya. In the early days of British rule in Malaya, the very low standard of literacy of the indigenous population resulted in few of them being competent for work in the Government service while the majority of the Chinese preferred their own private enterprise. Consequently, the acute shortage of trained staff for administrative and clerical functions led the Government of Malaya to appeal to the Governments of India and Ceylon to send personnel for service in Malaya.[2] Attracted by the comparatively better prospects, numbers of educated Indians from South India and northern Ceylon came to Malaya and secured employment in building roads and railways, in surveying lands and in doing work of clerks, dressers, teachers, etc. Once this movement of literate Indians to Malaya had begun, many more emigrated from the same localities, and found employment on plantations and other private enterprises where the employers found them invaluable assistants in dealing with Indian labour.

Just as South Indians[3] proved to be invaluable in the

1. Lanka Sundaram, p. 4.
2. V. Coomaraswamy (Representative of the Government of Ceylon in Malaya), *Report on the General and Economic Conditions, etc. of the Ceylonese in Malaya* (Ceylon Sessional Paper IX, 1946, Government Press, Colombo 1946), p. 3.
3. The term "South Indian(s)" in the text also includes Ceylon Tamils.

clerical and technical services, similarly North Indians, particularly the tall, sturdy, turbaned Punjabis (chiefly Sikhs) were much sought after as soldiers, policemen, caretakers and for other similar undertakings; the Malays and the Chinese were reluctant to serve in these branches of service largely because of the turbulance that marked the early days of British hegemony in Malaya. The first Sikh policemen in Malaya were recruited in 1872 when one Capt. Tristram Speedy raised and trained a body of Sikh police for service in Perak in response to an appeal from the ruler of Larut, Perak.[1] Subsequently increasing numbers of Sikhs migrated to Malaya to be absorbed by the expanding military and police forces of Malaya, and by private enterprises as watchmen and caretakers.

Besides the two groups mentioned, opportunity in a rapidly developing Malaya also attracted a number of professional Indians, such as lawyers, doctors, etc. In addition there was a steady flow, too, of petty Indian businessmen, merchants, traders, moneylenders and other entrepreneurs who followed in the wake of the labour migration to cater to the special needs of their countrymen.[2]

III. TYPES OF MIGRANTS AND RECRUITMENT

Labour migration formed the bulk of the movement of Indians to Malaya in modern times. However, several distinctions must be made not only within this labour movement but also between it and other forms of immigration. For example, there is the distinction between assisted and unassisted migration of labour. The first comprised all those forms in which the labourer was financially aided by another party to get to Malaya; the second, those cases in which no such assistance was given. The great bulk of the Indian immigrants were of the assisted type. The unassisted labour immigration became significant only after the Great Depression of the early 1930's when assistance was

1. J. M. Gullick "Capt. Speedy of Larut", *Journal of the Malayan Branch of the Royal Asiatic Society*, Vol. XXVI, Part 3 (1953), p. 40; *Federation of Malaya and its Police 1786-1952* (Kuala Lumpur, 1953), p. 1.
2. N. V. Sovani, *Economic Relations of India with Southeast Asia and the Far East* (Madras, 1949), p. 50; S. Nanjudan, *Indians in Malayan Economy* (Office of the Economic Adviser to the Government of India, New Delhi, 1950), p. 40.

discontinued and quotas imposed on all immigration into Malaya. Within the assisted category, however, there were three different types: the first composed of those assisted on the basis of an indenture contract and the second of those assisted on the basis of a short term or *kangany*[1] contract. Both of these types were recruited. The third type was that which consisted of non-recruited labourers who were also assisted to emigrate. Indenture was important in the earlier stages of Indian migration to Malaya but in course of time it declined in importance relative to *kangany* recruited labour largely because of criticism of indenture in India and the availability of alternative supplies of labour. *Kangany* recruitment was in turn superceded by the movement of non-recruited labourers. Numerically the *kangany* recruits were, however, the most significant since this form of recruitment was pre-eminently the kind in use in Malaya during the first quarter of this century.

Finally, there is the distinction between labour migration of all types and the movement of professional and commercial immigrants. These latter consisted chiefly of money-lenders, merchants, clerks, tradesmen and professional men who followed in the wake of the Indian labourers. They were far less important numerically than the labourers but because of their education and wealth they acquired and exercised a political, economic and social influence in Malaya, out of all proportion to their numbers.

(i) *Assisted Labour Migration*[2]

Indentured Immigration. In theory indenture supposedly

1. The word *kangany* is a Tamil word meaning "overseer" or "foreman". It is not the word commonly used for "foreman" in South India but it is used in this sense in both Malaya and in Ceylon. Most of the original recruiters under the *kangany* system were "foremen" on estates and the word *kangany* thus acquired the secondary meaning of "recruiters" (*A.R.S.I.L.F.B., 1959*, Appendix F).
   This term appears to have come to Malaya from Ceylon and was first used in Malaya about 1898. (N. E. Marjoribanks and Khan Bahadur A. K. G. Ahmad Thambi Marakkayar, *Report on Indian Labour Emigrating to Ceylon and Malaya*, Madras 1917, p. 114).
2. The following account of this aspect of Indian migration to Malaya is based on *R.L.C. 1890; R.L.C. 1896;* N. E. Marjoribanks and A. K. Marakkayar; "Mr. J. Geoghegan's Report on Coolie Emigration from India", Sanderson Committee, *Report on Emigration from India to*

originated with a contract, usually written and voluntarily assumed, but in practice it was often not a true contract at all, but merely a fictional one. Presumably this contract led to the status of a free labourer at the end of the period (three years in Malaya later reduced to 600 days as compared to five years in other British colonies) but it could also lead to reindenture or to a return to India. There was little or no moral responsibility on the part of the employer, who usually undertook to maintain his workers at as small a cost as possible, to work them as hard as possible, and to keep them on the job as regularly as possible.[1] At the end of the indenture he tried to renew the agreement for another stretch if the worker was still productive, or to get rid of him if he was not.[2] This system of labour exploitation was thus, altogether, as the ex-Chief Justice (1863-1868) of British Guiana, J. Beaumont, described it, "a monstrous rotten system, rooted upon slavery, grown in its stale soil, emulating its worst abuses and only the more dangerous because it presented itself under false colours, whereas slavery had the brand of infamy written upon its forehead."[3] The system of indenture in Malaya differed from the other British colonies only in that while the labourers in the other colonies were recruited by their respective governments and made available to employers of indentured labour, in Malaya recruitment was by employers themselves through private agencies in India. The Malayan Government's function was merely to watch over the fulfilment of the contract between the individual employer and the emigrant. In practice, even this was seldom done.

This abnoxious device of recruitment and exploitation of cheap labour was fortunately short-lived. Beginning

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the Crown Colonies and Protectorates, Parts I, II, III (London, 1910); Labour Department, Federated Malay States/Straits Settlements/Malaya, *Annual Reports, 1904-1940* (Kuala Lumpur and Singapore, 1905-1941) and the "Statement made by Mr. Gilman of the Malaya Deputation to the Standing Committee on Emigration of the Government of India at Simla, on 31st August, 1922", Planters' Association of Malaya, *Annual Report, 1923/1924* (Kuala Lumpur, 1924), Appendix D.

1. I. M. Cumpston, p. 2.
2. Dharan Yash Dev, *Our Countrymen Abroad* (Allahabad, 1940), p. 14.
3. J. Beaumont, *The New Slavery* (London, 1870), cited by P. Ruhomon, *Centenary History of the East Indians in British Guiana, 1838-1938* (Georgetown, 1939), p. 47.

about the year 1833 when Tamil and Telegu (natives of the Andhra Province of India) workers were brought to work the sugar plantations of Province Wellesley,[1] the system was abolished in Malaya in 1910, partly because of changed economic conditions in Malaya and the availability of alternative labour supply and partly because of legislation and criticism of the system, especially in India.[2] It was succeeded by another system of recruitment that had already developed, a system freer but not completely free, the *kangany* system of obtaining labourers.

Kangany Recruited Immigration. Under the *kangany* system labourers from South India were recruited by *kanganies* or headmen. Malayan employers paid the *kangany* his passage and expenses to and from India, plus a commission for each labourer recruited. The employer paid[3] the passage of the recruits but did not require them to enter contracts.

The coffee, and later the rubber planters, preferred *kangany* recruited labour because it was cheaper, since commissions paid to *kanganies* were lower, and also because it was physically superior to that recruited professionally. Furthermore, more important, was the fact that *kangany* recruited labour was considered free labour and thus initially less subject to Government control and inspection.[4]

Begun in the 1890's the *kangany* system rapidly replaced indentured immigration into Malaya. By 1902 the proportion of the unindentured in the total numbers of Indian plantation labourers in Malaya had risen to 2/5 and by 1907 it was up to 5/6. Within twenty years after its inception the *kangany* system had thus virtually replaced

1. N. E. Marjoribanks and A. K. Marakkayar, p. 28.
2. The last indenture contract in Malaya expired in 1913. In India the system was completely abolished in 1920, the event being likened to the abolition of slavery nearly a century ago and being hailed as a red-letter day throughout India (C. F. Andrews, "India's Emigration Problem", *Foreign Affairs*, Vol. 8, 1930, p. 434).
3. Following the establishment of the "Tamil Immigration Fund" in 1907, all costs of importing a labourer from his home in India to his place of employment in Malaya were met from the above Fund. The only costs still paid by the employers after 1907 were charges for feeding labourers for one or two days in immigration depots in Malaya while waiting for employers to call for them, and for services of financial agents in India and per capita commission to *kanganies*.
4. J. Norman Parmer, p. 33.

indenture.[1] Although from time to time important changes were made, the *kangany* system remained unaltered in its fundamental aspects until 1938 when it was abolished following a ban by the Indian Government on all emigration of unskilled labour.

Kangany recruitment vastly improved Malaya's labour supply but the system, however, was much criticised, full of abuses,[2] considered already sacrosanct by the late 1920's,[3] and finally abolished in 1938.[4]

Assisted Independent Labour Immigration. *Kangany* recruits, numerous though they were, were not sufficient to meet the ever-increasing labour needs of fast developing modern Malaya. Consequently, to supplement the *kangany* stream, the Indian Immigration Committee agreed to give assistance equal to that given to *kangany* recruits, to individual labourers voluntarily presenting themselves at the Malayan depots in India. This form of labour emigration became important after about the mid-1920's, partly because of the closer official Indian scrutiny of recruited Indian emigration to Malaya after this period and the consequent decline of *kangany* recruitment, and partly because this form of labour supply was less expensive as no recruiting allowances had to be paid. For example, in 1925, voluntary emigrants made up 28 per cent of the total number of Indian labourers assisted to emigrate to Malaya.[5]

The Great Depression resulted in widespread unemployment and in consequence in a considerable exodus of Indian labour from Malaya. The economic and with it the migrational tide, however, turned in 1934 as the price of

1. Sanderson Committee, pp. 27-8; 167 ff.
2. See, for example, Office of the Hon. Commissioner for Depressed Classes, Straits Settlements and Federated Malay States, *Report on Malaya, 1926* (Singapore, 1927) p. 2; J. Norman Parmer, pp. 92-116; *The Malay Mail* (Kuala Lumpur), 30.1.1913, p. 9, col. 2; Planters' Association of Malaya, *Annual Report, 1925/26* (Kuala Lumpur, 1926), p. 25; M. John Kennaway, *Some Investigations of Straits Settlements and Federated Malay States' Recruiting in the Madras Presidency* (Kuala Lumpur, 1912).
3. J. Norman Parmer, p. 103.
4. Labour Department, Malaya, *Annual Report for the Year 1938* (Kuala Lumpur, 1939), pp. 6-7.
5. Agent of the Government of India, *Annual Report, 1925* (Calcutta, 1926), pp. 6-7.

rubber rose[1] and in 1934 and 1935 the Malayan and Indian Governments agreed to resume assisted emigration on a quota basis of 20,000 annually. After 1935 fresh Indian labour in Malaya appears to have been supplied largely by voluntary emigrants,[2] who at times made up more than 90 per cent of the total Indian labour force entering Malaya after this date.

On June 15th, 1938, the Indian Government banned all assisted emigration to Malaya. Although precipitated by a dispute over the amount of wages[3] to be paid to Indian labour in Malaya the ban was for some time imminent. In addition to the abuses inherent in the recruitment and transportation[4] of Indian labouruers to Malaya, the question of the treatment of Indians overseas was debated at every National Congress meeting by an awakening India, keen on political reform both at home and abroad.[5] Assisted emigration was regarded as an insult to the status of the Indian Nation and when the Malayan Government failed to meet the Indian demands regarding minimum and maximum wages to be paid to the Indian labourers the Indian Government banned all assisted labour emigration to Malaya.

The effect of the ban was that fresh emigration of unskilled labourers to Malaya from India ceased. No unskilled labourer could leave for Malaya even at his own expense. Even "Malayan" Indian labourers who had gone to India for holidays and had remained in India for more than two years, were not allowed to return. Wives and children could join husbands and fathers but not to work.[6] Negotiations between 1939-1941, for resumption of emigration, produced no tangible results and the ban still remains.

(ii) *Non-Assisted Independent Labour Immigration*

Independent labour immigration into Malaya from India goes back to the beginnings of the British rule in the

1. M. V. del Tufo, p. 33.
2. J. Norman Parmer, p. 84.
3. *The Malay Mail* (Kuala Lumpur), 16.6.1938, p. 5, cols. 5-6.
4. Planters' Association of Malaya, *Annual Report, 1920* (Kuala Lumpur, 1921), p. 23.
5. E. Dennery, pp. 183-99.
6. Labour Department, Malaya, p. 17.

Straits. However, it was only following the Great Depression and the subsequent imposition of a quota on assisted labour emigration by the Indian Government in 1935, that the numbers of labourers paying their own passage rose significantly. No separate figures are available for labourers paying their own passage but in 1936 the Labour Department of Malaya estimated that in some years labourers made up more than 2/3 of the unassisted category of passengers coming from India. For example in 1936, 61 per cent of the unassisted Indian immigrants arriving in Malaya were reported as labourers,[1] while in 1938 some 41 per cent of the "other immigrants" (39,627) were labourers.[2]

There was a sharp fall in the movement to Malaya of independent labour too following the Indian Government's ban on unskilled labour emigration. For example, while in 1937 there were 50,128 unassisted immigrants, in 1940 there were only 833[3]. After 1938, most of the labourers coming into Malaya were, with the exception of those who managed to "get round the regulation", either skilled workers or those returning after a short visit to India. The Second World War disrupted movement between India and Malaya but even upon the resumption of normal conditions this stream of immigration gradually dried up too and virtually ceased by 1953, as a result of the imposition of severe restrictions by the Malayan Government in August of that year on immigration in general.

Commercial and Professional Immigration. Monied and educated, the professional and commercial group has for long formed the most influential section of the Indian community in Malaya. This has been particularly so as the majority of the Indians in the country have been illiterate labourers, who even as late as 1947 formed 60 per cent of the total gainfully employed Indians in Malaya.[4]

The factors that stimulated the movement of this group of Indian immigrants into Malaya have been discussed above. It suffices here to say that unable to secure English speaking

1. J. Norman Parmer, p. 86.
2. Labour Department, Malaya, p. 21.
3. S. Nanjudan, p. 25.
4. M. V. del Tufo, pp. 442, 473; Tables 78, 87.

subordinate administrative and technical staff from among the poorly educated Malays or Chinese, the Malayan Government turned to India and Ceylon where the people had had the advantage of an earlier access to English education. Following the initial recruitment, more and more educated South Indians came into Malaya, which to them was an *El Dorado* where more money could be made than at home. Others from North India came in to fit themselves into the ranks of military, police and other such pursuits. For example, till the early decades of the present century the police and military forces in the country were the virtual monopoly of the Punjabis, particularly the Sikhs. Similarly the clerical, administrative and technical staff of plantations is still predominantly South Indian, while the Tamils from Ceylon have figured prominently in all branches of Government service since 1867; by the early 1920's more than 50 per cent of the junior officers in the Government services — General Clerical, Railway, Posts and Telegraph, Medical, Public Works, Education, etc., were Tamils from Ceylon,[1] while even as late as 1957, practically all the station-masters and booking clerks in the various railway stations of the Malayan Railways were Tamils.

In the wake of the labour and the professional migration there followed an army of petty contractors, merchants, bankers, moneylenders, shopkeepers and pedlars to make their fortunes in catering to the special needs of their countrymen in Malaya. Free immigrants in every sense of the word, generally of a higher caste than those who had gone as labourers,[2] these entrepreneurs came on their own resources, usually with a small capital and experience in the kind of trade they sought to practice. More accustomed to travel, and more resourceful, aggressive and ambitious, they gradually assumed the role of a petite bourgeoise in the Indian community.[3] Among them they included petty Hindu and Moslem traders from the Malabar and Coromandel coasts of South India, textile merchants from the Sind and the Punjab Provinces of North India and Chettiar

1. V. Coomaraswamy, p. 3.
2. N. E. Marjoribanks and A. K. Marakkayar, p. 42.
3. E. Dennery, pp. 190-2.

and Sikh financiers from the Madras Presidency and Punjab respectively. Compared to the Chinese their share of the business and trade of Malaya is small, but the success of these Indian pioneers has nevertheless been phenomenal.[1]

Tentative and cautious at the start for fear of antagonising or earning displeasure of British officialdom or private enterprise these businessmen gradually extended their spheres of activity in all directions and fields, though keeping their operational costs at a ridiculously low level through the employment mainly of poorly paid 'imported' shop-assistants from India.[2] Many of them have prospered and invested large amounts of the profits in land in Malaya.

No separate records of the numbers of professional and commercial immigrants coming into Malaya from the early days of British rule in the country have been kept, but it is estimated that they came in substantial numbers, at times more than a third of the non-assisted immigrants from India being clerical, professional or commercial workers. After the Great Depression, the proportion of such people among the Indian immigrants increased. In 1940, for example, of the 15,300 Indian deck passengers entering Malaya, only 1,314 were estate workers: the rest apparently being tradesmen, shopkeepers, and clerical workers.[3] The disruption of communications between India and Malaya during the last World War temporarily halted the movement of these people into Malaya but there was a big influx (many of them refugees) in 1947 and in 1950, following the partition of the Indian Sub-Continent into India and Pakistan, and the "boom" caused by the war in Korea, respectively. The *Straits Times* described this influx as an 'invasion':

"....Hundreds of Sindhis (Hindus from Sind, Pakistan) have arrived in Singapore in the last few months.... Singapore Sindhi merchants who are concentrated in High Street set up an organisation early this year to receive and disperse the new arrivals....

1. S. Nanjudan, pp. 34-8.
2. Colony of Singapore, Department of Social Welfare, *A Social Survey of Singapore: A Preliminary Study of Some Aspects of Social Conditions in the Municipal Area of Singapore, December 1947* (Singapore, G. H. Keat & Co. Ltd., N. D.), p. 52.
3. P. S. Narasimhan, "The Immigrant Communities of Southeast Asia", *India Quarterly* (January-March, 1947), pp. 36-7.

Many have been helped to set up their own businesses while others have been absorbed as shop-assistants in existing Sindhi shops....New Sindhi textile shops have sprung up in Changi, Nee Soon, R.A.F., Seletar, Naval Base, Middle Road, Arab Street and in the centre of the town....Besides Sindhis, Sikhs have also been arriving in large numbers. Some of these Sikhs, well established businessmen in Bangkok, have opened up branches in Singapore....Other Sikhs are from West Punjab."[1]

This movement too, however, has also practically ceased since August, 1953, when the Malayan Government prohibited entry into the country, with few exceptions, of all new immigrants.

IV. EMIGRATION/IMMIGRATION LAW AND ADMINISTRATIVE MACHINERY.

Indian immigration into Malaya was accompanied by a great deal of legislative interference, succinctly summarised in the following remarks of a Straits Settlements Legislative Councillor, in 1898: "If we make a pilgrimage back through the desert of debate and discussion, we find the route mapped out for us by bleaching skeletons of its predecessors: Amended Ordinances, suspended Ordinances, repealed Ordinances — Ordinances which strangled themselves by the complexities and incongruities of construction,...Ordinances...of every sort and description, except indeed such Ordinances as would satisfy the requirements of the employer and the necessities of the labourer".[2] In all this he was impressed by two features — the absence of a fixed definite policy on the part of the Malayan Government as regards Indian immigration and the generous considerations shown by the Indian Government to this aspect of the Indo-Malayan relations.

(i) *Indian Emigration Policy and Practice*

Emigration to distant colonies from India was not altogether a natural process and was not caused by the spontaneous action of the people, but rather brought about to a

1. *The Straits Times* (Singapore), 6.12.1948, p. 5, cols. 3-5.
2. *L.C.P.S.S., 1898*, p. B28.

considerable extent by the persuasions of the agents and recruiters. It therefore required very close supervision on the part of the Indian authorities.[1]

Furthermore, it was felt that "a European proprietor of an estate in the tropics is, as a rule, unlike the proprietor of an estate in England, in the respect, that he does not look upon his estate as a life investment for his money; but he, as well as his European employèr looks to making large profits with as little outlay and delay as possible, with the view of 'going home' to live on the capital he shall have made out of the estate. . .[2] Under these circumstances, he limited his expenditure to the barest minimum. Consequently, the immigrant labourer was in danger of being neglected and the Indian Government, fully recognising the need to protect its emigrants, passed such laws, from time to time, as were necessary to safeguard the well-being of its people.

Generally, Indian emigration legislation appears to have parallelled the changes in the character of the overseas movement. At first there was little Governmental control, but with indenture, problems soon rose and control became necessary. The early laws were chiefly aimed at protecting the prospective emigrant from force and fraud and at securing satisfactory sanitary and other conditions both during the passage and at the points of departure and arrival. As the *kangany* system began to replace indenture in Malaya, its regulations, with modifications, fitted quite readily into the regulation of indenture that had gone before. As regards free emigration the Government generally did not interfere with it and individuals of independent means could leave or not as they say fit.[3] Even here too, however, as the number of Indians in Malaya increased, problems that had not been foreseen in the early days of emigration arose. These problems were chiefly concerned with the rights and duties of Indians as inhabitants of Malaya and did not fall easily within the scope of emigration control

1. "Moral and Material Progress and Condition of India during 1871-72" *B.S.P. (1873)*, Vol. 50, p. 786.
2. *I.C.P.S.S., 1878*, Paper No. 35, p. 16.
3. International Labour Office, *Migration Laws and Treaties*, Vol. 1, *Emigration Laws and Regulations* (Studies and Reports, Series O, Migration, No. 3, Geneva, 1928), passim.

because many of the Indians concerned had not been in India for decades and many others had not ever been, or even born, there. But the Indian Government could not fail to take note of the problems raised, and its reaction affected its emigration policy. Compulsion of re-indenture criminal prosecution by employers of Indian labour, the disproportion of the sexes because of the predominantly male emigration, and the development of racial discrimination and prejudice all created a situation which was not only harmful to Indians and Indian interests in Malaya but also discreditable to India as a nation and inconsistent with the sentiment of national self-respect.

The Indian Government's first efforts to supervise emigration to Malaya began in 1870, when it prohibited labour emigration to the Straits, following the denunciation in that year of the traffic as "an organised system of kidnapping" by Hathaway, the Sub-Collector of Tanjore, Madras.[1] But the prohibition was not enforced strictly in practice and was formally removed the next year, following the assurance given by the Straits Government to provide adequate protection to immigrants. Subsequently, though certain checks were enforced provisionally from time to time to protect the emigrants, the Indian Government, on the whole, stuck to its traditional policy of *laissez-faire*, even going to the extent of relinquishing all direct control over labour emigration to Malaya in 1897.[2]

This state of affairs, however, began to change following increasing Indian participation in the government of their country. The first positive step away from the traditional policy came in 1910, when the indenture system was abolished. There still, however, remained labour immigration under other forms of assistance and in 1922 a bill, "The Indian Emigration Act of 1922, of 5 March 1922 (No. VII of 1922)," was passed by the Indian Central Legislature. This Act sought not only to consolidate and renovate previous regulation but also to create a machinery for future control of emigration in order to help and protect Indian

1. "Mr. Geoghegan's Report on Coolie Emigration from India", p. 489; *R.I.C. (1890)*; *R.I.C. 1896*.

2. N. E. Marjoribanks and A. K. Marakkayar, p. 28.

emigrants abroad.[1] It marked the transition from *laissez faire* to a much stricter form of legal control and remained in operation till 1938 when assisted labour emigration was banned.

The provisions of the Act drew a distinction between skilled and unskilled labour, and subjected the latter to much more rigid regulation than the former. Individuals below the age of 18 years were not allowed to emigrate unless accompanied by guardians or relatives over 18 years of age while Rule 23 stated that "the number of male emigrants unmarried or unaccompanied by their wives, being assisted to emigrate must not exceed one in every five persons over eighteen to any one country in any one year."[2] Every case of recruiting was placed in the hands of a Malayan Emigration Commissioner, who was to be solely responsible for all recruiting transactions carried out in the name of his country. Every recruiting agent was, however, required to obtain permission to recruit from the local government of the port from which the emigrant was to depart.[3]

In addition to the above safeguards, there was to be an Agent of the Government of India in Malaya, to look after the welfare of the Indian immigrants there. The first Agent was appointed in 1925.[4]

(ii) *Malayan Immigration Policy and Practice*

The pre-World War II Malayan Government appears to have had no definite immigration policy, instability and vacillation being the keynotes characterising the Malayan

1. International Labour Organisation, p. 77.
2. The object of Rule 23 was to reduce the preponderance of male emigrants. For example in 1911, there were only 398 Indian females to every 1,000 males in Malaya while in 1921 this proportion had risen to 406:1,000. A more even distribution of the sexes was considered necessary to obtain a healthier normal life for the labourers among whom there was a good deal of promiscous living and violent quarrels, largely due to the disproportion of the sexes.
3. International Labour Office, passim; Planters' Association of Malaya, *Annual Report, 1922/23*, (Kuala Lumpur, 1923), Appendix K.
4. In 1946, the Agent's designation was changed to "Representative of the Government of India in Malaya", following constitutional changes in India, and to that of "The Indian High Commissioner in Malaya" in 1957, when Malaya became an independent member of the Commonwealth.

legislation controlling the movement of Indians into the country. But throughout the long melancholy tale of "Amended Ordinances, suspended Ordinances, repealed Ordinances....etc."[1] a connecting central theme can be pieced together. The fundamental aspects of this theme appear to be the Malayan Government's desire to acquire and maintain a constant and large supply of cheap Indian labour on one hand, while on the other to accept only the minimum moral responsibility for these labourers on the ground that they were temporary sojourners in Malaya. To this end it offered the Indian immigrants little more than that which was necessary for the efficient functioning of the capitalistic enterprise of the country, while it strove hard to systematize and assure a continuous sufficient supply of Indian labour immigration into Malaya.[2]

After World War II, the labour situation in Malaya was quite different from that of the pre-war era. With a rapidly increasing and largely settled population, Malaya was now in a position to meet its labour requirements locally, especially as more and more Malays were now entering the labour market and there was little fresh expansion of plantation agriculture in view of the uncertain world commodity market. But as living standards in Malaya were much higher than those prevailing in many other countries, there was a constant pressure of persons wishing to come to Malaya to enjoy the better conditions. The Malayan Government now felt that if all these persons were allowed unrestricted entry into Malaya their large numbers would result in a lowering of wages and conditions of employment. Further, they would add to the congestion of the schools and other social facilities, which were not yet even sufficient to meet local needs. It therefore felt it necessary to restrict the entry of such persons in order to "prevent a deterioration in the present standard of living and to safeguard, for those who have made their homes in Malaya and are going to form the Malayan Nation, the medical, educational, social and other benefits which are at present available for them."[3] Accord-

1. See p. 62 above.
2. J. Norman Parmer, pp. 425-31; I. M. Cumpston, p. 2.
3. Federation of Malaya, Department of Information for the Controller of Immigration, *The New Immigration Law* (Kuala Lumpur, 1952).

ingly on 24th April, 1952, the Federation of Malaya and the Singapore Governments, passed the *Immigration Ordinance, 1952*, which came into force on 1st August, 1953.

With this *Ordinance* entry of Indians into Malaya was controlled for the first time. Right of entry was limited to British subjects born or naturalised in Malaya, subjects of the Ruler of a Malay State, Federal Citizens, British subjects ordinarily resident in Malaya, aliens who were holders of Resident's Certificates, and the wives and children under 18 years of all these persons.[1] Fresh immigration was restricted to any person who:

(a) had professional or specialist qualifications which would enable him to follow his profession or occupation in Malaya without prejudicing the interests of persons already resident in Malaya and possessing corresponding or similar qualifications; or

(b) was an employee of the owner of a substantial or well-established business and held a contract of service with such owner providing for his employment in Malaya on such terms and conditions as to the minimum period of engagement and minimum remuneration as the Member for Home Affairs (or as in Singapore, the Colonial Secretary) may from time to time approve; or

(c) was a member of the family of any person permitted to enter Malaya under paragraph a, b; or

(d) was a member of the family of a person lawfully resident in Malaya otherwise than on a Pass or on a pass issued to him under the provisions of any law relating to immigration for the time being in force

1. In 1956 this clause was amended with the passing of the "Immigration (Amendment) Ordinance, 1957, G. N. 2917 of 20th December, 1956", which empowered the Government to refuse entry to Federal Citizens and British subjects born in Penang or Malacca of dual nationality who by virtue of the amendment lost their right of entry if they had previously left the Federation without valid travel documents, or who wished to return after they had visited countries for which their passports were not valid. This legislation was aimed at preventing the return of students and man-power call-up evaders who left the country without re-entry facilities (*L.C.P.F.M., 1956*).

in the Colony.[1]

In practice even this selective immigration was restricted and with the coming into effect of the above *Ordinance* in August 1953, fresh immigration into Malaya could be said to have virtually come to an end. The present small movement of Indians into Malaya consists chiefly of returning residents of the country, their wives and children and a trickle of fresh arrivals — almost wholly highly qualified professional or commercial persons.[2]

V. FLOW AND CHARACTERISTICS OF MIGRATION

The important characteristics to note about the Indian migration to Malaya are that, firstly, the great bulk of this movement has been of an ephemeral character, with approximately 4 million entering and 2.8 million leaving the country between 1860 and 1957. Secondly, much of the *1.2 million net immigration* appears to have been wiped out by diseases, snake-bites, exhaustion and malnutrition,[3] for the Indian population of Malaya in 1957 numbered only 858,615 of which 62.1 per cent was local born.[4]

The trend of migration shows several major fluctuations, with six prominent periods (Figure I).[5] The first,

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1. Summarised from: *The Laws of the Colony of Singapore: Edition of 1955*, Vol. II, Chapter 102, "Immigration", Part II; "Immigration Regulations, 1953 (No. 28 of 1953)" and "The Immigration (Prohibition of Entry) Order, 1953 (No. 29 of 1953)", *Minutes and Council Papers of the Federal Legislative Council, 1953/1954* (Kuala Lumpur, 1954).
2. Federation of Malaya, *Annual Report, 1957* (Kuala Lumpur, 1958) pp. 19-26.
3. Poor working conditions and the lack of adequate medical facilities resulted in the loss of thousands of Indian lives every year, especially in the earlier stages of the Indian immigration. For example, even as late as 1918 there were only 8 doctors to 1006 plantations in the Federated Malay States and the number of deaths among the Indian labourers exceeded 20,000, compared to only 5,751 births among them in the same year (Federated Malay States, *Report on the Working of the Labour Department for the Year 1918*, Kuala Lumpur, p. 11; Appendices D,E,F,G.).
4. *1957 Population Census of the Federation of Malaya, Reports Nos. 1-12; The 1957 Census of Population, Singapore: Preliminary Releases, Nos. 1-8.*
5. This chart and the migration statistics that follow have been compiled from data in:
   (i) *R.L.C. 1890.*
   (ii) N. E. Marjoribanks and A. K. Marakkayar.

running from approximately 1860 to 1907, is the period of relatively uncurtailed indentured immigration, representing a steady rise in immigration until about the beginning of the present century. The second period from 1908 to 1922 saw the increasing regulation and final abolition of the indenture system but a rise in the *kangany* and other individual contract methods. With the exception of a few slight drops in total immigration, as for example during World War I, there was also a generally increasing volume of Indian immigration. The third period, from 1923 to 1929, represents the spurt of immigration under the Indian "Act of 1922" and under conditions of general prosperity in Malaya. The fourth, from 1930 to 1933, marks the highest reversal of flow, as a result of the Great Depression and economic hardships in Malaya. More than 370,000 South Indians left Malaya, during these four years, compared to only 126,000 coming in. The fifth, from 1934 to 1937, witnessed the revival of the migration flow towards Malaya, though not on the same scale as the late 1920's, largely because of the dampening effect of the Depression, a sympton not only confined to Malaya but a general feature distinguishing world population movements during this period.[1] The final period, 1939 to 1957, shows not only the disrupting influence of World War II, but also the depressing and restricting influence of the Indian Government's ban on labour emigration and the increasingly stringent "selective immigration" policy of Malaya. Fresh immigration in large numbers, with the exception of a few instances, as for

(iii) Agent of the Government of India, *Annual Report, 1926-1940* (Calcutta, 1927-1941).

(iv) Labour Department, Straits Settlements/Federated Malay States/ Malaya, *Annual Reports, 1904-1940* (Singapore and Kuala Lumpur, 1905-1941).

(v) C. A. Vlieland.

(vi) M. V. del Tufo.

(vii) Malayan Union, *Annual Report, 1946-1947* (Kuala Lumpur, 1947-1948).

(viii) Federation of Malaya, *Annual Report, 1948-1957* (Kuala Lumpur, 1949-1958).

(ix) Colony of Singapore, *Annual Report, 1946-1957* (Singapore 1947-1959).

1. See, for example, Walter F. Wilcox and Emre Ferenczi (eds.), *International Migrations*, Vol. I *Statistics* and Vol. II *Interpretations* (National Bureau of Economic Research, New York, 1929-1931), passim.

example in 1953 when many tried to beat the new entry regulations, virtually came to an end. The movement of Indians, during this period, was confined chiefly to those going to India to visit relatives and homes and returning to their place of domicile and work in Malaya.

As is probably already apparent to the reader, the above changes in the current of Indian migration to Malaya were the result primarily of the fluctuations in the economic conditions in Malaya and of legislative enactments, initially in India and lately in Malaya.

The largest average annual flow of the Indian movement into Malaya was during the period 1911-1920, when more than 90,000 persons were landing in the country every year. This movement was more than double the arrivals from 1901 to 1910. From 1921 to 1930 there were 88,000 arrivals annually, after which there was a marked decline. In the future, there is little likelihood that Indian immigration into Malaya will regain even the volume it had prior to 1900. Similarly the *net* immigration has also been declining as fewer and fewer Indians have entered Malaya as permanent settlers over the last three decades.

With the increased Indian movement into Malaya from the beginning of the present century, the already exceptionally high percentage of the return movement also increased. For example, compared to about 30 per cent of the Europeans emigrating to the United States between 1821 and 1924 returning home,[1] more than 60 per cent of the Indians moving into Malaya, betmeen 1911 and 1920, went home. For the period 1921-1957 the returns exceeded 80 per cent of the total immigration. This large percentage of returnees among the Indians was chiefly due to the fact that most of the Indians migrating to Malaya came primarily as short-term contract labourers, and were more "seasonal migrants" than immigrants in any permanent sense. Many of the non-labour immigrants too came as short-term entrants, "to make a quick buck" and return home to the family hearth. The return flow thus largely followed the economic health of Malaya, being highest when Malaya's economy was at its lowest and *vice-a-versa*.

1. A. M. Carr-Saunders, *World Population* (Oxford, 1936), p. 49.

The total current or flow of the Indian migration to Malaya was a summation of many lesser currents generated by and distinguishing the different categories of the migrants moving in and out of Malaya. The trends and characteristics of these lesser currents are by no means uniform, because of dissimilar economic, social and legal conditions affecting the different sections, both in India and Malaya. The outstanding feature of these lesser currents which influenced the main flow was the fact that the Indian migration to Malaya was predominantly a South Indian labour movement. These labourers comprised about 70 per cent of all the Indians entering Malaya before 1938. More than 70 per cent of these labour migrants were *kangany* recruited labourers. Fluctuation in flow was marked in the labour movement, since it was this section of the Indian immigration which was most sensitive to legislative sanctions in India and economic changes in Malaya.

Another significant feature of the Indian migration to Malaya was that the movement was essentially monosexual, males predominating. For instance, between 1916 and 1938, females averaged only 24 per cent of the total annual (South) Indian immigration. This was mainly so because the majority of the Indians were simply "birds of passages"—sojourners in Malaya—and preferred to leave their families in India. Furthermore, Indian female emigration was hindered by a number socio-economic restrictions, related mainly to the inferior position of women in Indian society.

The Indian migration to Malaya has been essentially a South Indian, predominantly Tamil, phenomenon. For example between 1931 and 1940,[1] more than 75 per cent of the Indian arrivals in Malaya were from South India, the remainder being from the North. Previous to 1931, the proportion of South Indians among the Indian immigrants must have been even higher, for North Indian migration to Malaya has been a comparatively recent movement. More than 98 per cent of the labour migration was of South Indian origin.

The majority of the South Indians are from the Madras

1. Separate figures for North and South Indians are available only for the period 1931-1941.

Province, the remainder being from the Kerala (Travancore) and the Andhra Pradesh (Central Provinces) Provinces of India and the Jaffna district of Ceylon. The relatively small numbers of North Indian (mainly Sikh) immigrants into Malaya are chiefly from the Punjab. The other North Indians are from the Sind-Bombay and Uttar Pradesh (United Provinces) – Bengal areas of the Indian Sub-Continent.

Summarising, it could be said that, in the first place, much of the Indian movement to Malaya during the period 1786-1957 was a short term migration with an extremely high proportion of returns. The flow of migration was affected primarily by legislation enacted both here and in India and the economic conditions prevailing in Malaya from time to time. Within this framework probably the peak of Indian immigration was reached in the late 1920's, for since then increasing legal restrictions in India and Malaya, coupled with the growth of a local labour supply and strident nationalism, have seen the gradual decline and finally virtual cessation of Indian immigration into Malaya. The present movement of Indians to and from Malaya is limited almost wholly to Indians of Malayan domicile. The above factors which contributed to the decline of Indian immigration show no real signs of slackening in the future. Thus, leaving aside the question of Indian immigration ever again regaining the volume it had prior to the Great Depression, there appears to be little likelihood of fresh Indian immigration, even in small numbers. Secondly, the temporary character of the Indian immigration has reduced the tremendous socio-politico-economic problems which would otherwise have been created if all the Indian arrivals in Malaya had come as permanent settlers. But sufficient numbers of them, like the Chinese immigrants, however, did settle among the indigenous Malay population. Partly because of racial, religious and social taboos and partly because of economic and legal restrictions, there has been little or no inter-marriage between the Malays, Chinese and Indians. Each community while making Malaya its home, has to kept to its own, giving rise to a plural society *par excellence* with all its inherent implications.

BRITISH POLICY IN MALAYAN WATERS IN THE NINETEENTH CENTURY

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The researches of Professor V. T. Harlow have emphasised that the concern in British policy in South-East Asia in the late eighteenth century was for trade, not for empire; it involved the idea of establishing settlements which should become the bases of commerce with neighbouring states unsupported or unimpeded by political relationships. These preconceptions only made it more easy for the Government to contemplate the continued existence of a Dutch empire in the Archipelago for the sake of European friendship, and to hope that, despite the acquisition of Penang from the Sultan of Kedah, their alleged feudatory, good relations could be maintained with the Thais. No such generalisations have so far been employed in the description of the policies of the predominant power in the area in the nineteenth century, though there has been relatively detailed research into aspects of them, into Anglo-Dutch relations in the Archipelago, especially in Raffles' time, into intervention on the Peninsula, especially from about 1867, and into the activities of the Brookes in north-west Borneo. My recent researches into the problem of piracy in the Indonesian Archipelago and the measures for its suppression have led me to consider that generalisations may be made at least about British policy in that region, and that Professor Harlow's comments are of considerable assistance in making them. Some such guiding principles as he notes in the late eighteenth century still existed during the greater part of the nineteenth century.

The disapproval on the part of his superiors of Raffles' policies of expansion is, of course, well known. He had

wished to retain Java after its conquest in 1811, but believed that this was not likely to happen, – that it would be restored when Holland's independence was restored, – and so also advocated the creation of an empire in the Archipelago that should not revert to the Dutch on the conclusion of the Napoleonic war. He apprehended that territorial dominion here would probably be unacceptable, and thus, although, as Professor Bastin has suggested, sympathetic rather to direct than to indirect rule,[1] he advocated the reform and re-establishment of native states rather than their occupation. Dutch claims over them were often weak, and it might be "our soundest policy to form the most intimate connections by treaty, with those which have indisputable claims to independence...." Indeed the rulers might recognise the Governor-General as Protector or Batara, and the British should intervene to uphold the legitimate authority, to regulate the succession, to resolve the conflicts between Moslem and customary law, to confine foreign trade to certain ports, though under liberal regulations, and to suppress piracy.[2] The convention of August 1814, however, restored Java to the Dutch, and Raffles' policy was disapproved by the Secret Committee of the Company, which believed that "such engagements are impolitic and injudicious; that they are calculated to involve the British Government in the internal concerns of those States, and the perpetual contests which they are carrying on with each other...."[3] Back in England, Raffles again put forward his views in his "History of Java", and in a memorandum for Canning, and after 1818, from his post at Bencoolen, he again attempted to carry out his own recommendations. The culmination was his foundation of Singapore and his treaty with Acheh.

Under the subsequent treaty of 1824, the British retained Singapore, and sought to preserve Achehnese inde-

1. J. Bastin, *The Native Policies of Sir Stamford Raffles in Java and Sumatra*, Oxford, 1957, pp. 43-44, 99, 135-136.
2. Raffles to Minto, 10th. June 1811. Sophia Raffles, *Memoir of the Life and Public Services of Sir Thomas Stamford Raffles*, London, 1830, pp. 69-82.
3. J. Bastin, 'Raffles and British policy in the Indian Archipelago, 1811-1816', *Journal of the Malayan Branch of the Royal Asiatic Society*, xxvii, Pt. 1, May 1954, pp. 108-109.

pendence. They acquired Malacca and the Dutch promised to make no treaties or settlements on the Peninsula. At the same time, however, the Dutch acquired Bencoolen and a similar undertaking was made on the British part in regard to Sumatra and the islands south of Singapore, and they had good grounds for believing that the British would also not interfere in Borneo.[4] British policy, in fact, had not substantially changed. The British had three settlements in the Straits to protect the route to China, and to develop trade with the Archipelago and southeast Asia. They also had guarantees from the Dutch in regard to the commerce of their possessions and of the states with which they had treaties. British interests seemed to be adequately provided for. The Secret Committee had been doubtful about Raffles' mission: "too ostentatious an indication during Peace of a desire to connect Political power with commercial enterprize would ill agree with the spirit of moderation which activates the British Government...." It had expressed "decided disapprobation of the extension in any degree to the Eastern Islands of that system of subsidiary alliance which has prevailed perhaps too widely in India...."[5] Castlereagh's instructions to his Ambassador on the opening of the Anglo-Dutch negotiations were of much the same tenor.[6] Territorial dominion was to be confined to India, an exception to prove the rule. No such policies as Raffles recommended were to be followed in the Archipelago, where British commercial interests must be content with trading stations and guarantees of fair treatment from the ruling powers.

In the recommendations he had made while in Java, it will be noticed that Raffles emphasised that one of the purposes of his policy would be the suppression of piracy.

4. N. Tarling, 'British Policy in the Malay Peninsula and Archipelago, 1824-1871', *JMBRAS*, xxx, Pt. 3, October 1957, p. 187.
5. Secret Committee to Governor-General, 22nd. May 1819. *Board's Drafts of Secret Letters and Despatches to India, First Series, 5*, Commonwealth Relations Office.
6. Castlereagh to Clancarty, 13th. August 1819, private. *F.O. 37/107;* H. T. Colenbrander, editor, *Gedenkstukken der Algemeene Geschiedenis van Nederland van 1795 tot 1840*, The Hague, 1915-1921, viii, Pt. 1, pp. 132-133; N. W. Posthumus, *Documenten betreffende de Buitenlandsch Handelspolitiek van Nederland in de negentiende eeuw*, ii. The Hague, 1921, pp. 29-30.

The piracy of the Malay world, had, of course, many distinctive characteristics which, indeed, make it very doubtful if it be proper to apply a term with such European connotations to only ostensibly comparable activities. In particular it had a political aspect. Much of it derived from the commercial decline and political disintegration to which the Indonesian states, and especially the centres of empire, like Johore, Brunei, and Sulu, had been subjected by the growth of European monopoly and hegemony since the advent of the Portuguese, and more particularly of the Dutch. Some contemporary British observers noticed this, for instance John Anderson, who wrote of

> "the system of piracy which has been carried on in these seas from time immemorial. . . . I use the word 'system' advisedly; for it would be absurd to treat with reprobation a practice with which no dishonourable idea is associated in the minds of the natives. The system of piracy in the Archipelago is just what the system of private wars was in Europe in the middle ages: an evil arising not so much from moral laxity as from political disorganisation. . . ."[7]

Many aristocrats turned to piratical means of subsistence, and they, and sometimes whole piratical communities that grew up, acquired power in the remaining Indonesian states.

In such a situation, any measures for the suppression of piracy were bound to have a political impact. Raffles urged such measures. Piracy must be "put down by the strong hand", he argued, "though precautions against its recurrence may be taken in the system which shall be adopted with regard to the Malay States by rendering every chieftain answerable for his own territory, and punishing in an exemplary manner refractory chiefs."[8] Thus, in order to suppress piracy, it was also desirable to reform and re-establish the "legitimate" native states. He explained this to Governor Petrie of Penang.

> "The principles of my suggestions for the suppression of piracy throughout the Archipelago have been, that nothing can tend so effectually to the suppression

7. Anderson's letter to the "Indian News", 10th. October 1844. *F.O. 12/2.*
8. As footnote 2.

of piracy, to the encouragement and extension of lawful commerce, and to the civilization of the inhabitants of the Eastern Islands, as affording a steady support to the established native sovereigns; and assisting them in the maintenance of their just rights and authority over their several Chiefs and along the shores dependent upon their dominion.

"It appears to me that the adoption of this principle, and the establishment of British agents accordingly at the leading ports, would gradually change the barbarous and uncivilized life of the people who inhabit the shores of these Islands; and, united with the beneficial effects of the abolition of the slave-trade, would, by its effect of lessening the means of plunder, and securing the exertion of legal superior authority, gradually tend to agricultural improvement, and to the prosperity and interior trade that naturally must follow."[9]

Upon this structure Raffles wished also to build his more general schemes for the reform and re-establishment of the Indonesian states. He saw his policy for them as a whole.

It may, however, be suggested that he had to emphasise the anti-piratical aspect of his plans because of the attitude of his superiors. In general, as had been seen, they were opposed to schemes of territorial and political dominion: the development of commerce must rely on more limited policies. The suppression of piracy could, however, be seen, not only as a philanthropic cause, like the suppression of slavery, but also as something which a Government must expect to effect for the benefit of commerce, as coming within the limits beyond which trade should be expected, as it were, to make its own way. When he was in Java, Raffles found that his measures against the Ilanun pirates and those who favoured them at Sambas were approved, while he was cautioned against political schemes for the west coast of Borneo.[10] After this, he appears to have underlined that his basic aim was simply the suppression

9. Raffles to Petrie, 1814, Sophia Raffles, p. 227.
10. G. Irwin, 'Nineteenth-century Borneo....', *Verhandelingen van het Koninklijk Instituut voor Taal- Land-, en Volkenkunde*, xv, 1955, pp. 24-29. Bastin, *J.M.B.R.A.S.*, xxvii, Pt. 1, pp. 94-99.

of piracy. He praised this aspect of Dutch policy.

> "The Dutch early saw the propriety and necessity of maintaining a parental regulation over the different states in the Archipelago. . . . We are now, in our turn, become the Parent: humanity demands our interference . . . . Our predecessors were not induced to form so many and various settlements in the Eastern Archipelago from an expectation of revenue or commercial advantage, so much as from an experience that it was otherwise impossible to civilize the ferocious banditti, to check their propensity to plunder or to root out piracies among them. . . ."

Such a policy was worthy of imitation.[11] After the return of the Dutch, he urged, in his memorandum for Canning, that the Dutch were fitting out a marine at Batavia "ostensibly for the suppression of piracy. . . ." The British should show themselves "immediately as a party interested": otherwise the Dutch would regain an "absolute sovereignty over the Archipelago. . . ."[12]

It was, of course, the aim in London that the Dutch should prevail in the Archipelago, while allowing fair commercial opportunities to the British, and no such schemes for the suppression of piracy could be accepted. It was not surprising that article 5 of the 1824 treaty dealt with the subject. Elout, one of the Dutch Plenipotentiaries, had "urged that European establishments at the Native Ports were absolutely necessary for the purpose as it were of Police, in order to repress the piratical practices of the Malays, who are all pirates. . . ."[13] The article was then drawn up, by which the two Governments agreed to "concur effectually in repressing Piracy. . . ." In a sense, this was a new illustration of the relationship of the interests of the

11. Raffles to Nightingall, 5th. May 1814. M. L. van Deventer, *Het Nederlandsch Gezag over Java en Onderhoorigheden sedert 1811*, The Hague, 1891, pp. 31-33.
12. D. C. Boulger, *The Life of Sir Stamford Raffles*, London, 1897, pp. 272-273.
13. Observations upon the State of the Negotiation..N, March 1822, pp. 74-75. *Dutch Records A, 30*, numbered 43, Commonwealth Relations Office; *F.O. 37/126*. [P. J. Elout van Souterwoude, editor,] *Bijdragen tot de Geschiedenis der Onderhandelingen met Engeland, betreffende de Overzeesche Bezittingen, 1820-1824. . . .*, The Hague, 1863, pp. 119-120.

two powers. There would be no interference with Dutch political rights by unilateral British attempts to put down piracy; yet it was seen that Britain would wish piracy suppressed, in order to protect the commerce that was guaranteed to her in the Archipelago.

A concentration on the period 1867-1874 in the history of the Peninsula is not in fact an adequate background to the study of the intervention in Perak, Selangor, and Sungei Ujong that occurred under Sir Andrew Clarke. In particular it tends to neglect the work of the pre-Colonial Office Governors who contributed a great deal towards preserving the independence of the Peninsula from the Thais and towards the reform of the Malay states and the encouragement of the Malay rulers. In fact, it was largely due to them that the intervention of the 1870s could be as limited as it was and that it could take the form that it did. The disappearance of Raffles from the scene, though it meant the disappearance of a man with incomparably broad views, did not mean the disappearance of the only man who believed that political reorganisation must aid the advance of commerce, and that, in the absence of territorial dominion, this must be effected through an influence over the Malay rulers. The Governors also saw the importance the suppression of piracy must have in such schemes, both because of the condition of the Malay states, and because of conditions within British policy.

One famous episode in Malayan history illustrates these points. The early trade of the Straits Settlements relied very largely upon the resort of native traders in their praus: indeed, the importance of the entrepots emphasised the then undeveloped character of the commerce of those regions. It was important to protect them from the pirates, especially the 'Orang-rayat' from the old centres of the Johore empire in the Riau-Lingga archipelago, who went up and down the coasts of the Peninsula, and often resorted to the Dindings and interfered with the trade from Sumatra.[14] To their suppression the superior authorities in India and

14. See, for instance, Presgrave to Murchison, 5th. December 1828. *Straits Settlements Factory Records 159* (20th. January 1829), Commonwealth Relations Office: *Board's Collections 69133*, p. 59, Commonwealth Relations Office.

London might well in principle assent. The local merchants and authorities also believed, however, that it was necessary to take steps to 'open up' the Peninsula, especially in view of the position the Dutch were being allowed to acquire in the Archipelago. Before the 1824 treaty, Governor Bannerman sought to develop the tin trade of Kedah, Perak, and Selangor, for instance.[15] His plans were impeded by the intervention of the Thais, who ordered Kedah to invade Perak in 1818, and, led by the 'Raja' of Ligor (Nakhon Sithammarat), themselves marched into Kedah in 1821. There presence only added to the anxiety of the Bengal Government to avoid intervention, but, apparently impressed by troop movements at Penang, the Raja of Ligor seemed ready to promote a negotiation at Bangkok. Governor Fullerton had to arrange for the removal from Perak of some Bugis from Selangor who had invaded that states as a precautionary measure, and he seized his chance to make treaties with the two states over the exploitation of tin. In the event, the treaty made by Burney at Bangkok in 1826 did not secure all the Settlements wanted. In particular, in the case of Perak, it was left to the Sultan to decide whether or not he should send tribute to Thailand. Fullerton decided to save the day by ensuring that he decided against it, and deputed Low to procure a public statement to that effect from him. In fact he exceeded his instructions, and aided the Raja in establishing a new administration, for, in the disrupted and disintegrated state of Perak, the loyalty of many of the chiefs had been seduced by the Thais.

It was not, of course, surprising that some of these chiefs connected themselves with pirates, especially those from Johore, in order to add to their strength and multiply their resources. Action against such pirates was bound, therefore, to have political repercussions. In the present case, it was directly connected with the reorganisation of Perak. Fullerton now sent Low with a force to punish the chief at Kurau, who abetted pirates, and with whom the

15. John Anderson, *Observations on the Restoration of Banca and Malacca to the Dutch*....., Penang, 1824, *passim*. C. D. Cowan, 'Governor Bannerman and the Penang Tin Scheme, 1818-1819' *JMBRAS*., xxvii, Pt. 1, February 1950, pp. 52-83.

Sultan of Perak was unable himself to deal.[16] The chief, Nakodah Udin, originally installed by allies of the Raja of Kedah, had in fact become closely connected with the Raja of Ligor, so that the destruction of his stronghold was not only a blow at piracy, but strengthened the anti-Thai faction and the 'legitimate' government in Perak.[17]

This Perak policy was highly disapproved by the Supreme Government in India. With the Straits authorities should be doing, it emphasised, was allaying Thai jealousy, and this was to be done by strictly enforcing the Burney treaty and maintaining friendly relations with Ligor. They were instructed to refrain from further political missions without the Supreme Government's permission.[18] This enunciation of policy imposed new restraints upon the local Government, and even restricted their measures for the suppression of piracy, as did also the absence of Admiralty jurisdiction in the Supreme Court of the Settlements, the lack of adequate forces before the introduction of steamers, and the economy enjoined upon them before and after the Charter of 1833. Subsequently, however, with these last deficiencies remedied, the Straits authorities were able to deal with piracy, and even to establish a substantial influence in various states, especially in peninsular Johore, where Temenggong Ibrahim associated himself with the suppression of piracy.

One of the decisive steps in the suppression of piracy in Straits waters and the establishment of British influence was the appointment of the Commission of Captain H. D. Chads and S. G. Bonham in 1836. Both of them urged a decisive blow at the pirate strongholds in the Riau-Lingga archipelago, "more politic", said the Captain, "then embroiling ourselves with Petty Chiefs on our side of the Straits on the Malay Peninsula, which might lead the Company into an expensive war, from which no permanent good could

16. Tarling, *JMBRAS*, xxx, Pt. 3, pp. 33-36.

17. Fullerton's minute, 13th. September 1827. *S.S.F.R. 142* (s.d.). Chief of Krian to Penang Government, translated 5th. November 1827. *B.C. 116561*, p. 35. Low to Butterworth, 4th. February 1844. *B.C. 96009*, p. 14.

18. Amherst to Governor-in-Council, 23rd. July 1827. *S.S.F.R. 142* (6th. September 1827).

result".[19] In fact Riau-Lingga was on the Dutch side of the Straits, and though the Dutch Resident at Riau wished to refer to Batavia about proposed cooperative measures, the British destroyed the stronghold at Galang, distrustfully alleging that the Netherlanders in fact to avoid all British action out of a desire to injure the trade of Singapore.[20] The Governor-General at Batavia protested against this precipitate unilateral action, and also sought to deal with it in a more subtle way, namely by proposing cooperative measures against the Sultan of Lingga and the possible establishment of a Dutch fort there.[21] This suggestion seemed to have in view re-establishing the cooperation envisaged in 1824, or at least avoiding further inroads upon Dutch rights.

The reaction of the Supreme Government is most significant. Bonham, now Governor, was told that "it must be with you always a question of nice discretion whether to allow the maritime and other force at your disposal to be associated with a Netherlands force in any measures of actual hostility against established and recognised chiefs...." He could readily cooperate against obvious pirates at sea, but anything further was much more problematical; and in the case of the Sultan of Lingga, the Governor-General would "very unwillingly lend the aid of a Naval or Land Force for the subjugation of his Territory." He was not ready to "join in establishing the Dutch influence exclusively and completed in the Island of Lingga....for the Netherlands Authorities have not acted in matters of commercial relation with that cordiality and good feeling which the British Government had a right to expect...."[22] The Foreign Office approved this attitude. Any naval aid in suppressing piracy must not promote Dutch influence, for "such an extension of Dutch influence, or territorial possession, would, in all probability, be attended with consequences injurious to British Interests, and should be looked upon

19. Chads to Prinsep, 1st. June 1836. *B.C. 69133*, p. 218.
20. Extract proceedings, in Chads and Bonham to Prinsep, 12th. August 1836. *B.C. 69133*, p. 313.
21. Bonham to Macnaghten, 4th. June 1837. *B.C. 72236*, p. 31.
22. Prinsep to Bonham, 12th. July 1827. *B.C. 72236*, p. 46.

with jealousy by the Government of this country."[23]

The superior authorities were thus taking quite a different attitude from that of 1824 to the extension of Dutch authority in the Archipelago, and thus, too, to cooperation for the suppression of piracy. This new attitude derived, it is clear, from the treatment the Dutch were affording British commerce, especially in Java, which appeared not to be consonant with the fair treatment promised to it by the stipulations of the treaty of 1824, and from the commercial depression of the time, which underlined its injurious effects. It is in the light of these circumstances, and of this statement of 1838, that the support afforded to James Brooke's venture in Borneo must be explained.

In north-west Borneo, the Dutch had no rights on paper and no establishments, and it was, therefore, an area where British commerce could be granted appropriate protection without direct interference with them, though it might dissolve an apparent understanding of 1824. Such protection would involve, if necessary, the suppression of piracy, and this, James Brooke urged, was present, not only in Sulu and Mindanao, the centres of the Ilanuns and Balanini, but also in north Borneo, where the former had settlements, and in the neighbourhood of his Raj at Sarawak, particularly among the Sekrang and Saribas Malays and Dayaks. Keppel's attacks upon the latter in 1843 and 1844 began a phase of positive British activity for the suppression of piracy in this region.

Brooke, of course, had wider aims in view than the suppression of piracy. He aimed, as had Raffles, at the reform of the native states, but imported more idealistic notions into it. As it was, he suggested, the expansion of commerce was merely harming the mass of the people, because it was still, as of old, in the hands of the native chiefs. A Europeanised system of taxation would enable trade to expand and the people to prosper both at once. Such a scheme he sought to introduce not only in Sarawak but, with the aid of the Bendahara Hassim, throughout the old empire of Brunei. Thus the aim was not merely to suppress piracy, though the elimination of

23. Backhouse to Wood, 9th. January 1838. *B.C. 77129*, p. 33.

the piratical sources of power at Sekrang and Saribas, and at the Ilanun settlements north of Brunei, would affect the situation in Brunei, and aid in the establishment of Hassim's authority. The aim was to build upon this basis a series of positive reforms. The suppression of piracy and the establishment of a colony at Labuan, he urged in 1845, would help to develop trade.

> "This limited expansion is however of little moment when compared with the results which must attend our exerting a beneficial influence over the Native Government for the purposes of affording protection to the poorer classes, ensuring safety to the trader, and opening a field for the planter of the miner....
>
> "Let our influence be of the mildest kind; let us, by support of the legitimate government, ameliorate the condition of the people...."[24]

It was, of course, a scheme bound to produce vast opposition from the pirates, from the displaced rulers, from the nobles jealous of Hassim, from the Arab sharifs, all of whom would tend to associate with the piratical resistance; and though, late in 1845, Admiral Cochrane made a big demonstration against the pirates, this did not prevent a Brunei revolution against Hassim and his party early the following year.

The Foreign Office was still primarily concerned with the suppression of piracy and with the provision of proper minimum conditions for the development of British commerce, and both Aberdeen and Palmerston, successive Secretaries of State, indicated that this was not an occasion for intervention: it might involve them in "Internal Dissensions...."[25] However, the Admiral had acted before these instructions arrived. At the same time as they had been prepared, the Foreign Office had determined upon the occupation of Labuan, and upon a definitive treaty with Brunei, with a view to regularly providing for the protection of

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24. Memo., 31st. March 1845. H. Keppel, *The Expedition to Borneo of H.M.S. Dido...*, London, second edition, 1846, ii, pp. 189-208.

25. Aberdeen to Brooke, 22nd. June 1846. *F.O. 12/4*; *C.O. 144/1*. Palmerston to Admiralty, 24th. July 1846. *C.O. 144/1*.

commerce and suppression of piracy now that Hassim's power had been destroyed.

> "The Archives of the Foreign Office are crowded with representations of the injurious effects to British interests arising from the extension of Dutch influence and dominion in the Eastern Seas; and the consequent necessary for preventing the encroachments of that power by affording proper countenance and protection to the legitimate trade of native tribes with British subjects. The demands for protection against the pirate communities of Borneo have been equally numerous."[26]

Brooke was appointed Commissioner and Consul-General to the Sultan and Independent Chiefs of Borneo in 1847. The aim of the appointment was "to afford to British commerce that support and protection....peculiarly required in the Indian Seas, in consequence of the prevalence of piracy, and by reason of the encroachments of the Netherlands Authorities in the Indian Archipelago."[27]

In 1849 Brooke's proceedings in Sekrang and Saribas were criticised first in Singapore and later in London. The argument was developed by Hume and other Radicals that the Sea-dayaks were not engaged in piracy, but in inter-tribal warfare, and that Brooke took part in this, and secured the aid of naval forces with a view to his personal aggrandisement. Brooke's new attitude to Brunei after the revolution of 1846 only facilitated such an accusation. His dream of "regenerating Brunei" was "destroyed". Sarawak must take the lead in extending reform along the Brunei coast: "....the coast and people are our own, and no people look with more eagerness than do they, for our advent and influence to free them from the rule of Brunei."[28]

In 1853 the Radicals finally secured the appointment of a commission of enquiry into Brooke's proceedings on the coast of Borneo. This was certainly a political act on the part of the newly-installed Aberdeen coalition, anxious

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26. Memo., 25th. June 1846. *C.O. 144/1.*
27. Tarling, *JMBRAS.*, xxx, Pt. 3, pp. 196-197.
28. Brooke to Templer, 19th. May 1846. J. C. Templer, *The Private Letters of Sir James Brooke....*, London, 1853, ii. p. 145.

for their support in Parliament.[29] To some extent, however, there was common ideological ground between Government and Radicals. Though to differing extents, there was with both a concern over the use of British power. The authorities were concerned not merely with the political significance of the Radicals' attack, but with the character of the policies that were being pursued in the Archipelago to which it drew attention.

In the summer of 1852, for instance, Brooke had urged upon the Derby Government the renewal of the vigorous activities on the Borneo coast that naval officers had virtually suspended when the attacks began. Lord Stanley, the Under-Secretary at the Foreign Office, prepared a note as to a proposed conversation on the matter with the Raja, who evidently wanted "a squadron kept up to repress Borneon piracy on the same principle that we keep one up on the African coast to put down slave trade." He should be asked

> "to distinguish between the tribes which are really pirates and those which only wage frequent war on one another by water. There is a wide distinction between the cases, and with the latter practice we have no business to interfere. I would dwell on this point, and get at his views, because I think he is rather apt to confound the two, and to imagine English ships and troops may be used for the promotion of civilisation and commerce generally, by the pulling down of unfriendly and the setting-up of friendly chiefs, as we have sometimes done on the African coast. Muda Hassim was one of those whom he proposed in this way to support with all the interest and authority of England.
>
> "Now I am not clear that we have a right, or that it is expedient, to carry interference so far. In fact neither Palmerston nor Aberdeen would have sanctioned the attack on Brunei, which was made without orders. . . ."[30]

The Government seems to have resolved later in the year to play down Brooke's activities in Borneo by sending him on

29. Tarling, *J.M.B.R.A.S.*, xxx, Pt. 3, pp. 203-204.
30. Memo. by Stanley, 2nd. August 1852. *F.O. 12/11.*

a mission to Thailand.[31] Their successors decided against this and appointed the commission of enquiry.

About the same time as the commission was issued, the Admiralty also issued new instructions on the suppression of piracy that applied the limits set on naval vessels in Chinese waters in 1844/5 to those of the Archipelago: in general vessels were not to be seized unless they had within view attacked British vessels, or unless there were such proof as would satisfy an Admiralty Court in England.[32] After the commission had reported, it was still the intention — at least at the Foreign Office — to act against the Ilanuns and Balanini. Aside from that, caution was required. Lord Wodehouse, the Under-Secretary, wrote in 1855 that they had "nothing whatever to do with the domestic troubles of Brunei or the other dominions of the Sultan...." Brooke's successor, Spenser St. John, "evidently" contemplated

> "exercising the sort of power which is possessed by a British Resident at a native Indian Court....I apprehend we should hardly wish to make Borneo another India. Real piracy such as that carried on by the Ilanuns and Sulu people ought to be put down, but it would be necessary to warn the commander of any ship which might be employed to be very careful not to.... interfere in the quarrels of the different parties or chiefs."[33]

No doubt the easier economic conditions of the 1850s assisted in the adoption of such an attitude, as also in the adoption of a more favourable attitude to the extension of Dutch authority. The increasing activity of other powers in Asian waters also promoted the renewed readiness to accept Dutch dominion over the native chiefs. In the treaty of 1871, the objections to Dutch extension in Sumatra, even in Acheh, were withdrawn. Cases of "piracy" and outrage on the Pidier coast had only strengthened the view "that it is better for England that the Sultan of Acheh's

31. See N. Tarling, 'Siam and Sir James Brooke', *Journal of the Siam Society*, XLVIII, Pt 2. Nov. 1960, pp. 66-67.
32. Admiralty to Pellew, 19th. April 1853. *F.O. 12/17*; *F.O. 37/329*; *C.O. 144/12*.
33. Memo., 4th. November 1855. *F.O. 12/22*.

territory should come under the sovereignty of Holland."[34] "It is far more convenient for this Government to have to deal with a civilised Government responsible for the act of its barbarous subjects, than with the barbarous rulers themselves. . . .55[35]

On the Peninsula, whence the Dutch were excluded, the superior authorities still sought to limit intervention to cases of outrage and piracy even in the disturbed west coast states,[36] and, as Dr. C. D. Cowan has shown, the fear of the intervention of other major powers along the route to China was primarily responsible for the instructions to Clarke of 1873.[37] Elsewhere intervention was not required, since in the preceding decades a sufficient influence had been established, despite the concern over the Thais and the basic limitations in British policy.

34. Cox's minute, 2nd. September 1868, on Ord to Buckingham, 15th. July 1868. *C.O. 273/20* (9238).

35. Rogers' minute on Lawrence-in-Co. to Wood, 19th. September 1864. *C.O. 273/15* (6999).

36. See, for example, Secretary to Indian Government to Cavenagh, 15th. February 1866. *C.O. 273/15* (7001).

37. C. D. Cowan, *Nineteenth-century Malaya, The Origins of British Political Control*, London, 1961. pp. 166, 169.

THE STATE COUNCILS IN PERAK AND SELANGOR, 1877-1895.

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The State Council was an essential instrument of government under the Residential system established in the Malay States in and after 1874. It provided a constitutional basis for the government of a protected state administered by British officers, but not directly under the Crown; the Council proceedings illuminate the relationship between the State and the Government of the Straits Settlements, and provide an invaluable source for the study of the problems and procedures of government under the Residential system. The present paper attempts to deal with certain aspects of the State Councils as they developed in Perak and Selangor from 1877 until Federation in 1896 when the State Governments were reorganised.

During the nineteenth century, those Malay States not subject to Siam came by stages under the control of Britain. The Anglo-Dutch Treaty of 1824 marked off the Peninsula as a British sphere of influence, and subsequent treaties excluded Siam from interference in the central and southern states, and prohibited the states themselves from interference in each others' affairs. Their sovereignty was limited by restrictions on their foreign correspondence, and Britain's duty to protect them from external aggression was established. British paramountcy was affirmed, also, by the clauses in various treaties whereby Britain recognised and for all practical purposes legitimised claimants to royal and chiefly titles.

By 1874, Perak and Selangor were already in some degree protected states; in 1876 and 1877 the petty states of the Negri Sembilan accepted British arbitration, and in

1887 the Negri Sembilan and Pahang came under British protection. After 1874 the policy of intervention brought their internal administrations one by one under the control of the Straits Settlements Government. In each state, a Resident was established with the right to supervise the revenues and regulate the general administration of the country. The formal authority for the introduction of the Resident varied in each state. In Perak and the Negri Sembilan he was provided for by treaty; in Selangor and Sungei Ujong he was introduced by executive act – confirmed, in Selangor, by a letter of acceptance from the Sultan, and justified, in Sungei Ujong, by a previous invitation from the territorial chief. In Pahang, the Resident was introduced in response to a letter from the Sultan inviting a British officer.

The instruments referred to the powers and functions of the Resident officer, without attempting exact definitions and without reaching a common formula, but indicating a similarity of purpose and function in all the states. The best known instrument is of course the Pangkor Engagement of January 1874, executed by the Sultan and chiefs of Perak before the Governor of the Straits Settlements. It provided: "That all revenues be collected and all appointments made in the name of the Sultan", (Article V): "That the Sultan receive and provide a suitable residence for a British officer to be called Resident, who shall be accredited to his Court, and whose advice must be asked and acted upon on all questions other than those touching Malay religion and custom", (Article VI): "That the collection and control of all revenues and the general administration of the country be regulated under the advice of these Residents." (Article X). In Selangor, the primary responsibility of the Resident for revenue collection was accepted in a letter from the Sultan to the Governor of 3 October 1874, and a Proclamation by the Sultan, dated 21 February 1876.[1] In Jelebu and Rembau it was defined in some detail by the agreements of 1886 and 1887, and these agreements also

1. Command Paper 1320 of 1875, enclosure in no. 4; Command Paper 1512 of 1876. enclosure in no. 58.

declared the control of police and the administration of justice to be the responsibilities of the British officer. The Negri Sembilan agreements of 1889 and 1895 simply requested the "assistance of the British Resident in the administration of the Government", and the letter from the Sultan of Pahang asked for "a British officer in order that he may assist us in matters relating to the Government of our country, on a similar system to that existing in the Malay States under English protection."[2]

Some of the documents excluded certain matters from the competence of the Resident or required him to administer them in association with local authorities. The Pangkor Engagement excluded questions "touching Malay religion and custom"; the Jelebu agreement provided that disputes involving questions of Mohammedan law be settled by the proper native officers; the Sultan of Pahang expressed the hope that the British Government would not interfere "with the old customs of our country which have good and proper reasons, and also with all matters relating to our religion." By the Negri Sembilan Agreement of 1895, the signatory chiefs undertook to follow the Resident's advice "in all matters of administration other than those touching the Mohammedan religion". Local land custom was safeguarded in the Jelebu and Rembau agreements, which provided for consultation between the British officers and the territorial chiefs in matters of land revenue and administration.

In theory the British Resident was there to "advise" the native authority, by whom the government was to be carried on. But those most intimately concerned with the administration of the states saw this to be "one of those fictions in which we seem to delight".[3] Swettenham wrote, "It is evident that the collection and control of all revenue, and the tendering of advice whch must be acted upon, cover all executive authority".[4] Sir William Robinson, Governor

2. W. G. Maxwell and W. S. Gibson, *Treaties and Engagements affecting the Malay States and Borneo* (London 1924).

3. Speech by Sir Frederick Weld, reported in *Proceedings of the Royal Colonial Institute*, xv (1883-4), 281. Weld was Governor from 1880-1887.

4. F. A. Swettenham, *The Real Malay* (London 1899), 22.

in 1878 and 1879, explained, "Government are (sic) constantly impressing on the Residents the necessity of doing everything in the name of the chief native authority.... That is the theory of the system....But practically it is not, and cannot be, strictly observed; and I must candidly admit that it would not be for the benefit of the States themselves that it should be strictly observed".[5] The administrations of the native states were organised and directed by the Residents, under the control of the Governor, and subject to the general authority of the Secretary of State; the Resident and his staffs collected and administered the revenue, organised the police, administered justice, and framed and carried out policy in all its aspects.

Thus intervention meant the development of a public administration under the direction of British officers. But policy and circumstance combined to exclude annexation and preserve the forms of Malay sovereignty. The Colonial Office was opposed to annexation if control could be exercised in other ways; annexation was thought to be offensive to Malay feeling, and likely to provoke resistance; Jervois' attempt in 1875 to assume greater formal powers in Perak had been followed by the murder of the Resident and an expensive military intervention which no one wished to risk a second time. The preservation of Malay sovereignty, consideration for Malay custom and precedent, the association of Malays of rank in the government of their State, their attachment to the system of government by offices, titles and allowances, all became articles of policy. An outline of policy, the result of trial and error, was in existence by 1877; it was given life and substance by Sir Hugh Low (Resident of Perak 1877-1889) who combined in his rule a scrupulous regard for method and efficiency in the public Service, diplomatic skill of the first order, and an intimate understanding of the Malays. With the help of the Chinese, who provided the revenue for Malay pensions and European salaries, Sir Hugh and his colleagues in other states succeeded in establishing progressive and stable governments to which Malays of influence were committed. The

5. Speech by Sir William Robinson, reported in *Proceedings of the* Royal Colonial Institute, xxiii (1891-2), 40.

Residents seemed to have resolved — temporarily at any rate — the problem of reconciling administrative and economic efficiency with regard for Malay custom and interest. The policy of informal control was justified by its successes and proved to have other advantages besides its appeal to Malay sentiment. It gave the Residents a freedom and flexibility of action which they would not have enjoyed if the Malay States had been Crown Colonies. There was no Imperial legislation constituting the government of the states, or providing for control by the Colonial Office (see note 39); such control was exercised indirectly through the Governor, under whom the Residents acted. The Colony legislature had no authority in the states; the only states whose finances came under discussion in the Colony Legislative Council were those currently assisted by Colony loans. The rule of the Residents was personal rule checked by the restraints and precedents of their own colonial service training, by the authority of the Governor, and — rarely — by the Secretary of State.

The Residents had a dual problem of government in that they had to deal not only with the Malays but also with the virtually autonomous community of Chinese. Their rule was first introduced into predominantly Chinese settlements; their first concern was the control of the Chinese population and the regulation of the tin-mining industry on which the revenues of the states depended. Swettenham wrote in retrospect that "while their first object was to benefit the Malays and make their lives easier and happier, they recognised that they must look to the Chinese as the workers and revenue producers".[6] Before British intervention, Malay and Chinese leaders in the states had combined in economic and military alliances, against their compatriots in opposing factions. But though this association and community of interest had existed at certain levels, and though British intervention brought Malays and Chinese under a single administrative and judicial authority, the Malays and Chinese continued to live socially apart, with different economic interests and a different internal organisation.

6. Swettenham, Footprints in Malaya (London 1942), p. 72.

The appointment of an advisory body to assist British officers first appears in 1875 as part of Sir William Jervois' proposal that Perak should be governed by the British in the name of the Sultan.[7] The Council was to consist of British officers and five Malays of the blood royal; three – Sultan Abdullah, Ex-Sultan Ismail, and the Raja Bendahara Osman – whose claims or interests might be upset by the new dispensation, and who were to be solaced by places on the Council; and two – Rajas Yusuf and Dris, – who had identified themselves with the British and who were to be the "working members", helping the Commissioner with advice and information.[8] The Council was conceived as a compensatory device, substituting a formal connection with government for the powers the Malays had once enjoyed. Its functions were to be purely advisory; it was to assist the Commissioners by keeping them in touch with Malay feeling, it was to give the *rajas* an interest in the country's affairs by involving them in discussion, and it was to consider specifically, questions of Mohammedan religion which were not formally protected under Jervois' new arrangements. Matters on which the Malay members disagreed with the Commissioners were to be referred to the Governor.[9]

After Birch's murder, when policy in Perak came to be considered in detail, the idea of a Malay Council was retained and developed. The Colonial Office suggested its extension to all the States, so that the principal chiefs in each

7. Jervois – Carnarvon, 291 of 16 October 1875.

8. *Raja Muda Yusuf* was the son of Sultan Abdullah Mohammed Shah (1851-1857) and was in the direct line of succession, but his harsh and quarrelsome nature made him so unpopular that he was twice passed over. During the tension of 1875-6 he became a strong supporter of the British and was recognised by them as Regent in March 1877. He became Sultan Yusuf Sharifu'd-din Mufzal Shah in 1886 and died in 1887.
Raja Dris (abbv. of Idris) was the great-grandson of Sultan Abdul Malik Mansur Shah, and was son-in-law to Raja Yusuf. He was a cousin to Sultan Abdullah and was closely associated with him for most of 1875, when tensions between the Sultan and the Resident were increasing. He had however, shown sympathy with the British in 1875, when he and his father-in-law gave their written consent to Jervois' proposal for taking over the State. He was constant in his support of Low. On Yusuf's death in 1887 he became Sultan Sir Idris Murshidal-'Azzam Shah. He died in 1916.

9. Jervois – Carnarvon, 62 of 10 February 1876.

state might be associated with the government, and enabled to maintain their prestige and influence, and so that the Residents might be able to gauge local feeling about proposed reforms.[10] Jervois suggested the expansion of the Council to include Chinese headmen,[11] and this was accepted, though with some misgiving, by the Colonial Office. In 1877 mixed Councils met for the first time in Selangor and Perak.[12] They were small, intimate committees of Malay chiefs, Chinese headmen and British administrators. The Perak Council began with eight members — four Malays, two Chinese and two Europeans; the Selangor Council with seven — four Malays, one Chinese and two Europeans.

In Perak under Malay rule there had been a hierarchy of titleholders, ranked in multiples of four; four of the first rank (*Orang Empat di-Balai*); eight of the second (*Orang Besar di-Lapan*); and sixteen of the third, among whom were to be found the deputies and assistants of the chiefs in the first two ranks. Many of the titles were borrowed from the official hierarchy of the Sultanate of Malacca, but in the different circumstances of Perak, the titles had become detached from their original functions, and now simply provided a formal sanction for the power of territorial chiefs.[13] The power of the Sultan was limited

10. Carnarvon — Jervois, 135 of 1 June 1876. In 1876 the title of Commissioner was dropped and the old title of Resident restored.
11. Jervois — Carnarvon, 62 of 10 February 1876.
12. Jervois — Carnarvon, 88 of 22 March 1877; Anson — Carnarvon, 201 of 23 June 1877.
13. A list of Perak title-holders, with their genealogies and traditional functions, may be found in R. O. Winstedt and R. J. Winkinson, 'A History of Perak', *JMBRAS*, xii, 1, pp. 134-155. The order is that assigned to the titles by the Perak State Council in 1905. It differs only slightly from the list of titles given by the Auditor-General of the Straits Settlements, C. J. Irving, after his visit to Perak in 1872. (C. J. Irving, Memorandum relative to the affairs of Perak, 24 July 1872, Command Paper C. 1111 of 1874, enclosure in no. 52). Irving's list is given here, in the modern spelling
The Four Chiefs of the First Class
1. The Raja Bĕndahara
2. The Laksamana
3. The Orang Kaya Bĕsar
4. The Tĕngku Mĕntĕri
The Eight Chiefs of the Second Class
1. The Maharaja Lela
2. The Laksamana

by the obligation to consult the chiefs and *waris nēgēri*[14] on important matters of state; they met in assembly on ceremonial occasions, to attend on the Sultan; successions to the Sultanate, royal installations and foreign treaties required their assent and witness. An assembly of *waris* and chiefs was convened at Pangkor in 1874 to elect a Sultan and accept a Resident; the Engagement was signed by three chiefs of the first rank and four of the second, as well as by the Sultan. In 1875 such assemblies were called in Perak whenever the Governor, the Resident or the Sultan wished for public discussion of the important new changes involved in British intervention.

The Councils under the Residential system bore little resemblance, in their composition and function, to the traditional Malay assemblies of chiefs. Jervois' original proposal had excluded the chiefs altogether; his later suggestion that the Chinese factions should be represented by their headmen, was in keeping with changed conditions, but as the Colonial Office saw, it was "utterly at variance with the old Perak constitution".[15] In 1876, however, there was little left of the old Perak constitution. The murder of the Resident had led to the exile of the Sultan (now Ex-Sultan) Abdullah, the Ex-Sultan Ismail and most of the major chiefs, leaving in Perak Raja Muda Yusuf, the senior claimant to the throne, as the Regent and "chief native authority"; Raja Dris as his prospective successor; one survivor — the Temenggong — of the four chiefs of the first rank, and one survivor — the Panglima Kinta — of the eight chiefs of the second rank.[16] The Council list which Jervois drew up for Low when he went to Perak as Resident in 1877 confined the Malay membership to these four, but Low crossed off the Panglima Kinta, who had not been to see him for the three months after his arrival, and whose good-

3. The Shahbandar
4. The S'adika Raja (abbv. for Sri Adika Raja).
5. The Panglima Kinta
6. The Panglima Bukit Gantang
7. The Dato' Sagor (abbv. for Sri Agar 'diraja)
8. The Imam Paduka Tuan

14. *Waris* — lit. heirs. *Waris nēgēri* (Perak): a term applied to the descendants of Sultans in the male line.

will he doubted; so the opening Council consisted of three Malays, two British officials and two Chinese.[17] The nominal head of this heterogenus body, Raja Muda Yusuf, had spent his life in discord with the chiefs, had been twice passed over by them for the succession, and now owed his position entirely to the British and to the disturbances which had cleared Perak of so many of his royal and chiefly contemporaries; he was on bad terms with the Temenggong and did not want the Chinese representation; he would have liked a Council consisting of himself, his son-in-law Raja Dris, and the Resident, but he was over-ruled.

As Malay chiefs came back into favour, and as the State grew in economic importance, more Malay title-holders, British officials and Chinese *entrepreneurs* were added to the Council, till in 1895 it consisted of twelve members — seven Malays, three Chinese and two British officers. The Perak orders of rank were in abeyance for most of this period; it was not till the 1890s that the titles of exiled or deceased chiefs were restored to their descendants, and Perak once again had a resident Laksamana, Sri Adika Raja, and Mēntri.[18] Until the 1890s the Malay members, though

15. Minute by Round, 30 July 1877, CO 273/90/9213.
16. In 1877, of the four chiefs of the first rank, the Bendahara was dead; the Mēntri was in exile; the office of the Orang Kaya Bēsar was vacant. Of the eight chiefs of the second rank, the Maharaja Lela and the Dato' Sagor had been hanged for their part in the murder of Birch; the S'adika Raja died in 1876, a fugitive from the British army of occupation; the Laksamana and the Shahbandar were in exile; the offices of the Panglima Bukit Gantang and the Imam Paduka Tuan were vacant.
    A successor to the Laksamana (a cousin) was appointed in 1891; a successor to the S'adika Raja (a son) in the same year; a successor to the Mēntri (a son) in 1896. The new Laksamana was already on the Council as Raja Mahkota when he was raised to the title; on his death in 1894 a successor was appointed both to the title and to the Council. The new S'adika Raja was appointed to the Council in 1894, and the new Mēntri in 1896.
17. Anson — Carnarvon, 201 of 23 June 1877.
    Low had replaced the Panglima Kinta with a Sumatran commoner, Che Karim b. Ibrahim, who had been sent to open up Selama in North Perak as the agent of the Mēntri, and had achieved a degree of independence during the disturbances of 1875-6. Low perhaps thought that Che Karim's commercial initiative would be useful on the Council, but Che Karim kept away from Council meetings, possibly because of the difference in rank between himself and the other Malay members, and his name was dropped from the lists.
18. See note 16.

connected with royal or chiefly families, did not for the most part hold important titles.[19] The only title holder of the second rank resident in Perak before 1891) – the Panglima Kinta, was not made a Councillor till 1886. No one of royal birth was added to the Council till 1894, when Raja Musa, the brother of Ex-Sultan Abdullah, was appointed, together with two chiefs of the second rank (see note 16). The absence of royal members (apart from Rajas Yusuf and Dris) for most of the period, the paucity of title-holders and the exclusion of the Panglima Kinta, go to show how much Perak was overshadowed by the upheaval of 1875-6, how difficult it was to reconcile considerations of security and support for Yusuf and Dris, on the one hand, with a genuine representation of influential Malays on the other. Within a certain range of influence. Malay members were chosen, as one would expect, in the order of their political reliability and not in order of rank; though in the last years of the period, a correspondence was established between Council membership and the possession of titles.

In Selangor the situation was different in two respects. First, there was no established hierarchy of titleholders, and the control of the districts was in the hands of various members of the royal house. Second, the Residential system had been established without disturbance; opposition had been to the British *protege* and not to the British Resident. There was only one dissident Raja of importance – Raja Mahdi, in exile in Singapore; others, though originally disaffected and under suspicion, were either sheltered by their friendship with the Sultan, or had won their way back into

19. The five Malay members added between 1877 and 1894 (the first two of whom died soon after appointment) were the Panglima Bêsar (1879) the holder of the chief military title; Shaikh Mohammed Taib (1879), a Sumatran *ulema* (doctor of religion) who was connected by marriage with the family of Sultan Abdullah, but who held no title; the Raja Mahkota (1880) a chief of the third rank, appointed Laksamana in 1891; the Panglima Kinta (1886) a chief of the second rank; the Dato' Muda Abdul Wahab (1886) the heir to the Panglima Kinta title. (The holder of this title on Low's arrival in Perak, died in 1884 and is mentioned in the Perak Annual Report for that year as a State Councillor. But the title does not appear on the Council list in the Perak Directory before 1886, when his heir and successor was appointed. The Panglima Kinta was in any case not a member of Council before 1883).

favour by fighting for the British in the Perak disturbances. Representation of the influential Malays was achieved simply by appointing members of the royal family on to the Council. In 1877 the Malay members were: Tĕngku Zia'u'd-din (abbr. Kudin), the Sultan's son-in-law, as President; Syed Zin, the Tĕngku's chief agent, and manager of his plantations at Klang; Raja Kahar, a son of the Sultan; and Tĕngku Panglima Raja, a brother-in-law of the Sultan. At the end of 1877, Tĕngku Kudin left Selangor and was replaced as President of Council by the Raja Muda Musa, the eldest son of the Sultan, and the heir to the throne. The five Malays appointed to the Council in subsequent years were all members of the royal house.[20]

The Council was the instrument of government of a Malay State, and Malays sat on it as State Officers—as heirs to the inheritance. Official position was the bulwark of their authority, and membership of the State Council was one form of recognition of their official consequence.[21] Council appointments therefore provided a means of honouring those whom it was expedient or safe or desirable for other reasons to honour and reassure, as well as a means of getting authoritative opinion on to the Council, and the two consideration were not always in harmony. Though Councillors were valued for their influence and their capacity for representing opinion, they were not representative of the distribution of influence in the community generally. The considerations affecting the choice of Perak councillors have already been discussed. In Selangor the limitation of membership to the Bugis royal house left out of account large communities of Sumatran immigrants who had been attracted by the deve-

20. They were, in order of appointment, Raja Hassan b. Raja Abdullah of Klang (1880); Raja Laut b. Sultan Mohammed (1881); Raja Suleiman b. Raja Muda Musa (1886); Raja Bot b. Raja Juma'at of Lukut (1888). The fifth member was the Sultan himself. The first President of Council was Tĕngku Kudin, the Sultan's Kedah son-in-law, the chief supporter of British intervention in Selangor. He left Selangor in 1877 in protest against his exclusion from State affairs. In 1879 the Sultan is recorded as attending meetings informally, and in 1883, as presiding formally. Henceforth he presided at all meetings held in Langat.

21. Swettenham recognised the importance of official position and titles of honour among the Malays. (The Real Malay, 37-38).

lopment of the mines, who were engaged in trade and were of some economic importance.

The Chinese sat on the Council as accredited representatives of a great foreign community; they did not hold office in the State, and though access to the source of power was no doubt always gratifying and had its material uses, council membership did not have the same significance for them as a token of personal status. Chinese representation therefore has a utilitarian aspect: the Residents were concerned, not to distribute compensatory honours, but to get a practical representation of wealth and communal authority on to the Council. As Chinese members, the British appointed the leaders chosen by the Chinese community.[22] In Perak the two Chinese members first appointed were Cheng Keng Kui and Chin Ah Yam, who had been the acknowledged headmen of the Hai San and Ghi Hin secret societies for years before British intervention, and who had signed the Chinese Engagement at Pangkor in January 1874. In Selangor the Chinese member from 1877-1885 was Yap Ah Loy, headman of the Hai San society and ruler of the Kuala Lumpur Chinese, who had been the ally of Tengku Kudin in the Selangor wars, and had been recognised by him as *Capitan China* in 1873.[23] On his death he was succeeded, as *Capitan China* and State Councillor, by Yap Ah Shak, a clansman and the candidate put forward by the Hakkas and Teochews for the position of Capitan.[24] In 1889 the Cantonese leader Cheow Ah Yok was appointed as well. All these were secret society headmen,[25] but as secret societies

22. The word "community" is here used in a general sense, to embrace those of Chinese nationality. In fact they were organised in clan and regional associations and secret societies. The chief societies in the Malay States were the Hai San and Ghi Hin, traditionally in conflict.
23. *Capitan China* was the title traditionally bestowed by Malay governments on the headman of a resident Chinese community. The *Capitan China* was recognised both by the community and the host government as the channel of communication between them.
24. SCM 23 May 1885.
25. In a report on the secret societies in the Native States, the Acting Protector of Chinese, Straits Settlements, gave one "Chhiu Yok", a Macao Chinese (Cantonese), as a headman of the "Gi-Hin kongsi in Klang", and "Yap Shak" as a headman of the Hai San kongsi there. (F. Powell — Colonial Secretary, 26 May 1884, CSO Perak Correspondence 3574/1884, cited M. L. Wynne, *Triad and Tabut*, Singapore unpublished 1941, pp. 409-413).

were illegal in Perak and Selangor, they were known, innocuously, as headmen of regional subdivisions of the Chinese community, grouped according to their place of origin in China.[26] The headmen were leaders of a mining community; they were the chief advancers, the employers of labour and the tax farmers; and on the Council they represented an industry as well as a community and were valued accordingly.

Members of Council were appointed during the pleasure of the Sultan; in effect, for life. They were appointed by the Sultan, after their names had been approved by the Governor.[27] It is unlikely that they were also nominated by the Sultan; in this, as in so many other matters, he probably acted on the advice of the Resident. No appointments to the Perak State Council are likely to have been suggested by Raja Yusuf. The original list of members was drawn up in Singapore and communicated to Yusuf by Low early in 1877. Both Yusuf and Dris were opposed to the appointment of any but themselves and the British Resident.[28] Shaikh Mohammed Taib, appointed in 1879, had earned their particular dislike, and Raja Yusuf tried unsuccessfully to block his appointment as State Kathi the same year.[29] Under pressure from Low, Yusuf eventually "nominated" Mohammed Taib as State Kathi, and his nominations of the Councillors were probably reached in the same way. The appointments to the Selangor Council were much more likely to have been in keeping with the Sultan's own inclinations, as they were nearly all appointments of his relatives,

26. For an account of leadership in a Chinese mining community, see 'Yap Ah Loy', by S. M. Middlebrook, completed J. M. Gullick, *JMBRAS*, xxiv, 2.

27. Till 1885 the names of the candidates were also submitted to the Secretary of State, but in that year he notified the Governor that his sanction was not required, though appointments should continue to be reported to him. (Stanley – Smith, 37 of 23 July 1885).

28. Sadka, 'Journal of Sir Hugh Low, Perak 1877', *JMBRAS*, xxvii, 4, pp. 80-81.

29. PCM 4 March and 4 May 1879. Shaikh Mohammed Taib was Low's candidate for the position of Chief *Kathi*, and was appointed despite Yusuf's objection. The discussion illustrates Low's handling of the Regent, and the freedom with which a strong and adroit Resident might encroach on matters which the Pangkor Engagement excluded from his competence.

but in one case, and perhaps in others, the Sultan merely confirmed the Resident's candidate.[30]

(An incident in Selangor in 1879 illustrates the control exercised by the Resident and Governor over the Council, and particularly over the appointments. A member of Council, the Tĕngku Panglima Raja, had tried to bribe the Collector and Magistrate at Bernam to find for him in a court case. A resolution that he be deposed was put to the Council on 1st May 1878 by one of the British members, was carried unanimously and received the Sultan's assent. The Governor disapproved of this high-handed punishment of an important officer of State, for what was in Malay eyes a venial offence; the Resident was ordered to reinstate the Tĕngku and on 25 May, the Council voted unanimously for his return.)[31]

The Councils met on an average about seven times a year, though the frequency and regularity varied from the single meeting of the Selangor Council in 1883 to the dozen or so Councils held by Low in Perak every year from 1877 to 1882. The choice of Council meeting-place, and the resulting pattern of attendance, reflected the different preoccupations of the Residents in Perak as Selangor. In both States, the Residents were concerned with the interests of the Malay population, as well as with economic progress outside the Malay sphere; but the Malays predominated in Perak, the Chinese in Selangor;[32] Perak had a history of

30. "I inform my friend that my friend's letter written on the 8th September 1888 has reached me in safety, and that I have noted everything contained therein. Previous to the present letter I now write, I had already confirmed the proposal of my friend to make Raja Bot a member of Council which I did with a true and sincere heart, as I do not see a more qualified person than Raja Bot whom my friend has made a member of Council. I am very much pleased with this arrangement and beg to thank my friend for the same." (Translation in Sel/Sec. 2649/1888 of a letter from the Sultan of Selangor – Swettenham, 13 September 1888).

31. Command Paper 2410 of 1879, Robinson – Hicks Beach, 13 June 1878, and enclosures.

32. A rough count in Perak in 1879, made through penghulus and mine headmen, placed the Malay population at 56,532 and the Chinese at 20,373 (Perak Annual Report for 1881). According to the 1891 census, the Perak population was 212,997, of which 100,617 were Malays and 94,360 Chinese. The Selangor census for 1891 placed the population at 81,592, of which 23,750 were Malays and 50,844 Chinese.

Malay resistance to the Resident, Selangor had none. In Perak the Residency was at Kuala Kangsar, the point where the road from the mining province of Larut met the Perak River. It was therefore in the heart of Malay Perak, yet only 25 miles from Larut. Raja Yusuf established himself at Sayong, on the opposite bank of the Perak River; Raja Dris lived at Kuala Kangsar, and the Temenggong's place was at Kota Lama, about two miles upstream. The Resident therefore lived in close proximity to the senior Malay members of the Council, and since the Council meetings took place, as a rule, at Kuala Kangsar, there was a regular Malay attendance, particularly of the senior Malay members; with the Resident they constituted an Executive Committee (so called in the minutes) which sometimes met instead of the full Council to deal with routine business. But the frequency of Malay attendance in Perak is not accounted for by geographical proximity, for Malays from the south of Perak attended regularly at meetings two days' journey upriver, while in Selangor, where distances and travelling times were much shorter, members attended regularly only at meetings held near their place of residence. The difference relates probably to the greater preoccupation of the Resident of Perak with Malay affairs; he was the better able to devote time to them since he had a senior officer stationed at Larut, in the midst of the Chinese population. In Perak also, the meetings of the Council had been invested with great prestige and ceremony from the earliest years. St. Pol Lias, a French traveller, describes a grand opening of the State Council in 1880; the British officials waited to receive Raja Yusuf in the Residency grounds, two hundred Sikh Police in full dress uniform were drawn up for inspection, the band played, the guns saluted.[33] Since the Resident — in the formative years of Perak, Hugh Low — was the source of power and the originator of policy, it may be concluded that the prestige of the Perak Council, the prominence of the Malays and the consistency of their attendance, were due to his solicitude and management.

33. Brau de St. Pol Lias, Pérak et les Orang Sakèys, (Paris 1883), 176.

In Selangor the Residency had first been established at Klang, the outlet of the Kuala Lumpur mines; but in 1880 it was moved to Kuala Lumpur, the centre of the mines and the Chinese population. The Sultan remained at Langat; so that the Council met on different ocsasions at Klang, Langat and Kuala Lumpur. Up to 1887 the majority of Council meetings were held at Langat, in the Sultan's palace; after that, at Kuala Lumpur, which the Sultan hardly ever visited. Since the majority of Malay members lived at Langat or Klang, Malay attendance was fullest when the Council met in either of these places; when it shifted to Kuala Lumpur, the Malay attendance usually fell to low levels. At a third of the meetings held in Kuala Lumpur, only one Malay was present, usually Raja Laut, the Malay magistrate there.

It was acknowledged that a large part of the Council business did not interest the Chinese population, and a separate Chinese Council at Larut (for the Perak Chinese) was once suggested.[34] The idea was not pursued, and matters relating to the production and taxation of tin, the lease of the State tax farms and the regulation of labour — which after all were matters of interest to the Malays as well — continued to be discussed at general meetings. But when Councils were held at a distance from Chinese centres, attempts were made to arrange the business so that matters wholly concerning the Malay population could be disposed of without requiring the attendance of the Chinese members. The meeting of the Perak Council for 4 February 1878, concerned entirely with the appointment of *penghulus*[35] and the determination of their jurisdiction, notes the absence of the Chinese members "as it is their New Year and the proceedings concern only the Malay population."[36] But this separation was not always possible, and the business at many of the meetings must have seemed very remote from the Chinese councillors. At one meeting in Kuala Kangsar in 1890, attended dutifully by two

34. Robinson — Hicks Beach, 268 of 10 September 1878.
35. Headman or chief, usually applied to headman of a village or local government division.
36. PCM 4 February 1878.

Chinese, the seventeen items of business comprised twelve pension applications, three items of *penghulu* business and two Orders in Council — one regulating the sale of poisons and the other making provision for the better preservation of oysters in the Perak River. The character of some of the agendas makes the somewhat erratic Chinese attendance understandable.

The powers and functions of the State Councils, like most other aspects of government in the Malay States, were established by practice and not by proclamation. The Council was first conceived as an advisory body, but from the beginning it fulfilled other functions. It was the sole legislating body; legislation took the form of Orders or Regulations passed by "the Sultan in Council".[37] It was the final court of appeal; death sentences required its ratification and the Sultan's warrant before they could be carried out, since the power of life and death, according to Malay theory, was a royal prerogative. The Council was the chief executive body; changes in the tariff structure, Malay pensions and appointments, the jurisdiction and discipline of headmen and all other matters pertaining to local government, the appointment of *Kathis*[38] and the administration of Muslim personal law, were all dealt with by resolutions in Council.

The competence of the Council was limited by the final authority of the Governor and the Secretary of State.[39] Two matters of importance were outside its range altogether; the annual Estimates were prepared by the Resident for ratification by the Governor, and in Perak were

37. In Perak the Regent (and later the Sultan) was a member of Council from the outset, regularly attended meetings, and gave his assent to orders and resolutions, at the sittings. In Selangor the Sultan only attended meetings held in Langat; when meetings were held elsewhere, he gave his assent to legislation afterwards. Before 1883 he was not formally listed as a member of Council, though he often sat in on meetings, and gave his assent formally after the proceedings were over.
38. Religious magistrates.
39. The Colonial Office did not normally concern itself with state legislation; it did not receive Council minutes, and it was only in 1895 that the Governor began forwarding copies of State legislation already passed, for purposes of reference. It was from chance allusions in various contexts, mainly State Annual Reports (which were regularly forwarded) that the Colonial Office picked up its information and sometimes found occasion to intervene.

not submitted to the Council at all; in Selangor they were submitted occasionally (after sanction by the Governor) and were passed unanimously. It is clear from this that their submission was intended to provide the Council with information and not with an opportunity for debate or amendment. The non-Malay establishment was also outside the Council's competence, though pensions and gratuities for non-Malay, non-European subordinates were sometimes discussed.

The Governor, sometimes acting on his own initiative, sometimes under instruction from the Secretary of State, had the power to disallow or compel legislation and executive action. The frequency of control varied greatly, from one Resident to another; between 1877 and 1882, when Selangor had a foolish Resident and Perak a wise one, the Selangor Council minutes are full of instances of every sort of instruction from the Governor, ordering the abolition of duties on certain imports and exports,[40] ordering the adoption of rules for the lease of State farms,[41] ordering the grant of pensions to individual Malays,[42] disallowing fussy regulations.[43] Usually he conveyed his instructions through the Resident, but on one occasion he interfered directly; in 1879, while on a visit to Selangor, he called a meeting of Chinese leaders and ordered the abolition forthwith of the import duty on rice. (The measure had been long recommended, and long delayed by the Resident in deference to the opposition of Chinese entrepreneurs.)[44]

In Perak, where the Resident had the confidence and admiration of every Governor, interference was infrequent and was often in the form of recommendation and not instruction. But there were sufficient instructions, both in Perak and in Selangor under experienced and trusted Residents, to show that there existed, without respect to persons,

40. SCM 21 April 1880.
41. SCM 4 December 1879.
42. SCM 22 April 1878.
43. SCM 20 January 1882.
44. Yap Ah Loy opposed the abolition of the rice duty because he feared a compensatory rise in the opium duty, which, he argued, would cause hardship to the coolies. The sale of opium formed an important element in the economic relations between mine owner and coolie, and he and others may have feared a fall in consumption.

close supervision over legislation and general administration. The manner in which the Governor controlled legislation is not clear. There are references to legislation submitted to him for approval before passage through Council;[45] also to legislation submitted for his sanction after passage through Council but before coming into operation.[46] It is certain that important legislation, particularly relating to land, was submitted and discussed in advance of the Council meetings, but it is not certain whether this was the practice with all legislation; the occasional amendment and disallowance of legislation already passed suggests the contrary.[47] But the Council minutes were forwarded to Singapore, and all the evidence shows that there was at least a retrospective check on legislation of all degrees of importance. (It is notable that legislation was submitted for the Governor's sanction and on occasion disallowed, after it had received the assent of the Sultan.)

45. e.g., the special regulations for leasing waste lands, adopted in 1877-8 by each State (Robinson – Hicks Beach, 202 of 11 July 1878); the Selangor Land Regulations of 1880 (SCM 25 November 1880) the Selangor Land Code of 1891 (enclosed Smith – Knutsford, 138 of 28 March 1891). The Selangor Council Minutes for 13 December 1892 and 9 January 1893 refer to several Regulations which were given a first reading in Council at the December meeting, submitted to the Governor for his sanction and passed at the January meeting. At the meeting of 11 April 1893, other measures were introduced "with the concurrence of His Excellency the Governor."

46. e.g., the Municipal Regulations passed by the Selangor Council on 22 April 1882, approval for which the Governor withheld till he could next visit Kuala Lumpur; the Regulations for Coolie Discharge Certificates, passed by the Selangor Council at Swettenham's instance on 31 October 1882 and submitted for the Governor's approval; and the Perak Contagious Diseases Order in Council of 1891. This was passed on 7 July and was submitted to the Governor for sanction before coming into operation; before he could sanction it he received, fortuitously, a despatch from the Secretary of State on brothel legislation in the Native States, in the light of which the Perak Order clearly was objectionable, and as a result of the correspondence which followed, and on the Secretary of State's instructions, the Order was disallowed and never gazetted. The point here is that the Order appears to have been submitted as a matter of routine. (Smith – Knutsford, 406 of 29 October 1891; PCM 21 June 1892, in PGG 10 August 1892).

47. e.g., an absurd Regulation for the licensing of washermen was passed by the Selangor Council at Douglas' insistence on 20 January 1882 and as usual received the assent of the Sultan; it was disallowed by the Governor as contrary to public policy and rescinded at the next meeting on 11 March. The punishment of whipping for the breach of labour contracts, adopted by the Perak State Council in 1888, was repealed on the Governor's instructions. (Perak Annual Report for 1888).

The administrative instructions show the same range of interference; the only subjects outside the Governor's interest appear to have been Malay local government and Muslim religious observance. Matters relating to fiscal policy — tariff changes, the lease of tax farms, allowances to Malays, pensions and gratuities to non-Malays at the lower levels of the civil service; land administration, particularly special agricultural and mining concessions; public works — these were some of the matters on which the Governor might instruct the Council through the Resident.

Within the Council the initiative lay with the Resident, though the Regent or Sultan formally presided. "The Resident under the orders of the Governor, as a rule conducts or at any rate prepares the business for each meeting, carries the measures and then advises the Sultan to assent to the minutes as a mere matter of form."[48] The agenda was drawn up from a number of subjects; death sentences awaiting review, regulations awaiting sanction, the appointments and discipline of headmen, the award of pensions and allowances to chiefs and their dependents, revenue and land matters, and all kinds of miscellaneous business. The subjects introduced had for the most part been discussed by the Resident and his officers, or the Resident and the Singapore Government; usually they had also been discussed informally with Malays or Chinese. (The measures for tariff reform, Malay taxation and mining leases approved by the Perak State Council on 10 and 11 February 1877 were considered and planned by Low and referred to at length in his official diary during the previous five months.)[49]

The Resident's initiative extended to matters of primarily Malay interest, like the grant of allowances and the appointments and jurisdiction of headmen and *Kathis*. The responsibility for supervising and disciplining *penghulus* in the districts lay with the European Collectors and Magistrates, who put forward candidates for appointments,[50]

48. Resident of Selangor — Colonial Secretary, 27 December 1879, Sel/Sec. 390/1879.

49. Sadka, pp. 37, 88-9, 92.

50. Swettenham called for *penghulu* nominations from his Collectors in a minute of 4 November 1882 (Sel/Sec. 597/1882). A number of their

suggested improvements in administration, and reported cases of neglect or corruption. Both in Perak and in Selangor the Resident and his officers put forward candidates for appointments as *Kathis* and made recommendations for the better administration of Muslim personal law.[51] In theory, Malay custom and Muslim law were excluded from the Resident's competence; in practice it was difficult for administrative responsibility to stop short of these matters when it embraced everything else of importance to the community.

The independence of the Malay members was limited, in the case of the Sultan, by the obligation to accept advice,[52] and in the case of the others, by their dependence on official appointments and allowances. All the *Waris nĕgĕri* and titleholders in Perak received allowances in recognition of their rank; other Malays with good connections were appointed to be *penghulus* of local government divisions. In Selangor every *raja* on the State Council except the Raja Muda had a *penghulu* appointment. In their dealings with the Resident the Malays suffered all the limitations of official status, without the authority and force which professional administrators might bring to bear when they tendered advice in Colony Executive Councils. Malay members had neither the responsibility of official members on the Colony legislature nor the freedom of unofficials.[53] Formally they were part of the government; in the making

nominations, approved by Swettenham, were among those confirmed at the Council meeting held on 2 September 1883 to deal with the appointments and jurisdiction of *penghulus*.

51. PCM 4 March, 4 May and 20 October 1879; 26 October 1882. SCM 14 June 1884 and 7 April 1891. It could be argued of course that while Article VI of the Pangkor Engagement did not bind the Sultan to accept advice on the administration of Muslim law, it left the Resident free to offer it. The Residents were concerned primarily with the creation of a State establishment of *kathis* and with the definition of their jurisdiction.

52. A typical illustration of the way this compulsion worked, emerged at the Selangor Council meeting of 16 February 1885, in a discussion of the boundary with Sungei Ujong. The boundary had recently been modified by the Governor, and the Sultan, while acquiescing in the award, asked that his disagreement with it be officially recorded.

53. Maxwell, Resident of Selangor 1889-1892, decided against publication of the Council Minutes in the Selangor Government Gazette. "It seems to me that as the functions of the Council are executive as well as Legislative, there must frequently be matters which it is not advis-

of policy they were a pressure group outside it. On the Council they constituted an official *bloc* on which the Resident could rely for support. On one notable occasion, the Perak State Council, in obedience to the Governor's instructions, reversed a decision it had made three months earlier, and voted for a 99 year agricultural lease, though the Resident, the Assistant Resident, both Chinese members and one Malay – five out of seven present – had opposed it in discussion. In the formal vote which followed – the only one on record – the Chinese and the Assistant Resident voted the way they had argued in debate; the Resident and all the Malays voted in favour, and carried the motion[54]

If a measure was seriously opposed, the Resident sometimes refrained for the time being from pressing it to a conclusion; but once a course of action was clearly determined, by the decision of the Resident or on instructions from the Governor, opposition ceased. Thus the Selangor Council accepted, first the ruling of the Resident, and then the ruling of the Governor, in the case of the Těngku Panglima Raja (see p. 11); thus the Perak Council accepted, with obvious reluctance, the abolition of slavery.[55] The Perak Council, again, accepted the liability of the State for the debts of the Mĕntri, though at the previous Council they had rejected, as contrary to Malay notions of right, the liability of the State for the debts of Sultan Abdullah.[56] The principles were identical, but the Mĕntri's debts were guaranteed by the Pangkor Engagement, and Abdullah's were not.

The hold of the Resident on the Council was maintained in various ways. In Selangor during Douglas' residency there was little pretence of discussion; Douglas could

able to make public – and I fear that by publishing the opinions expressed by particular members of Council at our deliberations, I might possibly make it difficult to get a genuine expression of opinion under special circumstances. I can conceive that sometimes a native member might be willing to support a particular policy but would rather that his countrymen did not know what his advice has been. Another might be encouraged to earn popularity by opposition." (Maxwell – Colonial Secretary, 10 March 1890, Sel/Sec. 160/1890).

54. PCM 4 May 1879.

55. PCM 22 May 1882 and 9 October 1882.

56. PCM 4 May 1878 and 26 June 1878.

not speak Malay, the language of all the State Councils, and had to rely on his Superintendent of Police to interpret for him. There was a crude attempt to cover up the control of the Resident by resort to Western committee procedures; on the Resident's instructions the Malay members took it in turn to propose and second various measures.[57] But in Perak, and in Selangor after 1882, the Residents spoke Malay well, were on terms of personal friendship with Malays of rank, and proceeded by consultation. The element of discussion and persuasion is prominent in Council meetings, particularly in the reports of Perak meetings between 1877 and 1882. St. Pol Lias described the tactful control exercised by Low. He introduced the agenda, explained situations and opened the discussion, which usually consisted of agreement with his position, or a response prompted by the form of the motion. Opposition was met by persuasion, explanation, and finally by a joke which made everyone laugh and closed the subject. It was proposed to introduce a leasehold tenure of 999 years; Raja Yusuf who had been sitting in silence throughout the proceedings, chewing betel, here intervened to object strongly to alienation for so long; at Deli in Sumatra the lease established by the Dutch was for 75 years. No one could deny that 999 years was a long time; the Resident averted further discussion by a well-placed joke, and the Raja fell silent.[58]

Twice a Malay member persisted in his opposition to the Resident, and carried the Council, but these incidents are remarkable because they are exceptional. Both cases concerned Malay pensions, and both times the Sultan of Selangor was the chief protagonist. During the Governor's absence on leave, the Selangor Government had deducted $10 a month from the allowance of the Dato' Kaya of Klang for the support of his brother, and the Governor on his

57. The Resident wrote to the Collector and Magistrate at Langat, "Ask the Tunku Mudah (to propose) and Raja Hassan to second the adoption of a resolution to carry H. E. the Governor's commands into effect, then ask the Sultan to give his assent and report to me, sending me rough copies of the minutes in Council. As Collector and Magistrate you will understand that the new rule comes into force at Jugra on 1st May." (Resident — Collector and Magistrate Langat, 25 April 1882, Sel/Sec. 174/1882).

58. St. Pol Lias, op. cit., p. 176.

return had ordered the deductions to be restored. The Sultan declared that the pension was in the nature of an inheritance (*pusaka*) out of which the brothers and sisters were entitled to a portion; he expressed himself strongly on the subject of Malay notions of right (*"ta' patut skali dia makan sa'orang"*) and declared that since he had bestowed the office to which the pension was attached, he could take it away again. He carried his point, and went on to double his grandson's allowance, despite the Resident's protests.[59] Sultan Idris was also firm on the subject of allowances; when certain increases granted by the Perak Council were queried bu the Governor, the Sultan declared that he could see no reason for interfering with the decision, and the increases were allowed to stand.[60]

The initiative of the Malay members, their contribution to discussion and their influence on policy varied according to the subject. In matters relating to public finance and foreign economic development (fiscal and communications and land policy) they appeared to contribute little to the discussion, though what they had to say on minor matters — scales of railway charges for example, or the regulation of the retail trade in opium, or the adoption of the Colony scale of weights and measures, was pertinent and informed.[61] In Selangor, Syed Zin and the Raja Muda had interests in pepper, gambier and sugar plantations, and were interested in labour regulations and export duties from the employers' and producers' point of view.[62] Despite these qualifications, however, Malay discussion on mining and commercial agriculture and allied questions was not significant.

59. SCM 29 April 1886; 13 June 1888.
60. PCM 22 December 1890, in PGG 23 January 1891.
61. For example the discussion in the Selangor State Council, 4 December 1882, on the proposed railway from Klang to Kuala Lumpur, when Malay members criticised a scheme for private construction of the railway; also the proposals for regulating the retail sale of *chandu* (prepared opium) put forward by the Sultan and the Malay members on 27 December 1879.
62. In 1885 at the instance of Raja Muda Suleiman, the remission of duty on coffee exports was extended to all agricultural produce (except pepper and gambier, which were governed by special regulations) and in 1884, at the instance of Syed Zin, two clauses of the Indian Immigration Act of 1884 were altered in favour of employers. (SCM 12 September 1885; 27 October 1884 and 18 October 1884).

The Malay contribution was greatest, of course, on problems of Malay life and the impact on it of a foreign administrative, economic and legal order. The effectiveness of Malay opinion depended on the magnitude of the principles involved, and the extent to which external standards had to be satisfied. On questions of public morality and welfare — the abolition of slavery, or the introduction of compulsory vaccination — Malay opinion might secure the delay, but not the abandonment of unpopular reforms; slavery was abolished in Perak in 1883 and compulsory vaccination introduced into Perak in 1890 and Selangor in 1892 despite initial opposition. In one matter of major importance — land revenue — the Malays during the 1880's successfully opposed the general application of land rent in both states; but since the revenues were flourishing on tin, since district staffs were inadequate to deal with a proper land settlement, and since it was policy in the early years to attract population rather than seek to raise a large land revenue, Government was able to satisfy Malay wishes without sacrificing principle. When attention turned seriously to land settlement in the 1890's, opposition was no longer effective. The Selangor Land Code of 1891 introduced the principle of periodical assessment on holdings under customary tenure — a class composed of Malay small-holdings. A full Council met to consider the Code, and the Sultan, Raja Bot and Raja Kahar, and both Chinese members, objected to the assessment rates as far too high, but without effect.[63]

It was on lesser questions relating to the routine of Malay life — the appointments and jurisdiction of headmen, the jurisdiction of *kathis*, the incidents of Malay farming — that Malays expressed themselves with greatest frequency and to greatest effect. How should buffalo trespass be dealt with? Should assistant *penghulus* be appointed by *penghulus* or directly by the State? What rents should be asked for *nipah* land? Should traders be allowed to peddle from riverboats, in competition with land-based shopkeepers who had to pay rates and taxes? And if dues were levied on shop-

63. SCM 13 June 1891.

boats, what was to be done about the subsistence farmer who occasionally carried stuff to barter elsewhere on the river? Should *penghulus* get a commission on the tin duty on ancestral mines? Is vaccination contrary to Islam? Should Malays be allowed to gamble? Should marriage by abduction of a girl under sixteen, be treated as an offence under the Penal Code? There are typical examples of the problems which Malay members put forward, discussed with animation and helped to solve; some of these questions were brought forward by members at the instance of villagers who were directly affected by them.

The Chinese members confined their discussion almost entirely to the mining industry. They may have made representations elsewhere on behalf of the community as a whole; it was rarely that they made them in Council. Yap Ah Loy was able to stop the levy of a door-tax on the Chinese population of Kuala Lumpur, on the ground that they had laid out and built the town without help from anyone; but most of his time on Council was spent in pressing the concerns of the mining advancers, and in particular, his personal claims to the State farms and to land in and about Kuala Lumpur. In Perak the Capitans successfully opposed (in 1877) the imposition of a head tax on the Chinese Community; only to accept it in another form two years later, when registration of every Chinese male over 16, with payment of a registration fee of $1, was first introduced. Registration was introduced to one district after another till in December 1881 it embraced the whole Chinese adult male population. Low acknowledged in his official journal that registration was extremely unpopular,[64] but there is no hint in the minutes of opposition or even discussion; indeed it was left to the Magistrate of the Krian district to protest against registration and complain that Chinese were leaving his district because of it.[65]

The intervention of the Chinese magnates was directed to securing for the industry, favourable conditions of tenure,

64. Low, Journal for 29 September 1879, enclosed in Anson – Hicks Beach, Confidential of 18 October 1879, CO 273/100/18062.

65. Perak Council Minutes, 23 March 1880. Low solemnly remarked that the Chinese were very willing to pay for registration, and were "glad to have a government which took so much care of them."!

minimum taxation, protection of advancers, and control of labour; and it should be remembered that the mining coolies over whom they sought this control constituted the great bulk of their own community. Many of their demands in these matters were in accordance with government policy, and there was little occasion for disagreement; indeed in fiscal matters there was little scope for it, since the tariff structure was tied in principle to the price of tin and the cost of public works. Sometimes Chinese members objected to a justifiable rise in the tin or opium duty in the spirit of hopeful bargaining; sometimes they simply acquiesced, saying that the Government had always shown consideration for the industry and they would not opposed fair taxation.[66]

Matters raised in Council were often discussed in advance at unofficial meetings between the Resident and the influential men of the community, and this was an obvious method of proceeding, with Malays as well as Chinese. It is probable that these unofficial meetings, so far as the Chinese were concerned at any rate, were far more important than the Council meetings as a means of communicating with the Government. On one occasion at least, an important controversy found no expression in Council, but was discussed at a private meeting. In 1879, the Resident included in the list of State Tax farms to be leased for the next three-year period, the sale of *chandu* (prepared opium) throughout Perak. This was sure to be unpopular both with the miners, who feared a rise in the price of *chandu*, and with the labour contractors, who made a profit out of preparing *chandu* for sale to their men. Low expected a "row with the Chinese" and it came in the form of a riot of miners in Taiping in October 1879. After the riot, Low called a meeting of Chinese mining leaders, including the two State Councillors; they joined their compatriots in

66. In April 1878, Low took off the $2 royalty on tin because of the low tin price; at the Council meeting of 20 February 1880, the Chinese councillors agreed to its reimposition to pay for the Taiping – Port Weld railway; but levy of the royalty was deferred because of the outbreak of fire in Taiping, and when the Council was asked in December to suggest ways of raising revenue to pay the State debts, the Chinese Councillors agreed to the reimposition of the royalty since Government had shown itself considerate of their needs. (PCM 30 December 1880).

urging strongly the abandonment of the *chandu* farm, and Low gave in.[67] Yet no objection to the *chandu* farm was ever raised at Council meetings, indeed the Chinese members were not even present when the advertisement was discussed; though they must have known about it and were present at a Council meeting a week later. It is possible that representations were made — but outside the State Council.

On occasion the Chinese contributed to general discussion, particularly in reviews of capital sentences and in economic questions of wide reference, like the immigration of plantation labour, railway finance and currency questions. On the Selangor Council, Yap Ah Loy supported the Malay case for remission of land rent and Yap Kuan Seng and Cheow Ah Yok supported Malay opposition to rates of assessment proposed under the 1891 Land Code;[68] these references may mean little, or may point to an association closer than government records can indicate. But these departures from the field of economics — and mining economics in particular — were rare. This economic preoccupation was regarded as perfectly legitimate; the value of the Chinese members to the Council and the State was judged to lie precisely in their wealth and in the enterprise which populated the State and provided the revenues, and Malay as well as British members of Council were anxious to promote the prosperity of local magnates by leasing them the State farms.

In its membership and functions the State Council represented an attempt to solve the multiple problems of the colonial situation. It sought to combine old and new sources of power, to invest each with the prestige of the other; it sought to combine traditional and modern experience and methods and turn Malay initiative in government into new channels. It sought to provide a forum where all the important groups in the State might be represented and might deliberate together. The first aim was certainly realised. The Council gave to the actions of the

67. Low — Colonial Secretary, 6 October 1879, enclosed in Anson — Hicks Beach, Confidential of 18 October 1879, CO 273/100/18051.

68. SCM 19 February 1884, 13 June 1891.

executive a constitutional authority, based formally on Chinese and Malay consent. It provided a means of conciliating Malay leadership and moulding it to new patterns of government. It gave Malays and Chinese a sense of participation in affairs, even if it limited their influence on decisions. They were identified with government in passing the measures which enabled government to act; they shared in the assertion of power. The power may not have been popular, but it was respected. The effectiveness of Malay and Chinese participation was limited by the overriding pressures of economic development and administrative reform, and the concentration of responsibility in the hands of the Resident, as the agent of these forces. The Council offered useful opportunities for general consultation, which contributed to the Resident's judgment of a situation and might affect decision, within narrow margins. But the Council was not, essentially, a place where decisions were made; it was a place where decisions made outside could be communicated and explained; it was yet another means of disseminating information and directing change.

The development of the Council as an unspecialised committee indiscriminately discussing routine business, as well as major policy and legislation, had the advantage perhaps that it gave Malay and Chinese members an insight into the workings of the new administration; but as government became more complex, the Council was buried under a load of administrative detail which could have left little room for discussion. In Perak, the years between 1877 and 1882 were years in which policy in all fields was first formulated and discussed, when the principles of taxation, of local government, of land legislation and social reform were defined, and the discussion of these principles took up most of the time of Council. The minutes of the Perak Council for 1890-1895, as reported in the Perak Government Gazette, contrast strikingly, in their formality and dullness, with the reports of the earlier meetings. A period of consolidation is likely to be less interesting than a period of initial decisions, and gazetted abstracts of minutes are in any case a poor reflection of the original proceedings. But it is hard to believe

that much discussion could have been aroused by these stereotyped agendas, which sometimes comprised twenty or so items at a sitting; two or three death sentences, four or five applications for increased allowance, half a dozen orders in council and a dozen *penghulu* appointments and establishment questions. Though pressure of business had so much increased, the meetings were less frequent than in the earlier years, so that it cannot even be said that they accustomed the members to the rule of committees, which might have been considered an important part of their education in modern government.

During the transition from Malay to European rule, the major problems of government were problems of local adjustment to the new authority. These were of immediate and vital interest to Council members, even though they had no power of decision. But as solutions became stereotyped into administrative formulae, as economic horizons opened and power receded from local centres, the Councils had nothing to do but apply established principles to minor problems. The detachment of the State Councils from the centres of power and responsibility was intensified by Federation; but it had begun years before.

NOTE ON SOURCES.

The main sources for this paper consist of selections of the Council Minutes for Perak and Selangor, 1877-1895, a selection of the Selangor State Papers for the same period, and the official correspondence between the Secretary of State and the Governor of the Straits Settlements, in the CO 273 series in the London Public Record Office.

The Selangor Council Minutes, from the first Council meeting on 18 April 1877 until 1935 are in the State Secretariat, Kuala Lumpur, and microfilm copies are in the libraries of the Singapore and Kuala Lumpur divisions of the University of Malaya. The proceedings from 1877 to 1895 have been consulted. The original record of the Perak State Council has not yet come to light, but discoveries of other material thought to have been destroyed by the Japanese encourage the hope that this and other important material may still be in existence. Use has been

made of the editions by C. W. Harrison and R. J. Wilkinson of the Perak Council Minutes from 10 September 1877 to 11 November 1882, published as History III (1907) and History IV (1909) of Series I of the *Papers on Malay Subjects*, under the general editorship of R. J. Wilkinson. Use was also made of the abstracts of Perak Council Minutes from 21 November 1889 to 2 November 1895, published in the Perak Government Gazettes for those years. The abstracts give, as a rule, only the agendas and the decisions reached on each item, though on occasion a brief summary of the argument is also given.

Abbreviations

CO	Colonial Office
JMBRAS	Journal (Malayan Branch) of the Royal Asiatic Society.
PCM	Perak Council Minutes
PGG	Perak Government Gazette
SCM	Selangor Council Minutes
Sel/Sec.	Selangor Secretariat.

THE BRITISH FORWARD MOVEMENT IN THE MALAY PENINSULA, 1880-1889

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Malaya came under British rule in several stages. Firstly, the Straits Settlements consisting of Penang with Province Wellesley, Singapore and Malacca were occupied between 1786 and 1824. Next, after an interval of about five decades, in 1874, Perak, Selangor and Sungei Ujong (one of the states of the Negri Sembilan confederation) accepted the Residential system and thus became British Protectorates. The British then paused for a while only to resume the forward movement in the eighties, so that between 1880 and 1889, the other small states which made up the Negri Sembilan, together with Pahang, were similarly brought under British control. This period also saw Johore enter into closer relations with the British Government. And finally, in 1909, when Siam transferred to Britain her rights over Perlis, Kedah, Kelantan and Trengganu, the area of British rule was extended to its northernmost frontier.

This paper deals with the third phase of British expansion in the Malay Peninsula, which took place at a time when Britain was similarly engaged elsewhere, while France and Russia together with two new colonial powers, Germany and Italy, were likewise pegging their claims in Asia, Africa and the islands of the Pacific. From the seventies onward the British found it increasingly difficult to push their trade and, when needs arose, enlarge their borders leisurely as in the preceding decades. The competition of other powers had now to be reckoned with. Thus in the last three decades of the nineteenth century, to keep out her European rivals as well as to make possible a more intensive exploitation and development of local resources,

Britain found it necessary to extend her formal control over large territories in various parts of the world, the Malay Peninsula being one of them.

The initial extension of British political control to the Malay States carried out by Governor Sir Andrew Clarke in 1874 was undertaken primarily to promote trade and to deter Germany or any other major European power from trying to secure a foothold in the turbulent tin-producing states on the west coast of the Peninsula.[1] Prevailing disorders created by feuding Chinese miners organized into powerful secret societies, who became entangled with rival Malay power groups in the rich tin states of Perak and Selangor, aggravated the insecurity of life and property. This not only injured the existing trade of the Straits Settlements but also prevented the further development of the tin mining industry by mercantile interests in the Colony and in London. Moreover, the disturbed condition of these States, it was feared, might tempt some other European power to intervene, Germany being mentioned as a possibility. Such a challenge to Britain's position as the paramount power the authorities in London were determined to forestall in view of the strategic importance of the Peninsula. Minuting for the Prime Minister on 10th September 1873 the Secretary of State for the Colonies, Lord Kimberley said: "....We are the paramount power on the Peninsula up the limit of the States tributary to Siam, and looking to the vicinity of India and our whole position in the East I apprehend that it would be a serious

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Abbreviations

C.O. — Colonial Office
F.O. — Foreign Office
I.O. — India Office
P.R.O. — Public Record Office
J.M.B.R.A.S. — Journal (Malayan Branch) of the Royal Asiatic Society.

1. There are several studies on this phase of British expansion, namely, M.I. Knowles, *The Expansion of British Influence in the Malay Peninsula 1867-1886*, Ph.D. thesis, Wisconsin, 1935; W. D. McIntyre, *British Policy in West Africa, the Malay Peninsula and the South Pacific during the Colonial Secretaryships of Lord Kimberley and Lord Carnarvon 1870-1876* Ph.D. thesis, London University 1959; C. N. Parkinson, A History of Malaya: *British Intervention In Malaya, 1867-1877*, University of Malaya Press, Singapore 1960; C. D. Cowan, *Nineteenth Century Malaya: The Origins of British Political Control*, London Oriental Series, Vol. II, Oxford University Press, 1961.

matter if any other European Power were to obtain a footing on the Peninsula".[2]

Thus Residents were installed in Perak, Selangor and Sungei Ujong, who advised the Malay Rulers in theory but governed in practice. From this phase of the British forward movement into the Malay States two things emerged: Firstly, the form of British control known as the Residential system which was later to be extended to other States; secondly, the basic principles underlying British policy in the Peninsula in the latter part of the nineteenth and early twentieth centuries, viz. to protect and encourage economic enterprise and to keep out other Foreign Powers whose intrusion would endanger the security of India and the sea route to the Far East passing through the Straits of Malacca.

Expansion into the hinterland of the Colony came to a halt with the murder of J. W. Birch, the first British Resident of Perak, in 1875, followed subsequently by punitive expeditions against recalcitrant Malay chiefs. Faced with these "disastrous consequences" of an experiment launched by Kimberley, his Liberal predecessor, Lord Carnavon, the new Secretary of State in Disraeli's Government, refused to sanction any fresh extension of British responsibilities. We have therefore a paradox: that under the imperialist Tory Government in power from 1874 to 1880, the local urge for the further extension of British control in the Peninsula was unsupported. It was not until the arrival of a new Governor, Sir Frederick Weld, which coincided with the return of Kimberley to the Colonial Office in 1880 in Gladstone's second ministry, that the British government reconsidered its stand.

An energetic man who had spent many years in various British out-posts such as Western Australia, New Zealand and Tasmania, Weld had an unshakeable belief in the advantages of imperial expansion both for the rulers and the ruled.[3] Soon after his arrival in Singapore, he decided

2. Gladstone Papers, Kimberley to Gladstone, 10 September 1873, cited by Cowan and McIntyre.

3. Lady Alice Lovat, *The Life of Sir Frederick Weld, A Pioneer of Empire*, London 1924, passim. Refer also to Weld's paper on "The Straits Settlements and British Malaya" of 10 June 1884 in the *Proceedings of the Royal Colonial Institute, 1883-1884*.

that the forward policy should be resumed. In view of the growing restrictions on Straits trade with surrounding countries controlled by protectionist European colonial powers, the Governor held the view that the future prosperity of the Straits Settlements depended on the opening up of new markets and sources of raw materials in the hinterland. Apart from local needs, in his opinion, there were also British interests in general to be considered. It seemed to him that the 'magnificent endowments and capabilities' of the Malay States only required security of life and property together with a large population in order to be of great benefit to British trade. To the Secretary of State he wrote: "We must look to the development of the great resources of the Peninsula for the extension of our trade".[4] And in a private letter he expressed his keen desire to help British capital "establish new industries in the Straits of Malacca and open out new fields to British commerce and for the consumption of British manufacturers, now, it would appear, sorely needed by the producer".[5]

As the seventies passed into the eighties the competition of newly industrialized nations like Germany, the United States and France became keener in markets hitherto practically monopolized by British goods. Britain was hit by an economic depression and her future to people like Weld appeared precarious unless her subjects overseas strove to find new openings for British trade. "One thing is clear to me" Weld remarked, "if we ourselves do not labour to extend markets for our goods and to find consumers, nobody else is likely to help us to do so."[6]

Just as the need for colonial markets had become more urgent in the eighties as compared to the seventies, so the danger of "foreign intrusion" also seemed to be more real. Weld was uneasy about the frequent appearance of Russian vessels in Malayan waters in 1880-1881, especially after he heard a rumour that Russia had an eye on some island or "point of quasi-Siamese territory" lying between Province Wellesley and British Burma.[7] Despite Kimberley's assur-

4. Parliamentary Papers, C. 3095 (1881), Weld to C.O. 31 May 1881.
5. Kimberley Papers, (Hereafter K. P.), Weld to Kimberley 10 August 1881.
6. K.P. Weld to Kimberley 17 January 1882.
7. K.P. Weld to Kimberley, 22 August 1880 and 10 August 1881.

ance that the British Government did not fear Russian projects in Siam or the Peninsula, the Governor remained apprehensive of the possibility of another Power establishing itself in the Peninsula. His chief fear after 1881 was of the French who renewed their aggressive policy towards Tongking and Annam, resuscitated Cambodian claims to border provinces then occupied by Siam, and made persistent efforts to secure from the Siamese a concession for the construction of a canal across the Isthmus of Kra. Hence, a desire to promote trade, a fear of foreign intrusion coupled with anxiety not to see Britain outdone by the French in Indo-China and similar Dutch expansion in Indonesia, led the Governor to propose that Britain should no longer stand still in the Malay Peninsula but move forward gradually and cautiously, not necessarily introducing the Residential system immediately but only some intermediate stage of British control.[8] In the governor's mind the whole Peninsula as far north as the southern-most tip of the British Burmese province of Tenasserim ought ultimately to be brought under British rule.

Such an eventuality, he was convinced, would be as much in the interests of the local inhabitants as of the British. Like many late Victorians he believed that the Pax Britannica would deliver the Malays from anarchy and oppression and generally improve their welfare. This conviction strengthened his determination to extend the British frontiers in the Peninsula.

As far as the permanent officials of the Colonial Office were concerned, Weld's plea for the resumption of the forward policy fell on deaf ears. They remained reluctant to relax their attitude towards the assumption of new responsibilities in case some future Governor might be too "go-ahead" and resort to annexation on the plea that events were too strong for him. While considering that the Governor should by all means cultivate good relations with the Malay chiefs and give them advice when approached, these officials felt that the status quo should be maintained.[9]

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8. C.O. 273/104 Weld to CO 21 October 1880.
9. K.P. Minutes by Meade and Bramston 11 January 1881 and 16 December 1880 on Weld to CO 21 October 1880.

But the Secretary of State thought differently. Kimberley once more held the portfolio for colonial affairs. It will be remembered that during his previous term as Secretary of State for the Colonies from 1870 to 1873, he had been responsible for the original decision to intervene in the Malay States. Although a Liberal, Kimberley did not share Gladstone's aversion for additional imperial responsibilities. Indeed, for "real sympathy with colonial aims and aspirations" he was known as one of the best Secretaries.[10] Whenever a forward step seemed advisable on economic, political and strategic grounds, he did not hesitate to adopt it. In the case of the Charter for the British North Borneo Company, for instance, Kimberley believed that if the British Government remained indifferent, Spain, the Netherlands and Germany were likely to acquire North Borneo. Should this happen, British trade was bound to suffer from their restrictive policies. Furthermore, from the strategic and political standpoint Kimberley considered that the presence of any of these powers in Borneo would be most undesirable. Germany, especially, would be too powerful a neighbour and a danger to British interests in the Malay Peninsula and in Australia. Consequently when the question came before the British Cabinet in October 1880, he expressed himself firmly in favour of the Charter.[11]

A few months later, for similar reasons, he issued these instructions which enabled the Governor of the Straits Settlements to proceed with his plans for the promotion of British influence and control:

> Her Majesty's Government would view with satisfaction that the intercourse between the Straits Government and the Malay States should assume a character of more intimate friendship, but no measures involving a change in the relations of those States with the British Government, beyond what is already sanctioned, should be taken without instructions from home; except for temporary purposes in case of urgent necessity.

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10. H. L. Hall, *The Colonial Office* (Imperial Studies Series No. 13) London 1937, p. 69.

11. Granville Papers, P.R.O. 30/29/143 Cabinet Memoranda, Kimberley's memo 22 October 1880.

> The general policy which should be pursued is to avoid annexation, to encourage the Native Rulers to govern well and to improve their territories, and only to interfere when mis-government reaches such a point as seriously to endanger the peace and prosperity of the Peninsula.[12]

On the basis of these instructions Weld took steps to bring into closer relations with the Straits Government the turbulent small states in the vicinity of Sungei Ujong, which together were called the Negri Sembilan. Between 1882 and 1886, Rembau, Jelebu and the remaining districts which were grouped into the Sri Menanti confederation, promised to bring their disputes and problems to the Governor and to accept his advice.[13] In these states, he did not immediately install Residents "whose advice must be asked and acted upon on all questions other than those touching Malay religion and custom." Instead, the chiefs of these states were assisted with funds from the Straits Treasury, ostensibly to be spent on road construction, although in practice a large portion of these loans went into private pockets. However, some roads were made and what was more important, these chiefs began to realize that there were definite advantages in having closer relations with the British. Once they were dependent financially, it was not difficult for British officers slowly to secure control of the revenues and expenditure, and administration of justice, and ultimately the entire administration. By degrees rather than all at once, the British authorities through the Resident came to exercise in the Negri Sembilan States powers comparable to those which they enjoyed in Perak, Selangor and Sungei Ujong.

The strengthening of British control in the Negri Sembilan went hand in hand with the policy of welding them together into larger and therefore fewer units. At the outset, there were more than nine small states, excluding Sungei Ujong. By 1887 they had been grouped into four units, namely Sungei Ujong, Rembau, Jelebu and the Sri Menanti

12. C.O. 273/104 Kimberley to Weld 11 February 1881.
13. For the treaties between these states and the British see W. G. Maxwell and W. S. Gibson, *Treaties and Engagements affecting the Malay States and Borneo*, London 1924.

confederation. Two years later they were further combined into two administrative units, Sungei Ujong with Jelebu, and the Negri Sembilan consisting of Rembau, Tampin and the Sri Menanti states. The final union took place in 1895 when they all came together to form a single state with the title of Negri Sembilan.

On the east coast the large state of Pahang was also the target of Weld's forward policy. Its ruler, the Bendahara Wan Ahmad, showed no desire for closer relations with the Straits Government and rebuffed all the Governor's overtures of friendship. But a situation developed there which spelt danger to British interests. In the early eighties the high price of tin led to a rush for concessions in Pahang. For sums of money distributed among the Bendahara and his advisers, European, Chinese and other concession hunters were able to secure many grants of land for mining and other purposes on irregular terms and irrespective of the rights of the Malays and Chinese already at work on the land. The Straits Government were afraid that these extensive concessions would not only retard the development of the state but might lead to serious complications involving the subjects of major European Powers.[14]

The Colonial Office were no less concerned, especially in view of Germany's new colonial activity. From 1883, Bismarck extended his official support to German traders and missionaries overseas, and the German flag was hoisted over large areas in Africa and the Pacific. In some territories such as southwest Africa and New Guinea, the British had as yet taken no formal action to safeguard their claims because the Colonial Office thought that other powers could not possibly be interested in these regions. Despite promptings from the colonists in Australia and South Africa, the authorities in London remained hesitant. In the meanwhile German agents worked feverishly, and to the regret of the British, and in spite of their protests, Germany occupied the north eastern part of New Guinea as well as territory between the Cape Colony and Portuguese Angola.[15] Bis-

14. See E. Thio, "The Extension of British Control to Pahang", J.M.B.R.A.S. 1957.
15. M. E. Townsend, *Origins of Modern German Colonialism*, 1855-1871, New York 1921, passim.

marck's policy of ignoring British claims to places where their authority was neither based on effective occupation nor formal treaties, together with the methods of German agents in acquiring agreements from unsuspecting chiefs, compelled the British Government to look to the security of states like Pahang, in which their interests were still not provided for by treaty.

Apart from the new German colonialism, French imperialism gained impetus under the energetic direction of Jules Ferry. In the mid-eighties Anglo-French rivalry was intensified in China, Siam and Burma. The Colonial Office believed that "in these days when our rights and quasi-rights are strictly questioned and boldly encroached upon",[16] action as regards Pahang could no longer be postponed since events in the state might sooner or later lead either to French or German intervention on one pretext or another.

Accordingly, several missions were despatched to the Bendahara Wan Ahmad. Persuaded by some concessionaries from whom he had benefited financially, as well as by his relative, friend and adviser, the ruler of Johore, Wan Ahmad eventually signed a treaty with the British in October, 1887. According to its terms the British Government secured the right to protect Pahang against the attack of any third power and to control her foreign relations. Provision was also made for the appointment of a British Agent to reside in Pahang with consular powers only.[17] Such stipulations placed the British in a position to prevent the encroachment of any other Power. But it did not enable them to effect the necessary reforms in the internal administration of the State. The Bendahara, whom the British recognized as Sultan in the treaty, continued to rule in an autocratic and arbitrary fashion. British lives and property were insecure and so in 1888, using the murder of a Chinese British subject as an excuse, pressure was put on the Sultan of Pahang to accept a Resident whose advice must be asked and accepted on all questions of administration.

16. C.O. 273/130 Sir Robert Herbert's minute 15 November 1884 on Cecil Smith to C.O. 10 October 1884.

17. Maxwell and Gibson, pp. 66-68.

Thus in Pahang as in the western Malay States, the British stepped in to establish a governmental framework within which they could promote trade and economic progress.

Although British officers on the spot professed to be moved by humanitarian among other reasons for wishing to introduce British rule and thus end the misgovernment prevalent in the state, to the Colonial Office the "white man's burden" was not a cogent argument for a forward policy whether towards Pahang or other Malay States. In fact the Colonial Office staff were extremely dubious about interfering on behalf of "general civilization and decency" in Pahang. "If we enter on a general crusade" remarked one of them, "where will it end?"[18] On another occasion a Secretary of State protested that if the British were expected to annex all the territory in Asia where there was anarchy, they would have to end up by dividing the continent with Russia.[19]

In the case of Johore, which remained peaceful and orderly and where the ruler governed with British advice, the British Government was contented to establish its formal protection without acquiring the right to interfere in its administration. In 1885, during the scare about foreign intervention, a treaty was concluded with its ruler by which the British pledged themselves to defend the state against external attacks in return for the right to conduct her foreign relations and for the appointment of a British Agent to reside in Johore having functions similar to those of a consular officer.[20] Despite this provision, however, such an appointment was not made in the nineteenth century. This was in part owing to determined opposition from the Sultan of Johore and in part to the British Government's desire "to encourage and support Native Rulers who are loyal, intelligent and govern well, especially in the case of those whose territories are in proximity to British Settlements".[21] Besides, the Straits mercantile community were so satisfied

18. C.O. 273/141 Meade's minute 12 February 1887 on Weld's despatch of 6 December 1886.
19. Minute by Kimberley 8 January 1873 on Ord to Kimberley 11 November 1872 cited by W. D. McIntyre. (See note 1).
20. Maxwell and Gibson, pp. 132-133.
21. C.O. 273/95 C.O. to Robinson 31 October 1878.

with Sultan Abu Bakar's policy of fostering trade, investment and agriculture, that instead of agitating for the flag to follow trade, their representatives in the Straits Settlements Legislative Council opposed the suggested appointments of a British Agent in accordance with treaty stipulations.[22] Abu Bakar, an able and astute ruler, who resembled King Mongkut and King Chulalongkorn of Siam in his efforts to adjust himself to new conditions and flow with the tide of westernization, was in this way able to preserve his independence in internal affairs.

If Governor Weld (1880-1887) and his successor Sir Cecil Clementi Smith (1888-1893) thus succeeded in consolidating Britain's position in the southern part of the Peninsula, their persistent efforts to push British frontiers northwards to Tenasserim had no practical results. The northern part of the Peninsula was claimed by Siam. Perlis, Kedah, Kelantan, Trengganu and the Patani group of states, whose population was predominantly Malay and Muslim, were governed by hereditary Malay rulers who sent tribute to Bangkok triennially in the form of the *Bunga Mas* or gold and silver flowers. These Malay vassal states of Siam were expected to despatch emissaries and presents to Bangkok on special occasions and also to provide arms, men and supplies in times of war. Their foreign relations were handled by Bangkok. Their rulers had to be confirmed in office by the Siamese authorities. In return for assuming the responsibilities which the recognition of Siamese suzerainty imposed, the vassal states were entitled to Siamese protection from external threats and were allowed to live under their own laws, customs and rulers.[23]

But as W. F. Vella points out, within this outline of suzerain-vassal relationship, considerable variations existed depending on the power of the Siamese Government and the proximity of these states to Bangkok. In the latter part of the nineteenth century the Patani states, sometimes called the "Seven States", were probably the most closely controlled of any of the Malay vassals. Perlis and Kedah came

22. *Proceedings of the Legislative Council of the Straits Settlement, 1886.* Refer to debate on the Supply Bill on 10 and 12 November.

23. W. F. Vella, *Siam under Rama III (1824-1851)*, New York 1957, p. 60.

next. The Siamese also enjoyed some influence in Kelantan where a struggle for power among members of the royal family caused the ruler to call for Siamese support. Trengganu, furthest removed from Bangkok, sent the *Bunga Mas* once every three years; other than this, there was no interference with the Sultan's administration. The rest of the Peninsula north of these states and right up to the Isthmus of Kra consisted of Siamese provinces inhabited mainly by Siamese and directly governed by Governors or Commissioners appointed and controlled by Bangkok.

Although the ethnological frontier between the Malay and the Siamese states fell short of the southern tip of Tenasserim, yet Weld and other British officials were ambitious to paint the entire Peninsula red on the map. They dreamt of turning the Bay of Bengal into a"British Lake" and hoped one day to see British India and Burma linked to Singapore by railways traversing the Peninsula with a ferry service effecting the necessary connection by sea to the Australian railway system. As the eighties wore on the fear that Siam would be absorbed by France added impetus to their ambitions. The local authorities constantly urged the Colonial Office not only to preserve the *status quo* as regards Siamese influence in the northern part of the Peninsula but even to push back such influence wherever there were grounds for doing so.[25] Weld tried to reclaim from Reman, one of the "Seven States," several thousand square miles of territory which, it was alleged, had once belonged to Perak.[26] He also pressed the Colonial Office to protest against any Siamese action in Kelantan and Trengganu calculated to strengthen their influence in the one and their nominal connection with the other. At one point his successor, Cecil Smith, even convinced the Secretary of State for the Colonies of the need to make Trengganu a British protected state in order to counteract Siamese designs to expand their control there.[27] But apart from friendly repre-

24. Ibid. p. 61.
25. Satow Papers, P.R.O. 30/33/2-9, Weld to Satow 18 September 1884, Cecil Smith to Satow 5 January 1885.
26. Correspondence on this may be found scattered in the C.O. 273 files for the years 1882 to 1889 and also in the F.O. 69 files on Siam for the same period.
27. F.O. 69/136 C.O. to F.O. 7 March 1889.

sentations and desultory negotiations with the Siamese Government about the disputed Perak-Reman boundary, the British Foreign Office steadily refused to press or threaten Siam.

For an explanation of this conciliatory attitude, we must look at British foreign policy towards Siam, which was determined to a large extent by the presence of France in the vicinity and the rivalry between these two powers as their spheres of influence crept closer to each other. France, established at Saigon since 1862, was pushing out westward and northward from Cochin-China into Cambodia, Annam and Tongking, while the British, from their bases in India and the Straits Settlements, were expanding eastwards into Lower Burma and northwards up the Malay Peninsula towards Siam. By the early eighties Siam was pressed by the French on one frontier and the British on the other. Just as the British authorities in Singapore wished to get rid of Siamese influence in the northern Malay States, so the French at Saigon desired to reclaim on behalf of Cambodia and Annam the provinces of Battambong and Siemreap as well as the territory on the left bank of the Mekong River, then held by Siam. Although King Chulalongkorn of Siam continued and expanded his father's policy of accepting western influence and modernising the administration of his domains with the help of Foreign Advisers, he was not in a position to resist successfully the encroachment of European powers. Of this fact the British and the French were well aware and they watched each other's actions jealously. Throughout the decade neither could make a move *vis-á-vis* Siam without the other trying to forestall or counter it. Under these circumstances the British Government of India and the Foreign Office in London decided that nothing should be done either to offend Siam or to provide France with a pretext or precedent for nibbling at Siamese territory.[28] It became a prime objective of British foreign policy that Siam should be maintained as a friendly and independent buffer state.[29] This was considered necessary

28. F.O. 69/104 see Salisbury's minute of 27 August 1885 and I.O. to F.O. 17 September 1885.
29. Satow papers, P.R.O. 30/33/2-9, Satow to Weld 21 June 1884, 25 May 1886.

in the interests of India and of British trade with Siam. The Government of India wished to avoid a conterminous frontier with the French. Such a contingency was bound to give rise to border disputes and would require that British India should be "armed to the teeth" in order to meet Russian aggression on her northwest frontier and the French threat in the northeast. Furthermore, should a large part of Siam fall under French control, British trade, it was feared, would suffer from protective tariffs. These imperial considerations led the British Government to restrain the Straits authorities from taking any action calculated to "wound Siamese susceptibilities" or encourage French encroachments on Siamese soil.

In 1887 Lord Salisbury, who was then Premier and Foreign Minister, dropped the Perak-Reman boundary negotiations despite the objections of the Colonial Office when he realized that the Siamese were not prepared to give way.[30] Similarly in 1889 he refused to sanction the extension of British protection to Kelantan and Trengganu urged by the Secretary of State for the Colonies.[31] At every critical point, Salisbury resisted pressure to "take the Siamese by the nose,"[32] believing, as he did, that if Britain pushed them too far, they would be driven towards France.[33]

The Government of Siam seemed to have made an early and shrewd appraisal of the situation. They realised that their chances of survival depended in some degree on their ability to exploit the existing Anglo-French rivalry to their own advantage. Whenever the British put forward demands which the authorities in Bangkok were unwilling to concede, it was their trump card to show that any acceptance of British proposals would weaken their bargaining position *vis-á-vis* the French who, if not already making comparable demands, were always likely to do so. Presumably the same arguments were used against the French. Of the

30. C.O. 273/150 F.O. to C.O. 7 July 1887.
31. F.O. 69/136 See Foreign Office comments on C.O. to F.O. 7 March 1889, C.O. 273/163 F.O. to C.O. 29 March 1889.
32. Satow Papers, P.R.O. 30/33/15-1, Satow's entry in his dairy on 13 July 1887.
33. 16 September 1887. Also see Salisbury's undated minute on Currie's memo. of 28 March 1889 and Jervoise's memo. of 7 March 1889 in F.O. 69/136.

two powers, however, Siam had a greater distrust of France and not infrequently sought British advice in her relations with the former.

To maintain this confidence, which was sometimes at a low ebb owing to disputes with the Indian Government over rival claims in the Shan and other states, which the British had inherited from the Kingdom of Upper Burma, British diplomatic representatives in Bangkok supported by the British Government held the view that local ambitions in the northern part of the Malay Peninsula should not be pursued at the expense of more important imperial considerations. The extension of British control northwards was always considered secondary to British objectives in Siam. Thus the British forward movement in the eighties was confined to the independent Malay States in the southern part of the Peninsula.

JUSTICE AND THE ADAT PERPATEH: LAW OR LORE?

By B. J. Brown

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Two basic routes were followed by migrants from central Sumatra to what is now the Federation of Malaya. Each was to determine the future *modus vivendi* of its travellers. Those from the Minangkabau highlands who took a direct route across to the Peninsula and settled in the approximate area of Negri Sembilan brought with them the accommodating philosophy of the Minangkabau with its attendant virtues of democratic administration, mild laws and the institutional stability of the matriarchal tribal structure to which they and generations before them had adhered — the *adat pĕrpateh pinang sa-batang*.

Other emigrants arrived at the Peninsula by way of Palembang where many of the enlightened characteristics of the *adat pĕrpateh* had been gradually but inevitably extracted and replaced by the autocratic and more sophisticated influence of the Hinduised kingdoms of South Sumatra, and had thence deteriorated into that administrative corpus known as *adat tĕmĕnggong*, with its hall-marks of patriarchal organisation (and the concomitant institutional complexities) and the exaction of fierce retributive penalties for infractions of the *adat*.

Less of the *adat pĕrpateh* has been committed to writing than of the *adat tĕmĕnggong*.[1] The former, adapted to

1. Only three digests of the *adat pĕrpateh* are known; one from Sungai Ujong, one from Kuala Pilah, and a Minangkabau digest from Perak, much more of the *adat tĕmĕnggong* is embodied in writings; See for examples the Undang-Undang Malaka (the Malacca Digest) the Undang-Undang Kerajaan (Pahang, Perak, Johore), the Kedah Digest, the "99 Laws of Perak" and others dealing with Selangor, Johore and Malacca. For more detailed information of these see P. P. Buss-Tjen, *Malay Law. The American Journal of Comparative Law*, vol. 7, No. 2, 1958.

the wants of a small, compact territorial unit, found its main expression in the *pĕrbilangan*, or axiomatic tribal saying, which sets out in a simple and economical way the political and social philosophy of an essentially agricultural community. Its perpetuation over the centuries is, however, responsible for some of its alleged shortcomings. For in a twentieth century context simplicity may shade off into ingenuousness, religious adherence into uncritical veneration, neither of which consequences assists towards goals which the new Malayan nation may label, for better or worse, 'development' and 'progress'.

Both expressions of Malay *adat* — *pĕrpateh* and *tĕmĕnggong*, together with laws more readily identifiable with the Muslim and Hindu faiths with which they co-existed (not infrequently to mutual embarrassment)[2], survived to provide unlikely bed-fellows for the English common law which has become established throughout Malaya in the century and a half since Captain Light's first foothold was secured. The adat *tĕmĕnggong* was expelled (in fact its unsalubrious presence may have provided a convenient motive for British interference), but the *adat pĕrpateh* proved a more congenial — if only occasionally prickly — companion.

Over the past 80 years the English law has played an increasingly more significant role in Negri Sembilan, having replaced the *adat* criminal law with substantive and procedural rules of its own inspiration and by effecting substantial inroads to most areas of non-penal litigation.

In times when the necessity for a complex mechanism of an imported jurisprudence geared to the aspirations of a new, independent nation is generally conceded, it is yet reassuring to find in our law reports and newspapers instances where the *adat* has survived to illumine some dark corners of the law.[3]

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2. See P. E. De Josselin de Jong, *Islam Versus Adat in Negri Sembilan*, Bijdragen (1960).
3. e.g. *Jemiah v. Abdul Rashid*, 10 Malayan Law Journal 16.
Jasin v. Tiawan, 10 Malayan Law Journal 247.
See also *Utusan Malayu*, Malay daily newspaper, Singapore for February, March, April, May, July, September, November and December, 1951.
and *Straits Times*, English daily newspaper, Singapore, for March 3rd, 1951.

To what extent the *adat pĕrpateh* has retained its vitality in a twentieth century socio-legal context, and how far it has gone towards accomplishing that end, are questions which this paper will seek to answer.

THE ADAT: NATURE AND SCOPE

Any evaluation of the place of the adat in the present administration of justice must necessarily be premised on some sort of assessment of the nature and extent of its application prior to the advent of the British official to the Negri Sembilan. And had the masters of that worthy neglected the challenge to place him and his law books at the spearhead of an administrative invasion of the Malayan peninsula, it is not unreasonable to assume that the national law of Malaya would today be Muslim law.

An adequate appraisal of the *adat's* debt to that ancient jurisprudence – the receptions, the compromises and the conflicts – merits more attention that this paper can supply. The following brief account is designed to illustrate the working relationship evolved between the *adat pĕrpateh* and Muslim law in that small area of the country to which the former applied.

From the fourteenth century onwards a predominantly Shāfi'īt interpretation of Islamic law spread through the peninsula. Not surprisingly it secured an early pre-eminence in religious matters, but the Malays (particularly in those areas where the customary law amply served their secular needs) were wary of conceding too much ground. Despite this circumspection the Muslim jurisprudence gradually encroached on to the former *adat* preserves of criminal law, marriage and divorce and succession in Negri Sembilan, where the *pĕrbilangan* still demonstrates a heavy Muslim influence.

But the marriage of the two systems was far from complete. For peace of mind on both parts two expedients were employed: the frequent reliance on fictions and the Shāfi'ī's preparedness to accommodate "aberrant practices" on "isolated points" (within the principle of *balek madahap* – "going back to one's own school of law"). Instances of this

(sometimes uneasy) rapport between the systems are readily discernible in matrimonial law: viz. the Rembau convention that the ruler's consent is a prerequisite to the taking of a second wife (no such condition being required by the classical Sharī'a) and the Malay's insistence on certain additions to the Muslim marriage ceremony (e.g. the henna-staining, the bridegroom's procession, mimic fights and the ceremonial ablutions).[4]

Similar examples exist in the realms of divorce and testamentary powers.[5]

The *adat pĕrpateh* has developed as the creative, though largely unconscious, unfolding of the inner convictions of the society it serves. Unlike the more sophisticated system of law which now applies throughout Malaya, the *adat* does not strive to distinguish between what is 'legal' and 'non-legal' on one hand and what is 'approved' and 'disapproved' conduct on the other. Sir C. K. Allen has set out this difference nicely in the following illustration:

"A man may, if he chooses, argue that it is a waste of time and money to cut his hair; in consequence, he may, if he is sensitive, be made uncomfortable, but he will not lose a single right of citizenship or property. He may argue with as much, or as little, reason that the custom of signing, sealing, and delivering a deed is an anachronism; but if he ignores this quaint survival in a transfer of stock then *nihil agit.*"[6] But the *adat pĕrpateh* is beholden unto only one norm – that of 'right' conduct or behaviour.

"An English jurist would say that the law compelled a cabman to wear a badge but not a tie or a water-proof: a Malay would say that *adat* compelled the driver to dress decently and to protect himself from the rain."[7]

Within the framework of the *adat pĕrpateh* there is no place for the eccentric or dissentient.

Bujor lalu, lintang patah
"Lengthways, you get through,
Crosswise, you get broken."

4. See e.g. The Malay *china buta* which would appear to be *ab extra* the Muslim law requirements.
5. See P. P. Buss-Tjen *op. cit.*, pp. 266-7.
6. *Law in the Making* (6th Ed.), at p. 66.
7. Wilkinson: *Papers on Malay Subjects* Vol. 2 at p. 14.

It succours the conformist, for the condition precedent to the survival of this small community (even more so than most organised societies) was co-operation not dissension.

The *pĕrbilangan* is a ubiquitious guide to 'right conduct'. It covers *inter alia* the organisation and division of political power, it provides the male element of a matriarchal community with salutary advice as to his status, sets out the principles by which property is inherited, indicates a most enlightened attitude (even by modern standards) to the purposes of punishment, underlines the attitude adopted to religious law and, above all, demonstrates that *adat* recognition was accorded even to the most humble so long as he respected convention, and refrained from interfering with the business of others whilst he went about his own.[8]

Society was organised on the basis of status rather than contract.

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8. Illustrative of the last point are the following *perbilangan*

Kambing biasa mĕmbebek, "Goats bleat,
Kerbau biasa mĕnguak, Buffaloes bellow,
Ayam biasa bĕrkukok, Cocks crow,
Murai biasa bĕrkichau. Magpie robins twitter."
(every living thing in the adat perpateh society has its place alloted to it).

Penghulu biasa menghukumkan adat,
Alim biasa menghukumkan shara',
Hulubalang biasa mĕnjarah,
Juara biasa mĕlĕpas,
Saudagar biasa bĕrmain bungkal tĕraju,
Pĕrĕmpuan biasa bĕrusahakan jarom dan bĕnang.
"The penghulu administers customary law,
The jurisconsult administers religious law,
The warrior raids the enemy's country,
The trainer lets fly the fighting cock,
The merchant fingers weights and measures,
The woman works with her needle and thread.
(everyone to his own employment and not to meddle with that of others).

And his own business should be conducted in a proper way:
Mĕnumbok di-lĕsong,
Mĕnanak di-pĕriok.
"Pound rice in a mortar,
Boil rice in a cooking pot".
(to do otherwise would be to the detriment of both food and implements.)

Raja mĕnobat didalam alam,
Penghulu mĕnobat didalam luhak,
Lembaga mĕnobat didalam lingkongan-nya,
Ibu bapa mĕnobat pada anak buah-nya,
Orang banyak mĕnobat didalam tĕratak-nya.

"The King rules his world,
The chief rules his province,
The lembaga rules his tribe,
The elder rules his people,
The peasant rules his house."

Yang bĕrtumboh di gunong itu,
herti aliph a – dalam koran,
Yang bĕrtumboh di bukit itu,
herti nior tumboh di mata,
Yang bĕrtumboh di lering itu,
herti belulok tumbok di rosok,
Yang bĕrtumboh di lapan itu,
herti bĕrangan tumboh di pantat,
Yang bĕrtumboh di bĕnchah itu,
herti tĕbu dibuat bĕnih.

"That which springs up on the mountain is
as the alif in the Qur'an,
That which springs up on the hill is
as the coconut palm which springs forth from the eye,
That which springs up on the slopes,
is as the sugar palm which springs forth from the trunk,
That which springs up on the plain
is as the chestnut which springs forth from its fundament,
That which springs up on the mire is
as the sugar cane that bears its seed with it."

This shows in colourful, figurative language the graded importance of the various elements which together formed the Rembau constitution. That which springs up from the mountain is compared with that which emerges from the hill, from the slopes, from the plain and (humblest in origin) from the mire. Similes are used in each instance

to show their origin — from the most elevated i.e. "as the alif in the Qur'an," down by stages of diminishing distinction to the lowliest, "as the sugar cane that bears its seed with it".

Put yet another way the constitutional/societal scale reads:

Alam be-raja,
Luak bĕrpenghulu,
Suku bĕrtua,
Anak buah bĕribu-bapa,
Orang sĕmĕnda bertempat sĕmanda,
Dagang bĕrtepatan, perahu bĕrtambatan.

"The rajah rules the empire,
The penghulu rules the state,
The chief rules the tribe,
The elder rules the tribes-people,
The married man to the place of his marriage,
The stranger finds a tribe as the boat an anchorage".

The "hierarchy of answerability" is expressed in another axiom:

Orang sĕmĕnda pada tempat sĕmanda,
Anak buah kapada ibu bapa,
Ibu bapa kapada lĕmbaga,
Lĕmbaga kapada undang
Undang kapada ka'adilan.

"The married man to the place of his marriage,
The tribesman to his elder,
The elder to his chief,
The chief to the Undang,
The Undang to the Raja".

The elder (*ibu bapa*: "mother-father") lost most of his criminal and civil jurisdiction over his clan in the tribe as a result of the British Protection. His criminal jurisdiction over *luka, choget, pĕchah bĕrdarah* ("a wound, a scream, and blood, from broken skin." i.e. offences involving any one or more of these characteristics) had clearly been wide,

though in practice probably encomposed only those frequent infractions of the peace that we would regard as "petty". It is doubtful whether a criminal wrong/civil wrong distinction was recognised, but he could exact fines up to $3.60 in a jurisdictional area roughly corresponding to our 'civil wrongs'. The elder found it necessary to enlist the support of the *lĕmbaga* where his judgement of a debt was not followed by satisfaction for he did not possess the power to enforce such judgement. The *lĕmbaga* stood between the *ibu bapa* and the *Undang* and was supreme in his tribe.

From all accounts he was more strictly bound by precedent in coming to decisions in litigious matters than the *Undang*. The *lĕmbaga* enjoyed jurisdiction over *mĕmbuta tulang, mĕmutus urat.*

i.e. offences involving blinding, fractured bones, ruptured sinews and (serious) woundings.

These probably represent more reprehensible criminal acts, at least in their effect, than those within the *ibu bapa's* jurisdiction but the more serious crimes (the "taboo'ed" acts) were beyond the *lĕmbaga's* powers to adjudge though it was his duty to arrest and produce such miscreants before the *Undang*. He could fine up to double the sum permitted the *Ibu bapa* and could also order members or whole clans of the tribe to pay (or contribute part of the cost) of reconciliation feasts. So in Rembau the *lĕmbaga* could forge a way to the heart through the pocket as well as the stomach. In land matters (mostly transfers and mortgages where direct female entail was involved) his approval to the transaction was a prerequisite to its legality.

From some of the foregoing axioms it can be gathered that the *adat* set a premium on interference by one functionary in the province of another. (In practice encroachment must have been inevitable). The *Undang* (or lawgiver) represented the supreme authority in the State but his powers extended beyond (both above and below his position in the hierarchy) only incidentally. The Raja was expected to leave him to govern his state in his own way and the *Undang*, in turn, was *adat*-bound to resist what

must have been a standing temptation to invade the sphere of the *lēmbaga* and his tribe.

It was usual for the *Undang* to have a council of advisers (in Rembau it comprised first 4, then 8, chiefs) and also to entertain advice of a less impersonal nature from those close to him (the *orang besar undang*). He was also obliged to have recourse to the *pĕrbilangan*. Despite these restrictions to law 'making', it is generally conceded that the *Undang* exercised a more creative judicial function than was enjoyed by officers of the lower eschelons.

The *Pantang Undang* (or "taboo'ed" crimes) were his preserve. There were

> Derhaka, chelaka
> Dhaga, dhagi:
> Rumbun, bukar:
> Tikam, bunch:
> Upas, rachun:
> Sumbang, salah.
>
> Treason, the accursed act,
> Disloyalty, deceit:
> Fire and arson:
> Murder and assassination:
> Drug and poison:
> Incest and its guilt.

The Undang was not permitted to usurp the Raja's prerogative or executive[9] capital offenders by beheading, for in theory only the latter could shed blood.

However, to circumvent all the practical difficulties involved in entrusting the exaction of the capital penalty to one man, a fiction was employed.

> Kĕris menyalang daripada undang,
> Pĕdang pĕmanchong daripada raja.
>
> "The execution — *kĕris* is the Undang's
> The sword of execution is the Raja's."

A properly directed thrust of the *kĕris* spilled a mini-

9. Resort to execution was always a last extreme, for instance where a man had provided ample evidence of his incorrigibility.

mum of the victim's blood – an insufficient amount to render the executioner himself liable to an operation less subtle in its execution but just as effective in its outcome.[10]

Although the *Raja* (or *Yang di-Pertuan Besar*) was by *adat* "the fountain of justice" and able to levy payments for his maintenance, he did not own the property in the states and did not enjoy general taxing powers. Executive power lay with the "great chiefs" who exercised the Raja's justice "as they thought fit"[11] – though this delegation of (ostensible) arbitrary power was severely inhibited by the delegates' subservience to the *adat*.

The stability of the *adat pĕrpateh* society was founded on a strict observance of the principle of exogamy, whereby the male has to marry outside his tribe of origin. The female is thus left in the enviable position where she enjoys the unchallenged right to own land, inherit property and represent all but titular supremacy in the tribe. The husband's position is one which would (if such news travelled to those quarters) inspire a renaissance in the soured cliché which was for so long the quintessence of the British music hall.

Orang sĕmĕnda bĕrtĕmpat sĕmĕnda;

> "The married man shall be subservient to his mother-in-law".

Jika chĕrdek tĕman bĕrunding;
Jika bodoh di-suroh dia arah;
Tinggi banir tĕmpat bĕrnang.

> "If he is clever I will try to cajole him,
> If he is stupid I will see that he works;
> Like the butresses of a big tree he shall shelter me,
> Like the thick foliage he shall shade me".

And again:

Di-suroh pĕrgi di-panggil datang,
Yang buta di-suroh pengembus lesong,

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10. for "to stab without question,
to behead without reporting the matter," was a heinous crime against the Raja.
11. Wilkinson, *op. cit.*, at p. 23.

Yang patah di-suroh mĕnunggu jemoran,
Yang perak di-suroh mĕnchukok meriam,
Yang bĕrani dibuat kĕpala lawan.

"Bid him go, call him to come,
Bid the blind pound in the mortar,
Bid the halt watch the padi dry in the sun,
Bid the deaf load the cannon,
Bid the bold lead the fight".

From this last axiom, one may draw two inferences: first that regardless of debility of body or mind, a male could be directed to some useful occupation (albeit not always one calculated to appeal to his manly instincts), and second, though less obvious, there was a reluctance to expel from the clan a male merely because his usefulness was questionable.

Divorce and expulsion were steps taken only in extreme cases where an unsatisfactory husband had failed to respond to the reformatory exhortations of his wife's family. His fate in pre-twentieth century times would be more problemmatical than today. For his rejection would hardly have ranked as a recommendation for acceptance into another clan.

The common link of kinship, forged through the female, brought to these communities a mutuality of interest which made for the settlement of antagonisms on a family basis. The *ibu bapa* was thus able to effect reconciliations to quarrels which in less well-integrated communities might have been left to ferment and ultimately find expression in acts injurious to the very fabric of society.

Reference has already been made to an axiom which describes ways by which even the services of the halt, the blind and the deaf could be utilized for the welfare of the community. In the struggle for economic survival every pair of hands counted, and where age or other disability put a premium on the value of that member, there were still oxen to be watched and other miscellaneous tasks for the performance of which physical strength and manual dexterity were not indispensible.

It is not surprising therefore to learn that the judicial functionaries were guided by the *adat* to exact penalties according to principles of reparation and compensation rather than of vengeance. A man whose hand has been severed represents an effective 'walking deterrent' to those who gaze upon him. But his usefulness in the padi field is correspondingly diminished. Deterrence means little to members of a community whose natural inclination is to plod steadily on rather than to bustle through life, knocking against their fellows in the process. Satisfaction derived from watching a man who is maimed suffer for his transgressions does not sow the crop or help to harvest it. Accordingly no mutilation was prescribed by the *adat* and the death penalty was reserved for extreme cases and incorrigible offenders.

Wounds could be absolved by money payments or in kind (often domestic fowls). In the event of a killing, a substitute from the slayer's tribe would normally placate the bereaved clan.

Chinchang pampas,
Bunch hulor balas,
Chachat mēmbaiki.

"Money for the wound,
For murder substitution,
Reparation for damage".

The same principle is illustrated in another proverb:

Yang mēnchinchang, yang mēmapas;
Yang mēmbunoh, mēmbangunkan;
Yang mēnjual, mēmbēri balas.

"Who wounds must heal;
Who slays must replace;
Who sells must restore".

Yet for all this midness, full and fair reparation was insisted on. Inadequate compensation entails hardship for the victim and his family, and hardship is a breeding ground for vindictiveness.

Chupak yang pĕpat,
Gantang yang piawai,
Bungkal yang bĕtul,
Teraju yang baik,
Tiada boleh di-paling lagi.

"Let your measure be just,
Let your measure be full,
Let your weights be correct,
Let your scales be even —
And no one will go back on what you do".

Criticism has been levelled[12] at the 'undue reliance' of the *adat pĕrpateh* on what a magistrate versed in the common law would reject as 'circumstantial evidence'.

E.g. Enggang lalu, ranting patah.

"The twig breaks as the hornbill flies past it."

The Malays of Jelebu likened the evidence of a recent crime to the trails left by the snail and the water-beetle, and pointed out that he who walks through flames gets scorched, that he who rubs against the bamboo itches, and that the consequence of shaking that same plant is to be sprayed with moisture from it.[13]

But an evaluation which isolates such statements (as the above) from their contexts and looks primarily to the abstract prose sense, makes insufficient concession to their vehicle of expression. It must be remembered that their authors' intention was to commit certain salutary concepts to the memories of a largely illiterate people. The audience was not one to which legal exactitude would commend itself. The price of the *pĕrbilangan's* appeal: its vigour and its colour, is often specificity. It is with the spirit of the proverb (the essence of its symbolism) that the student should concern himself. The *pĕrbilangan* is a cynosure not a semaphore.

To pursue the argument along its figurative course, one might well grow alarmed where guilt, for shaking a

12. Buss-Tjen, *op. cit.*, at p. 261.
13. See Caldecott: *Jelebu Customary Songs and Sayings*. Journal of the Royal Asiatic Society (Singapore Branch) 78.

bamboo, attaches to a man who is found with moisture on his head. But would not the *Undang* or the *lĕmbaga,* in coming to his decision, have taken notice of a recent rain-shower or the testimony of a disinterested witness that immediately prior to his apprehension the accused had been bathing?

If, after reasonable deliberation, the adjudictor sees fit to reject such evidence and attributes the accused's guilt to the prevalent drought, to the common knowledge that the human head absorbs moisture more readily than the bamboo, and that the plant was observed to be shaking shortly after the accused left its vicinity; — then he has arrived at a conclusion which, on the available evidence, would enlist the concurrence of most High Courts.

That a minority of modern courts might not agree with his verdict still does not demonstrate that the *lĕmbaga* of Jelebu did justice only in the *majority* of cases. For there is a world of difference (one measured by more than criteria of time and physical location) between the two sets of functionaries. It is the difference of outlook and attitude. The modern adjudicatory process (involving judge and lay assessors of fact) is selected for its lack of familiarity with the accused and his circumstances. It must be dispassionate in its weighing of the evidence and objective in its application of the law. No such requirements fettered those who administered the *adat* in Jelebu.

The man who is found by the scene of a theft with beating pulse; the man who has, to the recollection of his neighbours and his judge, never before refused to stop and ask for betel when it was offered him — demonstrates a high degree of culpability: particularly when his judge and the entire community are aware of his impecunious circumstances.

The *adat* recognises property of three types. First, there is the *harta pusaka,* or ancestral property, which follows a female line of devolution and is retained by the wife in the event of her divorce.

Terbit pesaka ka-pada saka.
"Inheritance goes to the woman."[14]

Harta dapatan and *harta pembawa* (property acquired before marriage by the wife and husband respectively) reverts on divorce to its premarital owner. On death, the *pembawa* or *dapatan* devolves to the female descendants of the deceased. Custom varies from state to state in relation to the devolution of property jointly acquired during marriage (*harta pencharian*) where there is issue. (It appears to be generally accepted that if one party dies, and there is no issue, that the *pencharian* goes to the survivor). On divorce this property is divided equally between the husband and the wife.

Section 5 of the Customary Tenure Enactment of 1935 (Cap. 215) protects the customary forms of land transfers, charges and other dealings amongst Malays resident in Kuala Pilah, Tampin and Jelebu. The Undang, or "Principal Chief", is empowered (by section 2A) to appoint *lēmbagas* to carry out duties in those matters so long as the Collector of the district is informed in writing of his actions. Section 24(i) of the Enactment confers upon the State Council power to make, by resolution, "rules to embody the custom, to prescribe the extent to which and the manner in which depositions of lands, which are subject to the custom may be made and recorded,...."

The best evidence of ownership of land lay in the work that was put into the land. Industry in its reclamation and cultivation was sufficient proof of title.

Sa-bingkah tanah tērbalek,
Sa-hēlai akar putus,
Sa-batang kayu rēbah.

"(Ownership commenced)
When the first clod of land was turned over,
When the first trail of liana was cut,
When the first tree of the forest was felled".

14. Menchari untong,
Menanti untong.
"A man seeks his fate,
A woman awaits hers".

Even more cogent proof of ownership was its long possession and cultivation by one family.

Pinang yang gaya,
Nyiur yang saka,
Jirat yang panjang.

"When the areca-palms have grown tall,
And the coconut palms are ancient,
And the line of owner's graves grows longer and longer".

Reference has already been made to the Negri Sembilan Malay's dilemma in points of conflict (outside purely religious matters) between the *adat* and Muslim law. He would seek to gloss over these by alleging that both systems were in fact directed to the same end:—

Pada adat,
Mĕnbhilangkan yang burok,
Mĕnimbulkan yang baik,
Kata shara',
Mĕnyurohkan bĕrbuat baik,
Mĕnĕgahkan bĕrbuat jahat.

"Our customary law bids us
Remove what is evil
And give prominence to what is good;
The word of our religious law
Bids us do good
And forbids our doing evil."[14a]

— and that any disagreement between them as to the attainment of that goal was attributable to a mistaken interpretation of the religious law.

But recourse to fictions demonstrates inability to achieve solution by rational means. That, in turn, bespeaks of much more than nominal incompatibility.

14a. See also: Adat bersendikan Hukum,
Hukum bersendikan Kitabullah.
"Adat is incorporated in religious law,
Religious law is incorporated in the Qur'an".

SOME EFFECTS OF THE BRITISH ADMINISTRATION ON THE ADAT PERPATEH

In 1929 E. N. Taylor, who later graced the High Court Bench, set out in Volume 7 of Journal of the Royal Asiatic Society (Malaya Branch) succinct reports of about one hundred and fifty Rembau cases, in some of which he sat in judgement himself as Collector or Magistrate. These mainly concerned the application of customary law to the fields of ancestral property, adoption, the matriarchal law, marriage, divorce and contract and tort. This work of compilation and commentary on the Rembau *adat* is unique and takes notice of the embarrassments attendant on the application of an imported jurisprudence to the problems of a community which had for centuries been content to find its own solutions.

The frustration of the British administrator in having to adapt his mind to an unwritten code expressed in a tongue often unfamiliar to him is evidenced by a letter to the Resident Rembau by the Commissioner of Lands: a letter which resulted in the superior official's insistence that in future his Collectors should keep records of their decisions in cases involving customary law.

Part of the letter reads:

"It was somewhat of a shock to me to find that in the year 1926 the customs governing the most elementary and frequently recurring matters of succession to land were in dispute, and to find parties calling witnesses to testify to the custom applicable just as if the point at issue was entirely new and had never been decided before.

"I submit that every effort ought to be made to remedy this state of things because it wastes much time, is conducive to perjury, and offends against the principle that law, and custom having the force of law, should be ascertained and certain."[15]

On the face of it there did appear to be genuine cause for complaint. In the case of *Miah v. Safar*, for instance, three local expert witnesses demonstrated a signal lack of

15. As reproduced in Volume 7, *Journal of the Royal Asiatic Society (Malaya Branch)*, at pp. 2-3.

agreement over the interpretation of the adage

> Mati bini tinggal ka-laki
> "on the death of the wife (the property)
> remains to the husband".

One witness opined that "if the property is *pencharian* it goes to the survivor – that is, on the death ot the wife, to the husband and on the death of the husband, to the wife – but if the wife dies, although the children get no share, the husband must provide for them."

The second suggested that, "In the case of *pencharian lakibini,* if the mother dies the property goes to the children – so if the father dies;" and consideration by the third led him to state: "In the case of *pencharian,* if the wife or husband dies the property is divided between the surviving parent and the children."

However, Taylor is quick to the defence of the 'expert' *lĕmbagas.* He demonstrates a barely disguised irritation for officials who were perhaps impatient and sometimes negligent in their methods of adducing evidence of custom, and makes the point that in *Miah* v. *Safar* the correct interpretation would probably have been forthcoming had the saying been put to the witnesses in its proper form.[16]

In Negri Sembilan the British administration first made itself felt in the 1880's. During the next fifty years the common law – inspired penal legislation superseded the customary criminal laws and the Torrens system of land registration asserted a hold on the State (as well as on other Malay States). For many years English and Malay tribunals co-existed though the latter were gradually divested of their enforcement powers. Thus with increasing frequency native suitors made use of the more sophisticated machinery of the alien system. (see e.g. *Ungkar* v. *Sichik* where the plaintiff, disenchanted with the decision of the *Undang* and the *lĕmbagas,* instituted proceedings in the Supreme Court, where he failed in his first suit against a defence of *res judicata* and technical errors in his pleadings, but succeeded

16. In its true form the saying is "mati bini tinggal ka-laki kalau tiada anak antara berdua nya". (On the death of the wife (the property) remains to the husband if there is no child of the marriage).

at the second attempt).

Apart from statutory provision to the contrary, the officers of local courts became, to all intents, no more than arbitrators:

(See *Samdah* v. *Siman* where Taylor himself, sitting as Magistrate, held an award by the Datoh Perba to be *ultra vires* on the ground that the Datoh did not enjoy the powers of a Penghulu as conferred by the Courts Enactment).

Taylor lamented the importation of the English property law distinction between movable and immovable property as a grave impediment to the administration of the *adat* in Rembau which recognised no such concept. However, in two cases:

Re Kulop Kidal deceased and *Re Puan deceased* the English law refinements appear to have been glossed over to the advantage of the *adat*.

Yet in the realm of property law the claim has been advanced that the British tended to "relax, rather than intensify" the rigours of the *adat*, both by way of judicial decision and by legislation. In support of this, Taylor quoted the Customary Tenure Enactment of 1909 and the fact that prior to that date no conservative legislation was passed in relation to property holding. The more meddlesome hand of the 1926 property Enactment he seeks to excuse on the ground that it was intended to achieve some sort of conformity between the land law of the Negri Sembilan and of those other Malayan States whose property law was based broadly on the English system.

The Laws of the Constitution of the Negri Sembilan (1948) provide for the preservation of ancient constitution and ancient custom: section 68 (see also section 11 (1)). Section 69 (1) allows for recourse of questions "as to the effect of any provision of the Laws of the Constitution of the State. . . ." to the Supreme Court which may take one of two courses: it may itself resolve the entire question, or remit it to the court where it arose, there "to be disposed of in accordance with the determination of the Supreme Court". The advisory jurisdiction of the Supreme Court is again indicated by sub-section 2 of Section 69.

If a generalization may be made on the 1929 collection of Rembau decisions it is that it presents overwhelming evidence that the British courts viewed the *adat* sympathetically and were prepared to apply it, or allow it to be applied, wherever it did not clash too resoundingly with fundamental common law precepts of substance and procedure.[17] But it is clear that in non-criminal litigation the Malays of Rembau were still substantially beholden to their customary law. In 1929 they looked first (as they still do in a narrower civil field) to the interpreters of their traditional law[18] rather that to those who administered a system rooted in alien soil and expressed in a foreign tongue:— a system which continues to reveal anarchronisms (particularly procedural) which sometimes render it unintelligible even to the distant nation to whose peculiar needs and idiosyncrasies it claims to have been fashioned for seven hundred years.

Practical good sense – unimpeded by more than a necessary minimum of technicality – weathers well, and to those who applaud that virtue in the old *adat pĕrpateh* it is reassuring in modern times to read in Malayan law reports and newspapers of causes where its timeless realism has been vendicated by the High Court Bench.

THE ADAT AND JUSTICE

The title of this paper implies that justice and the *adat* are to some degree co-extensive. Before trying to estimate the validity of that implication or to calculate that degree, it is necessary to inquire into what is meant by 'justice'.

In Book I(3) of Xenophon's *Cyropaedia*, Astyages is recorded as having elicited from Cyrus the following account of a recent lesson.

> "One of the boys of our school had a coat which was too small for him and gave it to one of his compa-

17. English law by way of legislation and decisions was also applied to matters on which the *adat* was silent.

18. Cf. Reay: *A Digest of Reported Cases, 1897-1925*, at p. 36. "Before reliance can be placed on English decisions it is necessary to determine what the local law is and in what respects it resembles or differs from the English law. Where the local law has been modelled on the Indian, Indian decisions are important". *Leonard* v. *Nachiappa Chetty* (1923), 4 F.M.S. 265.

nions, a little smaller than himself, and forcibly took in exchange the latter's coat which was too large. The preceptor made me judge of the ensuing dispute, and I decided that the matter should be left as it was, since both parties seemed to be better accommodated than before. Upon this the preceptor pointed out to me that I had done wrong, for I had been satisfied with considering the convenience of the thing, whereas I ought first to have considered the justice of it."

This has been used to illustrate the wide divergence in principle (if not always in effect) between the administrative and the adjudicatory functions. Most people acknowledge the existence of at least two meanings of "justice". The first is that of adjudication in which the process of "the judicial mind" is manifested: the second is that of administration which weighs policy against fairness and often has to tilt the scale in favour of the former.

'Justice' in the first sense requires a mind which, in addressing itself to problems, bows to the qualities of impartiality and consistency and strives to reach a conclusion which is drawn from "a stock of known principles and rules which will be treated as invested with legal obligation".[19]

'Justice', in the second sense, appears in the vedict prompted by the undisciplined impulses of convenience and public policy—and thus, like Cyrus in the example above, avoids the sterner effort of mind involved in the first ("legalistic") meaning.

"Legalistic" is here used to describe that attitude because only the purist would contend that judges never defect from a strict declaratory or interpretative exercise of their powers. Most judges would agree that they do defect; and most law students delight in pointing out to their teachers the legion instances of decisions based either wholly, or primarily, on considerations of 'public policy'.

A third meaning, and one which provides a more realistic basis for comparison with the *adat pĕrpateh*, is that propounded by B. J. Cardozo, an eminent twentieth century

19. B. J. Cardozo, *The Growth of the Law*, p. 43.

American judge and jurisprudent. In his view the judicial process contains the following elements:

tradition:	that which is based on time-tested premises of fact and of law,
philosophy:	the application of logic by analogy,
evolution:	the creation of new norms out of the old in order to adapt the law to changing environment, and
sociology:	the importation by the judge of ethical, economic, social and other 'non-legal' factors into the law.[20]

Whilst it would be difficult to fit the *adat* into the shoes of either of the first two meanings of 'justice', (without the loss of a few toes), it is submitted that it exhibits all of the attributes of Cardozo's more accommodating view.

The very survival of the *pĕrbilangan* and the logic it embodies, the fact that the *Undang* enjoyed some freedom to distinguish sets of circumstances in his application of the *adat* (and is thus able to direct its future course): these provide evidence of the fulfilment of two of Cardozo's criteria – *tradition* and *evolution*.

As we have seen the *adat* derived its vitality from the *pĕrbilangan*, which found its own inspiration in analogies with homely environmental norms. From this has been evolved a jurisprudence which facilitates the development of the customary law from case to case (more consciously in the higher adjudicative eschelons than in the lower), and to this extent the *adat* resembles the English common law. This development satisfies the *philosophical* element.

Yang bĕrlukis yang bĕrlĕmbaga,
Yang bĕrturas, yang bĕrtauladan,
Yang bĕrsĕsap yang bĕrjĕrami,
Yang bĕrbap yang bĕrpasal.
"The record secures the tribal right,
What has filtered though the ages set the example,
The water of the pool and the cataract are one.
The chapters make the script, the section the chapters."

20. See footnote 15.

Apropos Cardozo's sociological test the *adat* is replete with instances of 'non-legal' (according to western notions) rules attributable to the influence upon it of extra-legal factors.

This is not surprising when it is remembered that the *adat pĕrpateh* represents a *modus vivendi* rather than a set of prescriptive norms for the guidance and protection of the community in specifically defined areas of human conduct covering only actions which the influential part of that community labels as 'undesirable'. With the *adat pĕrpateh* it would be invidious to seek to draw a line between what the Federation of Malaya as a whole deems 'undesirable' (i.e. sufficiently undermining to rate as civilly or criminally actionable), and what was regarded in Negri Sembilan as 'improper' or not 'right' behaviour.

Max Gluckman, whose impressive study *The Judicial Process among the Barotse of Northern Rhodesia,* throws much light on the issues raised in this paper, adopts Cardozo's criteria. He also follows traditional western jurisprudential thought in ascribing the main sources of law to

customs,
judicial precedents,
legislation,
equity,
the laws of natural morality,
good morals
and public policy.

To this list he adds a 'source' of his own denomination, "the laws or regularities operating in the environment and in human beings and in criminals".[21]

Apart from legislation, which in comparatively unsophisticated societies is always at a premium, the *adat pĕrpateh* would appear to have derived its vigour from the same roots as western law. As has already been shown, ancient precedent (having a strictly binding or merely persuasive force according to the status of the adjudicator)

21. *The Judicial Process among the Barotse of Northern Rhodesia,* at p. 231. It may be questioned whether this category is not already covered by the others.

provides the framework of the *adat*.[22] This has been built on the rocks of good moral and good common sense, which process necessarily induces the tempering pressures of equity. Evidence of the influence of public policy (invariably motivated by notions of convenience and accommodation) may be gathered from the *adat* in its 'evolutionary' process.[23]

That illustrations of this cannot be pointed to with the same facility as the common law admits, is due to two factors: to the lack of written records of decisions on the *adat*, and to the relatively static nature of the society which does not furnish the same incentives to change as those which are continually prodding the courts and legislatures of the complex western systems and their Asian counterparts.

Much of what Gluckman describes of the Lozi's attitude to the judicial process would apply to the Malay of Negri Sembilan when his customary laws were in a similar phase of development.

". . . . we see the law as a body of rules applied to a set of facts which have been proved in evidence. The judges in the above terms, state that such and such legal rules will be enforced in this dispute: by their very statement they make those rules legal. They extract these particular rules from all the rules 'accepted by all normal members of the society as defining right and reasonable ways in which persons ought to behave in relation to each other and to things'. In this selection they should be guided by certain criteria and rules".[24]

With the Negri Sembilan Malay as with the Lozi and the pre-thirteenth century English (i.e. before the last became regulated by legislation), there developed little of the scientific method of collecting, contrasting and applying

22. Dudok dengan aturum kechil nama mēpakat:
besar nama adat: gedang, bērnama pēsaka sembah.
"Small matters are the place for arbitration,
great for the application of custom,
the most weighty for ancient ancestral right".

23. And to the legal processes of other compact, predominantly agricultural communities at a similar stage of development.

24. *The Judicial Process among the Barotse of Northern Rhodesia*, at p. 231.

laws. This explains the need for the constant re-statement of basic maxims laid down in the distant past which rely for their perpetuation as much on their onomatopaeic and rhythmic appeal as on the intrinsic value of their content.

In the English court room recourse is still occasionally had to time-honoured axioms like —

"An Englishman's home is his castle"

and "Possession is nine points of the law".

He who seeks justice amongst the Lozi is informed (in the same phrases that his ancestors have echoed for centuries) that —

"The *Kuta* decides by evidence and evidence convicts you,"

and that "The *Kuta* proceeds by asking the man and woman questions".[25]

To similar sententious expressions the Negri Sembilan Malay has, for perhaps more than three hundred years, been beholden.

Is the justice rendered the Lozi or the Rembau Malay by his local courts any less efficacious than that of the more sophisticated systems that overlay it? "Efficacy" in this sense must be looked at from both ends of the judicial process:

(i) Do the decisions of the courts represent a fair and consistent application of rules which have evolved along the lines already discussed, and are they directed to the public interest of the society they serve? *and*

(ii) are the subjects of those decisions provided with adequate guidance as to the extent of the areas of conduct which they transgress at their peril?

The first of these questions has already been answered in the affirmative. The second evokes a comparison with the "over-laying" systems.

In the State of Malaya, the most zealous professor of law may be forgiven in fact (but not in law)[26] for his unfamiliarity with whole areas of legislation — original and

25. Quoted by Gluckman.
26. That is, if his unfamiliarity leads him into a violation of the law (albeit only an unwitting one).

subordinate – because of its very profusion. But there is no excuse for the Negri Sembilan Malay's ignorance of his *adat,* for its simplicity of substance and form commends it to the memories of the sharpest-and bluntest-witted, and young and old alike.

Even in the depressingly complex maze of modern case-and statute-law the good sense of the *adat* may furnish a more reliable guide than the most encyclopaedic digest of contemporary law and morals. Guide and seeker may, during the process of extrication, unwittingly violate a few obscure "No Waiting" regulations, but adherence to the tenets of "right action" will ensure their arrival with clean hands and clear consciences in respect of dealings with their fellow travellers.

Writing on the *adat pĕrpateh* in 1908 Wilkinson had this to say:

"Whenever a miscarriage of justice occurs in Perak, Pahang and Selangor, the Malays take it very calmly; but in the Negri Sembilan the whole population is excited by any non-recognition of the local *adat.*"[27]

How far this is true of the *adat* fifty years later is problemmatical. However, in the last decade there has been at least one instance where influential voices have been raised in strenuous defence of *adat* law in an issue of major interest.[28] Some would argue that the expansion of the common law throughout Malaya sounded the death-knell of the *adat pĕrpateh* in Negri Sembilan. Against this it may be said that the *adat* has already survived and gained impetus from the competition of one highly developed system of law over a period when it was probably more susceptible to encroachments than it has been over the past eighty years.

The strength of the *adat* is in its simplicity – a characteristic not all-pervading the common law. That the present sons of Minangkabau should have more than an insignificant part of their future lives regulated by the law of their fathers demands from them not only a continued

27. *Papers on Malay Subjects,* Vol. 2, at pp. 19-20.

28. The 1951 conflict. See P. E. De Josselin De Jong's article *Islam Versus Adat in Negri Sembilan* referred to in my footnote 2.

reverence for the *adat,* but also tenacity of purpose in its perpetuation.

Biar mati anak jangan mati adat.
"Let our children perish but not our adat".

KAUM MUDA — KAUM TUA: INNOVATION AND REACTION AMONGST THE MALAYS, 1900-1941

By William Roff[1]

In October 1940, the Sultan of Perak[2] sent a message to the Malay monthly magazine *The Modern Light* on the occasion of the beginning of the Fasting Month. In the course of his remarks he said: 'We believe that our people today may be classified under three separate groups: viz:— (1) *Kaum Tua*, (2) *Kaum Muda*, (3) *Orang Muda-Muda*. Those who come under the first category devote their time mostly to the spiritual side of life, those under the second category to the material side of life, while the third may be said to waver between the two'.[3] Writing at about the same time, but referring to the period immediately after the First World War, Virginia Thompson, in her *Postmortem On Malaya*, says that within the Malay community 'the modernists were represented by *Kaum Muda*, a party of about a hundred young Malays from the nascent middle class who attempted to progress along Western lines against the blind prejudice of their elders. The Conservative group, *Kaum Tua*, simply wanted a return to the old ways, and denounced the modernists as worse than idolators and

1. The author is a Research Scholar in the Department of Pacific History, Institute of Advanced Studies, Australian National University. The research on which this article is based was carried out during 18 months in Malaya in 1959-61.
2. Prior to the Japanese Occupation in 1942, the Malay Peninsula consisted of the following units: the nine British Protected States of Perak, Selangor, Negri Sembilan, Pahang, Johore, Kedah, Kelantan, Trengganu and Perlis, the first four forming after 1895 the Federated Malay States, and the remaining five described subsequently, in contradistinction, as the Unfederated States; and the three Settlements of Singapore, Penang and Malacca, together forming the British Colony of the Straits Settlements.
3. *The Modern Light*, I, No. 6 (Ramadan 1359) [October 1940], p. 254.

Christians'.[4] Miss Thompson makes a number of errors here, which I shall refer to in due course. At present I wish only to indicate some of the variety of meanings attached to the terms *Kaum Muda* and *Kaum Tua* in 20th Century Malaya. A third example may be taken from the magazine *Al-Ikhwan*, which in an article entitled 'Belief in the *Ulama*: The Dispute Between *Kaum Muda* and *Kaum Tua*', published in 1929, says that the *Kaum Tua* are those who hold that 'as we must believe in the Kuran and the words of the Prophet, so is it obligatory [wajib] to believe in whatever is given us by the *ulama*' whereas the *Kaum Muda* hold that 'all that is obligatory in [our] religion is to believe in the Kuran and Hadith, for there is no man but the Prophet free from error'.[5]

It is clear from the foregoing that the labels *Kaum Muda* and *Kaum Tua* were capable of very varying interpretation. The Malay word *tua* means 'old', and *muda* 'young', with the subsidiary senses of 'old-fashioned' and 'new' or 'modern'. The word *kaum* is less straightforward. Borrowed from the Arabic, *kaum* has been used in Malay to mean, amongst other things, 'family' (*kaum keluarga*), 'people' or 'community' (*kaum kita, kaum bangsa*), and sometimes specific group, as in 'the women' (*kaum ibu, kaum perempuan*). Its translation as 'party', however, has been misleading. R. J. Wilkinson, in his *Malay-English Dictionary*, published in 1908, gave as one of his alternative renderings for *kaum*, 'of a political party', and the same author's *Abridged Malay-English Dictionary*, revised by A. E. Coope in 1948, ascribes to *Kaum Tua* the specific

4. Virginia Thompson, *Postmortem on Malaya* (New York, 1943), p. 304. Cf. also R. J. Sydney, *Malay Land* (London, 1926), p. 49: 'My friend is a young Malay officer who is on probation in the Government Service....He is one of a party known as the Young Malays, who are attempting to reform their elders and to bring order out of chaos. At present there are fewer than a hundred of these young men, but they are beginning to make themselves felt'. The correspondence between the two statements is sufficient to suggest some indebtedness on Miss Thompson's part.

5. 'Perchayaan Ulama: Pertengkaran Diantara Kaum Tua dengan Kaum Muda' ['Belief in the *Ulama*: The Dispute between *Kaum Tua* and *Kaum Muda*'], *Al-Ikhwan*, III, No. 9 (March, 1929). The *ulama* are the theologians, those learned in religion.

meaning 'Conservative Party'.[6] Usages of this kind, with their implications, in Western terms, of a defined and organised group of people pursuing together some recognisable political end became common especially amongst Europeans.[7] It is not difficult to see what led Virginia Thompson, R. J. Sydney and others to posit a 'Young Malay Party' in the 1920's, and to delineate it with considerable, if spurious, precision. Their misapprehension is the more understandable in the light of the British appointment in 1923 of a Malay Liaison Officer with the Political Intelligence Branch of the Federated Malay States Police, whose job was widely regarded, by Malays as well as by Europeans, as that of investigating '*Kaum Muda*' activities.[8] There was, however, neither then nor at any other time, a political party answering to this name.

Kaum Muda and *Kaum Tua,* as with 'Whig' and 'Tory' in 18th Century England, were originally terms of abuse. were used about those one disagreed with, and not, on the whole, about oneself or one's friends, and they referred essentially to sets of various and often inchoate ideas and attitudes held more or less (but not necessarily in their entirety) in common. It became difficult, as the Sultan of Perak's remarks suggest, not to be regarded as belonging to either one side or the other, however limited one's opinions or activities, for the terms were looked upon, in time, as denoting a fundamental, if shifting, division in society, whether the context was religion, education, domestic life or politics. Dichotomies of this kind, particularly in societies which are undergoing, or are faced with the necessity to undergo, processes of strenuous change, are familiar enough. All peoples, no doubt, have a predilection for resorting to simple division rather than multiplication when dealing with the complicated arithmetic of existence. Schrieke drew attention in Sumatra in 1928 to precisely this use of *Kaum*

6. R. J. Wilkinson, *A Malay-English Dictionary* (1st ed. London, 1908, 2nd and revised ed. Mytilene, 1932). Further revised by A. E. Coope as *An Abridged Malay-English Dictionary* (London, 1948).
7. See also, in addition to the works cited above (Note 5) M. L. Wynne, *Triad and Tabut* (Singapore, 1941), p. 497 and chap. xxv *passim.*
8. Interview with Haji Abdul Latiph bin Haji Abdul Majid, Kota Bharu, May 1960. Haji Abdul Latiph's father was the Liaison Officer concerned.

Muda – Kaum Tua to refer to unanalysed social conflict of considerable complexity.[9] The terms 'Liberal' and 'Conservative' performed a similar function beyond their immediate connotations in 19th Century Britain, as Gilbert and Sullivan pointed out, and in more recent times we have become accustomed to seeing the label 'Communist' (and its corollary 'non-Communist') used in a great variety of situations to denote disapproval or approval of a very general standpoint, or even a social mannerism, rather than to refer to specifically held beliefs and adherences. But just as there is a body of dogma and doctrine which can be described as Marxist-Leninism, so *Kaum Muda*, though it came to have an infinity of references, first related to a nucleus of ideas which it is possible to analyse and discuss – those associated with Islamic Reformism. The Islamic Reform movement, introduced into Malaya in the first year of this century[10] became the agent which crystallised for the first time much of the conflict between new social forces and those elements, both in Malay society itself and in its political and demographic environment, which resisted change.

In Singapore in July 1906 there appeared the first issue of a monthly journal in Malay entitled *Al-Imam* ['The Leader'].[11] Its aims, according to Sheikh Muhammad Salim Al-Kalali's introductory editorial, were 'to remind those who are forgetful, arouse those who sleep, guide those who stray, and give a voice to those who speak with wisdom'.[12] One of its first articles consisted of a kind of colloquy on

9. B. Schrieke, 'The Causes and Effects of Communism on the West Coast of Sumatra', in *Indonesian Sociological Studies*, Pt. I (The Hague/Bandoeng, 1955), p. 150.
10. In the early part of the 19th Century, a reformist movement springing from the puritanical *Wahhabi* Movement in Arabia [founded by Muhammad bin 'Abd al-Wahhab (1703-87): see article *Wahhabiya* in H. A. R. Gibb and J. H. Kramers, *Shorter Encyclopedia of Islam* (Leiden, 1953)], led to considerable unrest in the Minangkabau region of Sumatra (the so-called Paderi War, 1803-38). This appears, on the available evidence, to have had little effect on Peninsular Malaya. In any case, the modernist movement of the early 20th Century was unconnected with the earlier movement, except that, in so far as it shared a certain fundamentalist approach, if lent itself to generalised changes of *Wahhabism*.
11. For details of this and all other Malay periodicals mentioned in this article see William R. Roff, *Guide to Malay Periodicals 1876-1941*, Papers in Southeast Asian Subjects No. 4 (Singapore, 1961).
12. *Al-Imam*, I, No. 1 (July, 1906), p. 8.

'The Proper Task: What is Most Needed for Our People'. After asserting that it is the job of a people's leaders to diagnose their ills and prescribe for them, the writer goes on: 'Perhaps it may be said that our people most need skills of craftsmanship or agriculture, or that we should first preserve our country from its foes, or that we need education to rescue us from the slough of apathy, or that we must learn to unite amongst ourselves. . . . This is all true. But that which will fortify and realise all our desires is knowledge of the commands of our religion. For religion is the proven cure for all the ills of our community'.[13] These few lines embody, in essentials, the message which *Al-Imam* was to preach with great assiduity and at considerable length during the next two and a half years — a message which was, indeed, to be reiterated in other periodicals under similar sponsorship for the following quarter of a century.[14]

It must be stressed that *Al-Imam's* first concern was with religion, and not directly with social, even less political, change. At the same time, this distinction would have been in some measures foreign to the editors and writers of the journal, who shared the traditional Islamic concept of the *umat*, or community, in which religious, social and political well-being and ends are subsumed under the one head — the good and profitable life lived according to the Divine Law. Their attention was in the first place, therefore, turned to the state of Malay society. Almost every issue contains at least one article (often more), diagnosing the ills of the community. In an orgy of self-villification, *Al-Imam* points to the 'backwardness' of the Malays, their domination by aliens, their ignorance of modern fields of knowledge, their laziness, their complacency, their feuds among themselves and inability to co-operate. Nor is the Malay community alone in this situation — it is shared by the whole Islamic world. The root cause of this decline of the Islamic peoples from their past glory is that they have ceased to follow, in their ignorance, the commands of God as expressed through the mouth and the life of His Prophet Muhammad. As an

13. Ibid. pp. 16-17.
14. See, especially, *Neracha* (1911-18), *Tunas Melayu* (1913-15), *Al-Hedayah* (1923-26, *Idaran Zaman* (1925-30), *Al-Ikhwan* (1926-31).

instrument for discovering and understanding the Divine Law, we have been gifted with intelligence, an intelligence it is incumbent upon us to use. Islam is not, as its critics say, hostile to knowledge and progress such as is represented by the West – on the contrary, a proper understanding of and submission to Islam is our only means of competing with those who now rule and lead us.[15]

Following upon its diagnosis, *Al-Imam* goes on to practise, in so far as it can, what it preaches – though it must be said that there is in its columns more exhortation than prescription. The Malays, and more particularly the Malay Rulers and traditional leaders (*Raja² dan orang² besar*) are urged to form associations to foster education, economic development and self-awareness.[16] The traditional practice of Islam in Malaya, with impurities derived from *adat* (custom and customary law) and from other religions, must be cleansed of these elements, and the *ulama* who transmit it brought to a sense of their errors. *Al-Imam* proposes a modern system of education in which, upon a basis of sound Islamic instruction, Arabic and English and modern scientific subjects shall be taught, and pupils encouraged to further their studies overseas.[17] There are long series of articles inculcating proper moral conduct, the elements of child-rearing, the duties of every member of society according to status and role,[18] the true history of Islam, and so on. A regular

15. See, for example, the following articles, which are typical of many others: 'Kadza dan Kadir' ['Destiny and the Power of God'] I, No. 2, pp. 38-42. I, No. 3, pp. 74-76; 'Angan² yang Berbetulan Dengan Hakikat' ['Thoughts that Correspond with the Truth'], I, No. 3 pp. 169-182; 'Menuntut Ketinggian Akan Anak² Negeri' ['The Pursuit of Greatness for Our People'] II, No. 1, pp. 25-29.
16. The duties of Rulers towards their people are outlined in some detail in an article entitled 'Nasihat Al-Emir Abdul Rahim, ia-itu Raja Afghanistan, Kepada Anak-nya Al-Emir Habib Al-Khab' ['Advice from Emir Abdul Rahim, the Ruler of Afghanistan, to His Son Emir Habib Al-Khab], *Al-Imam* II, No. 5.
17. The series of articles 'Peliharaan dan Pelajaran' ['Upbringing and Education'] which appeared in the first eleven issues of *Al-Imam* were later published in book form under the same title, Syed Sheikh bin Ahmad Al-Hadi, *Peliharaan dan Pelajaran* (Singapore, n.d.).
18. *Al-Imam* in fact organised support for a *madrassah* (religious school) opened in Singapore in November 1907 by Raja Haji Ali bin Ahmadi of Riau. Details of the school and its curriculum are contained in an article in Vol. II, No. 4, pp. 123-4. The school appears not to have flourished, and went out of existence early in 1909, shortly after *Al-Imam's* own demise.

section of the journal is devoted to readers' questions and answers, and to *fatwa* (opinions) on disputed matters of religion, the prime emphasis here being laid on the necessity to return to the Kuran and Hadith, the basic texts of Islam, and to practise *ijtihad* (informed independent investigation) rather than *taklid buta* (blind acceptance of intermediate authority) for their interpretation. Finally, there is a good deal of attention given to news from the Islamic countries of the Middle East, and almost as much to Japan – the two areas which together represent Islam and Asia on the march.

Al-Imam was a radical departure in the field of Malay publications. Newspapers and journals in the past (there had been some fifteen between 1876, the date of the first, and 1906) had been mostly short-lived, and contained little more than transcriptions of overseas news taken from the English-language press, a little local news, and occasional special articles of Malay concern.[19] For a parallel one has to turn to the Egyptian periodical *Al-Manar*,[20] which first appeared, under the editorship of Muhammad Rashid Rida in 1898, and which in many ways *Al-Imam* closely resembles. Nor is this surprising, for it was from the Egyptian modernist movement that the writers and sponsors of *Al-Imam* derived, almost in totality, their reformist ideas.[21] Chief among these writers were Sheikh Muhammad Tahir bin Jalaluddin Al-Azhari from the Minangkabau region of Sumatra, the first editor; Sheikh Muhammad bin Salim Al-Kalali, and Arab merchant in Singapore and Director of Al-Imam for the first two years: Haji Abbas bin Muhammad Taha, of Singapore, the second editor; and Syed Sheikh bin Ahmad Al-Hadi, a Malacca-born Malay-Arab, who was a frequent contributor.[22] All of them had spent some time

19. Some periodicals, notably the weekly *Chahaya Pulau Pinang* (1900-190[6?]) drew more heavily on the Egyptian and Turkish press for their overseas news.

20. *Al-Manar*, Cairo, vol. I 1898 —, weekly for the first year, monthly subsequently.

21. For an account of the modernist movement in Egypt, see Charles C. Adams, *Islam and Modernism in Egypt* (London, 1933).

22. Sheikh Muhammad Tahir bin Jalaluddin Al-Azhari, born near Bukit Tinggi, Sumatra, 1869. In 1880 sent to Mecca, where he lived and was educated for 12 years. In 1893 he went to Cairo, studying

for four years at the University of Al-Azhar, and graduating in Astronomy (*ilmu falak*), which he taught in Mecca in 1899 and 1900. Spent the years 1901-05 travelling between Malaya, Riau, Sumatra, Java and the Middle East. In Singapore in 1906 he was one of the prime movers in founding, and first editor of, *Al-Imam*. Appointed an instructor of religious magistrates in Perak in 1909, later held a similar post in Johore. In 1911 accompanied Sultan Idris of Perak to the Coronation in London, in the capacity of a religious adviser. Inspector of religious schools in Johore from 1914-18. In 1920 invited by Syed Sheikh Al-Hadi to join the staff of the Madrassah Al-Mashhor in Penang, leaving five years later to become head teacher at a religious school in Johore, a position he held until 1930. Associated with Syed Sheikh in the publication of the newspaper *Saudara* (1926-41), which he edited for a time in 1934. During a visit to Bukit Tinggi, Sumatra, in 1927, was imprisoned by the Dutch for suspected subversive activities. Sheikh Tahir published numerous translations from the Arabic, a number of works of his own (in addition to journalistic writings), and a considerable volume of astronomical material. He died only in 1957. A brief account of his life (abstracted from a Ms auto-biography which remains unpublished) appeared in *Al-Atakwi*, (Taiping), I, No. 10, (October, 1947), pp. 6-8.

Syed Sheikh bin Ahmad Al-Hadi, born Malacca 1867. Attended a religious school in Trengganu as a boy. At 14 years old, was taken to Riau, where his father had family connections with the Royal house, and was adopted into the family of Raja Ali Kelana, younger brother of the Sultan. Visited Egypt, Beirut and Mecca several times accompanying the sons of the Sultan and Raja Muda of Riau. In 1901 installed as manager of a Singapore brickworks by Raja Ali Kelana, and in 1906 helped to found *Al-Imam*, to which he contributed frequently. From 1909 until about 1915, worked as a *shariah* (religious court) lawyer in Johore, removing to Malacca to start a religious school in his own name. In 1918 or 1919, became first Principal of the Madrassah Al-Mashhor in Penang, leaving in 1926 to found the Jelutong Press. His remaining years were devoted to publishing, and to editing the monthly *Al-Ikhwan* (1926-31) and the weekly *Saudara* (1928-41). He died in 1934. His publications, mainly translations, are extensive, ranging from Muhammad Abduh's commentaries on the Kuran to adaptations of modern romantic Egyptian novels.

Haji Abbas bin Muhammad Taha, born Singapore 1885. Spent part of his youth studying in Mecca, before returning to Singapore in 1905. In 1907 succeeded Sheikh Tahir as editor of *Al-Imam* until publication stopped at the end of the following year. Appointed Kathi (religious magistrate) for Tanjong Pagar, Singapore, in 1909, and Imam of the mosque there. In 1911 he founded and edited the weekly newspaper *Neracha* (1911-15), and two years later a companion monthly journal *Tunas Melayu* (1913-15). An ardent propagandist for religious and social reform, he is not known to have published much, beyond his journalistic writings and a collection of excepts from Egyptian and Syrian works on the education and upbringing of children, which appeared under the title *Sempurnaan Pelajaran* (Singapore, 1906). Details of his later life are not known to the writer, except that he appears to have become a religious school teacher in Selangor. Little is known of Sheikh Muhammad b. Salim Al-Kalali, except that he was a wealthy merchant, with extensive interests throughout the Malay Archipelago.

in Mecca[23] and in Egypt, where they had come into contact in differing degrees of intensity with the reformist ideas current in Cairo as a result of the activities of Muhammad Abduh and the '*Al-Manar* Circle'. Sheikh Tahir, in particular, had been a student at the University of Al-Azhar (where he specialized in *ilmu falak*, astronomy) for four years, was a close friend of Rashid Rida, and is said to have contributed articles to *Al-Manar*.[24] Though it is not certain whether Syed Sheikh Al-Hadi ever studied formally in Cairo, it is clear that in the course of several visits to Egypt prior to 1900 he became acquainted with the modernist movement, perhaps chiefly through Sheikh Tahir, with whom he had a close association.[25] The fruit of these contacts and relationships is evident. An examination of the contents of *Al-Manar* as detailed by C. C. Adams in his *Islam and Modernism in Egypt* makes clear the extent to which *Al-Imam* was modelled on it[26] and the Malay journal contains an abundance of references to and excerpts from its Egyptian predecessor.[27]

23. For a general description and discussion of the Malaysian community in Mecca at this time, see C. Snouck Hurgronje, *Mekka in the Latter Part of the 19th Century* (London/Leyden, 1931), chap. IV, pp. 215-92, and *passim*.
24. Hamka [Haji Abdul Malek bin Abdul Karim Amrullah], *Ajahku: Riwajat Hidup Dr. Abd. Karim Amrullah dan Perdjuangan Kaum Agama* (Djakarta, 1950), p. 48; Interview with Inche Hamdan bin Sheikh Tahir, Kuala Lumpur, November 1960.
25. Syed Alwi Al-Hadi, in an unpublished biographical essay on his father ('Almerhum Syed Sheikh bin Ahmad Al-Hadi dan Bahagian yang Telah Di-ambil-nya didalam Peredaran Agama Islam di-Semenanjong Tanah Melayu'), says that he several times accompanied the sons of the Sultan and Raja Muda of Riau to Egypt and Mecca, 'where he took the opportunity to further his knowledge of Arabic and religion'. These trips seem primarily to have been round trips of some months' duration, encompassing the period of the pilgrimage, and it is questionable how much formal study was possible in these circumstances. See also the article 'Tarikh Hidup Al-Falak Al-Shahir' in *Al-Takwa* (Taiping), I, No. 10 (October, 1947), pp. 6-8.
26. Charles C. Adams, *op. cit.*, pp. 181-2, 187-95.
27. A good deal of *Al-Imam* is obviously translated from Arabic works of one kind or another, but the source is rarely stated. It seems probable that some of the articles described as being in translation are in fact from *Al-Manar*. More specifically, vol. I, No. 12 contains a piece by Muhammad Abduh on *riba* (usury), together with comments by *Al-Manar;* vol. II, No. 6 contains an article by Abduh on the necessity for mutual self-criticism among the *ulama;* vol. III, No. 5 quotes extensively from *Al-Manar* in the course of a discussion on Sufi *tarikat*. More casual and less controversial references abound.

The importance of *Al-Imam* in Malaya, as a journal of influence, can, I think, be overrated. The extent of its circulation is problematical, but was comparatively small. (Judging from the correspondence, it seems probable that a large proportion of the subscribers lived in the Netherlands Indies, principally Sumatra.[28] At the same time, the range and catholicity of its ideas and interests represent incipient movement and growth within almost every facet of Malay society. While it would, for example, be a mistake to regard its concern for the Malay/Muslim *umat* as a form of political nationalism, in a Malaya in which for the next thirty years few were to recognise allegiances beyond, at the most, their own State and Sultan, this concept of a wider unity was to become increasingly symptomatic of Malay unease at the absence of effective association and co-operation for undeniably common ends. And although *Al-Imam* had a limited audience, it came into the hands of religious teachers in the *madrassah* and *pondok* schools,[29] where its

And starting with vol. III, No. 3, *Al-Imam* published a *Tafsir Al-Kuran* (Exegesis of the Kuran) in its last five issues, which may be that by Muhammad Abduh published in *Al-Manar* from 1900 onwards, though I have been unable to check this.

28. Sheikh Tahir Jalaluddin, the first editor, and perhaps the strongest personality in the group, was from the Minangkabau area of Sumatra. Hamka, *op. cit.* p. 48, refers to Sheikh Tahir sending copies of *Al-Imam* to his friends and pupils in Sumatra, and also to the influence of *Al-Imam* upon the sponsors of the first reform movement journal in Indonesia, *Al-Munir* (1911-16). At the same time, *Al-Imam* itself lists agents and correspondents in many parts of the Malay States, and it is notable that some of the most cogent contributions, especially on the topics of education and Naqshabandi Sufism, come from writers in Johore, Pahang and Perak.

29. The Arabic term *madrassah*, for a religious school, seems to have been introduced to Malaya about this time, though I cannot be sure of this. The more common term for religious schools was *pondok* (Malay: 'hut' or 'shanty'), referring to the huts in which pupils lived while learning from their teacher. Though the *madrassah* would not necessarily be larger or better staffed than the *pondok* schools, they were certainly more pretentious, and reflect, in fact, the influence of religious reform ideas, both in their nomenclature and their aspirations. *Al-Imam*, in the course of its two and a half years, refers to the establishment of *madrassah* at Telok Anson (vol. II, No. 4), Singapore (vol. II, No. 5), Penang (vol. II, No. 9), Kuala Trengganu (vol. II, No. 11), and Muar (vol. III, No. 2), and there were certainly many others. For some general remarks on *madrassah* and *pondok* schools, see Rozhan bin Kuntom, 'A General Survey of Muslim Religious Schools in Malaya' (Unpublished Thesis, University of Malaya in Singapore, 1957), *passim*, though this has comparatively little material on the early period.

opinions on such questions as the wearing of European-style clothing, the payment of money for burial prayers, the taking of interest from Savings Banks, and certain of the practices associated with Naqshabandi Sufism aroused considerable controversy.[30] More generally, the ideas it developed were carried throughout the Peninsula by its writers and those in sympathy with them. Sheikh Tahir, Syed Sheikh, Haji Abbas and others became *shariah* (religious court) lawyers, founded schools and became religious teachers in Johore, Malacca, Selangor, Perak and Penang during the next two decades, and continued in other publications (notably *Neracha*, 1911-15, *Tunas Melayu*, 1913-15, and *Al-Ikhwan*, 1923-31) to propagate the ideas of reform. It was this activity, and its innovating and potentially disruptive character, which caused them to be described as *Kaum Muda*[31] and brought them into conflict with other groups in Malay society – the official religious hierarchy, the traditional Malay elite, and the rural *ulama*.

Haji Abbas bin Muhammad Taha once remarked of the Mufti (actually Sheikh-ul-Islam)[32] of Perak, 'To become a State Mufti in Malaya is a great glory. You have an official uniform, with a whole banana-comb of epaulettes on the shoulder, a *jubbah* embroidered with gold thread, a silk turban, and your own car. The *ra'ayat* [peasants] fear and obey you, eat the scraps from your table, your spat-out *sireh*. And if you want to get married. . . . Bismillah!'.[33] While this description may be said to have referred to an extreme case, it is an indication not only of *Kaum Muda*

30. See Hamka, *op. cit.* pp. 51-3, for a list of the controversial topics discussed by the *Kaum Muda* journal *Al-Munir*, published in Padang Panjang, Sumatra, from 1911. Many of these appeared in a less explicit form in *Al-Imam* between 1906 and 1908.

31. Other epithets were also applied, notably *Kaum Wahhabi* and *Kaum Al-Manar*, referring respectively to the puritanical Wahhabi movement in early 19th Century Arabia (and Sumatra), and to the modernist '*Al-Manar* Circle' in Egypt.

32. The 'Mufti' in Islam is a jurisconsult, empowered to give formal legal opinions (*fatwa*) on matters submitted to him. 'Sheikh-ul-Islam' is a title of honour given to jurists of more than usual standing. [see H. A. R. Gibb and J. H. Kramers (eds.) *Shorter Encyclopedia of Islam*, (Leiden, 1953)]. The terms were used interchangeably in Malaya to refer to the chief religio-legal authority in a State, appointed by the Sultan.

33. Cited in Hamka, *op. cit.*, p. 59.

feeling about established religious authority, but also of the nature of this authority in the Malay States. As is well known, when the British moved into Peninsular Malaya in the 1870's and after[34] the treaty arrangements then elaborated expressly reserved to the Rulers matters concerning 'Malay religion and custom',[35] and with respect to religion the colonial power may on the whole be said to have pursued subsequently a policy of non-interference. This is not to say, however, that British rule in Malaya was without its effects on Islam. Its influence was felt in two main ways. In the first place, the Rulers, and the traditional elite, much of whose real power was stripped from them by the circumstances of British protection, looked increasingly to the fields of religion and custom to express what was left. The relationship between Islam and the 'secular' power had always been close to erastian (Sultans were regarded not simply as defenders of the faith, but as the source of religious authority): one effect of colonial rule was to encourage the concentration of religious authority in the hands of a hierarchy of officials directly dependent on the Sultans for their position and power. In the second place, the introduction of an alien system of civil and criminal law to regulate all aspects of life other than those coming under the description 'Malay religion and custom' resulted in pressure to establish a more formal system of Islamic law than had hitherto existed. Islamic legislation was enacted in the State Councils, courts and legal procedures were established, and a legal bureaucracy was created

34. Perak and Selangor came under British protection in 1874, Pahang in 1887, and the Negri Sembilan finally (after earlier acceptance of British arbitration and guidance) in 1889; Johore came formally under protection in 1885, and the four northern States of Kedah, Perlis, Kelantan and Trengganu in 1909, with their transfer from Siamese suzerainty.

35. Clause VI of the Pangkor Engagement with Perak (20th January, 1874) became the model for these arrangements: 'That the Sultan receive and provide a suitable residence for a British Officer to be called Resident, who shall be accredited to his Court, and whose advice must be asked and acted upon in all questions other than those touching Malay Religion and Custom', G. Maxwell and W. S. Gibson, *Treaties and Engagements Affecting the Malay States and Borneo* (London, 1924), pp. 28-9.

to run them.[36] This development, in addition, no doubt, to responding to a real need, may well have been a reflection also of the desire to emulate Western administrative systems in the field which the Malays felt to be peculiarly their own.

By the end of the second decade of the 20th Century, the Malay States were equipped with extensive machinery for the governance of Islam. Most States possessed Councils of Religion and Malay Custom (*Majlis Ugama Islam dan Istiadat Melayu*), and where, as in Selangor, they did not, a series of Committees of the State Legislative Council performed the same functions.[37] The Councils of Religion and Custom were appointed by the Sultan and advisory to him, and commonly had a majority of non-theologian members drawn from the Royal household and senior chiefs, with the addition, ex-officio, of the State Mufti or Sheikh-ul-Islam (Jurisconsult) and the Chief Kathi (Senior Religious

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36. See, e.g., the Abstract of Minutes of the Selangor State Council [SCM] from 1884 onwards, which give a clear indication of the process that was at work. In June 1884, the Council decided to appoint a State Kathi (religious magistrate) 'to decide disputes involving questions of Mohammedan Law and Custom' (SCM, 14/6/84); the appointment of Assistant Kathis for the Districts was ratified the following year (SCM, 22/10/85); Regulation XI of 1894 provided penalties for the offence of adultery by Muslims (SCM, 17/12/94); the Muslim Marriage and Divorce Registration Enactment was passed in 1900 (Sel. VII, 1900; SCM, 10/5/100); and a 'Mohammedan Laws Enactment' was passed in 1904 providing penalties for a variety of offences against Muslim Law (Sel. III, 1904; SCM 29/2/04). The Federated Malay States Courts Enactment of 1905 (FMS XV, 1905) included provision for religious courts and legislated for their composition and jurisdiction. Although the initiative for some of this activity came from the Residents, this was by no means always the case, and the committees of Council which deliberated on religious matters were formed from the Malay members. See also Perak Council Minutes, 1877-82, printed in R. J. Wilkinson (Gen. Ed.) *Papers on Malay Subjects, History*, Pts III and IV (Kuala Lumpur, 1907 and 1909), *passim*.

37. The Selangor State Council had Committees for the Appointment of Kathis, for Appeals from the Courts of Assistant Kathis, for the Supervision of Religious Instruction, for the Supervision of Mosques and Mosques Funds. In addition, *ad hoc* committees were formed to deal with specific issues regarding proposed legislation on Muslim matters, the examination of religious publications, the collection of the *zakat* and *fitrah*, taxes, reported irregularities in public worship, and so on. For details see especially SCM 21/10/97; 20/6/04; 28/1/18; 7/11/18; 22/9/23. Committees of the State Council on Muslim matters consisted of some or all of the Malay members.

Law Magistrate).[38] Both the composition and the title of the Councils indicate the extent to which religion and *adat* were regarded as inseparable aspects of the one whole, together ensuring the proper functioning of society. The tasks of the Councils in the field of religion were varied and far-reaching, encompassing as they did the examination and appointment of kathis and religious teachers, the consideration of points of Islamic law and practice, the oversight and approval of all religious publications, prior consideration of statute law concerning Muslim matters, and much else besides. They controlled, nominally at any rate (though effective jurisdiction was to some extent limited by the isolation of the rural areas, and determined by the efficacy of the district kathis and sub-officials) all aspects of religion in their respective States. The alliance they represented between the forces of the traditional elite and 'orthodox' Islam was powerful and pervasive. In this, as in many other respects, British policy towards the Malays may be seen as strengthening all the traditional elements of Malay society.

Although, in general, the reformists attacked the establishment from without, some attempt was made to infiltrate the system, especially in the early years before its elaboration was complete. Sheikh Tahir, for example, endeavoured to obtain the post of Sheikh-ul-Islam in Johore, but was found unacceptable to the *Mentri Besar* (Prime Minister)[39] allegedly because of the modernist trend of his ideas.[40] He was, however, appointed inspector of religious schools in Johore, a post he held during the years of the First World War. Earlier, he had gained the confidence of the Sultan of Perak (Sultan Idris, d. 1916), and though he never held high official position he accompanied Idris to London in

38. For the situation in Perak, see Muhammad Khalil bin Hussein, 'The Department of Religious Affairs in Perak' (Unpublished Thesis, University of Malaya in Singapore, 1958), pp. 8-11.

39. Under the 1895 Constitution, Johore (alone of all the Malay States) had a Prime or Chief Minister (*Mentri Besar*), appointed by the Sultan, and President, *ex officio*, of the Council of State. See *Undang-Undang Tuboh Kerajaan Johor* [The Constitution of the State of Johore] (Government Printing Office, Johore Bahru, 1931).

40. Interview with Tuan Haji Zainal Abidin bin Ahmad, Kuala Lumpur, November 1960.

1911 as a religious adviser, and subsequently acted as instructor to religious magistrates in Taiping and Ipoh.[41] In 1918, when Sultan Iskander came to the throne, Sheikh Tahir was put forward for the post of Sheikh-ul-Islam but was again passed over, the appointment going to Sheikh Muhammad Saleh, who had been Iskander's religious teacher in the Kuala Lumpur Police Barracks. Sheikh Muhammad Saleh (who gave rise to Haji Abbas bin Muhammad Taha's scathing remarks quoted above),[42] was an *ulama* of the old school, who subsequently did much to combat reformist influence in Perak.

Kaum Muda principles were regarded as subversive by the *Kaum Tua* for a variety of reasons. In the first place, they were so simply because of the doctrinal and ritual issues involved. These issues varied greatly in substance, from questions such as whether the *talkin*[43] should be recited over the dead at burial, and whether the formulation of intention before prayer (*usalli;* Arabic *niat*) should be made aloud or inwardly, to the *Kaum Muda* assertions that the Friday sermon should not be in Arabic (which practically none could understand) but in Malay, and that Muslims should practise *ijtihad* (informed independent investigation) rather than *taklid* (acceptance of intermediate authority) in the elucidation of religious principle. On the whole, it was the lesser issues which caused the most heat, as perhaps tends to be the case in theological dispute, where what is immediate and practical seems more clearly to represent matters of moment than do abstract formulations of principle. In addition to, or it might be said as a result of, these attacks by the *Kaum Muda* upon established religion, their ideas were regarded as also attacks upon the traditional elite, who stood behind and were involved with the religious hierarchy. Some weight was lent to this by the continual, if muted, criticisms of the Malay '*Raja² dan orang² besar*' (Rulers and traditional leaders), both for their alle-

41. See footnote 22.

42. See p. 172 above.

43. Arabic = 'instruction'. A short address recited over the grave at the close of the funeral service, consisting of advice to the dead man on how to reply to the questionings of the Interrogators of the Dead.

gedly dissolute and self-indulgent way of life, and more positively for failing to provide a leadership which would enable their people more effectively to compete in an alien-dominated world.[44] Again, *Kaum Muda's* criticism of *adat*, though confined to what were regarded as its ill effects upon the practice of Islam,[45] and their insistence upon the equality of all men before God (and a more individualistic ethic) could both be seen to have implications subversive of the existent social and political as well as religious order.

Official Islam reacted both by argument and by the direct use of authority. Periodicals such as Pengasoh (1918-37), a fortnightly magazine produced by the Council of Religion and Malay Custom in Kelantan,[46] which circulated throughout the Peninsula, urged opposing points of view, and attacked the *Kaum Muda* as irreligious. Muftis and Sheikh-ul-Islam issued *fatwa* (legal opinions) condemning the new ideas as *Kafir* (infidel) or Kadiani,[47] and warning people not to be led astray. *Kaum Muda* leaders were refused permission to speak in some mosques, and their periodicals and other publications were prohibited from

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44. See, for example, *Al-Imam*, II, No. 1 (July, 1907), pp. 25-29; *Neracha*, June 19, 1912, pp. 1-2; *Seruan Azhar*, II, No. 22, (July 1927), pp. 421-25; *Al-Ikhwan*, IV, No. 4, (December, 1929), pp. 120-23.

45. See articles 'Manusia dan Kebangsaan' [Mankind and Custom'] in *Pilehan Timour*, I, No. 3 (December, 1927); and 'Bagi Pendengaran Ketua² Agama Lagi' ['More for the Ears of Religious Leaders'] in *Al-Ikhwan*, II, No. 6 (February, 1928).

46. See Kelantan *Administration Report for the Year 1918* (Government Printer, Kuala Lumpur, 1919), p. 13.

47. The reference is to the adherents of the Ahmadiya movement, founded by Mirza Ghulam Ahmad of Kadian in the Punjab. Mirza Ghulam Ahmad died in 1908, and when his son succeeded him as second Khalifa in 1914, the movement split in two, Khwaja Kamal al-Din and Maulvi Muhammad Ali seceding to form what became known as the Lahore party, the original group being called the Kadian party. The most fundamental difference between the two parties was that while the Kadian party regarded Mirza Ghulam Ahmad as a Prophet (a belief that, in the light of the explicit Kuranic description of Muhammad as 'the last of the Prophets', might be regarded as heretical, the Lahore party considered him mainly as a reformer. The Lahore party had considerable influence in Malaya amongst the English-educated (and through such organs as the *Islamic Review*, published by Khwaja Kamal al-Din from Woking Mosque). The Kadian party, on the other hand, seems to have had comparatively little influence, but for those who were hostile to the forces of modernism and reform, the term *Kadiani* came to be used indifferently as a vituperative term implying heresy.

entering certain States.[48] There was even, in 1929, an unsuccessful attempt to have legislation passed in all the State Councils totally banning the import of newspapers and journals of 'the new style'.[49] Section 9b of the Muhammedan Laws Enactment 1904, Amending Enactment 1925, which provided that any person printing or publishing literature concerning the Islamic religion without the express permission of His Highness the Sultan in Council should be liable to a fine of $200 or to imprisonment,[50] was used both to provide a prior check on local publications within the States, and in some cases to prescribe publication or force withdrawal.[51] In the face of this hostility, the *Kaum Muda* propagandists were forced to withdraw most of their publishing activity to the Straits Settlements, which, as British Colonial Possessions, had no Councils of Reli-

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48. See *Al-Ikhwan*, III, No. 7, pp. 215-220.

49. See the *Abstract of Minutes of the Selangor State Council* for October 29, 1929, and May 15, 1930, at which meetings the question of prohibiting the importation into the Federated Malay States of 'papers debating the Muhammedan religion' was raised. The matter was referred first for discussion by the other Rulers and their religious advisers, and then to the Conference of Residents. The Conference held that 'no Amendment to the Muhammedan Laws Enactment [which, inter alia, provided penalties for the publication within the States of Islamic writings not formally approved by the Sultan and his advisers] is required, but that in any particular case action may be taken under the Seditious Publications (Prohibition) Enactment, 1919' (*Abstract of Proceedings of the Conference of Residents*, 81st Conference, 12/13 May 1930, Item 11). The argument of those who desired the measure was that publications 'of the new style' were endangering the peace and order of the States. For a discussion of the whole question in the Malay press, see *Semangat Islam*, I, No. 6, pp. 101-105, which quotes also from *Saudara* and the *Majallah Guru*.

50. This Enactment, and its Amendments, were enacted in substantially the same form in all the Malay States.

51. Three works by Ahmad Nawawi bin Muhammad Ali, a graduate of the Madrassah Al-Mashhor, Penang, were refused permission for publication from the religious authorities of Perak because of their reformist content. For details see Za'ba [Zainal Abidin bin Ahmad], 'Recent Malay Literature', in the *Journal of the Malayan Branch of the Royal Asiatic Society*, XIX, Pt. I (February, 1940), pp. 3-4. Za'ba himself published a collection of articles translated from the *Islamic Review* (Woking), under the title *Umbi Kemajuan* [The Roots of Progress] (Penang, 1932). He was at the time on the staff of the Malay Translation Bureau at the Malay Teachers Training College, Tanjong Malim, Perak. As a Government servant he was approached by the British Resident, and required to apologise to the Sultan, in addition to withdrawing the book from circulation.

gion,[52] and which, traditionally, have been sanctuaries in Malaya for those who have come into violent conflict with the religious authorities in the States. In Penang, in the mid-1920's Syed Sheikh Al-Hadi began to publish translations and adaptations of modernist Egyptian novels,[53] founded the Jelutong Press, and published first the monthly magazine *Al-Ikhwan* (1926-31), then the weekly *Saudara* (1928-41), both of which had a wide audience. The Jelutong Press and its publications became for a time the focus of *Kaum Muda* reformist activity, and it is in the columns of *Al-Ikhwan* that one finds perhaps the clearest expression of that other conflict, between the reformists and the rural *ulama*.

Prior to the coming of the British, education in Peninsular Malaya was entirely in the hands of village religious teachers, who in their homes or in the *surau*,[54] and sometimes in larger *pondok* schools[55] where a few dozen boys and young men would live and work under one master, taught the recitation of the Kuran, some simple exegesis of the Kuran and Traditions, and Muslim ethical and behavioural precepts. Often the teacher was a Haji[56] (this was especially true after the increased facility given to the pilgrimage to Mecca by steamship services and the easier availability of money), but few could claim more than the most rudimentary and dogmatic knowledge of Islam, coloured by traditional Malay magical and spiritual beliefs. Those who had spent a year or so studying in Mecca[57] had

52. Muslim Advisory Boards in Singapore and Penang had no statutory authority, and their tasks were largely those of providing the Government with advice concerning the general interest and welfare of the Muslim community.
53. The best-known of these were *Faridah Hanum* (Penang, 1926), and *Puteri Nur Al-Ain* (Penang, 1929).
54. A small building used in villages for religious purposes, but not as a mosque of general assembly for Friday prayers.
55. See Note 27, above.
56. One who had made the pilgrimage (*haj*) to Mecca.
57. It is impossible to obtain accurate figures for the numbers of Malay pilgrims in the late 19th and early 20th Centuries, and even more difficult to estimate how many spent more time there than the month or so required for the pilgrimage. The only account of the Malaysian community in Mecca is that contained in C. Snouck Hurgronje, *Mekka in the Latter Part of the 19th Century* (London/Leyden, 1931), Chap. IV, pp. 213-92, which does not distinguish between Peninsular Malays and those from other parts of the Archipelago.

probably been inducted into one or other of the Sufi (mystic) orders, bringing with them on their return the practices and beliefs associated with the 'brotherhoods'.[58] For the vast majority of Malays, the transmission of their religion, where it existed systematically at all, was through the village *ulama,* and this remained true after the introduction of Government Malay Schools in the rural areas. Parents were originally distrustful of Government-sponsored education (to lessen the distrust, the authorities made provision for a local religious teacher to take 'Kuran classes' after the day's secular schooling was over), but even when it became more widely accepted, as the road to higher status in life and a means of economic self-improvement, if was quite customary for young boys to 'complete their education' with a year or so in a *pondok* or *madrassah.* For any boy aspiring to enter the swelling ranks of religious 'officialdom', or to teach in a religious school, training of this kind was, indeed, essential.

In addition to their role in this more or less formal educational situation, the *ulama* were culturally important in other and very wide-spread ways. As *Imam*[59] of village mosques, as the chief religious functionaries at all important ceremonial concerning birth, circumcision, marriage and death, and at the frequent *kenduri* (feasts) give to mark special occasions, as the companion to the *bomoh,* or spirit doctor, (and sometimes combining the two roles), in the physical and spiritual crises of life, the *ulama* were regarded

58. Sufi mysticism has a long and important history in Indonesia and Malaya. For some remarks about the role and character of Sufism in the spread of Islam in this area, see A. H. Johns, 'Sufism as a Category in Indonesian Literature and History', in the *Journal of Southeast Asian History,* 2, No. 2, pp. 10-23. Cf. also G. W. J. Drewes, 'Indonesia: Mysticism and Activism', in Gustave E. von Grunebaum (ed.), *Unity and Variety in Muslim Civilization* (Chicago, 1955), pp. 284-310, which deals also with the modernist movement. The only study of Sufism on the ground in Malaya is that contained in Syed Naguib Al-Attas, 'Some Aspects of Sufism as Understood and Practised Among the Malays' (Unpublished Thesis, University of Malaya in Singapore, 1957), where the argument is, however, lacking in adequate historical perspective. In the period with which this paper is concerned, the principal *Tarikat* (Orders) in Malaya were the Shattariyah, the Ahmadiyah, and especially the Naqshabandiyah.

59. Leader of the mosque congregation, and of the community, where mosque activities are concerned.

as the arbiters of all questions of religion, and much else besides. Their relationship with the peasant community of which they were a part, while not conferring undisputed authority outside the special fields in which they were adept, was a close and complex one, not easily assailed by those who subscribed to a different system of values and ideas.

As might be expected, it was upon the rural *ulama* that the full wrath of the *Kaum Muda* descended. Describing them as hawkers of religion,[60] obstacles to progress, and destroyers of the true faith, *Al-Ikhwan,* for example, could write that while for the ulama themselves 'their teaching is aimed only at worldly wealth, ease of living, large houses, motor cars, fine clothes, and not at the true Islam....at the same time they say that those who are ragged, live in dilapidated hovels, have no money and take little trouble to accumulate it, are the sort of people our religion demands.'[61] Ahmad Lutfi, a Malay student at Al-Azhar, writing in the Indonesian/Malay journal *Seruan Azhar,* published in Cairo, refers sarcastically to *ulama* who 'remain docile out of respect for the *orang[2] besar* [traditional leaders] — and in the hope of gaining reward and title thereby. They collect Kuranic dicta [*ayat*] and Traditions which serve only to strengthen their own position....'. In short, he says, they are fit solely to filch from the pockets of the rich and suck the blood of the poor.[62] In their passion to defend Islam against the allegations of obscurantism made by the West, to promote both a more liberal system of education and a more individualistic approach to religious authority, the reformists, in article after article, castigated the village *ulama* as the chief retarders of progress for the Malay peasant.

But it was not mainly, or most importantly, through the columns of newspapers and journals that the *Kaum Muda — Kaum Tua* conflict was fostered at the village level. More often it arose as a result of the interests of the

60. The common allegation was that the village *ulama* 'sold' their religion, against Kuranic precept. The reference was mainly to the practice of accepting 'gifts' for functioning at religious ceremonies, and for teaching.

61. *'Bagi Pendengaran Ketuas Agama Lagi'* ['More for the Ears of Religious Leaders']. *Al-Ikhwan,* II, No. 6. (October, 1927), pp. 172-3.

62. Ahmad Lutfi, *'Kewajipan Ulama Islam'* ['The Duties of *Ulama*'], *Seruan Ashar,* I, No. 5 (February, 1926), p. 99.

villagers themselves. It needed only one Haji to return from the Middle East with reformist ideas, one religious teacher to study at a *Kaum Muda madrassah* in Singapore, Perak or Penang, to divide a village into two embittered factions.[63] And while the main disputes centred round those religious questions already referred to, social questions related to them became easily involved, both as a result of independently arising social change (through the extension of popular, Western-oriented education, the introduction of rubber growing for cash and a changing economy), and as a result of the wider implications of *Kaum Muda* ideas. Arguments about whether it was permissible for a Muslim to wear European dress, and whether the taking of interest from post-office savings banks and rural co-operative societies was lawful or not, divided people along the same lines as arguments about the holiness of the local *keramat* (spirit shrine) or whether a teacher had correctly interpreted a verse of the Kuran. In short, to be *Kaum Muda* came to mean espousal of modernism in any form; to be *Kaum Tua* was to be in favour of all that was traditional, unchanging and secure.

In a volume of essays originally published in the *Police Magazine*, and collected in 1935 under the title *The Malayan Kaleidoscope*, Haji Abdul Majid[64] wrote that there

63. In the Selangor village of Jeram in the late 1920's a dispute developed between *Kaum Muda* and *Kaum Tua* factions over the question of whether or not participants should stand up at the mention of the Prophet's name during the *Maulud Nabi* ceremony. (Literally 'Prophet's Birthday', the ceremony, which consists mainly of readings from biographical works about Muhammad, is used very widely on other occasions than that of the birthday proper.) The disruptive effects of the dispute were considerable, the adherents of each side refusing to pray with the others in the mosque, or to attend weddings and other ceremonies held by the opposition. Though such faction fights were often, as in this case, patched up after a time, they were not uncommon in Malay villages, as one of the unsettling effects of new ideas.

64. Haji Abdul Majid bin Haji Zainuddin, *The Malayan Kaleidoscope* (Kuala Lumpur, 1935). Abdul Majid was educated at the English public-school type Malay Residential College, Kuala Kangsar, later becoming the Malay language teacher on the staff there. In 1923 he was appointed Pilgrimage Officer at Jeddah, spending part of the year there and the rest in Malaya as a Liaison Officer with the Political Intelligence Branch of the Federated Malay States Police, posts he held until the mid-1930's. In addition to *The Malayan Kaleidoscope* he wrote *The Malays of Malaya* (Singapore 1928) under the

was hardly a village in Malaya where the Malays did not argue and discuss the teachings of the *Kaum Muda,* and went on: 'The *"Kaum Tua"* or Old Party, from among whom have been recruited the religious officials of the country, try to insinuate in revenge that the *Kaum Muda* are undesirable Communists, which they decidedly are not'[65] The politicization of the image of *Kaum Muda* began to make itself evident only in the mid-1920's, notwithstanding the political implications inherent in reformist ideas prior to this time. Other writers have referred to the role played by Islamic reform in Indonesia as a kind of prenationalism.[66] The same may be said of reformism in Malaya, but with the important qualification that unlike the Indonesian movement, it never succeeded in elaborating, either organisationally or programmatically, a political nationalism capable of attracting mass support. The principal reasons for this I shall suggest in due course, but that there are not lacking signs that, in other circumstances than those prevailing. it might have done so, is clear from an examination of the writings of the polemical wing of the reformist movement in the 1920's. These are to be found primarily in two periodicals published in Cairo by Malay and Indonesian students at the University of Al-Azhar, *Seruan Azhar* (1925-28) and *Pilehan Timour* (1927-28).[67]

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pseudonym 'One of Them', a number of educational works on the Malay language, and contributed frequently to both the English and the vernacular press. In 1940 he started, with his son Haji Abdul Latiph as editor, the monthly magazine *The Modern Light* (1940-41), described as 'the first Malay national organ in English'. His outlook, as expressed in all his writings, was very pro-British, and he was greatly attracted by the Lahore branch of the Ahmadiya movement (See Note 47 above).

65. *Op. cit.*, p. 23.

66. Notably W. F. Wertheim, *Indonesian Society in Transition* (The Hague/Bandung, 2nd ed. 1959), p. 215; and, with greater analytic sophistication, Harry J. Benda, *The Crescent and the Rising Sun* (The Hague/Bandung, 1958), pp. 43, 46, 57 and *passim.* Cf. also B. Schrieke, *op. cit., loc. cit.*

67. The prime mover (and financial backer) in starting these journals would appear to have been Haji Othman bin Abdullah, a Minangkabau-born Malay from Malacca, who studied in Mecca for five years before going to Al-Azhar in 1925. According to Othman, there were some 400 Indonesian and Malay students in Cairo at this time, 100 of them from the Peninsula – though this figure is probably rather high. (Interview with Haji Othman bin Abdullah, Kuala Lumpur, December 1960.) The editorial staffs of the magazines were mainly

As with earlier newspaper and journals, *Seruan Azhar* and *Pilehan Timour* were much concerned with those topics of primarily religious and social concern already dealt with at some length in this article. What now made its appearance for the first time (as far as Malaya was concerned) was a new and aggressive spirit of overt political discussion. This discussion centred round three main ideals, Pan-Islamism, Pan-Malayanism (union between Indonesia and Malaya), and anti-colonial nationalism. The first of these was the least realistic in political terms, and the shortest lived, hinging as it did on the hopes aroused by the conquest of the Hajaz by the Wahhabi ruler Ibn Saud in 1924, and the ill-fated attempts to resurrect the Caliphate and organise a rejuvenated Islamic world, which finally came to grief with the failure of the proposed Islamic World Congress, to have been held at Mecca in 1926.[68] Representatives were sent to Mecca by the Cairo Union of Malaysian students (led by Mokhtar Loutfi), and at least two delegates travelled from Malaya itself.[69] International Islamic unity as a political ideal to be expressed in Pan-Islamism had little force or influence in Malaya, in spite of an undoubted interest in the progress, welfare and government of the Middle-Eastern countries, but there was, nevertheless, at this time, amongst the reformist-oriented element, a certain amount of excitement at the possibilities held forth by the idea of an Islamic renaissance which would command the respect of the West.

More important, in the long run, was the growth of the idea of closer union between Malaya and Indonesia. Though not worked out in any detail, or indeed proceeding beyond sentiment and exhortation, some sort of political association between the two areas became a recurring theme in the columns of *Seruan Azhar*. The journal's first

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Indonesian (notably Ilias Ja'coub, Mahmoud el Jounoesija and Mokhtar Loutfi), but several Malays, later well-known, were amongst them (notably Ahmad Lutfi and Abdullah Ahmad), and there were in addition correspondents in the Malay States. Both magazines were banned by the Dutch in Indonesia, and *Pilehan Timour* stopped publication by order of the Egyptian Government in October 1928.

68. See *Seruan Azhar*, I, No. 9 (June, 1926).

69. Syed Hassan bin Ahmad Al-Attas and Syed Abu Bakar Al-Attas, representing the Sultan of Johore, Seruan Azhar, *loc. cit.*

editorial, writter by Mahmoud el Jounousij, made an appeal for the peoples of Sumatra, Java, Borneo and Malaya to 'unite with one heart for progress and prosperity.[70] Much was made of the possession of a common religion and a common language, and numerous articles compare the present state of economic development, education, and political life under the separate colonial regimes.[71] From this developed discussion of colonial rule as the major obstacle to true progress and reform, and it is in this area of discourse that the most outspoken political protests against the *status quo* occur. In an article entitled 'What is the Advantage of Freedom?', the Malay writer Abdullah Ahmad wrote, concerning the educational systems of Malaya and Indonesia, 'We do not deny that education is necessary for freedom, but we do not believe that education which is given in countries under colonial rule can contain the seeds of freedom. The knowledge that is given to peoples under foreign influence has no other purpose than to impoverish their intellect and lead them to lick the soles of their masters' boots'.[72] In general, it is true, criticisms of the British colonial system are much less harsh than those of the Dutch[73] (in this connection, one should recall the repression of the rebellions in Sumatra and Java in 1926-27), but in comparison with the carefully apolitical reformism of the earlier years, the views expressed by the two Cairo journals introduced a new and more violent tone into the propaganda of the reformist movement in Malaya.[74]

70. *Seruan Azhar*, I, No. 1 (October, 1925).
71. See, for example, *Seruan Azhar*, II, No. 17 (February, 1927), pp. 245-6; II, No. 20 (May, 1927), pp. 383-5; II, No. 21 (June, 1927), pp. 403-6; and III, No. 25 (October, 1927), pp. 490-1.
72. T. Abdullah [Ahmad], 'Apa-kah Faedah Merdeka?' ['What is the Value of Freedom?'], *Seruan Azhar*, III, No. 25 (October, 1927), pp. 492-3. Cf. also Radin Soenarno, 'Malay Nationalism, 1900-1945', *Journal of Southeast Asian History*, I, No. 1 (March, 1960), pp. 8-9, where further quotations from this article are given.
73. See *Seruan Azhar*, II, No. 22 (July, 1927), pp. 421-5, in which, on the one hand it is held that the Malays have greater autonomy than the Indonesians, in that there are Malay Residents (sic) and Assistant Residents in the Malayan Civil Service, and on the other that the prosperity and ease of life in Malaya explains Malay political apathy.
74. The fostering of the political component in the *Kaum Muda* image at this time was undoubtedly assisted, though this is difficult to document, by the association between reformism and Communism in the Minangkabau region of Sumatra (see B. Schrieke, *op. cit., loc. cit.*), an

I have tried to describe the conflict in Malaya between the Islamic reformers and, on the one hand, the religious hierarchy and the traditional elite, on the other the rural *ulama* and the predominantly conservative elements in Malay peasant society, and to suggest the way in which these conflicts carried wider implications of social and political change. That these implications existed is, I think, clear, but it would be a misreading of Islamic reformism in 20th Century Malaya to suppose that it was itself directly responsible for fostering or initiating widespread social or political protest. It never succeeded, for example, in creating a mass movement similar to either the non-political *Muhammadiah* or the activist Sharikat Islam in Indonesia, in spite of much discussion of the need for unity and association, and it seems never to have created real anxiety on the part of the British.[75]

The reasons for this failure of reformism to provide a coherent and sufficiently appealing philosophy of action for developing Malay society are various and complex, but some attempt must be made to disentangle them. In dealing individually with the various factors involved, I do not suggest that they were not inter-related. The reverse rather was the case, for as with all social processes, analysis of the parts must ultimately make possible their synthesis into a meaningful whole, meaningful in the terms of the society under discussion.

In the first place, reformism itself, especially in the first two decades of the 20th Century, saw its task as one with primarily religious and educational, and not at all political ends. That is to say, it endeavoured to substitute for rudimentary and repetitious theological learning, clouded in a haze of doctrinal misunderstanding and super-

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area which had close ties and frequent communication with Malaya. Sheikh Tahir bin Jalaluddin, as already noted (see above, Note 22), was in fact arrested by the Dutch in 1927, while on a visit to Bukit Tinggi, in Sumatra, and imprisoned for several months on suspicion of 'subversive activities', though nothing appears to have been proved against him.

75. The most outspoken of the reformist journals, *Seruan Azhar* and *Pilehan Timour*, though violently anti-colonial and banned by the Dutch in Indonesia, were allowed free entry into Malaya throughout their life.

stitious practice, a new kind of Islamic teaching based on intelligent re-appraisal of the truths contained in the Kuran and Traditions, combined with a programme of modern education properly adapted to the pressing needs of the world into which the Malays were emerging. This, if properly applied and received, would, it was believed, result in a rejuvenation of the Malay Islamic community, enabling them to stand on their own feet. In pursuing this aim, however, the *Kaum Muda* rapidly found itself in conflict with all the forces of traditionalism, strengthened as a result of British Malay policy – the rural *ulama* and much of peasant society, the religious hierarchy in the States, and the traditional ruling class. Reformism in Malaya, as elsewhere, was primarily an urban-centred phenomenon, appealing to a small middle class which found in the more rationalistic and individualistic ethic of modernism something which chimed with their needs and aspirations, which indeed gave them a rationale for, as well as an ability to compete in, the somewhat anarchic world in which they found themselves. Traditionalism, as exemplified in the rural *ulama* and peasant society, with its customary religious and magical beliefs, and a value system oriented to a rural and still largely subsistence village economy, was inevitably antagonistic to, or at the least distrustful of, the new ideas inherent in reformism. British policy towards the Malays, based on the assumption that the great majority were destined to remain within the traditional agricultural society, relied on the importation of Chinese and Indian labour and entrepreneurship for the development of the country's resources, and did much to fence off the Malays from the harshnesses of social and economic change, inhibiting, in the process, the growth of an economic middle class susceptible to the potential radicalism of the reform movement.

I have already referred[76] to the effects of the elaboration, with British support, of a professional religious hierarchy in the Malay States during the first decades of colonial rule, a phenomenon virtually coeval with the rise of reform-

76. See above footnote 36.

ism, and in effect disruptive of reformist attempts to organise their activity on a more systematic and persuasive basis. The identification of the religious hierarchy not only with rural-centred Islam but with the traditional ruling class who supported and legitimised them, resulted in an alliance of traditional forces which it was virtually impossible to breach in force.[77] Any attack on the hierarchy was, by extension, an attack on the traditional elite, a situation only compounded by *Kaum Muda* criticism of the Malay aristocracy for their failure to provide a more dynamic and less selfish leadership. Finally, in this immediate context, reformism had to face the State system, which for long was to sunder all Malay attempts, from whatever source, to create a wider unity in term of religious, ethnic or class interests.

This, then, was broadly the situation up to the late 1920's by which time a number of new forces had entered upon the scene. The most important of these was the growth of two new groups within Malay society – the Western-trained elite and a young Malay-educated intelligentsia – neither of which placed Islam at the centre of their concerns, the first deriving its inspiration from explicitly Western socio-political values and organizational forms, the second from the cultural (especially literary) and politically activist movements in Indonesia. Squeezed, as it were, between these two groups, the reformists were forced increasingly onto the defensive, a process assisted by the strong 'pro-Malay' reaction evinced by the second group in the early 1930's against the Arab and Indian Muslim elements in Singapore and Penang, which for long had provided leadership for the Muslim communities there.[78]

The Western-trained elite, in its upper echelons, was very largely drawn from the Malay aristocracy and its con-

77. Hamka's comment on this situation was: 'As a result of Malay feudalism, the "Rajas of Islam" suported the *ulama* of the old school, who preached implicit faith in themselves in order that the peasants should remain loyal to them, therefore to the Rulers, therefore to the English!', Hamka, *op. cit.*, p. 60.

78. Abdul Rahim Kajai, an energetic journalist and writer, coined at this time the slogans 'DKK' and 'DKA', *'Darah Keturunan Kling'* ('Indian-descended') and *'Darah Keturunan Arab'* ('Arab-descended'), to express this hostility; they soon became familiar currency.

nections, as a result of British policy on the provision of higher education and facilities for entry into the Civil Service by way of the 'Malay Officers Scheme'.[79] Experience in administrative organisation and procedures, and with the social and political philosophies of the West, combined to produce a class of Malays who, both from their hereditary origins and from their new status, felt themselves entitled to and capable of leadership. In addition, the extension of ordinary secondary school English education (the number of Malays attending English-medium secondary schools trebled between 1920 and 1930)[80] meant a great increase in the number of Malays capable of holding clerkships and similar posts in the State and Federal services, and widened the base of the Western-oriented class. Developments in the Federated Malay States in the late 1920's and early 1930's, tending towards what was described as a 'restoration' of States' rights and the prestige of the Malay Rulers, and accompanied by liberalisation of promotion prospects within the Civil Service, led to increasing participation by Malays within the process of government and administration. At the same time, newly awakened, locally-domiciled Chinese demands for a greater share in the direction of affairs in the country they now regarded as their home, gave rise to a defensive reaction on the part of the Western-educated Malays in particular, and to a restatement by the British of their traditional 'pro-Malay' policy in the allotment of opportunity and position.[81] In the late 1930's, a series of Malay Unions was formed within the Federated, and subsequently the Unfederated States of the Peninsula,

79. The Malay Residential School, later the Malay College, Kuala Kangsar, was founded in 1905 explicitly to provide English public-school type education to Malay boys 'of gentle birth', with a view to their entry into the ranks of the Government administrative service. Subsequently conditions of entry were liberalised somewhat, but there was still a high percentage of the well-born and well-to-do.

80. J. M. Gullick, 'The Malay Administrator', *Merdeka Outlook* (some copies titled *The New Malayan*), I, No. 1 (May, 1957), p. 80.

81. For a good account of the constitutional and administrative changes of this time, see Rupert Emerson, *Malaysia: A Study in Direct and Indirect Rule* (New York, 1937), pp. 153-93; for a succinct expression of the Malay/Chinese dispute, in the Malay press, see *Al-Ikhwan*, V, No. 6 (January, 1931) which excerpts from both English and vernacular newspapers.

quasi-political organisations of a markedly conservative character with a programme largely concerned with the expression of 'Malaya for the Malays' sentiment — an ideal which expressed not anti-colonialism but fears of domination by locally-domiciled communities of alien origin, prinpally the Chinese. The leadership of the Unions, which combined for a pan-Malayan conference in 1939, and held a larger and more comprehensive one the following year, was largely in the hands of the Western-educated aristocratic elite. Politically they were mild in tone, and conciliatory (even dependent) in their attitude towards British rule, but their following was considerable, and represents both the appeal inherent in leadership of this character, and organizational technique which could not be matched by other groups.

More radical, but on the whole less coherent feelings were expressed by the Malay-educated intelligentsia, mainly schoolteachers and journalists, who, in the 1930's, formed the first genuine political-nationalist Malay party. In 1922 the Government had opened Sultan Idris College for Malay teachers, at Tanjong Malim in Perak, the only institution then or subsequently to offer a secondary education in the vernacular, and it was from graduates of this institution that a new and more truly autochthonous spirit in Malay life derived. It expressed itself first in a wave of literary activity, mainly in the form of short novels, much influenced as to theme and content by the publications of the recently established *Balai Pustaka* in Indonesia, and exploring, in however jejune a way, the conflicts of values and situational problems then facing many Malays.[82] Literary and debating societies sprang up at the College, members of the staff, as well as students, contributed to controversies in the vernacular press, and a growing interest was taken in events in Indonesia. After the failure of the Communist rebellions in Java and Sumatra in 1926, a number of Indonesian

82. Some discussion of this activity can be found in Za'ba [Zainal Abidin bin Ahmad], 'Recent Developments in Malay Literature', *Journal of the Malayan Branch of the Royal Asiatic Society*, XIX, Pt. I (February, 1941), pp. 8-10 and *passim*.

revolutionaries escaped to Malaya,[83] where they were brought into contact with some of the graduates and students of Sultan Idris College. When Sukarno's *Partai Nasional Indonesia* was formed in 1927, several of the latter, led by Ibrahim bin Haji Yaacob, became members and resolved to fight for Malayan independence and a closer association with Indonesia.[84] Little attempt, however, was made at this stage to elaborate any strategy of action, and it was not until 1937, after much secret discussion, that Ibrahim Yaacob and Ishak bin Haji Muhammad formed the *Kesatuan Melayu Muda* (KMM — Young Malay Union), with exiled Indonesians as the remaining officers and a following recruited mainly from the students of Sultan Idris Training College, the Agricultural College at Serdang, and the Trade School in Kuala Lumpur. Sutan Djenain, one of the original refugees from the collapse of the 1926 rebellion in Java, acted as liaison between the KMM and the Malayan Communist Party (virtually an entirely Chinese organization). The political platform of *KMM* was vague, and never elaborated in any contemporary document. Its chief components were a generalised anti-colonialism (expressed in the slogan 'non-cooperation'), independence for Malaya, and union of Malaya within a Greater Indonesia (*Indonesia Raya*). As the Pacific War approached, Ibrahim Yaacob made contact with the Japanese, and was assisted with Japanese money to purchase the daily newspaper *Warta Malaya*, in which the rather confused revolutionary tendencies of the party found some expression. In December 1941, 150 of the leaders and members of KMM were arrested by the British, and put in jail in Singapore, where they still were when the city fell to the Japanese in February 1942.[85]

For the Western-oriented elite, as for the young Malay intelligentsia, the conflicts between the Islamic reformers

83. Chief among them were Tan Malakka, Sutan Djenain, Alimin, and Djamaluddin Tamin; see Ibrahim Yaacob, *Sekitar Malaya Merdeka* (Djakarta ?, 1957), p. 20.

84. *Op. cit.*, p. 21.

85. A factual account of the history of *KMM* is given briefly in *op. cit.*, pp. 24-37; Cf. also the same author's *Nusa dan Bangsa Melayu* (Djakarta, 1951), pp. 59-63.

and their traditionalist opponents were either anachronistic or irrelevant. It is, nevertheless, significant that many Malays in 1937 regarded KMM, which had no vestige of religious content, reformist or otherwise, as *'Kaum Muda'*, and therefore something to beware of as a threat to the established order. This helps to explain the Sultan of Perak's remark, quoted at the beginning of this article,[86] categorising *Kaum Muda* as 'those who devote their time mainly to the material side of life'. What in fact had happened was that religious reformism, as a vivifying force in Malay society, had been overtaken by secular and political movements which found their rationale in a specifically non-Islamic approach to developmental problems, and were better equipped by reason of either their authoritarian heritage or their political orientation to elaborate a more decisive form of nationalism. Reformism, during the 1930's and subsequently, found itself moving closer to its erstwhile religious opponents, both because of the common situation in which they were placed *vis-a-vis* secular nationalism, and as a consequence of a diminution in the fires of dispute through improved religious education and the dying off of an older generation. The inheritors of this closing of the ranks may perhaps be seen today, in political terms, in the shape of the Pan-Malayan Islamic Party, which still attempts, in the face of considerable odds, to formulate the ideal of the *Dar'ul Islam*, the Islamic State, ruled by Muslims in accordance with Kuranic Law.

86. See above, p. 162.

PANG SOCIETIES AND THE ECONOMY OF CHINESE IMMIGRANTS IN SOUTHEAST ASIA

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1. *Sociological and Historical Background of the Origin of Pang Societies*

The history of Chinese emigration shows that many, like displaced persons, were compelled to leave their native places to emigrate in spite of their peasant disposition in favour of continued residence in the home village. Merchants from Fu-chien and Amoy went far overseas to do business actively as "sea merchants who barter their lives for profit", as was commonly said. Also, there was a saying in Fu-chien that "out of every ten who go abroad, three die, six remain, and only one comes home."[1] Thus, the life of some Chinese emigrants was, indeed, adventurous. But most left reluctantly as political refugees, victims in natural calamities or laborers, namely, for political, natural or economic reasons such as coup d'etat and war, or flood, drought and locust damage, as well as overpopulation, the inequitable land distribution and the instability of rural life.

This passive nature of Chinese emigration reflects what has invariably been observed in the history of the Han people's southward movement within the Chinese territory. They were obliged to move southward whenever other races invaded China from beyond its borders. They then settled in various parts of South China, re-establishing there the chun 郡 (county) and hsien 縣 (district) of their native places. Thus, they always showed a strong desire to restore their old communities and to unite by kinship. The Sui-shu (History of the Sui Dynasty) in its chapter on foodstuffs

1. Ju-k'ang T'ien (田汝康), Ph.D.: *The Chinese of Sarawak: A study of Social Structure*, p. 2.

reveal that back in the reign of Emperor Yuan of the Tsin Dynasty, farmers moving to the south were commonly referred to as chiao-jen (migrants) 僑人 and that they named their new chun 郡 and hsien 縣 after their native places. Chinese kept this tradition of grouping by kinship or by place of origin when they emigrated overseas. Especially, those who engaged in business or manual labor abroad were all discriminated by the aborigines as ke-pang 客幫 (visitors) or tsi-pang 籍幫 (tenants) and organized themselves by native place for the purpose of self-defense against the oppression from the aborigines and others.[2]

As a prototype of their tendency to group by place of origin, Chinese often opened a village of kinsmen when they moved. According to the section of the Fu-chih (Record of Fu-chou Prefecture) concerned with migratory life, the clans who moved to Fu-chien during the Tsin Dynasty (from the last part of the third century to the fourth century) were Lin, 林 Chen, 陳 Huang, 黃 Cheng, 鄭 Tan, 詹 Chiu, 邱 Ho 何 and Hu 胡.[3] Many of the Chinese now in Southeast Asia who hail from Fu-chien and Kuang-tung have these surnames. Of course, people with each of these surnames are related by patriarchal genealogy which traces their relationship far into history. However, it is of course possible for men of different clans to develop the feeling of so-called kinship because of seclusion of the foreign district or the conditions of their settlement there. Traditionally, Chinese seek to develop quasi-kinship in any organization, because introducing family ties into an organization has the advantage of increasing its unity. So much so that in a Chinese community in Southeast Asia, the supervisor of work is referred to as the "family head" and those who work under him call each other as "brothers".[4] Thus, overseas Chinese, no matter what their places of origin or how different their dialects, form themselves as a unit if their surname ideograph is identical. Though, as shown in the attached table, a surname indicated by the same Chinese

2. Hiroshi Negishi: 「支那ギルドの研究」 (A Study of the Chinese Guild), Shibun Shoin Publishing Co., 1940, pp. 75-76.
3. Tropical Industry Research Institute, Japanese Government General of Formosa: 福州攷 (A Study of Fu-chou), 1937, pp. 87-90.
4. Hiroshi Negishi, p. 101.

華僑四姓氏・郡號・方言一覽 Surnames of Oversea Chinese, Their Places Names and Dialects

Srnames of Overseas Chinese			Chun-hsien (County, Rtefedine)	Kuang-tung People	Fu-chien People	Ke-chu People	Chiung-chou People	Chao-chou People	Fu-chou People	Hing-hua People	Min (Fu-chien) Language
華僑	姓氏		郡縣	廣東人	福建人	客屬人	瓊州人	潮州人	福州人	興化人	閩語
LIN	林	Hsi-ho	西河	Lam	Lim	Lim	Lim	Lim	Ling	Neh	Lin
CHEN	陳	Ying-Chuan	穎水	Chan	Tan	Chin	Dan	Tan	Ding	Teng	Chen
CHUANG	莊	Tien-Shui	天水	Chong	Chong	Chong	Tuang	Tsng	Chong	Chung	Chuang
HUANG	黃	Chiang-hsia	江夏	Wong	Ng, Ui	Wong	Ooi	Ng	Uong	Ng	Hwang
WANG	王	Tai-yuan	太原	Wong	Ong	Wong	Wang	Heng	Uong	Ong	Wang
PAI	白	Ping-i	馮翊	Paak	Peh	Phaak	Peh	Peh	Baak	Beh	Pai
CHU	朱	Pe-hai	勃海	Ko	Koe	Kau	Kau	Koe	Koh	Koh	Kao
WEN	溫	Ching-ho	清河	Wan	Oon	Woon	Oon	Ung	Oong	Ong	Wen
FANG	方	Ho-nan	河南	Fong	Ping, Hong	Fong	Phang	Bung	Huong	Hong	Fang
LI	李	Lung-hsi	隴西	Lei	Li	Lee	Lee	Li	Li	Li	Lee
YU	余	Hsia-Pei	下邳	Ue	Iu	Yee	Iee	Ui	Ue	Ue	Yu
CHANG	張	Chin-ho	清河	Cheong	Teoh	Chong	Chiang	Tiu	Diong	Tiau	Chang
HO	何	Lu-chiang	盧江	Hor	Ho	Hoh	Ho	Hoh	Hoh	Oa, Ho	Ho
CHENG	鄭	Yung-yang	滎陽	Cheng	Teh	Chang	Cheng	Dan	Daang	Tan	Cheng
LIANG	梁	An-ting	安定	Leung	Neoh	Leong	Leow	Niun	Leung	Liang	Liang
YANG	楊	Hung-nung	弘農	Yeung	Yeoh	Yong	Yeow	Iun	Iong	Iun	Yang, Lang
SIEN	謝	Chan-liu	陳留	Cheah	Chia	Chiah	Tia	Chia	Jia	Sia	Sieh
WU	吳	Yen-ling	延陵	Ng	Goh	Ng	Goe	Go	Ngu	Goh	Wu
CHOU	周	Ju-nan	汝南	Chow	Chiu	Chew	Chew	Chiu	Ehiu	Chiu	Chou
YEH	葉	Nan-yang	南陽	Yip	Yeap, Iap	Yap	Yap	Ik	Ik	Lah	Yeh
KUO	郭	Tai-yuan	太原	Kwok	Kweh	Kok	Kuang	Kweh	Koh	Ku	Kuo
TENG	鄧	Nan-yang	南陽	Tang	Teng	Then	Deng	Teng	Deng	Teng	Teng
CHIU	邱	Ho-nan	河南	Yaw	Khoo	Hew	Yau	Khu	Khiu	Khu	Chiu
LO	駱	Nu-huang	內黃	Lok	Lok	Lok	Lok	Lok	Lok	Loh	Loh
MA	馬	Fu-huang	扶風	Mak	Be	Ma	Maa	Be	Ma	Mah	Ma
TAN	譚	Chai-chon	齊郡	Tham	Thaam	Tham	Daan	Thaang	Thaang	Thaang	T'an

Source: The New Malayan A Quarterly Review, No. 2 1958, pp. 42-43

ideograph may be pronounced differently according to places of origin, such as Kuang-tung, Fu-chien and Hing-hua, men with the same surname ideograph readily unite even if they hail from different places.

Moreover, to increase the unity of their group life based on kinship they designate chun-hao or place names for surnames, such as Hsi-ho 西河 for Lin, 林氏 Ying-chuan 頴川 for Chen, 陳 Chiang-hsia 江夏 for Huang, 黃氏 Tai-yuan 太原 for Wang, 王氏 Lung-hsi 隴西 for Li, 李氏 Yung-yang 榮陽 for Cheng, 鄭氏 Yen-ling 延陵 for Wu, 吳氏 Chen-liu 陳留 for Sieh, 謝氏 and Nan-yang 南陽 for Chiu, 邱氏 thereby clarifying the relations between surnames and places of origin.

In Malaya, large ideographs indicating the place name are often displayed in the middle of the Chinese home or a beautiful plate with the place name engraved on it is hung above the front door. These place-name plates are distinguishable from the name of unregistered companies or names on signboards, because the words Kong See 公司 meaning company are almost always used on the signboards of commercial firms or companies.

Though kinship artificially is the basis of unity, the ties of a group composed of men from different places of origin usually weaken as more places of origin are involved; conversely, the ties are strong in a group of men from only a few places of origin. Therefore, basically the pang society is always supported by three major relationships: blood, friendship and neighbourhood. Dr. Naosaku Uchida 內田直作 defines these three factors as kinship, place relationship and acquaintance (personal relationship). He discusses that South China, source of the oversea Chinese, is remarkable for the factional tendency or the party spirit of its inhabitants, and that oversea Chinese lead an autonomous group life based on unity among individuals in accordance with kinship, place relationship and acquaintance (personal relationship) and even in a legal community, such as Malaya, they uphold their pang unity, never splitting into individuals. Dr. Hiroshi Negishi 根岸佶 points out in his book entitled "A Study of the Chinese Guild" that there are three modes of Chinese social life:

the clan, the neighbourhood and the guild. He states that a Chinese was happy if his clan prospered, his neighbourhood was peaceful and his guild was firmly established and if he could enjoy his life while he lived and be buried ceremoniously when he died. Continuing, he says that the Chinese guild is remarkable for the neighbourhood spirit more conspicuous than in the European or the Japanese guild.[5] The Chinese guild, he explains, retains traits of the clan and is marked by much neighbourhood unity because the guild is patterned after the neighbourhood system which, in turn, imitates the clan. Thus, the pang society may be regarded as an organization of men which incorporates all aspects of the neighbourhood spirit in the broad sense. Therefore, while being a guild it is always composed of fellow provincials as a principle. Merchants and industrialists from one native place unite to form small trade guilds. Then, small guilds of the same trade composed of men from different native places are federated into a large trade guild for the entire city. At the same time, various guilds of men from the same native place make up a large organization of fellow provincials. Thus, the pang is not only designed to protect and promote business interests but its functions also include offering services to the god of its members, uniting them spiritually to share destinies and extending material mutual aid. In Singapore for instance, there are many "jee seh" 姓氏團體 societies (surname groups), such as Hsi-ho-tang Lin-shih 西河堂林氏公會 Association, Ho-shih 何氏公會 Association, Yeh-shih 葉氏家族會 Quasi-kinship Organisation and Ching-ho Chang-shih 清河張氏公會 Association. In Penang, Chinese with the surnames of Yang, 楊 Lin, 林 Chen, 陳 Sieh 謝 and Chiu, 邱 the five predominant surnames there, unite to form the Fu-chien Kong See (Company) 福建公司. As for the pang societies of men from Kuang-tung, they compose large groups of fellow provincials, such as Hui-ning Association, 會寧會館 Kuang-chao 廣肇會館 Association and Kuang-tung 廣東會館 Association. These organizations of fellow provincials and "jee seh" (surname) societies have cemeteries, schools, hospitals, clubs and recreational and amuse-

5. Hiroshi Negishi; p. 2.

ment facilities. As leaders of these groups, Chinese who have already saved considerably invest in these facilities at their places of residence or native places or make monetary contributions to them.

In short, pang unity, which takes such basically irrational forms as association by surname, by native place or by personal friendship, has nevertheless its rationale in the helplessness of individual Chinese settlers and the desire to defend themselves in case of emergency. This tendency in the communities of oversea Chinese takes two outstanding forms, namely, people from the same native place (1) live in one area and (2) engage in one occupation. This is only a natural outcome because many Chinese, when they leave their country to settle in Southeast Asia, rely on the experience and assistance of their fellow provincials who live there. Accordingly, earlier Chinese settlers and later settlers in the same area are usually either kinsmen, friends or neighbors at their native place, or fellow provincials in the broader sense. Earlier settlers in Southeast Asia, at every opportunity, brought their families, relatives, friends or neighbors from China. Thus, later settlers usually live in the same area as their predecessors and follow the occupation which they selected for them. And after many years of practice, this procedure has become established among oversea Chinese in general.[6]

Thus, the pang organization of oversea Chinese by kinship and by places of origin is not merely an association of fellow provincials due to common language and customs but it is characteristically a group based on the close relations between the economy at the native place and the economy at the place of settlement.

2. *Characteristics and Economy of Pang Societies*

a. *Characteristics of Various Pang Societies*

Chinese population in Malaya is composed of Hokkien (Fu-chien), Cantonese (Kuang-tung), Tie-chiu (Chao-chou), Hailam (Hainan), Hakka (Ke-chia), Hok-chiu (Fu-chou),

6. Ta Chen:「南洋華僑與閩粵社會」(Chinese in Southeast Asia and Fu-chien and Kuang-tung Societies), Commercial Press Ltd., China, 1938, pp. 51-52.

Hok-chia (Fu-ching), Hin-hoa (Hing-hua) and Kwong-sai (Kuang-hsi) men and other tribes. Of these, Hokkien, Cantonese and Kwong-sai people hail from Fu-chien Prov., Kuang-tung Prov. and Kuang-hsi Prov., respectively. Tie-chiu men come from Kuang-tung Prov. but use the Tie-chiu (Chao-chou) language, a local dialect different from Cantonese, while Hokkien men use the Hokkien (Fu-chien) language, a local dialect originally used in the vicinities of Hok-chiu (Fu-chou). Hok-chia (Fu-ching) and Hin-hoa (Hing-hua) people also hail from Fu-chien Prov. Hakka (Ke-chia) men belong to what is regarded as a special tribe in China who are scattered over several provinces and have a dialect and a character all their own. Hailam (Hai-nan) people, coming from Chiung-chou and vicinities, Hainan Island, use a dialect extremely different from Cantonese and have a different character from other Chinese. These form various groups by their native places with different dialects and customs or by economic interests. It is a well-known fact that when Sun Yat-sen and Wang Ching-wei at the end of the Ching dynasty appealed in Singapore to local Chinese to revolutionize China, they divided the Chinese community for the first time into six pangs: namely, Fu-chien Pang, Kuang-fu Pang, Chao-chou Pang, Hakka Pang, Chiung-chou Pang and Straits Born. And at one time each pang had a publishing office designed to inspire revolutionary thought into its members.[7]

In Malaya there are at present two types of pangs: pangs of fellow provincials and pangs by business types but the former are the more important and form the foundation of the Chinese community. The components of the Singapore Chinese Chamber of Commerce in 1958 were: Fu-chien Pang, Chao-chou Pang, Kuang Pang, San-chiang Pang, Pu Pang, Chiung-chou Pang, Mei Pang, etc. These pangs are each composed of men from the same place for reasons including language. The principle of fellow provincials engaging in one occupation is being adhered to somewhat strictly in all occupational fields.

Let us now consider the characteristics of the various

7. Chang Yung-fu;「南洋與創立民國」(Southeast Asia and Founding of the Chinese Republic), China Press Ltd., Shanghai, 1933, p. 91.

pangs.

The Fu-chieng Pang is active mainly in international trade and also engages in related businesses, such as shipbuilding (Junks), navigation, automobile and bicycle transportation, foreign exchange and banking business (letter offices and banks). It also engages in productive activities, such as modern light industries producing for export and local consumption, such as manufacture of rubber goods, sugar industry, oil expression, pineapple canning, confectionery and manufacture of soap, as well as the management of rubber plantations and coconut palm estates.[8]

In contrast to the merchant character of the Fu-chien Pang, the Kuang-chao Pang is remarkable for the aptitude of its members for crafts or productive work, for they or their ancestors were farmers in the rice-growing zone in the Pearl River delta. Their lines, therefore, are mainly manufacture of soy-sauce, alcoholic beverages, copper and iron utensils, mirrors, gold and silver wares, leather tanning, butchery, shoe-making, manufacture of Chinese medicines, watch repair, laundry, cooking, painting and printing, which are manual labor requiring workmanship. Besides, they lead in such productive aspects as construction, metal casting and tin mining and such modern service works as department stores, hotels and theatres, as well as in postal service with the native places in China. They also work at tin mines in the interiors of Malaya.

The Chao-chou Pang, 潮州幫 as its another name Fu-lao (Hoklos) 福老(學老) suggests, resembles the Fu-chien (Hokkien) 福建 Pang. Like the Fu-chien men, the Chao-chou men have a mercantile tendency, engaging mainly in the international trade and sale of rice, fresh foodstuffs, salted fish, dried fish, pepper, etc. They are also active in related productive works, such as rice hulling and polishing, growing vegetables in the suburbs of cities and producing hard drinks. Some are laborers in tabacco plantations.[9]

The economic activities of the Ke-chia (Hakka) Pang resemble those of the Kuang-chao Pang more closely than

8. Naosaku Uchida:「東南アジアの華僑」(Chinese in Southeast Asia), Foreign Affairs Course Series: Southeast Asia II, 1956, p. 131.
9. Naosaku Uchida, p. 132.

those of the Fu-chien (Hokkien) and Chao-chou Pangs. They consist of such crafts as shoemaking, tailoring and the production of gold and silver wares, such productive works as tin mining, rice hulling and polishing and metal casting and such businesses as small-scale retail in sundry goods, medicines, curios and gold and silver wares as well as pawn business. It is characteristic of this pang that many of its woman members work as laborers. It lacks the modern enterprises of the Kuang-chao and Fu-chien Pangs. Its sphere of influence is centered around the tin mines in Bangka, Billiton and the Federation of Malaya.[10]

Small restaurants highlight the economic activities of the Hai-nan (Hailam) Pang. People of this pang work for private homes as cooks or boys or run coffee shops or eating houses. They also engage in such related works, as the production of soft drinks and ice, and fishing. Some are junk boatmen or factory workers. This pang has the least capital of all pangs and conducts little enterprise activities. Its sphere of activity includes the Straits of Malacca, the center of junk navigation with the famous "Hailam captain", and the state of Malacca with its many rubber plantation workers.

In addition to the above-mentioned five pangs, there is the Fu-chou (Hok-chiu) Pang which, like the Hai-nan (Hailam) Pang, is financially weak and men of this pang run small eating houses and sundry goods stores. They form this separate pang as they are excluded from the Fu-chien (Hokkien) Pang which is composed chiefly of export-import traders hailing from Chuan-chou and Chang-chou Districts in southern Fu-chien Prov.[11]

b. *Development and Change of Various Pang Societies and Their Organizational Forms*

Occupations in the various pang societies of oversea Chinese are, as stated above, generally determined by kinship and geographical relationship at the native place of each pang. Because from ancient times it has been cus-

10. Naosaku Uchida, p. 132.
11. Naosaku Uchida, p. 133.

tomary for Chinese from the same native place to live together and do the same work, relying on the experience and assistance of their relatives or fellow provincials who settled before them, and because such a pattern of living was socially and economically convenient when selecting their occupations. This custom is based on the Chinese family system, village system and ethnic consciousness.

However, this principle in the selection of occupation is not so strictly observed at present as it was in the past. On the contrary, it is becoming more and more a matter of form through gradual revision and amelioration, and it now seems that a modern society, in which ethnic relationship is slowly replaced by demotic organization,[12] is in the making in the community of oversea Chinese. This means that individual members of a Pang may now choose from among several occupations instead of only one. Thus, pangs are expanding their economic functions with respect to occupations by gradually uniting or federating themselves rather than acting independently of one another as they did in the past. The nucleus of this unity or federation is the chamber of commerce composed of local Chinese residents.

In Malaya, the Chinese Commercial Association (Chung-hua Shang-wu Tsung-hui) 中華商務總會 in Singapore is the predecessor of the present Chinese Chamber of Commerce. Originally, the Chinese government in the last part of the Ching dynasty enacted a law calling for chambers of commerce and encouraged formation of similar organizations by oversea Chinese as well as by Chinese at home. In 1905, six years before the founding of the Chinese Republic, two officials of the Agriculture and Commerce Ministry, Chang Pi-shih and Chieh Tung, visited Singapore as envoys of the Ching imperial court to inspect commerce in Southeast Asia.[13] They recommended establishment of a Chinese commercial association for the purpose of uniting Chinese residents there and promoting their commerce. They themselves donated 3,000 yuan as a fund. Then, on 15 March 1906 the first general meeting to estab-

12. Bruno Lasker: *Emigrant Communities in South China*, translated from Ta Chen, 1938, p. 6.

13. Sin Chew Jit Poh:「星洲拾年」(Ten Years of Singapore), 1940 p. 933.

lish the organization was held at the office of the Tung-chai Hospital in Singapore, thereby officially inaugurating the Chinese Commercial Association. The Commercial Association at the time was led by the two major pangs: Fu-chien and Kuang-tung Pangs. Especially, the Kuang-tung Pang was composed of four smaller pangs, namely, Kuang-chou, Chao-chou, Chia-ying-chou and Tai-pu Pangs. At the beginning, the Association had only about 600 members, but the membership gradually increased till it exceeded 2,500. The composition of its officials was: 13 from Fu-chien Pang, five from Kuang-tung Pang, nine from Chao-chou Pang, two each from Mei Pang and Chiung-chou Pang, one from Pu Pang and six special officials.[14]

Thus, this organization, though it was called a commercial association, was, in reality, a federation mainly of fellow provincials' pangs and business pangs and the fellow provincials' pangs rather than the business pangs were the controlling force in it. In September 1917, the Commercial Association was renamed the Singapore Chinese Chamber of Commerce and its office was moved to 47, Hill Street, its present address. The organization was now needed for more than the unity of pangs; it was needed to meet economic requirements. Hence, its functions consist of the following: (1) improving and developing the commercial activities of Chinese residents, (2) questionnaires and information concerning their commerce and industry, (3) arrangements and guidance concerning international trade, (4) arbitrating disputes in the commerce and industry of Chinese residents, (5) certification and appraisal concerning their commerce and industry, (6) statistical survey and compilation of statistics on their commerce and industry, (7) commercial museums, schools and other public activities related to commerce and industry and (8) negotiations with the government at the place of residence. In addition, it directs and controls various commercial and industrial organizations and acts as an intermediary between them. Thus, the Chinese Chamber of Commerce not only functions as an organization for the mutual relief or aid of its members but it also works as a semi-political and semi-economic orga-

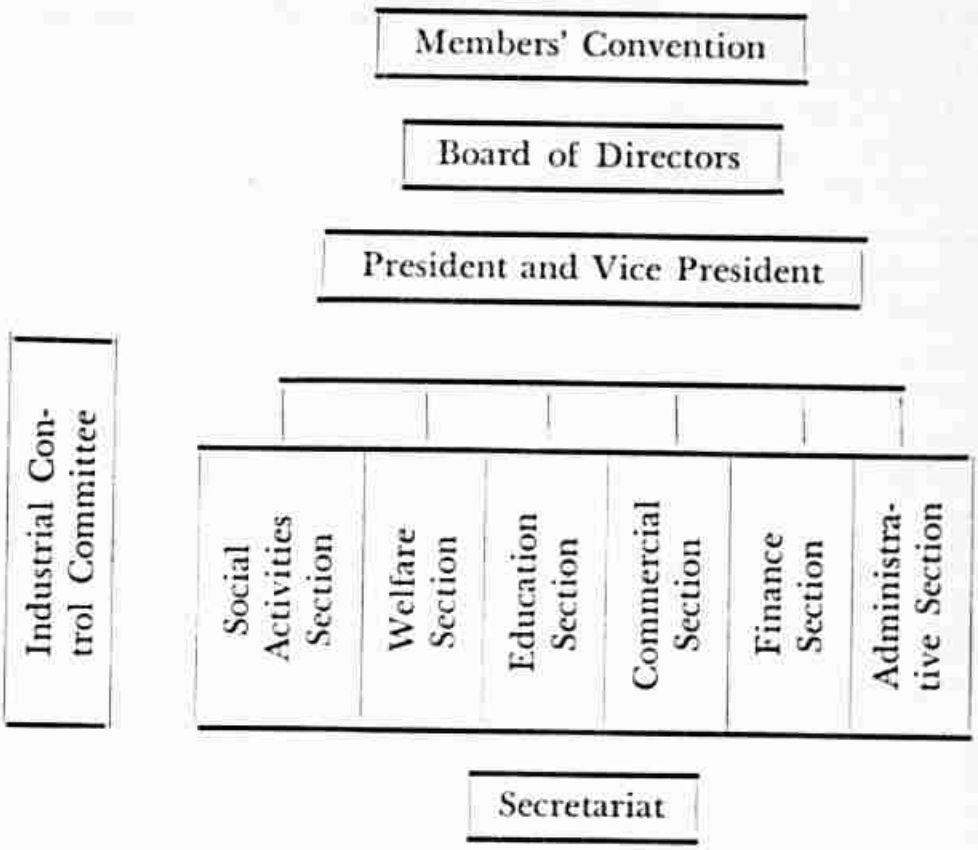
14. Sin Chew Jit Poh, pp. 933-934.

nization, and indication that besides contributing toward the unity of various pangs, it will inevitably become a unit organization with increased economic tasks. As will be mentioned later, oversea Chinese since former times had organizations of people from same provinces, districts (hsien), regions (chu) or by tribes. They were designed, primarily, for the relief of fellow provincials who were unemployed, who could not afford travelling expenses to return to China or who had no one to help them. However, with the change of times and environments the activities of these organizations, became gradually expanded until they included promotion of the education for local Chinese, assistance to enterprises at the native places and saving China, their motherland, from its national crisis. The most typical of them are Fu-chien, Kuang-tung and Chiung-chou and Pa-i Associations. Almost all large cities have these associations in as much as people coming from these provinces are many and economically powerful. These were, of course, organized because organization facilitates work, brings unanimity in and around the group and enables it to meet the requirements of modern economic society.

With these functions, the Singapore Chinese Chamber of Commerce, for instance, leads various organizations in Malaya. Besides performing its old functions, it has now such new programs as public display of merchandise, promotion of education by opening technical and commercial schools, conduct of public welfare activities, dispatch of business and technical missions abroad to promote trade, liaison and Friendship with various foreign countries and increase business connections with them. We shall see the organizational setup of the Singapore Chinese Chamber of Commerce, as an example.

According to the 1958 report of the Singapore Chinese Chamber of Commerce, a total of 32 officials man the posts indicated in the diagram. They are elected from various pangs: namely, 16 from the Fu-chien Pang, six from the Chao-chou Pang, three from the Tai-pu Pang, two each from the Kuang-tung and San-chiang Pangs and one each from the Ching and Mei Pangs and one from the commercial groups. The presidency is held (1961) by Kao Teken of

Organization Chart of Chinese Chamber of Commerce, Singapore



Source: "New Regulations of Singapore Chinese Chamber of Commerce", Nanyang Press, 30 Aug. 59.

the Fu-chien Pang (a native of Lung-chi) known as president of Chai-hing Rubber Co., while the vice presidency is held by Yeh Ping-yu of the Kuang-tung Pang (a native of Pu-ning), manager of Ssu-hai-tung Bank. As directors, there are Chen Lu-shih, Li Tsun-cheng and Chen Chen-chuan from the Fu-chien Pang, Yang Tsuan-wen and Chen Si-chiu from the Chao-chou Pang and Lan Ju-yen from the Tai-pu Pang,[15] thus maintaining balance of power among the various Pangs. In the Federation of Malaya there are Chinese chambers of commerce in Penang, Malacca, Selangor, Perak, Pahang, Bentong, Raub, Batu Pahat (state of Johore), Pontain, Benut, Kedah, Kelantan, etc. Under

15. *Singapore Chinese Chamber of Commerce Report No. 30*, 1958, p. 9.

these chambers of commerce are such guilds as kung-hui (public associations), kung-so (public offices) and shang-hui commercial associations). Kung-hui or shang-hui are designed to promote the common interests of people in the same line of business and to remove business setbacks. These organizations, therefore, often include as members pangs of different native-places and as a principle can be joined by anyone in the same line of business. However, most business activities of oversea Chinese are still traditional and local and the tendency is for men from the same native place to do the same work. It must be noted that the following commercial and industrial organizations are still based on the unity of fellow provincials.

As groups of Chinese hailing from the same native place and following the same business, there are the rubber association, the liquor dealers' association, the laundry association, the bars and tea shops association, the chandlers' federation and the machine association. Also, there are groups by types of goods in the same business. They are mainly import-export association, such as the Hai-su-chiao Association, the Hua-yang Mercantile Association, the Hua-chiao Import-Export Association, the Pu-hsing Commercial Office, etc. Unity by the native place is most remarkable in the Min-nan, Chao-chiao, Chiung-chiao and Kuang-chao Groups, all engaged in exchange business, as well as such hotel associations as Kuang-tung Pang Hotel Association, Chiung-nan Hotel Association and Chao-chou Pang Hotel Association.

As will be seen from the above there are various types of pangs by occupation, from pangs of people engaged in the same business to pangs of people in different businesses. A feeling of fellow provincials, highly artificial though it is, underlies these organizations. It exists in the form of what may be considered joint responsibility in commerce and assures inseparable relationship among the individuals who form them.

Pangs did not remain for ever as organizations based on kinship and the relations of fellow provincials but were gradually turned into self-defensive groups. The forms they took in the course of this development are described below.

c. *Forms of Pang Societies by Clans, Provinces and Districts*

The development of the functions of pang has resulted in the creation of many surname organizations, such as Ying-chuan-tang Chen-shih Society and Ju-nan-tang Lan-shih Society. These surname organizations are not merely groups for ancestor worship but also undertake economic activities. For example, the Lan Clan of the Pu Pang monopolizes pawn business throughout Singapore. Thus, kinsmen scattered over a large area often utilize their related clans for economic and business purposes as if they were all united in a state of solidarity. Besides, they receive social security of various types through this organization.

However, this clannish tradition in the Chinese community did sometimes go too far. As is known, Malaya was once called the frontier of Chinese secret societies and ever since the 18th century the growth and activity of these organizations has annoyed the local police authorities. Regarding these organizations, Leon Comber, author of *Chinese Secret Societies in Malaya,* states as follows:[16]

> ....They readily organised themselves into their own political, economic and social groupings with their own headmen in charge. In doing this, they were encouraged by the fact that traditional Chinese society encourages such groupings by the division of millions of people into a limited number of a hundred or so great family groups bearing the same surname; the parochial loyalty felt by the people for the particular district and province of China from which they came; and their division by vocation into various trade guilds and associations.

Family Group, Lung-hsi House, Chih-te House, Huang Home, Ju-nan House, Ying-chuan Family Group, Yun Group, Cho Group, Chiung-yai Chen Group, Chiung-yai Lin Group, Tsao Home, Tai-shan Huang Home, Yeh Family Group, Han Clan and Lu Clan.

Associations (hui-kuan) properly are composed of fellow provincials. However, the term "fellow provincials" is very ambiguous. It is, of course, fellow provincials who have their ancestors' graves in the same area in their home coun-

16. Leon Comber, *An Introduction to Chinese Secret Societies in Malaya,* Singapore, p. 76.

try. But if the number of fellow provincials at their place of residence is too small for them to form a pang of their own, they join with people from other parts of their native hsien (district) to form an association. The term "hsien" here is interpreted by Dr. Negishi as follows:[17]

> "Hsien" is the oldest Chinese administrative division which has existed since the end of the Chou Dynasty but the boundaries of hsien must have changed since then. However, because the number of households rather than area is the basic factor in the formation of hsiens, hsiens somewhat resemble artificial organizations of kinsmen.

If this is the case, associations organized on hsien basis basically presuppose pang unity. The primary objective of associations is to promote friendship among fellow provincials. As a principle, therefore, individuals and business firms from the same hsien can join the association of the hsien if there is one at the place where they come and settle. In Singapore there are scores of associations because of the great Chinese population and the many clans involved, and they have a long history. Some of these associations are: Fu-chien Association, Fu-chou Association, Chiung-chou Association, Yung-chun Association, Chao-ching Association, Ying-ho Association, Cha-yang Association, Hui-chou Association and Nan-shun Association. These are all more than 80 years old and have many members.[18]

To take the Fu-chou Association for example, it was separated at the end of the Ching Dynasty from the Fu-chien Association which had been in existence since the 1840's. Being an organization of the Fu-chien pang, the Fu-chou Association is composed of the small pangs of Min-hou, Chang-yo, Fu-ching, Lien-chiang, Lo-yuan, Ku-tien, Ping-nan, Ming-ching, Yung-tai and Ping-tan. It mainly arbitrates disputes among people hailing from Fu-chou Prefecture and administers relief for them. Since various pangs are involved in the association requiring a variety of clerical work, its office is not only manned by the director and the deputy director but it also uses clerks, accountants and liai-

17. Hiroshi Negishi, p. 76.
18. Hiroshi Negishi, p. 76.

son men to do the actual work. These employees are called szu-shih or kuan-shih. There are, of course, the director and the deputy director who represent the organization to the outside and also manage office affairs. These posts are held by persons having regular jobs outside. The organization of an association is fairly complicated and for one thing it functions like a group of kinsmen who share destinies. Thus, the status of its director somewhat resembles that of a family head or the head of a clan. In the first place, the director of an association, like the head of a clan, presides over religious ceremonies. Then, he must control properties of the organization, manage its finances, attempt reconciliation or arbitration in case of disputes among its members and punish violations of its members in accordance with certain regulations. He must, of course, represent the association in negotiations with the authorities or other organizations. Thus, in case of a dispute between a member of his organization and a member of another organization or an affair requiring negotiation between a member of his organization and the authorities he usually negotiates or engages in a law suit for him on behalf of the association.[19] After several generations of residence in a foreign country, Chinese call the place from which their ancestors emigrated their place of origin and become naturalized at the place of residence. It is, therefore, necessary for Chinese from the same place of origin to live together and help each other as in China in accordance with the custom of massing by clans. This was especially important to oversea Chinese who received little aid from their motherland and who were often oppressed by the authorities of the country of residence or by the natives there. To maintain their livelihood or businesses, they naturally had to unite by the friendship of fellow provincials. In this sense, it seems that there are conditions necessitating associations to continue in existence for some time to come. However, some associations are large while others are small and they may be divided generally into the following six types: (1) associations composed of men from a single hsien (district); (2) associations by differently sized areas in a hsien; (3)

19. Sin Chew Jit Poh, p. 937.

associations based on special geographical, language and historical relations; (4) associations on province basis; (5) associations composed of people from adjacent provinces because of the small number of men from any one of the provinces; and (6) associations comprising all Chinese at the place of residence regardless of their places of origin.

Chief among the associations on province or hsien basis in Malaya are the following:

(1) Associations on province basis:— Fu-chien Association, Kuang-tung Association, Kuang-hsi Association, North China Fellow Provincials Association, Chiang-hsi Fellow Provincials Association, San-chiang Association and Yu-nan Society.

(2) Associations on hsien basis:— Chin-men Association, Hui-an Association, Yung-chun Association, Nan-an Association, Tai-an Association, Tung-an Association, Tsin-chiang Association, Fu-ching Association, Yung-ting Association, An-chi Association, Fu-chou Association, Lung-yen Fellow Provincials Association, Huo-shan Association, Tung-shan Association, Chang-chou Association, Hing-an Association, Shanghai Association, Ning-po Fellow Provincials Association, San-shui Association, Chiung-chou Association, Pa-i Association, Hui-chou Association, Tai-pu Fellow Provincials Association, Ching-yuan Association, Chung-shan Association, Chia-ying Association, Shun-te Association, Nan-hai Association, Chao-ching Association, Kang-chou Association, San-shan Association, Ying-ho Association, Nan-shun Association, Chao-an Friendship Association, Hua-hsien Association, Ku-cheng Association, Chao-yang Association, Hui-ning Association, Pu-ming Association, Cha-yang Association, Kuang-chao Association, Tung-an Association, Chih-chi Association and Wen-chou Association.

3. *Pang Activities of Chinese Capital to Aid Native Places and Conclusion*

A glimpse at the activities of Chinese capital in Southeast Asia shows that by far the most Chinese enterprises — though this is common to all economic structures in the Southeast Asian countries — are commercial partnerships called hoku. Open stock companies may have more capital

funds than hoku partnerships, but the latter's stocks are never put on the stock market, and they are, for the most part, personal companies based on strong pang unity, which is actually preventing the appearance of impersonal capital companies. While a stock company announces its capital fairly accurately, a hoku or a personal organization announces its capital most conservatively, and it often happens that hoku partnerships are, in reality, far more powerful than stock companies though the latter apparently have more capital funds. Oversea Chinese enterprises respect the hoku system designed for multiple operation and diversification of risks through friendly unity. Thus, they depend on the unity of kinsmen or fellow provincials when they raise funds. This is, indeed, characteristic of the economy of oversea Chinese. According to statistics of the Singapore Chinese Chamber of Commerce in 1943, the total number of Chinese pang enterprises registered by the Chamber of Commerce was 552 and their capital funds totalled 53-million Malaya dollars.[20]

The development of Chinese capital in Southeast Asia started when Chinese there began to utilize commercially the money they had saved by hard coolie labor in the earliest phase of their settlement. In the second stage of development aimed at rapid accumulation of funds, Chinese capitalists undertook in complete submission to European capital to carry out opium traffic, operation of gambling establishments, pawn business, contracted tax collection, subcontract work in road and railroad construction and the speculative development of tin mines, while engaging in such commercial activities, as collecting indigenous products for European capital and brokerage in the sale of imported goods. In the third stage, some of the Chinese funds were invested in real estates connected with service trade such as theatres, restaurants and office buildings in urban districts, reflecting the Chinese tendency to domiciliate, and some went to industries manufacturing consumer goods for rural markets which are connected to the pang organizations of local Chinese — industries producing rubber goods, aluminum products, palm oil, soap, canned pineapples, ice, bis-

20. Hiroshi Negishi, p. 84.

cuits, etc., as well as bicycle repairs. It is remarkable that Chinese capital is realizing an economic structure independent of European capital by fixing its funds in the form of long-term investment in these industries for the purpose of opening stabilized markets in the vicinities through related banking organizations. Especially in Malaya, much is expected from the positive cooperation of Chinese immigrants' capital in the current national economic development, though their fulldress investment in joint enterprises can only materialize in the future because their activities are restricted by pang unity, their capital is not adequately protected by their home government or the government of their place of residence and is of smaller scale than the European industrial capital. The latter, in comparison has far more monopolistic structure to cope with the world market and its capital composition consists of long-term investment in such auxiliary businesses as banking, insurance, shipping and warehousing and such public enterprises tied to political forces as railroads, electricity, telecommunications, gas and harbors. Dr. Norman Parmer, indeed, stressed the need for a system of political and economic cooperation between the Malayans and the Chinese when he stated that, inasmuch as Malaya had attained its independence, it was now necessary for the country that the Chinese bourgeoisie establish political relations with the Malayans in order to protect their economic interests and that the Malayans receive financial aid from them.[22] If by such cooperative arrangements the economic interests of local Chinese are protected and guaranteed in cognizance of their importance as being equal to or even surpassing that of the independence of Malaya, the economic activities of Chinese pangs of the past will inevitably become insignificant and, as they become more conscious as citizens of Malaya, the participation of their capital in industrial construction will assume increased importance in Malaya's national economy. Of

21. Taku Sayama; 「マラヤ經濟の特質と經濟開發計劃」 (Malayan Economy: Its Characteristics and Its Development Plan), Office of Economic Cooperation, Planning Section, Economic Planning Board, June 1958, p. 61.
22. J. Norman Parmer; "Constitutional Change in Malaya's Plural Society", *Far Eastern Survey*, October 1957, quoted in ECAFE *Information*, No. 146, p. 67.

late, the Chinese newspaper Nanyang Press in Singapore has repeatedly stressed elimination of the pang spirit, pointing out that if this spirit is maintained toward Malayan economy after the independence, it will again cause profound racial prejudice and, indeed, prevent the development of Malayan economy. This may reflect the public demand for the Chinese consciousness as citizens of Malaya and the elimination of their racial prejudice. In fact, many Chinese in Malaya are officially naturalized and some use Malay names by marrying Malays. By these and other direct and indirect methods more and more Chinese are being naturalized or obtaining citizenship. It must be noted that the local Chinese are, thus, steadily discarding their pang spirit.

THE KUOMINTANG IN MALAYA

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The Kuomintang existed in Malaya for a period of thirty-seven years (1912-1949) during part of which time its activities were carried out secretly under the cover of educational or charitable organisations. As a party it was an amalgamation of various earlier parties notable of which was the T'ung Meng Hui. Early revolutionary activities organised by Dr. Sun Yat-sen led to the formation of the Kuomintang in Malaya in 1912 as well as prepared the ground for its subsequent work.

The first important Chinese revolutionary organisation, the Hsing Chung Hui, was introduced to Malaya by Yang Ch'u Yun who arrived in Singapore in 1900 not long after K'ang Yu-wei, the foremost Chinese reformist. He was followed by Dr. Sun Yat-sen on July 9, 1900.[1] But the first man who really did the ground work of establishing revolutionary groups in Malaya was Yiu Lieh (sometimes called Yiu Liat) who came to Malaya in 1901. Yiu Lieh organised the Chung Ho T'ang, an organisation which he had formed in Japan as a club for educating members through the reading of newspapers and magazines. Many secret branches grew up in Malaya disguised as schools. The Chung Ho T'ang had close resemblances with other Chinese secret societies in Malaya. Members used secret signs for mutual recognition.[2]

The main aim of the revolutionaries in Malaya was to

1. *Straits Settlements Governor's Despatch to the Secretary of States for Colonies* (Open), 26 July 1900. Hereafter *GDSS Lat Pao* (A contemporary Chinese newspaper), 12, 13, 14 July 1900; 9 August 1900.
2. *Monthly Review of Chinese Affairs*, No. 45, May 1934. (issued by the Secretariat for Chinese Affairs, Singapore, p. 24, 25. Hereafter *MRCA* Feng Tzu Yu, *Hua Ch'iao Ke Ming K'ai Kuo Shih* (History of the Overseas Chinese in the Revolution and Foundation of China), (Shanghai, 1947), p. 72.

develop patriotism among the overseas Chinese, with the more specific purpose of obtaining material support for China's revolution. This was early illustrated in 1905 by the boycott of American goods in Malaya which followed incidents arising from the American Exclusion Act.[3]

Revolutionary activities in Malaya took a step forward in February 1906 with the formation of the Singapore Branch of the T'ung Meng Hui. Branches were soon started in a number of towns in Malaya. In 1908 the Nanyang Department of the T'ung Meng Hui was established in Singapore to co-ordinate revolutionary work in Southeast Asia.[4]

Another organisation which played an important part in the development of T'ung Meng Hui and Kuomintang work in Malaya was the Shu Pao Sheh or Reading Society. The first Reading Society developed out of a Young People's Christian Group in Singapore. Through the influence of local revolutionary enthusiasts, this Christian organisation became a cover for revolutionary propaganda.[5] As the years passed more and more Reading Societies were formed throughout Malaya. Books, newspapers and magazines were made available to members, and in this way revolutionary ideas were inseminated. Lectures by T'ung Meng Hui leaders both local and from abroad were given at these centres.

These Reading Societies served a dual function, politically primarily and educational secondarily. The avowed aim was always educational. For this reason the Reading Societies were less vulnerable to Government bans than the purely and openly political organisations such as the Kuomintang and T'ung Meng Hui. The Reading Societies helped the rebel leaders in at least two ways – they propagated political ideas through the reading matter provided, and served as rendezvous for party members and places for

3. *Secretary of State for Colonies Despatch to the Governor of the Straits Settlements* (Confidential), 29.11.1905, 8.6.1906. *GDSS* (Confidential), 26.12.1905.

4. Chang Yung Fu, *Nanyang Yu Ch'uan Li Min Kuo* (Southeast Asia and the Creation of the Republic), (Shanghai, 1933), pp. 9-11 Huang Fu Luan, *Hua Ch'iao Yü Chung Kuo Ke Ming* (The Overseas Chinese and the Chinese Revolution), (Hongkong, 1954), p. 65.

Party meetings. When the authorities became attracted by the movements within these societies, they promptly curtailed political activities within their premises and claimed that they were merely reading societies or libraries. At such times political meetings would be held in hotels or other inconspicuous places. The role of Reading Societies certainly did not cease with the T'ung Meng Hui. Some of them became vital organs of the Kuomintang in subsequent years.

The success of China's Revolution in 1911 strengthened the sense of patriotism among many overseas Chinese. The revolutionary leaders had fully utilised the resources of the overseas Chinese to bring about the Revolution, and Republican China naturally regarded her overseas people as worthy members of the Chinese family. China sought to strengthen the position of her people in Malaya and other overseas territories and felt it her duty to look to their welfare. For these reasons politics in China came to have more and more bearing upon the Chinese in Malaya and Southeast Asia. With the birth of the Chinese Republic was born also a new political party, namely the Kuomintang or Nationalist Party.

The Kuomintang was formed in China on 25th August 1912, being a fusion of five parties. The principal aim of the party was the political unification of China. It also hoped to assimilate the five races in China and to develop local autonomy. Among other objects were the improvement of China's economy and the maintenance of world peace. Unlike the T'ung Meng Hui, the Kuomintang was to function as a political party.[6]

The task of economic reconstruction depended on money, and in this China again sought overseas assistance. Thus one of the important functions of overseas organisations was the call for funds to help China in her national development.

After the Kuomintang was formed in China Lu Chih I

5. Huang Fu Luan, p. 88. Feng Tzu Yu, p. 85. Song Ong Siang. *One Hundred Year's History of the Chinese in Singapore*, (London, 1923), p. 363.
6. Montague, H. T. & Woodhead, H. G. W., *China Year Book 1916*, (London, 1916), p. 700.
7. *Lat Pai*, 15.10.1912, 29.1.1913.

alias Lu Tien Min and Ch'iu Chi Hsien were sent to organise branches in Malaya. They had also come to seek overseas investments for the exploitation of China's mineral resources in Yunnan and to encourage the Chinese in Malaya to purchase shares of the Chinese newspaper *The Shanghai Kuo Min Sin Wen*. Not long after the arrival of Lu and Ch'iu the Singapore branch of the Kuomintang was formed. The Singapore Government allowed registration of the Party.[8] Throughout 1913 many Kuomintang branches were formed in Malaya. In all a total of thirty branches were known to have been registered in Malaya.[9] In addition to the registered lodges there also existed non-registered branches. The Penang Branch, for instance, was refused registration on the ground that it was likely to be used for plotting against the Yuan Shi-k'ai Government which Britain recognised at that time. This branch therefore existed in secret under the name of Teong Wah Company, with its premises at the Penang Philomathic Union.[10] Membership of the Kuomintang was open to "all nationals of the Chinese Republic of above twenty years of age who ....are in agreement with the party's aims...."[11]

The main role of the Kuomintang branches was to keep the Chinese in Malaya united and in close touch with China. They served as the mouth-piece of the overseas Chinese whenever the latter had suggestions to make to the Chinese Government and conversely relayed instructions from China to the people of Malaya. In a way they duplicated the work of the Chinese Consul in Singapore. However, the Kuomintang branches had no dealings with the Malayan Governments; official matters were left to the Chinese Consulate. As China would not relinquish her hold over her people abroad, the network of Kuomintang branches enables her to reach her overseas citizens easily. At intervals emis-

8. *MRCA* (May 1934), p. 15.
9. *MRCA* (May 1934), pp. 17-19.
10. Yang Han Hsiang, "Chung Hua Min Kuo K'ai Kuo Ch'ien Hou Chih Pen Sheh Ke Ming Shih" (The Society's Revolutionary History Before and After the Establishment of the Republic) in *Ping Ch'eng Shu Pao Sheh Erh Shih Sze Nien Chi Nien K'an* (Penang Philomathic Union Twenty-fourth Anniversary Commemoration Publication), (Penang, 1931), pp. 69, 155-6.
11. Yang Han Hsiang, pp. 79-81.

saries would be sent out to study conditions abroad or to seek contributions towards China's national development. These emissaries would be received by the local Kuomintang leaders and members at the lodges, and often they gave lectures stating the purpose of their visits and reporting on current events in China.

In April 1912 there was the arrival of T'ang Shou Ch'ien to study the industrial position in Malaya. T'ang lectured at the Singapore Philomathic Union. In May Wang Chao Wen was sent to study education in the Nanyang.[12] Whenever a representative arrived from China the local Kuomintang members would have the privilege of meeting the official from China. To the Chinese in Malaya who had been away from home the chance of meeting an official and representative from China was an honour. The Kuomintang lodges also initiated and organised patriotic celebrations of important Chinese events such as Republican Day, anniversaries of the Wuch'ang and Huang Hua Kang Risings, and others. All these served to kindle or re-kindle the spirit of patriotism and ensure that the Chinese abroad did not forget their Chinese culture and heritage. Through the Shu Pao Sheh the Kuomintang enabled members to keep abreast of happenings in China. Thus the Chinese in Malaya would remain loyal to China, even though they were far away from home.

The Kuomintang was dissolved in China by President Yuan Shih-k'ai when he seized power in 1913. Many Kuomintang members fled, among whom was Sun Yat-sen. Sun went to Japan where in 1914 he replaced the Kuomintang by the Chung Hua Ke Ming Tang or Chinese Revolutionary Party, as he felt that an open political organisation such as the Kuomintang could not effectively execute a revolutionary programme. To give impetus to China's revolution new members were recruited, a more vigorous programme and a better system of organisation were planned.

Kuomintang branches in Malaya were ordered to reorganise into the Chung Hua Ke Ming Tang. Some did so reluctantly. When President Yuan Shih-k'ai outlawed the Kuomintang in 1913, the Governments of the Straits Settle-

12. *Nanyang* meaning Southern ocean is synonymous with *Southeast Asia*.

ments and the Federated Malay States took action against some Kuomintang lodges in Malaya because they openly condemned President Yuan. Britain was on friendly terms with the Chinese Government which was now under Yuan's control. As the Kuomintang lodges were closely watched by the Governments of Malaya, they kept down their activities. In Perak members of moribund Kuomintang lodges formed themselves into labour unions.[13]

Generally, the Kuomintang in Malaya, like its parent organisation in China, suffered a decline in the years following the action of President Yuan Shih-k'ai. As members became lukewarm and less enthusiastic a number of branches in Malaya became moribund.

In 1919 the Chung Hua Ke Ming Tang was again reorganised and renamed Chung Kuo Kuomintang. Communist members were accepted into the Party after 1923. The First National Congress held in January 1924 endorsed the admission of Communists on condition of their accepting Kuomintang principles. The Kuomintang in turn adopted the Communist form of organisation.

In Malaya there were signs of re-activity after 1919. But the work of re-vitalising Kuomintang activities in Malaya was checked by the Malayan Government's tighter control and repressive action. The Malayan Governments were troubled by the spate of anti-British propaganda which was carried out by Kuomintang extremists especially in the years 1924-1927. A point to note is that from 1924 when the Kuomintang opened its doors to Communists up till 1927, and even subsequent to it, the Kuomintang in Malaya was penetrated by Communist members who spread subversive doctrines through the Kuomintang organisation. As it was difficult to separate the Communists and the proper Kuomintang members, Government branded the Kuomintang as subversive and duly took repressive steps against it.

It has not always been recognised that the Kuomintang was interested in China and not in Malaya. It was interested in the people and the wealth of Malaya and not the

13. *Federated Malay States Perak Administration Report*, 1914, pp. 20-21 Blythe, W. L., *Historical Sketch of Chinese Labour in Malaya*, Reprint. (Singapore, 1953), pp. 33-35.

territory. By protecting the Chinese in Malaya and keeping the flame of patriotism burning the Chinese in Malaya would continue to be a source of material aid to China. The Chinese Government would like the Chinese in Malaya to remain Chinese, to look back to their country of origin. Kuomintang work in Malaya was therefore China-centred and not Malaya-centred. Hence it is inaccurate to suggest that the Kuomintang regarded Malaya as the *terra irredenta* which China would annex at the earliest opportunity.[14]

China did assume the role of Protector of her Chinese subjects overseas, and occasionally sent emissaries to unify them and influence their political outlook. In 1924 Sun Yat-sen established the Overseas Affairs Bureau whose aims were to see that the overseas Chines received equal treatment in the territories they were living, to facilitate overseas Chinese returning to study in China, and to protect overseas Chinese investors.[15] In order to make the Chinese remain Chinese, the Government of China took great interest in the education of the overseas Chinese. As early as 1910 the Reading Societies had sections dealing with schools, and in 1912 the Chi Nan Bureau was opened in Fukien to "promote overseas education and industries."[16]

In a country where the immigrants have come to stay and the Government wishes to absorb them and make them citizens, such activities as carried out by the Kuomintang branches in Malaya must be considered subversive and should not be tolerated. But the British Government at that time regarded the immigrant Chinese as birds of the passage, as indeed they were, and had no intention of making them British subjects. The British could not provide for the education of children of the immigrant Chinese and therefore allowed them to establish their own schools. Since it was the British Government's policy to allow the

14. Governor Clementi who banned the Kuomintang in 1930 made this claim. Also see Silcock, T. H. & Ungku Abdul Aziz, "Nationalism in Malaya" in Holland, W. ed., *Asian Nationalism and the West*, (New York, 1953), p. 280.

15. *Hua Ch'iao Chih* (Overseas Chinese Annals), Overseas Chinese Annals Compilation Committee, (Taipei, 1956), p. 527.

16. *Lat Pao*, 1.6.1912, 15.11.1912, 27.9.1912.

Chinese settlers to fend for themselves, to provide their own education, to work in Malaya and return to China, it cannot at the same time wholly regard the part played by the Chinese government in directing the affairs of the overseas Chinese as an attempt to impose an *imperium in imperio*. If the British thought that such a thing was happening they could have taken a firm hand from the very beginning by not allowing the Kuomintang to exist at all in Malaya, instead of trying to curb the Kuomintang by half measures.

The Malayan Governments' suppression of the Kuomintang branches in Malaya was mainly prompted by the increase of anti-British agitation, strikes and disturbances carried out by left wing leaders, especially activities in night schools dominated by Hainanese members. These subversive activities were mainly the work of Communists, but because the Communists worked under the banner of the Kuomintang the Government had perforce to regard the Kuomintang as anti-government and therefore suppressed it. Thus in February 1930 the new Governor Sir Cecil Clementi banned the Kuomintang in the Straits Settlements and in the Federated Malay States.[17]

Before the Government ban was imposed there had been a split in the Kuomintang in Malaya. On the orders of the Central Executive at Nanking the South Seas Head Branch formed a committee to purge the Kuomintang of leftist elements. This purging movement was marked by a decrease in subversive propaganda and a decline in anti-British feelings among the Chinese. By 1928 the left-wing members had ceased to be part of the Kuomintang. Severed from the Kuomintang, the Communists began to compete with the former in gaining the support of the Chinese. In January a South Seas Provisional Committee of the Communist Party (SSPCCP) was formed, succeeding the "Main School" which was a Communist organisation using night schools as a cloak for propaganda. The SSPCCP issued

17. *Proceedings of the Legislative Council of the Straits Settlements*, p. B24. *Sin Chew Jit Poh* (A current Chinese newspaper published in Singapore), 31.10.1930. *Sin Kuo Min Pao* (A contemporary Chinese newspaper controlled by the Kuomintang and published in Singapore), 26.2.1930, 17.3.1930.

the periodicals entitled 'Bolshevism', 'Roaring Blaze', 'Candle Light', 'Blood Light' and 'Labour Vanguard'. The proletariat was urged to join the South Seas General Labour Union which was Communist-controlled.

On 8th February 1929 when the Chinese Minister C. C. Wu attended a reception at the Singapore Chinese Chamber of Commerce while on his way to Europe, he was shot at by a member of the SSPCCP. The Minister escaped unscathed. A month later Cheng Sau P'ing, one of the nine directors of the reconstituted Kuomintang in Malaya, had a bomb thrown at him by Hainanese Communists in Taiping; he too escaped. Consisting of seventeen unions, including six in the Federated Malay States, the South Seas General Labour Union had begun to wrest control of Chinese labourers from the Kuomintang.[18]

In May 1931, after the dissolution of the Malayan Head Branch, the Central Party ordered the establishment of eight direct branches in Malaya. As the Government had prohibited the establishment of branches, they existed under the cover of schools, reading societies and clubs.[19] In 1932 the 'Selangor Club' was closed by the Malayan Government and the committee members of both the Selangor and Kedah Direct Branches were arrested and banished.

The years following the ban would have been lean for the Kuomintang in Malaya were it not for developments in China. In September 1931 Japan invaded Manchuria and anti-Japanese feelings rose. The strength of the Kuomintang lay in its role of fostering the patriotism of overseas Chinese. Movements to boycott enemy goods, to save the nation, to use home-made goods, to resist the enemy, all provided opportunities for the Kuomintang to come to the forefront. Between 1932 and 1933 there was an increase of thirty-six sub-branches in Malaya. As at November 1933 there were 12,007 full members in Malaya and 339 preparatory members. There was an average of 76 members

18. *Negri Sembilan Administration Report* (1928), p. 19. *Federated Malay States Chinese Protectorate's Report* (1928), p. 3.
19. *Chung Kuo Kuomintang Nien Chien* (Chinese Kuomintang Year Book) 1934. Chung Kuo Kuomintang Central Executive Committee Party History Compilation Committee. Section C p. 243.

to every 10,000 Chinese living in the Straits Settlements and five of the nine Malay States.[20] While membership cannot be said to be widespread, it was not negligible.

The Sino-Japanese War of 1937 sparked off a new spate of anti-Japanese activity and roused Chinese patriotism to its apogee. The entire Kuomintang organisation together with the Chinese guilds, societies and schools were brought together in an all-out effort to give the maximum support to China in her time of peril. Chinese school teachers and pupils in Middle and Primary Schools were organised into teams to help collect funds for example selling paper flowers. The slogan "save the Nation" was freely and effectively used.

Between July 1937 and November 1940 Malaya sent M$146 millions towards China Relief, the largest amount from any single overseas territory. In 1941 itself M$110 millions was remitted. Besides monetary contributions, some Chinese returned to China to participate in the war.[21]

The Kuomintang was aware that nationalism could best be preached to the young and from very early days it had an interest in overseas education. The Kuo Yü or National Language Movement was in full swing from 1929 onwards. In 1934 the Overseas Affairs Commission started a training class to train teachers for overseas schools. In 1936 this training was taken over by the Chi Nan University, a state-sponsored university in Shanghai. In the same year a professor from this university came to Malaya to inspect Chinese schools. From 1930 the Chinese government began subsiding Chinese education in Malaya.

From 1940 onwards steps were taken by the Kuomintang to provide an education based on the principles of the Party called Tang-hua Chiao-yü or Party-transformed Education, in the Chinese schools of Malaya. Groups of Junior and Senior Middle School graduates were sent to China to undergo a six months' course in Tang-hua education after which they would return to Malaya as instructors in this

20. *Chinese Kuomintang Year Book (1934)*, B7, C245.
21. *Hua Ch'iao Chih*, p. 454. *Huang Ching Yuan, Hua Ch'iao Tui Tsu Kuo Te Kung Hsien* (The Contributions of the Overseas Chinese to the Fatherland). (Shanghai, 1940), pp. 190-192. Purcell, Victor, *The Chinese in Modern Malaya*, (Singapore, 1960), p. 29.

new type of education. The Director of Education in Singapore put a stop to this scheme when he came to know of it.

Further activities by young Kuomintang enthusiasts were stopped short by the Japanese occupation of Malaya, and the necessity of the Government taking action to curb them was similarly obviated. On 23rd December 1941 Chiang Kai-shek made an offer to the Governor of the Straits Settlements to instruct the Chinese in Malaya to support the British in the war against Japan, and on Christmas Day the Governor called upon Mr. Tan Kah-kee, a leading Chinese merchant, to mobilise the Chinese. This resulted in the formation of the Singapore Chinese Anti-Enemy Backing-Up Council with a threefold aim: to organise a voluntary police force, to mobilise the people, and to carry out propaganda work. Both the Kuomintang and the Communist Party were represented in this Council. A voluntary militia known as Dalforce comprising Kuomintang members and Communists fought valiantly in the last-ditch defence of Singapore.[22]

With the fall of Singapore on February 15, 1942 the Communist Party went underground, many of its members retreating into the Malayan jungles. The Kuomintang as a pan-Malayan organisation was broken, though some of its members existed underground. A number of them were captured and put to death by the Japanese Military Government while some joined the guerilla force in Malaya, that is, the Malayan People's Anti-Japanese Army. There was no active Kuomintang organisation under the Japanese régime.

With the return of the British in 1945 both the Kuomintang and the Malayan Communist Party were re-activated. The post-war period again saw the two political parties rivalling to win the support of Chinese workers and students with the latter having the upper hand. In 1949 the Nationalist forces under Chiang Kai-shek were driven out of China by the Communists and China came under the rule of the Chinese Communist Party under Mao Tse-tung.

22. Hanrahan, Gene Z., *The Communist Struggle in Malaya*, Institute of Pacific Relations, (New York, 1954), p. 31.

In Malaya the Kuomintang was denied its exemption from registration which was granted in 1931, and as it did not seek registration it was proscribed forthwith. Since then the Kuomintang has ceased officially to exist in Malaya, but until recently some members and agents from Formosa were still working quietly through reading societies and clubs to counter the work of the Communists. Two Kuomintang members arrested this year (1960) for alleged activities on behalf of the Kuomintang had recently been released after they had undertaken to cease having any connexion with, and involving in any activities for this alien and illegal organisation.

NOTES ON THE HISTORICAL POSITION OF SINGAPORE

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The Malacca Sultanate, a glorious period in the history of Malaya, originated from Singapore. According to an account in the Sejarah Melayu, the great grandson of Raja Suran, a Tamil conquerer, by the name of Sang Nila Utama, took his wife Wan Sri Bini (a Princess of Benten), together with his followers from Benten and opened up a settlement in Singapore. It is said that Singapore was then called Tumasik. As soon as Sang Nila Utama's boat entered the port, so the legend runs, they met a stormy sea which caused a great threat to their lives. The boat was leaking and was about to sink. It was not until they threw overboard all their belongings including the crown that such a danger could be avoided. Soon after landing at Tumasik they saw a strong wild beast dashing across with great speed. The body of the beast was brown, its head was black, its breast was white, being slightly bigger than a goat. It is said that the beast was a Singha (lion). The Prince considered it to be a good omen. He, therefore, founded his country here called Singhapura which means "Lion City". This is how the name of Singapore came into being. As for its date of founding, no mention is made in the Sejarah Melayu. It cannot be earlier than the 13th century.

With regard to Raja Suran it was given in the Sejarah Melayu that he was the mightiest prince of the land of India and all the Rajas under the wind acknowledged his supremacy, except the land of China. With his prodigious host, he advanced against China. On the way he conquered the Malayan States, namely, Gangga Nagara and Glang Kiu. The former one has been identified by the Sejarah Melayu with a place in Dindings of Perak, which has the resemblance to Ptolemy's Konko-nagara, while the

later one possessed a fort of black stone up the Johore River and derived its name from Siamese origin *Khlang Keu,* the Precious Coffer. On arriving in Tumasik (Singapore), he learned that China was too far for him to subjugate, so he relinquished his plan and descended into the sea for several years marrying the daughter of the king under the sea. By mounting a seahorse named Sambrani, he came back to the earth and ordered his men to record and inscribe on a stone in Hindustani his adventure into the sea. Then he returned to the land of Kling.

Though it is a legend, it is also a shadow of a forgotten historical fact. Raja Suran might be identified with Cri Rajendracoradeva (1012-1042), the Chola king, who had conquered Malaya and Sumatra in 1017. It was recorded in the Tamil inscription of Tanjore in 1030 A.D., which has been translated into different languages. Here, I wish to introduce Prof. K. A. Nilakanta Sastri's English translation from his famous work "Sri Vijaya" (BEFEO., 1940, vol: XL, No. 2, pp. 239-310):

> (Rajendra) having despatched many ships in the midst of the rolling sea and having caught Sangrama-Vijayottingavarman, the king of Kadaram, together with the elephants in his glorious army, (took) the large heap of treasures, which (that king) had rightfully accumulated; (captured) with noise the (arch called) Vidyadhara-torana at the war-gate of his extensive capital (nagar) Sri-Vijaya with the jewelled wicket-gate adorned with great splendour and the gate of large jewels; Pannai with water in its bathing ghats; the ancient Malaiyur with the strong mountain for its rampart; Mayirudungam, surrounded by the deep sea (as) by a moat; Ilangasoka undaunted (in) fierce battles, Mappappalam having abundant (deep) water as defence; Mevilimbangam guarded by beautiful walls; Valaippanduru possessed of Vilaippanduru (?); Talaittakkolam praised by great men (versed in) the science; the great Tamralinga (capable of) strong action in Nakkavaram, in whose extensive gardens, honey was collecting; and Kadaram of fierce strength, which was protected by the deep sea.

"Excepting Sri Vijaya (Palembang) and Kadaram (Kedah), the two capitals so to say of the empire, it is not easy to explain the order in which the different places are named; this does not seem to follow with any accuracy the actual course of the campaign, but is apparently determined by the requirements of verse," said Prof. Nilankanta Sastri. Here, we may learn from Prof. Sastri[1] and Prof. G. Coedes,[2] their identifications of the above mentioned place-names.

The course taken by the Chola king Rajendra was similar to Raja Suran's invasion – passing through the Malay Peninsula to Palembang which was described as the country under the sea in Sejarah Melayu.

According to the Sejarah Melayu, the Singapura kingdom of Sang Nila Utama existed for five generations, until it was overthrown by the Majapahit Empire of Java. But there are so many different sayings given in Portuguese accounts, namely, (1) The D'Albuquerque's Commentaries

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1. Prof. Nilankanta Sastri gives a note in his paper as follows:
"Pannai is Panai at the month of the Panai-Baroman river in Sumatra; Malaiyur (Jambi) and Ilamuridesam (Lamri) are also on the same island; Mayirudingam and Ilangasokam are respectively Jiloting and Langkasuka of the Chinese accounts and lay on the Malay Peninsula; Tamralinga was also in the same neighbourhood; Mappapalam has been held to be either in Pegu or Isthmus of Kra or even in Pahang or Penang; Takkolam is Takola on the Isthmus of Kra or a little to the south; Nakkavaram is surely the Nicobar islands."
2. Prof. G. Goedes's identification (Histoire Ancienne des Estates Hindouises d'Extreme-Orient, 1944) has been simplified by Sir Roland Braddell in his Notes on Ancient Times in Malaya (JMBRAS., Vol. XXII, pt. 1, 1949, pp: 19-20):
Crivijaya (Palembang)
Malaiyur (the Malayu of the 7th Century, i.e. Jambi)
Mayirudingam (the Je-lo-ting of the Chinese, some place on the Malay Peninsula)
Ilangacogam (Langkasuka)
Mappappalam (Pappaal) placed by the Singhalese chronicle Mahavamsa on the coast of Pegu)
Mevilimbangam (identified with Karmaranga or Kamalanga on the isthmus of Ligor)
Valaippandulu (perhaps Pandur (anga), in Champa, preceded either by the Tamil word valai "fortress", or by the Cham word palai "village")
Talaittakolam (Takkola of Ptolemy and the Milindapanha, on the isthmus of Kra)
Madamalingam (Tambralinga, Chinese Tan-ma-ling, of which the centre was at Ligor)
Ilamuridecam (Lamuri of the Arabs, Lambri of Marco Polo at the northern extremity of Sumatra)
Manakkavaram (Nicobar Islands)
Kadaram (Kedah)

(published in 1577) mentions that Paramesura, a pagan king of Palembang, fled to Singapore and slew the local chief Tamagi to make himself the master for five years, then he was driven out by the king of Patani; (2) de Barros (writing in 1553) writes that during a dynastic war in Java, one of the nobles, Parameswara, fled to Singapore and accepted the hospitality of Sangesinga, but after a short time Parameswara murdered his host to gain possession of Singapore and he was driven out by the king of Siam; (3) Eredia (writing in 1613) says that Parameswara (written by Eredia in the feminine form Permicuri), by birth a Javanese hailing from Palembang in Sumatra, fled to Singapore and treacherously killed the Xabandar (Port Officer) of Singapore, a relative of the ruler of Pahang who was making warlike preparations to capture him, so he decided to make a settlement in Malacca for his own safety. Thus we have to search more evidences to dissolve our doubt.

Though in 1388 A.D. according to Pararaton, a Javanese history written at the end of 15th century, Tumasik was one of the ten countries that a famous minister of Majapahit, Pateh Gajah Mada, swore he would conquer, and in 1365 A.D. another Javanese work, Nagarakrtagama, made mention of Tumasik again, among other places, as being subject to Majapahit, yet in the Kot Monthieraban, a Siamese record written in 1360, Ujong Tanah, Malaka, Malayu and Wurawari are mentioned as being subject to Siam. If Ujong Tanah (Johore) including Singapore, or Malayu were identified with Malaiyur of Marco Polo, the Siamese record would fit into a number of old Chinese accounts. Writing in 1330 A.D., Wang Ta-Yuan made mention of the war between Tumasik and Siam in his book "Tao Yi Chih Lüeh" under the caption of Siam as follows:

> "In recent years they came with seventy odd junks, raided Tan-ma-hsi and attacked the city moat. The town resisted for a month, this place (Tamasik) having closed its gates and defending itself, and dared not stage any fight. It happened just then that as a Java envoy was passing by (Tamasik), the men of Siam drew off and took shelter, after having looted Hsi-li."

It we notice the words 'came' and 'this place', we may

understand that Wang Ta-Yuan must have stayed here when he recorded the events. And it was also a war between Siam and Ma-li-yu-r (Malaiyur of Marco Polo) recorded in Yuan Shih:

> "In the First Year of the reign of Yuan Chen (1295 A.D.)....on acount of the wars between Siam and Ma-li-yu-r in the past, the Emperor gave an order that no Siamese should kill the people of Ma-li-yu-r as then they all submitted to China."

With reference to the above evidence, we agree that Parameswara was driven off by Siamese, the suzerain of Singapura or Tamasik.

Refer to Tao Yi Chih Lüeh, we find an interesting account under the caption of Lung-ya-men (龍牙門) as below:

> "The gate (men) derives its name from two hills of the Tan-ma-hsi (單馬錫) aborigines, facing each other as the teeth of a Dragon. There is a channel passing through the gate. The field is unfertile and yields only little rice; the climate is warm and in the 4th and 5th month there are heavy rains. The people are accustomed to pillage. At one time in the past, the chief dug the earth and found a crown made of jade. In the beginning of the year, people looked for the new moon to determine the New Year's Day, when the chief would wear the crown and put on dress to receive greetings. This custom is still transmitted down to generations. Both men and women, even those Chinese dwelling there, have their hair tied in a knot and wear a short jacket with sarong of blue stuff. The country produces rough lakawood and tin blocks. The merchandise for trading consists of pure gold, blue satin, pattern cloth, porcelains from Ch'u-chou (處州器), iron pots, etc. As there is neither good timber in the mountain nor fine goods for tribute, they could only trade with Chuan-chou (泉州) with booties and plunders. When the vessels sail to the West sea, the natives are quite at ease, but on their return voyage the crew have to put up arrow shelter and curtain, and sharpen their weapons to guard against pirates, espe-

cially when they arrive at Chi-li-men (Kerimen). Two or three hundred boats of the pirates would come on silently and fight for several days. It would be fortunate when they could meet fair wind; otherwise the crew would be butchered and the merchandise would be looted, thus one would die in no time."

From the passage quoted above, we learnt that Tumasik was then a pirate-infested area, yet there were Chinese immigrants domiciled at the place and dressed as the natives. It was even so when Sir Stamford Raffles started his colonization. Early in Ming Dynasty, Admiral Cheng Ho also passed through here when he made seven famous voyages to the Western Seas (i.e. Southeast Asia) and in his chart (given in Wu Pei Chih) we find the name 'Tan-ma-hsi) (淡馬錫) which may be pronounced as Tam-ma-siak or Chia-ma-siak in Hokien dialect, that would be more easy to identify with the original term 'Tumasik'.

With regard to the Gate of Dragon's Teeth (Lung-ya-men), there is a note on it given in Chang Hsi's Tung Hsi Yang Khao (Accounts on the Eastern and Western Seas 張燮'東西洋攷"), which runs as follows:

"At present the ships still dare not sail at night on account of the pirates as well as the Liang-Shan Rocks (i.e. Pulau Labon) in its south. Measuring the water, it is thirty T'o (fathoms) in the middle, twenty T'o in the north, and eight or nine T'o in the south. Passing the Gate of Tan-ma-hsi, ship sails by the directions of Ken Wu (庚午 262.5 degrees, due west by south) and Sin Wu (辛午 292.5 degrees west northwest) for three watches (更, i.e. 30 miles) towards Chi-li-men Hill (known as Kerimon Islands now)."

This Lung-ya-men has been identified with Keppel Harbour, and is accepted by all scholars. It was also the Gate of Tan-ma-hsi as mentioned by Chang Hsi. Sir Roland Braddell makes a valuable study on it and tells us:

"At the western entrance to Keppel Harbour there used long ago to be two pointed rocks, one on the end of the island of Blakang Mati, and one where the present white stone marking the harbour limit stands, called Lot's Wife; but these rocks from their nearness

to each other proved an obstruction to navigation, so they were blown up about eighty-five years ago, after Captain (the late Admiral of the Fleet, Sir) Harry Keppel had rediscovered the Strait, which is now called Keppel Harbour after him, though at first and for long termed New Harbour. These two rocks reminded the Chinese of the two upright pegs in the bows of their junks through which the cable runs; and, as these pegs are called 'dragon's teeth', they gave the name Dragon's Teeth Gate to the entrance to the Strait. Old descriptions all refer to the narrowness of the entrance, one written in 1599 saying that 'from the ship you could jump ashore or touch the branches of the trees on either side' ".

The term Lung-ya-men is in Mandarin and it should be pronounced as 'Lengamen' in Hokien. So did Chau Ju-Kua (趙汝适) record it as Ling-ya-men (凌牙門) in his Chu Fan Chih (諸番志 published in 1225 A.D.). It runs as follows:

"San-fo-chi (三佛齊 Srivijaya, i.e. Palembang) lies between Chen-la (真臘 Kamboja) and Che-pho (闍婆 Java) dominating fifteen countries. It also lies in the south of Chuan-chou to reach the Ling-ya-men where they sell one third of their goods before entering this country (of San-fo-chi)."

However, the term Tan-ma-hsi never appeared in the chronicles of Sung Dynasty (960-1279 A.D.), while Marco Polo recorded it as Malaiur or Malayur.

The late Dato F. W. Douglas has an interesting note on the ancient name 'Malaiur', in which he draws attention to Ramusio's version of Marco Polo. He says: "Winstedt in his History of Malaya 1935 writes 'attempts to connect Marco Polo's Malaiur with Singapore have not hitherto been accepted'. He quotes the Ramusio's version of Marco Polo but omits the important sentence "Chiamassie la citta de Malaiur e case l'isola de Malaiur". No one seems to have noticed that Chiamassie is certainly a transcription of the Malay Tumasik the old name for Singapore island in Malay Annals. Marco Polo's description would therefore read "Not far from Bintang island there are two other islands—

proceed between these two islands for 60 miles. The water is about only four paces deep and big ships when they pass through must haul up their rudders because they draw nearly four paces of water. After these 60 miles one sails to the southeast for some thirty miles. Then one reaches a kingdom Tumasik the city of Malayur and thus the island of Malayur. They have a king and language of their own. The city is very large and noble." Yule rightly says this is a description of the voyages from Bintang, then through the Johore Straits (Selat Tebrau) but he does not attempt to define the position of Chiamassie or translate the Ramusio's version referring to it." (Notes on Historical Geography of the Malay Peninsula, 1949, pp. 22-23).

In his valuable paper "Lung-ya-men and Tan-ma-hsi" (JRASMB., vol. 23; pt. 1, pp. 41), Sir Roland Braddell says, "We can agree that Chiamassie may well be a transcription of Tumasik but unfortunately Chiamassie is omitted from Benedetto's edition of Marco Polo MSS and also from the fuller edition by Moule." The reader of this paper should remember that the present writer has mentioned that "淡馬錫" (Tan-ma-hsi) given in Cheng Ho's Chart may be pronounced as Chia-ma-siak in Hokien dialect, which is the exact identification of Chiamassie of Marco Polo in Ramusio's version. Thus I wish to point out that Cheng Ho's Chart was not prepared during or after his voyages, but it was copied from old sources. Otherwise it would appear with some transcription of Singapura which was more appropriate than Tumasik in Cheng Ho's days.

There are various transliterations for Malaiur in old Chinese texts, among them the oldest one was Mo-luo-yu (末羅瑜) in "A Record of Buddhist Monks to the South Seas" (南海寄歸內法傳) by I-tsing (義淨). It is generally identified with Djambi in Sumatra, The origin of this place-name is derived from Chapter 48 of the old Sanskrit text Vayu Purana in which the name Malayadvipa is found. Malayadvipa has been identified with Sumatra which is situated in Dvipantara, Southeast Asia, or the Nan-yang of Chinese. The term "Malaya" which first appeared in Maha Bharata (compiled in 400 B.C. — 100 A.D.) denotes the mountain along the west coast of India known as Mala-

bar, the Western Ghats. Malabar is derived from a Sanskrit name "Malaya-vara", i.e. the "Mountainous Country". Up to 800 A.D. it was known to the Chinese that there was a country called Malaya in western India, which is mentioned in Ta Tang Hsi Yueh Chi (大唐西域記) by Hsuan Chuang (玄奘) as Mo-la-ye (秣剌耶) and in the caption of Vajrabodhi (跋日羅菩提) in Sung Kao Seng Chuan (宋高僧傳) as Mo-lai-ye (摩頼耶). Malaya could refer to Sumatra not earlier than the Fifth century when the Vayu Purana was composed and it was only suggested that "Malaiur" first referred to Malaya in the last decade of 13th century when used by Marco Polo, but, in fact, it was Singapore.

The Historical position of Singapore was as vague in T'ang Dynasty as in Sung in Chinese Chronicles. But we know that the sea communications in T'ang Dynasty had already fully developed. In the Geographical Records of Hsin T'ang Shu (新唐書) we find an appendix of Chia Tan's Routes from China to Foreign Countries (賈航四夷路程) which runs as follows:

> "Arriving at Chün-t'u-lung Hill (軍突弄山 i.e. Pulo Condore), one sails for another five days to reach a strait called 'cheh' (質) by the natives. It is one hundred li in breadth, with the State of Luo-Yüeh (羅越) on the north shore and Fo-shih (佛逝) State (Srivijaya) on the south shore."

As one would take five days to sail from Pulo Condore to the Strait, it is mostly likely to be the Strait of Singapore. As for the word 'cheh' called by the natives, it is generally accepted by the scholars to be the simplification and corruption of the Malay word 'selat', derived from Arabic 'selahit'. The Luo-yüeh State at the north was suggested by Mr. Han Wai-Toon as corresponding to the Malay term 'laut'. This is quite a probable suggestion, because the T'ang tone pronounced '羅' (luo) as 'la' and '越' (yüeh) as 'jiwat' (now still as 'uat' in Hokien). It is also supported by the fact that the Proto-Malays now staying the place are still known as 'Orang Laut'.

Prior to the T'ang Dynasty, as the strait was infested

with pirates and the Chinese and Indian merchants used to take their routes through the Isthmus of Kra, to transit their goods, they were quite ignorant of the conditions at the southern part of the Malay Peninsula. However, it does not mean that Singapore was unknown. Its eminent position in communication, although re-discovered by Sir Thomas Stamford Raffles only more than one hundred forty years ago, yet, as far back as one thousand six hundred years ago, much of its records are evident in Chinese texts.

An illustrious chapter has been written in the history of the intercourse between China and the Southeast Asian countries by the famous event of "The Eunuch San-Pao's Expeditions to the West Seas", (三保太監下西洋) well-known to everyone in Southeast Asia. Nevertheless, there was another great event as eminent as the Seven Expeditions undertaken by Admiral Cheng Ho to the Southeast Asia, taking place more than a thousand years before the latter, which has long been forgotten. It happened at about 231 A.D. when Chu Ing (朱應) and Kiang T'ai (康泰) were sent on mission to the South Seas by General Lü Tai of Wu, in the period of Three Kingdoms (三國). They set out from Chiao-chou (交州, North Vietnam) and visited tens of countries in Southeast Asia. After returning, each wrote a book being the earliest and most valuable accounts of the Southeast Asian Countries. Chu Ing's work is known as 'Descriptions of the Funan (Banam) Prodigies' (扶南異物志) or "A Record on Countries South of Funan" (扶南以南記), while K'ang T'ai's book is entitled "The Accounts of Foreign Countries during the Wu Period" (吳時外國傳) or "The Native Customs of Funan" (扶南土俗). Unfortunately, these two books have long been lost; only some parts in fragmentory form are available from the old texts of Sung or those even earlier. From these fragments the present writer discovers a short passage on Singapore which is the oldest record of Singapore ever known. It is a passage from K'ang T'ai's "The Book of the Native Customs of Funan" quoted by Li Fang (李昉) in his "Tai P'ing Yü Lan" (太平御覽) vol. 787, running as follows:

"Sailing due east from Kou-li (拘利), one reaches the

shore of the 'terminal end of the peninsula' (崎頭極), where natives are dwelling. The natives are cannibals, each with a tail of five or six inches long. The place is known as P'u-luo-chung State (蒲羅中國)."

Another passage from the same work, vol. 791, reads:

"In the east of Kou-li (拘利), there dwell the natives of P'u-luo-chung, each with a tail of five or six inches long. They are accustomed to cannibalism. This place as well as the southwest of Pu-luo (蒲羅) are the land of Wei Pu (尾濮), the tailed natives, known as Liang tsa-wei State (梁作魏國), which rules the region southwest of the Sun (統日西南). Its natives are known as Wei Pu. It produces tortoise shells, rhinoceros, elephants, pearls, gold and silver, pueraria and cassia. The people are all barbarians. They can only communicate with us through multi-interpretations."

Kou-li also appears in corruption as Chiu-chih (九稚) in T'ai P'ing Yü Lan, and as Chiu-li (九離) in T'ung Tien. The present writer is of the opinion that Kou-li should be corresponding to Coli on the east coast of Aures Chersonnesus as mentioned by Ptolemy, the great geographer of Greece in the 2nd century. Aures Chersonnesus is no other than the Malay Peninsula. Kou-li had a port named Kou-li Kou (拘利口)[3] which has been identified by the present

3. The name Kou-li Kou, or the port of Kou-li, is found in K'ang T'ai's Fu Nan T'u Su Chuan, quoted in Shui Ching Chu, and was translated into English by Prof. Paul Wheatley as follows:

'On leaving the port of Chü-li (i.e. Kou-li), one enters a large bay. Going directly north-westwards, in rather more than a year one reaches the mouth of the River of India, that is, the mouth of the Heng-shui River (Ganges).'

Chü-li (or Kou-li) also features in the Liang Shu. It is recorded in the Shui Ching Chu (水經注) with the following passage, translated by Prof. Paul Wheatley:

'.....in the time of Wu (Dynasty), the King of Fu-nan, Fan-chan, sent one of his relations, Su-wu, on an embassy to this kingdom (India). From Fu-nan, going to the port of Chü-li (or Kou-li), he (then) followed the sea into a large bay. Directly to the north-west he cutered and passed through the bay, on the shores of which were several kingdoms. In rather more than a year he reached the mouth of the River of India.'

Kou-li is identified with Chukai, Trengganu, by Sir Roland Braddell. It is at the north east direction of Malaya. Whereas Kou-li Kou is placed at the estuary of Muar River by the present writer, which is

writer in his History of Malaya with Kuala Muar on the east coast, connected with the Pahang as shown in Ptolemy's map. The term 'due east' in the reference should be 'towards south east' instead, since the Malay Peninsula is lying at the south east direction. Since the term '崎' (chi) in Chinese chronicles is referred to a peninsula, '極崎頭' (chi ch'i t'ou) is no doubt to be indicating the terminal end of a peninsula. P'u-luo-chung, on the other hand, should be corresponding to 'Pulau Ujong' in Malay, meaning 'the island at the terminal end of a peninsula', which is no other than the island of Singapore. It is not a rare case to see the Malay word 'Ujong' in old Malay place-names. Johore, for instance, bears the name 'Ujong Tanah' in olden days, which exactly means 'the terminal end of a peninsula'. The Jong State in Tao Yi Chih Lüeh by Wang Ta-Yuan, is also corresponding to the Malay word 'ujong', which was a state covering the present Johore and Singapore. From the suggestions given above. we may draw the conclusion that P'u-luo-chung was, in fact, the oldest name for Singapore, older than the name Tumasik for more than one thousand years. As for the remarks that the natives had each a tail and that they were accustomed to cannibalism, no further thought should be given to them, as they have no bearing on the actual facts. However, there are still some natives with tails dwelling in the remote part of the Philippines up to the present days, and in Sumatra some cannibals have found their existence in the wilds quite uneffected by modern civilizations. Moreover, there is a fossil of burnt human bones remained by the cannibals of Mesolithic Age shown in Raffles Museum, discovered by the archaeologists in Malaya.

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of south west direction. The word 口 'kou' means either port or estuary of a river in Chinese. The upstream of Muar River is communicative with the upstream of Sungei Serting, a tributary of Pahang River, by means of Panarikan. It is illustrated in the following passage from the Nan Chou I Wu Chih, preserved in the T'ai P'ing Yü Lan,

'The Nan chou i wu chih (南州異物志) states that Chü-chih 句稚 (句 'Chü' is a corruption of 拘 'kou' and 稚 'chih' is also a corruption of 雉利 'li) is 800 li from Yü-yu. There is an estuary running from south-west to north-east and a very large headland jutting into the Chang-hai (Cankhay of the Arabs, i.e. South China Sea). The water is shallow and full of leadstones.'

These traces of the history of Singapore, rare as they are, can be dated back to a time more than one thousand seven hundred years ago. Its historical position, therefore, should not be as insignificant as what people used to consider.

ATTEMPTS AT LABOR ORGANIZATION BY CHINESE WORKERS IN CERTAIN INDUSTRIES IN SINGAPORE IN THE 1930's

By N. Parmer

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The 1930's witnessed more frequent, sustained and vigorous attempts at labor organization in Malaya and Singapore than had ever occurred before. While each of the three major ethnic communities was affected, the most significant developments occurred among the Chinese labor force. The purpose of this paper is to discuss the efforts to form trade unions by workers in three different industries and to draw some rather tentative conclusions. The conclusions must be tentative for two reasons. The sources used for this paper are drawn entirely from official records in Malaya. These particular records are excellent primary source materials but they should be complemented by Chinese source materials to make authoritative analysis possible. Chinese source materials, however, probably exist only in fragmentary form, if they exist at all, and may not become available to historians for some time. The other reason that the conclusions presented here must be tentative is that not all of the official documents have been thoroughly examined.

A number of observations about events in the 1930's should be made to provide a background of information. Probably most significant was the Great Depression, resulting in under-employment and unemployment of estate and mine workers in the States of the Peninsula. Immigration was restricted, and many thousands of Indian and Chinese laborers left Malaya and Singapore for their home countries. The government authorities and estate owners joined together to repatriate Indian male and female unemployed.

But by comparison little assistance was given to the Chinese. Policy toward Chinese unemployed was mostly one of expediency. Men were repatriated at government expense only when it appeared that unrest among them might lead to violence. Such aid as was extended to unemployed Chinese came almost entirely from well-to-do Chinese and Chinese guild and district organizations.[1] Workers who remained in Malaya and had employment experienced severe reductions in wages.

Some Chinese community leaders expressed dissatisfaction with the government's policy toward unemployed Chinese. But their feelings on this question were only a part of a rising tide of Malayan Chinese criticism of British policies. For example, the policy of restricting immigration as it ultimately developed included an ineffective and objectionable provision aimed at registering alien Chinese residing in Malaya. The measure tended to emphasize that many Chinese of long residence were aliens and was not calculated to encourage the Chinese who were so disposed to look upon Malaya as their home.[2]

Very upsetting to many Chinese was the policy of decentralization in the Federated Malay States which aimed at devolving some of the powers of the Federal government on to the state governments where Malay political strength and potential were thought to lie. Coupled with this was the unwillingness of the British authorities to admit non-Malays to the civil service in the States or to provide any substantial amount of state-supported education in English or Chinese for Chinese school children. These political factors made

1. See Straits Settlements, *Proceedings of the Legislative Council*, 1930, pp. B 113-B 114. Also the files (1930, 1932) of the Chinese Affairs Department, Federation of Malaya.
2. Restriction was first applied from August 1, 1930 under the Straits Settlements' Immigration Restriction Ordinance which had been enacted in 1928. A more comprehensive measure, the Aliens' Ordinance (and similar legislation in the Malay States) became effective on January 1, 1933. Besides restricting immigration, the law aimed at the eventual registration of virtually all aliens residing in the Straits Settlements and Malay States. See Despatch No. 634, Straits Settlements to the Secretary of State for the Colonies, December 20, 1932. Also Files (October 1932) of the Chinese Affairs Department, Federation of Malaya. For an extended commentary, see J. Norman Parmer, *Colonial Labor Policy and Administration*. Locust Valley, N.Y., J. J. Augustin, 1960, pp. 92-98.

up most of the substance of the charge by Malayan Chinese and Indians that the British were following a policy of "divide and rule" and were unfairly "pro-Malay". Disturbing to other Chinese was the ultimatum laid down in February, 1930, by Governor Sir Cecil Clementi that the Kuomintang Party cease to operate in any form.[3]

The activities of the Malayan Communist Party are also in the background of developments of the 1930's. The persons who formed the Party in late 1927 had earlier been the revolutionary or extremist wing of the Kuomintang. They were mostly workers speaking the Hainanese or Hakka languages who had come to Malaya in the 1920's.

The Malayan Communist Party initially appears not to have had much real success. One factor was very effective police action. Between November, 1931, and March or April, 1932, the Party seems almost to have been wiped out. Its headquarters was raided and virtually all of its records seized, its printing press captured, and most of its leaders arrested. Even without the police raids, however, the Party was not doing very well. Document after document complains of the political apathy of the workers, the poor quality of the leadership, the absence of funds to carry on activity, the failure of communications between one branch and another and with the Far Eastern Bureau in Shanghai, and not least of all the extreme one-sideness of the membership. Malay and Indian members were few, and the Chinese members were mostly from the Hainanese community. Moreover, the rank and file regarded the Party not so much as an instrument to fight the capitalists and imperialists and to bring about the world-wide victory of the proletariat but rather as a means of bringing about revolution in China.[4]

One final observation by way of background. By the late 1930's, the political awareness of the Chinese in Malaya

3. Actually, the Party was illegal, having been banned in 1925. It had, nevertheless, continued to operate. By 1930, the Party was probably fairly harmless in that it had spun off its younger and more vigorous, extreme leftwing, section in 1927. It was composed mostly of older, well-to-do persons. In 1932, the Chinese Protectorate reported that "the Kuomintang organisation in Malaya is at present broken...." *Monthly Review of Chinese Affairs*, April, 1932, p. 23. (hereafter abbreviated *MRCA*).

4. *MRCA*, November, 1931, pp. 33.

and Singapore particularly with regard to events in China was greater than probably at any other time – at least more overtly expressed than probably at any previous time. After 1937, when the Kuomintang and the Communists attempted to cooperate in China to resist the Japanese, much sympathy was expressed by Malayan Chinese for the war effort in China. Relief and military aid funds were collected, and occasional parades and demonstrations were held. When the authorities attempted to interfere with the latter, violence and bloodshed sometimes occurred. Boycotts were also attempted. Under the guise of such organizations as the Anti-Enemy Backing-up Society, the Malayan Communist Party revived and became more active and stronger than ever.

Linked with the expressions of patriotism and the spread of communist political activity in the late 1930's was the appearance of indigenous "proletarian literature". It had first come to Malaya from China in the late 1920's. Its influence was still felt in the late '30's, and Malayan Chinese editors and journalists began at that time to produce their own variety. Proletarian literature was characterize by anti-imperialist, anti-capitalist and anti-Japanese sentiment.

At the beginning of the 1930's numerous Chinese workers belonged to one kind of organization or another. Excluding secret societies, there were three types: guilds composed of both employers and workers: trade unions chiefly of skilled workers some of which had links with the Kuomintang Party; and industrial-type unions organized by the communists. The latter do not appear to have been numerically very strong. Actually, workers in a number of industries possessed little or no trade union organization at the beginning of the 1930's.

An important group of unorganized workers were the seamen.[5] Singapore was a major center for the recruitment of Asian, mainly Chinese, seamen for service on European

5. The following description of seamen's conditions and their attempts to improve their circumstances is taken from an unsigned article entitled "Unrest Among Unemployed Chinese Seamen," *Ibid*, July, 1932, pp. 22-29.

ships. Some vessels on regular service between Europe and the East made a practice of obtaining Chinese crews in Singapore for the Asian portion of their voyage. The method of recruiting was a variant of the contractor system which operated among Chinese workers on estates and mines. But unlike those occupations, by the beginning of the 1930's, the system had been institutionalized by European employers and government authorities.

The seaman who sought a job first entered a lodging house. In the early 1930's three important groups of houses were operating: one for Foochow-speaking persons, another for Cantonese and a third for Hainanese. The lodging house provided food and accommodation for Straits $15.00 per month payable after the individual obtained employment. Employment was obtained through the lodging house which dealt with a *ghaut serang* or recruiter of seamen. Each *ghaut serang* was linked to specific lodging houses and was employed by specific shipping companies. The law required that no seamen be engaged except through officially-licensed lodging houses and *ghaut serangs*. In addition to the lodging house charges, the seaman had to pay a percentage of his wages to the *ghaut serang* for his services plus any special expenses which might arise.[6] The *ghaut serang* was obviously in a most influential position. At least one was the owner of several lodging houses.

As with the lodging house method of recruitment among rubber estate workers,[7] the ghaut serang-lodging house system was attended by much abuse. Money was advanced at high interest rates by the lodging house keepers to the seamen who wanted pocket money. If jobs were in short supply, the seaman could sometimes obtain preferential treatment by payments to the lodging house keeper or to the *ghaut serang*, or both. An intermediary was the boatswain. He sometimes had a great deal to say about whom he would have in his crew, so his palm had also to be crossed on occasion. Better ships and better runs demanded higher sums of money. Sailors were known to borrow

6. The *ghaut serang* was usually required to indemnify the shipping company should a sailor desert ship in a foreign port.
7. See Parmer, pp. 99-103.

money from moneylenders or pawnshops in order to pay what was required to obtain employment. Often the average seaman had several creditors some of whom resorted to violence to collect what was due to them.

The Great Depression with its prolonged periods of unemployment for many seamen put the system under strain. Lodging houses had to limit their expenditures and as a result many seamen could not obtain residence in the houses. Many of those within the houses already in debt could not find the means to buy the jobs that were available.

Early in 1932 hundreds of unemployed seamen were outside the lodging houses. Extremely unhappy, these men attempted to organize a lodging house of their own and to deal directly with the European shipping companies. Violence in the form of beatings and stabbings resulted and was in part the responsibility of the established lodging houses who were eager to protect their interests. Something of a victory was won, however, by the unemployed. An investigation by the officers of the Chinese Protectorate led to the licensing of the new lodging house and an agreement between one of the major companies, its *ghaut serang* and the representatives of the new house. A register or roster of the unemployed was to be maintained and new hirings were to be made on a strictly rotational basis. Another major employer agreed to adopt a similar system. The settlement was reached in June and July, 1932.

The officers of the Protectorate were fairly pleased with their arrangements. Nevertheless, they appreciated that many problems remained. The old lodging houses and the *ghaut serang* had not been eliminated, and both opposed the independent lodging house. Opposition was expressed in two ways. First, the terms of recruitment through the old lodging houses were made somewhat more attractive. Secondly, members of the independent house experienced intimidation. These tactics were partially successful in that many, perhaps even most, seamen continued to obtain such employment as was available through the established lodging houses. The basic problem of unemployment also remained and many unemployed seamen remained outside

both the old lodging houses and the new one. Finally, the officers noted that the roster system had been adopted by only the two largest companies.

Spokesmen for the shipping companies expressed fear that the independent lodging house was a first step toward the formation of a seamen's union. One of the representatives of the new lodging house had, in fact, come from Hong Kong for the purpose of organizing a union. He was known to the officers of the Protectorate; they found him to be a reasonable man who did not reveal any communist sympathies. The possibility that a union would be formed was acknowledged but the settlement was also pointed out to be what the communists called a "reformist ruse". Protectorate officers argued that by attempting to satisfy the legitimate demands of the unemployed, the formation of a union might be delayed for sometime. Protectorate officers noted with satisfaction that at no time had communism entered the situation. The seamen had only sought the opportunity to have work. This fact is interesting inasmuch as in 1932 the Malayan Communist Party claimed the existence of the Malayan Seamen's General Labour Union with a membership of 410.[8] The apparent failure of the communists initially to exploit the plight of the unemployed seamen is probably due to the setbacks which they suffered at the hands of the police in late 1931 and early 1932 as well as their own shortcomings.

In June and July, 1933, approximately a year after the unemployed seamen had organized, officers of the Chinese Protectorate reported difficulties within the independent house. Several of its members had engaged in fighting with the henchmen of one of the ghaut serangs. Moreover, some members of the house had charged other members with manipulating the roster. The allegation may have stemmed from the right of one of the companies "to pass over men in certain cases". Finally, an "unruly element" was reported among the members. Communist literature was discovered in the house and several members were seen at the headquarters of the Malayan Seamen's

8. *MRCA*, December, 1931, p. 41ff.

General Labour Union. Chinese Protectorate officials concluded, however, that although the communists were now definitely bidding for the control of the lodging house they had not thus far been successful. The chief difficulties, as they saw it, was that the house had no permanent leadership and organization. Undersirable elements were thus able to find their way into the house.[9]

At the same time that these reports were made, the members of the lodging house were seeking to expand their influence. Their goal was nothing less than the destruction of the *ghaut serangs*. They sought to bring all Chinese seamen in Singapore into their lodging house and to have the shipping firms deal only with them.

Probably on the urging of the shipping companies and especially of one of the companies which appeared very disturbed by the possible growth of labor organization among Singapore's Chinese seamen, the Governor of the Straits Settlements at the end of 1932 appointed a committee to inquire into the system of recruitment of Asian seamen and to recommend whether any change in the existing legislation governing recruitment was desirable. The committee reported in August, 1933. Its full recommendations are not known, but the chief recommendation was that a general roster be kept of all seamen based in Singapore. The companies unanimously opposed this proposal. The result was that a roster was not established and in effect no changes were introduced in the lodging house-ghaut serang system. Moreover, it was decided that *all* recruiting should be conducted through the old system. The independent lodging house would have to go. As the men were reluctant to yield their lodging house permit, police raided the building, confiscating the permit and other documents and ordering the members to vacate within 24 hours.

The officers of the Chinese Protectorate expressed their belief that the members would go underground. Much was thought to depend on how the *ghaut serang* conducted their operations. If they were chastened and took steps to reform themselves, perhaps trouble could be avoided. Pro-

9. *MRCA*, July, 1933, pp. 18-19.

tectorate officials were not very hopeful, however. They noted that the most notorious of the recruiters were already up to his old tricks within a few days after the independent house had been closed.[10]

Another important group of Chinese workers were those pineapple packing factories. The production and export of pineapples by Chinese entrepreneurs was an old industry in Johore and Singapore having been established in the 19th century. In the 1930's four pineapple factories were operating in Singapore.[11] Work in the factories was seasonal, approximately a thousand workers being employed during the peak period in May and June. All workers were engaged through contractors; a contractor was in charge of each of eight departments in each factory. He performed important functions, viz., the organizing, disciplining and renumerating of the labor force. He profited not only from his contract but also from the food, cigarettes, and opium which he supplied to the workers. The contractors' accounts were said to be complicated and often falsified. In short, the worker was frequently unfairly treated.

The pineapple workers were perhaps unique among Singapore industrial workers in that they had formed a union early in the century. By law all associations were required to register with the government.[12] The union was registered in 1908. Registration was withdrawn, however, in 1913 on the ground that the organization was extending its membership to workers outside the industry

10. *MRCA*, September, 1934, pp. 18-24.

11. The following description of the pineapple workers conditions and their efforts to organize is taken from *MRCA*, September, 1936, pp. 9-14.

12. In November, 1932, the *Monthly Review of Chinese Affairs* had this to say about the registration of societies: "The functions of the Registrar of Societies since 1889 have been two-fold. On the one hand he has kept the records of the registered and exempted societies and on the other he has attempted to suppress unlawful organizations...."There has been no very consistent policy in the interpretation of the definition of society. Some registrars have registered institutions....which other registrars have passed over. Most money loan associations and many hundreds of Chinese businesses would appear to fall within the definition but these have never been registered or exempted....
"There is no practical difference between registration and exemption....
"....The privilege of exemption is much valued by Asiatic social clubs...."

and appeared to be operating on lines similar to the Triad society.[13] Whether the union continued to operate clandestinely is not known, but a quarter of a century later, in 1935, the pineapple workers again emerged with a union. Application for registration was made in May, 1936. Police investigation of the application was presumably still in progress when the workers in the cutting departments of the four factories went on strike on September 9. The effect was to halt all operations.

The pineapple workers were unhappy about the reduction of wages resulting from the Depression and were even more disgruntled, it would seem, when by 1936 their wages had failed to reflect rising prices for their product and generally improved economic conditions. On September 10, the strikers handed a list of demands to the officers of the Chinese Protectorate. In addition to a wage increase, the men demanded free rice, gloves and work clothes; vegetables and opium supplied at fixed prices; no charges against wages for lodging; wages paid twice monthly; dismissal of a certain contractor; and workmen's compensation.

The Singapore police arrested twelve of the strikers, charging them with intimidating their fellow workers. Two more demands were then made, viz., release of the twelve men and registration of the union. The men were released, the police explaining that their information alleging intimidation had proven false. On September 12 some 400 strikers marched on the Protectorate insisting that their demands be granted. Protectorate officers asked the factory owners to come to the Protectorate to negotiate. With one exception, they failed to do so.

The factory owners had shown considerable lack of sympathy for the union. When it was in the process of formation, they had asked the Protectorate officers to intervene. The officers countered with proposals that they get rid of the contractors and substitute direct employment. The owners argued that without the contractors they would

13. From an unsigned article "The Development of Trade Unions in Malaya", *MRCA*, June, 1939, pp. 27-28.

be unable to recruit sufficient labor especially at harvest time. Moreover, the contractor was the only person who could maintain satisfactory discipline. Queried as to why wages had not been raised in 1935 and 1936 as in other occupations, the employers explained that their industry was highly competitive and the cost of production had to be kept low. The owners had received a letter from the workers prior to the strike but had ignored it.

By the end of September, most of the factories were operating again. Some men had abandoned the strike, and the owners or the contractors had been able to engage other workers. Undoubtedly an important factor influencing the situation was the arrest of the head of the union and four of his collegues. The only explanation given was that the men were "agitators with communist leadings." They were said to be "not ordinary laborers" and "known to the police for some time".

Although the strike appears to have failed, other disputes occurred between the workers and owners in the months that followed. The reports of the Chinese Protectorate suggest that labor troubles in the pineapple factories were chronic during the remainder of the 1930's. In June of 1938, for example, a major strike occurred at one of the factories. Seven demands were made on the contractor. None concerned wages but rather had to do with the amount of food supplied by the contractor and his deductions from wages.[14]

The strikers were clearly organized into a union and although it was apparently unregistered it continued to operate. In September, 1938, the police raided the union's premises as well as the laborer's quarters at one of the factories. The workers resisted with sticks, bottles and stones and sang Chinese patriotic songs. Only after reinforcements were the police able to bring the situation under control.[15] In December, the union's secretary was arrested. He was released on bail reportedly paid out of union funds. The individual disappeared resulting in the forfeiture of $500.

14. *MRCA*, June 1938, pp. 26-28.
15. *MRCA*, September, 1938, pp. 10-11.

Subsequently some members of the union objected to the officers not consulting the members before acting. A split in the membership appears to have resulted from this incident.[16]

The strike of Singapore pineapple workers in September, 1936, was not the only one in industrial employment in that year. In fact, laborers in building or construction work struck in the same month.[17]

Chinese Protectorate officers estimated that nearly 9000 workers were employed in the building industry in Singapore in 1936.[18] Most of them were Chinese and were employed by European and Chinese firms through contractors. The system of contracting was, however, distinguished from most other occupations in which Chinese were found by a very extensive system of sub-contracting. Most workers were employed through first sub-contractors, second sub-contractors, and even third sub-contractors. These were men of scant means. Some sub-contractors were so poor that they consciously took losing contracts, taking their profit from food and sundries supplied to the workers. Insolvent or dishonest sub-contractors appear to have been fairly numerous — often making off with money due to the laborers.

The officers of the Chinese Protectorate were aware of these conditions and urged employers to take positive action to ameliorate them. Some of the largest employers claimed they did not know that sub-contracting existed. In fact, their agreements with contractors often forbade sub-contracting. Interestingly, the pertinent clause was sometimes repeated in agreements between sub-contractors. Some European employers promised to try to curtail sub-contracting.

In the early 1930's, the building workers formed a union; they applied for registration in January 1935. Registration was refused some seven moths later because the

16. *MRCA*, December, 1938, p. 18.
17. The following account of conditions in the building industry is taken from MRCA, September, 1936, pp. 15-20.
18. A rise in this number was anticipated as new projects, chiefly in connection with strengthening Singapore's defenses, were to start shortly.

police reported that the union was a communist organization led by undersirable persons.[19]

After scattered work stoppages in Johore and Singapore in early September 1936, a major strike of building workers began on September 17. Strikers demonstrated in front of the Protectorate building and subsequently presented their claims. The first demand was for registration of the union. Beyond this they demanded a fifty percent increase in wages, an eight-hour day, deductions from wages for food to be at cost, workmen's compensation, no dismissals, aid to unemployed workers, removal of all sub-contractors, contractors to be made responsible for all wages, and wages to be paid twice a month.

Some European employers had already agreed to some of these demands, e.g. an eight-hour day and payment twice each month. But for the most part employers refused to grant the workers' demands, and registration of the union was categorically refused. On hearing this, the strikers declared that they would not budge from the streets around the Protectorate until their demands had been met. The workers roped off an area so that traffic would not be blocked and undertook to organize a supply of food. They appear to have been peaceful although vocal—there being numerous speeches and much singing. At 5.00 o'clock the next morning the sleeping crowd was routed with firehoses. A dozen persons were arrested and charged with unlawful assembly. During the next few days an estimated 4,000 to 5,000 construction workers were on strike. Over-all organization apparently was not good in that some employers were struck harder than others and some were able to come to terms with their men. By the end of the month, most workers had returned to work.

The strike was not without some success. The union was not registered and few if any increases in wages were given. But an eight-hour day was obtained and perhaps most important was an apparent realization on the part of some employers that positive action was necessary in regard to sub-contracting.[20] Reportedly thereafter only approved

19. *MRCA*, October, 1937, pp. 50-51.
20. *MRCA*, September, 1936, pp. 15-20.

sub-contractors were used and second and third sub-contractors were eliminated.[21] A further result of the strike was that one major European firm undertook to engage Chinese workers directly. The company also offered better terms, viz., higher pay, pay each week and a 48-hour week. In 1937, the experiment was reported as a doubtful success. The men were said not to work as hard as under a contractor, and the cost to the firm was greater. At this juncture five hundred of the directly employed workers struck for higher wages.[22]

Registered or not, some form of organization continued to exist among Singapore building workers. In 1937, for example, a Building Labourers Mutual Aid Society was operating from the same premises that had been occupied by the former union.[23] The Society applied for registration in October of that year and, after investigation, was refused in May 1938.[24] The same organization was still functioning, however, in July 1938 when its leaders called a successful one-day strike at a Singapore Improvement Trust project.[25]

In the same month, more than 1,000 Chinese building laborers met at the Southern Hotel to celebrate the birthday of Lo-Pan, "the patron Saint of builders." Members of unions from other industries attended, and Indian employees of the Singapore Traction Company speaking in Malay appealed for labor unity. Undaunted by the previous failure to secure registration, the meeting decided to form a Singapore Chinese Building Labourers' Association. For entertainment, a patriotic play was performed. Money was then collected for support of the Chinese 8th Route Army.[26]

A few tentative conclusions can be drawn about the activities of the workers in these three industries. First, most of their grievances were economic. The remainder had to do with inequities suffered at the hands of unscrupulous contractors. Political motives and goals were not

21. *MRCA*, October 1936, p. 51.
22. *MRCA*, February, 1937, pp. 24-25.
23. No. 16 Craig Road. *MRCA*, October, 1937, pp. 50-51.
24. *MRCA*, May, 1938, p. 37.
25. *MRCA*, July 1938, p. 36.
26. *MRCA*, p. 54.

evident. Secondly, the aggrieved workers endeavoured to bring their problems and demands to the Chinese Protectorate which tends to confirm the contention of Protectorate officers made elsewhere that their department had the confidence of Chinese workers. Noteworthy, too, were the repeated efforts of workers to observe the law by having their organizations registered.

Thirdly, at least some and perhaps all of the officers of the Protectorate showed genuine sympathy for the plight of the workers judging by the candid remarks in their reports. They were often critical of employers as well as of the contractors, and they attempted to introduce reforms. Actually, however, they appear to have been occasionally over-ruled by other authorities in particular the Governor and the Special Branch of the Police. Moreover, the government was not hesitant to use the police to discourage or break a strike, although on more than one occasion forbearance was displayed.

Fourthly, while the contractor system had been a seemingly indispensable part of Chinese employment for many years and had always been fraught with inequities and abuses, workers began to object to it strenuously only in the 1930's. The willingness of the workers to take direct action apparently was due not so much to external influences but in significant part to conditions growing out of the Depression. Not only were wages reduced and workers discharged, but the contractors' capital — a major source of his power — apparently shrunk. Coupled with these economic considerations was the increasing degree of sophistication of labor generally in the 1930's. Only after the workers themselves began to express dissatisfaction through strike action in the mid-1930's did well-intentioned British officers of the Chinese Protectorate make limited progress toward reforming the contractor system.

Fifthly, both European and Chinese employers preferred to keep the contractor system in spite of the disputes and strikes attributable to it. Finally, Singapore workers particularly those with some degree of education were at least vaguely conscious in the mid-1930's of their need to put

aside racial and cultural differences and attain some degree of unity on economic issues.

The year 1936 appears to have been something of a turning point in the history of Malaya's industrial relations. From 1936 onward, strikes occurred in ever-increasing number and involved ever-larger numbers of workers. Later in 1936, for example, workers in the coal and tin mines in the State of Selangor struck. In December, many thousands of Singapore municipal workers were on strike. The following year in March more than 20,000 rubber estate workers mainly in Selangor and Negri Sembilan halted work. In July of the same year, 4,300 tin mine workers near Kuala Lumpur went on strike. In July and August some 1,500 Singapore Traction Company employees struck for more than six weeks. Virtually no section of the labor force was free of industrial disputes prior to the Japanese Occupation.

Much Chinese organizational and strike activity was undertaken within the framework of patriotic organizations. The beginning of the Sino-Japanese War in 1937 was the signal for a great burst of patriotism. Funds were collected to support military operations and to aid refugees. In Singapore most activities were under the aegis of the China Relief Fund Committee. Sub-committees were formed in virtually every trade and occupation. Seamen, pineapple workers and building laborers each had relief sub-committees. The sub-committees sometimes acted as spokesmen for the workers in industrial disputes and encouraged the workers to form a union if none existed. The government rejected most applications for registration of new unions. Officials believed that the Malayan Communist Party was behind many of the patriotic, relief and labor activities.

Nevertheless government authorities were evolving new policies in respect to labor. The report of Mr. W. L. Blythe in 1938 in respect of Chinese labor in the States was probably the most important single document presaging change for the Chinese worker.[27] The report showed clearly

27. Federated Malay States. *Methods and Conditions of Employment of Chinese Labour in the Federated Malay States* by W. L. Blythe. Kuala Lumpur, Federated Malay States Government Press, 1938.

that the government's lack of a positive policy toward Chinese labor was not warranted and was increasingly inimical to the conditions of peace and security in Malaya. Additional officers were subsequently appointed to deal with Chinese labor problems. As is well known, the Malayan governments enacted trade union and industrial courts legislation in 1940. Unfortunately, the Japanese Occupation made the effective application of this legislation impossible.

SOME ASPECTS OF THE JAPANESE POLICY FOR MALAYA UNDER THE OCCUPATION, WITH SPECIAL REFERENCE TO NATIONALISM.

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In order to understand the development of nationalism in post-war Malaya, it is, of course, important to know the character of nationalism in pre-war days, but what is not less important is the policy carried out by the Japanese Military Administration during three and a half year's occupation and the reaction of Malayan people to it.[1] Japanese policy for the Malayan people during the occupation period was not based on the firm and consistent principle, but it was planned and carried out merely from the strategic point of view in accordance with the changing stages of the war. Moreover, it cannot be denied that the policy for Malaya lacked enthusiasm compared with the relatively progressive policy for the other Southeast Asian countries.

1. *Policy for Sultans and Religious Policy*

The first Japanese policy for Malayan people was mainly aimed at the Sultans. Immediately after the military action was completed, *Tomishudan* (the 25th Army) Military Administration of Malaya worked out the Principle of Policy for the Sultans (*DOKO-SHORI-HOSHIN*) in July 1942. It intended to make the Sultans dedicate their land and people to the Japanese Emperor and not to recognize the status of the Sultans. In the Enforcement Plan of the Policy for the Sultans (*DOKO-SHORI-YORYO*) instructed

1. For the most comprehensive and valued descriptions on these points including the detailed analysis of the effects of the Japanese Occupation upon the mental, social and political attitudes of the Malays, Chinese and Indians, see "Nationalism in Malaya", by T. H. Silcock and Ungku Abdul Aziz in *Asian Nationalism and the West*, ed. by William L. Holland, N.Y. 1953 pp. 269-345.

by the Military Headquarters of Malaya in September, 1942, however, there appeared a new indication to change the former Principle and to admit the status of the Sultans. Only their personal allowances and political pensions were reduced to a half amount compared with pre-war days. At the beginning of December, 1942, the General Staff Office in Tokyo ordered the Military Administration of Malaya "to take a prudent attitude in treating Sultans" considering the importance of the policy for the rulers of princely States in India. Thus the basic principles of the policy for the Sultans in Malaya were finally decided in January, 1943.

The principles were embodied in the 25th Army Commander's instruction to the "Singapore Meeting of the Sultan Representatives of Malaya and Sumatra" on the 20th of January, 1943, and in the statement given by the Head of the Military Administration on that occasion. In the latter, such principles of policy as (1) official recognition of the honorific title of Sultan; (2) confirmation of the position and the honor of Sultan as the supreme authority of Islam; (3) payment of the same amount of personal allowances and pensions as pre-war days; and (4) certification of the right for Sultans to retain their own property; were declared, Continuously, on April 5 and 6, "Meeting of the Representatives of Mahommedans of Malaya and Sumatra" was held and the basic policy of Japanese government for the Sultans and Islamic religion was widely and publicly proclaimed.

These declarations in such meetings were, however, remained merely as a declarative statement and the real practice based on them was not thorough-going. Various kinds of troubles and frictions occurred in relation to the monthly payments of personal allowances and pensions as well as in the matters of religious administration. As a matter of fact, it was not until the first half of 1944 that the monthly allowances for Sultans and their clans and the pensions for Rajas and Chiefs in proportion with Sultans were restored to almost the pre-war level and it was the second half of 1944 that the religious administrative organization like the (Islamic) Religious Councils under the British regime (in and after 1932) was re-established to enhance the religious position of Sultans.

The date of the re-establishment of Religious Councils was as follows:

(1) August 12, 1944, Majlis Mashuarat Orang Besar-Besar dan Ulama, Perak (Chairman: Raja Muda Perak).

(2) September 21, 1944, Majlis Mashuarat Ugama Islam, Johore (Chairman: Yang Di-pertuan Jawatan Ugama Johore).

(3) September 23, 1944, Majlis Mashuarat Ugama Islam Negri Sembilan (Chairman: Yang Di-Pertuan Besar).

(4) September 24, 1944, Majlis Mashuarat Ugama dan Adat-Istiadat Melayu, Selangor (Chairman: Sheikul Islam Stia Diraja, Selangor).

(5) October 7, 1944, Majlis Ugama Islam, Pahang (Chairman: Tengku Besar).

(6) In October, A Komiti Penasihat Kadzi Besar Singapore (The Chief Kadzi's Consultative Committee), Persekutuan Majlis Kadzi-Kadzi Malacca and a Religious Council of Penang were established, and the Chief Kadzi or Mufti became chairmen of the above-mentioned Religious Councils.

Religious Councils were systematically divided into four sub-committees. (1) Jawatan Kuasa Undang-Undang Ugama Islam, (2) Jawatan Kuasa Ulang Bichara Mahkamah Shariyah, (3) Jawatan Kuasa Pelajaran Ugama, (4) Jawatan Kuasa Mentadbirkan Khairat. Thus, the organizations of religious administration regarding the Determination of Mohammedan Law, Mohammedan Religious Courts, Religious Education and Religious Charity were greatly improved. The management of Religious Councils was entirely entrusted to the initiative and responsibility of Sultans and fairly large sums were granted for the purpose by the Local Governments.

Beside that, a Malayan Conference of Religious Comcils (Majlis Agong Ugama Islam Malaya) was held in Kuala

Kangsar for three days, that is, on the 13th, 14th, and 15th of December 1944, to discuss the common matters of religious administration throughout Malaya. This should be especially noted as the fact which had never appeared under the pre-war British regime.

It might be regarded, however, that the minimum step was taken by the Japanese Military Administration to appease Sultans, who had been deprived of all political rights as Rulers since the suspension of the State Councils, and to make them confine to the mere religious authority as Heads of Religion.

2. *Political Organization and Policy for Communities*

The second features of the policy adopted by the Japanese Military Administration can be seen in the establishment of the Advisory Council of State (*Shu-Sanjikai*) and various kinds of policies for the communal groups.

Creation of the political organization for Malayan people was stimulated by the policy to admit the establishment of the Central Council (*Chou-Sangiin*) for the Indonesian people. The Advisory Council of State and City was established in Malaya, one by one, from December, 1943, to January 1944.

The character of this Council was literally advisory and, therefore, it was not the rebirth of the State Council of pre-war days. Its political status could not bear comparison with the latter. The State Council of pre-war period was the legislative organ. The Sultan presided the Council as a chairman and whatever laws passed by were proclaimed in the name of the Sultans. On the contrary, the Advisory Council of State was merely an advisory organ for the Military Administration and Sultans were appointed as solely vice-chairmen or advisor (Perak only) while the Japanese Residents (Shu-Chokan) were chairmen.

The Advisory Council was composed of the representatives of all communities, Malays, Chinese, Indians, Eurasians and Arabs in approximate proportion to the population except Perak.

	Malays	Chinese	Indians	Eurasians	Arabs	Totals
Singapore	4	6	3	1	1	15
Malacca	7	5	2	1	–	15
Penang	5	7	3	–	–	15
Johore	8	3	2	–	–	13
Negri Sembilan	8	3	2	–	–	13
Selangor	5	6	4	–	–	15
Perak	15	4	2	–	–	21
Pahang	6	3	1	–	–	10
Total	58*	37	19	2	1	117

* includes five sultans.

Note: Four States of Northern Part of Malaya had been ceded to Thailand since October 1943.

In this connection, what should be noted is that the political status of the Chinese was considerably improved compared with pre-war, since much attention was paid to the population ratio. And this tells how Japanese Authority was inclined to attach importance to the Chinese from the need of the Military Administration. Moreover, we can easily imagine that this kind of communal composition of the Council discouraged the Sultans and Malays.

Judging from the fact that the function of the Advisory Council was just nominal and that its way of conduct was one-sided, it was natural that people were thrown into despair and came to lose enthusiasm.

Failing to obtain support from the people through such political organization as Advisory Council, the Military Authority tried to make the most of various communal bodies as the nucleus of collaboration for the Military Administration. For this purpose, communal bodies were formed such as the Malay Welfare Association, Overseas Chinese Association, Indian Independence league, Eurasian Welfare Association, and Arab Welfare Association. These associations had two functions, to act as representative body for each community and as collaborator to the Military Administration. Plainly speaking, however, these associations did not properly fulfil their functions but showed only a passive attitude towards the authorities. The war situa-

tion, on the other hand, was going from bad to worse. In order to encourage and promote the spontaneous activities of communities, another step was to be devised by the Military Administration.

3. *The Formation of "Epposho" and "Hodosho"*

It was Colonel H. Hamada, Secretary-General of the Malayan Military Administration, who felt the urgent need to change entirely the policy for the people of Malaya, and who set to work on the policy for the Chinese as the first experiment. At his initiative the *Epposho* (Reading Club) was formed on June 4, 1944 in Penang. The idea of Epposho was derived from the "Reading Club" organized by young Chinese intellectuals of *Kuomintang* in pre-war period. The original objective of the formation of the Epposho was to create voluntary enthusiasm among the Chinese by listening to their complaints and grievances caused by pressure of the Military Administration. The activities of the Epposho were led by two Japanese young civil officers and thirteen young and intelligent Chinese who were willing to submit their frank criticisms and constructive suggestions to the Military Administration. The Epposho became a driving force of the Chinese economic activities and contributed to the attainment of a self-sufficient economy and the improvement of the economic welfare of people in Penang by efforts in importing rice from Thailand. In view of the successful experiment of Penang Epposho, the same institutions were established in Kuala Lumpur and Singapore, but these did not produce the desired result because of the sudden transfer of Colonel Hamada in October, 1944.

A decisive change in the policy for Malayan People was made by the founding of *Hodosho* by which, for the first time, the Military Administration of Malaya marched on a new road to the implementation of the overall policy for the people. The idea of Hodosho came into existence as a direct product of the First Singapore Conference of the Secretary-Generals of the Military Administrations of Java, Sumatra, Celebes and Malaya on May 2 and 3, 1945, which in addition to the Indonesian Independence problems dis-

cussed about how to grasp the mind of the people in the respective territories.

In view of the success in the Penang Epposho, the Hodosho followed a similar organization. The Epposho was set up for the Chinese, but Hodosho was for all communities, i.e. Malays, Chinese, Indians and Eurasians. Therefore, Hodosho was divided into three or four sections and each section was composed of one Japanese civil officer and ten intelligent youth from each community. The duty of the members of the Hodosho was, above all, to become humble servants of the public and promoters of public benefits in Malaya.

It was to play a role of antenna to receive complaints and grievances of people on the one hand, and on the other hand, a role of pilot to give constructive suggestions to the Military Administration. The meaning of Hodosho is literally "Help-and Guide-People" Office.

The first purpose of the establishment of Hodosho was to encourage, through such intermediary, spontaneous co-operation of the people for the military administration. Another purpose of Hodosho was to gradually eliminate the racial prejudices and antagonistic feelings among communities by the mutual understanding and co-operation of the intelligent youth of each community. It was also connected with the future realization of the ideals to create and promote the consciousness of their own national unity of Malaya by strengthening common consciousness of their homeland and social responsibility. Military defence of Malaya inevitably made it necessary for the Japanese Government to take a political step to promote Malayan nationalism. Penang Hodosho first opened and existing Epposho became the Chinese section of it on the 13th of June in 1945. The Central Hodosho opened at Taiping on the 3rd of July, and by the end of July, inauguration of Hodosho in each state was completed. It was, however, too late to materialize the ideal of the Hodosho.

4. *The Drive to the KRIS Movement*

Lastly I must make special mention of KRIS Movement. The name KRIS was derived from the Malay initials,

Kekuatan Ra'yat Istimewa (All-out Effort of the People). The plan of the KRIS movement directly resulted from the Second Singapore Conference of Secretary-Generals of the Military Administrations of Java, Sumatra, Celebes and Malaya on July 29, 1945. The aim of the Conference was to discuss the problem of "Quick Independence of Indonesia" and related issues. Military Administration of Malaya had to take a necessary step for the unavoidable political repercussions of Indonesian independence upon the Malays in Malaya, in view of the fact that they highly rejoiced when Malaya and Sumatra were treated as a unit area of Military Administration immediately after the Japanese occupation. Furthermore, on the occasion of the declaration of future independence for Indonesia made by Prime Minister Koiso on September 7, 1944, the Malays of Singapore attempted to hold celebration meetings and to form Indonesian Association, which, however, was not permitted by the Japanese Authority.

What was more important might have been the fact that the desperate decrease in Malay population after the cession of four northern Malay States (Perlis, Kedah, Kelantan and Trengganu) to Thailand in October, 1943, the increasing difficulties in living conditions due to the rising prices, and the accumulation of discontent and disappointment in the Japanese Military Administration, were causing it to lose the support of Malays. In such conditions, therefore, it was very natural that the idea was taken up to encourage their political awakening by recognizing their long-cherished "Indonesia Raya" and also by inspiring them who have the language, culture, religion, customs, and race in common with Indonesians.

The aim of the KRIS Movement was to make Malays conscious of a part of the Greater Indonesia and to inspire their political self-consciousness. Of course, the idea of "Indonesia Raya" could not be realized at once, but step by step. The KRIS Movement, if misled would arouse misunderstandings and suspicions of other races, obstructing the social unity and advancement of Malaya. Consequently, the plan of the KRIS Movement was to be carried out in close connection with the general activities of the Hodosho.

The plan of the KRIS Movement was officially decided on August 10, 1945, by the Malayan Military Administration, but preparations had already started since June under the leadership of Ibrahim bin Jaacob who had been president of the K.M.M. (Kesatuan Melayu Muda) and at that time Lieutenant-Colonel of the Malay Volunteer Force in the Japanese Army. Twice he travelled round the Malay peninsula to realize this movement and tried to contact a number of local leaders of K.M.M.

On August 12, Ibrahim met by chance Ir. Soekarno and Dr. Hatta flying from Saigon to Djakarta at the Taiping aerodrome and was encouraged by them.[2]

Ibrahim was on his way to attend the first meeting of the KRIS Society to be held on August 17 and 18 at Kuala Lumpur. The meeting was informally held on the evening of the 17th with the presence of about twenty representatives of young Malays gathered from all States and Straits Settlements. Ibrahim himself did not attend the meeting and left Kuala Lumpur for Singapore on the midnight of the 15th in order to discharge his duty of disbanding the Malay Volunteer Force. After all, the plan of the KRIS Movement broke down owing to the sudden surrender of the Japanese Army. Ibrahim left Singapore for Java not later than a week after the end of the war and has not come back to Malaya yet.

5. *Concluding Remarks*

Generally speaking, Japanese policy for Malaya was not at the beginning sympathetic towards nationalist movement. It should be noted that the basic criteria by which Japan worked out her policy toward the people of a particular area under her occupation were the relative strength and intensity of the pre-war nationalist movement among the said people and the extent to which their Metropolitan power made concessions to them concerning their political status. For example, Burma, the Philippines and India

2. Ir. Soekarno and Dr. Hatta did not attend the Kuala Lumpur meeting of the KRIS Society but only met Ibrahim at Taiping. In this respect, the description of Virginia Thompson is based on mere rumour. See: Virginia Thompson and Richard Adolff, *The Left Wing in Southeast Asia* (New York, 1950), p. 143.

had developed strong nationalist movements already before the war and their peoples had been granted political status of a relatively high degree. For these peoples, Japan intended to grant independence at an appropriate time during the occupation period. At the other extreme was Malaya which Japan wanted to retain under her direct control. Indonesia was classified as, so to speak, halfway in between. As to this country, Japan took an attitude of "wait and see" and remained non-committal until and unless forced by the development of the situation in the future to make some commitment and tried not to induce the premature growth of a national independence movement, and thus intended to keep out the issue of independence till some indefinite future. In this way, independence was granted to Burma in August, 1943, and to the Philippines in October of the same year, while, with the commencement of the military operations to invade India, Japan helped bring into being the Provisional Government of India headed by Chandra Bhose.

However, once independence was granted to the countries mentioned above, this step had immediately strong repercussions in Indonesia itself. This repercussion, accompanied by the deteriorating war situation, caused the problem of independence for Indonesia to be finally brought up for serious consideration. As a consequence, on September 7, 1944, the Koiso government which succeeded the Tojo government officially announced its pledge to grant independence to Indonesia some time in the future. As the situation of the War continued to turn for the worse, the Japanese government had to take a step further by creating the "Research Committee Preparatory to the Independence of Indonesia" in May 1945 until at last a final decision was made in Tokyo on July 17, to grant independence to Indonesia at an early date.

Thus, on August 8, 1945, Field Marshall Terauchi in Saigon announced the official approval of the earliest possible independence of Indonesia. Subsequently, on August 11, Sukarno and Hatta, chairman and vice-chairman, respectively, of the Research Committee Preparatory to the Independence of Indonesia were invited to Saigon and

handed a formal letter of approval for the organization of a Preparatory Committee for the Independence of Indonesia. They returned to Djakarta with this letter on August 14. It was in the context of this turn of events in the direction of early independence for Indonesia that the problem of the political status of Malaya came to be brought up for consideration. As Japan anticipated that the realization of independence for Indonesia would have great repercussions among the people of Malaya, she newly created and encouraged the KRIS Movement which, she said, was intended to lay the ground work for the independence of Malaya in some indefinite future. In the last place, I should like to speak of the relation of the KRIS Movement to the nationalist movement in Malaya after the war.

The major leaders of the Malay Nationalist Party (MNP) which was established in October, 1945, had formerly participated in the KRIS Movement. The idea of "Indonesia Raya" is clearly discernible in the subsequent pronouncements and actions of the MNP. It is noted that the Angkatan Pemuda Insaf organized by the young extremists of the Malay Nationalist Party (MNP) with Ahmed Boestaman as its head had its flag and uniform made after the Indonesian pattern. You will notice also that the PUTERA organized centering around the MNP during its fight against the Malayan Union Constitution insisted that the color of the national flag of Malaya should be *merah-putih*, (red-white) the same as that of the Indonesian national flag.

However, the inhabitants of Chinese origin became suspicious of this idea of Indonesia Raya and Tan Chen Lock, their then highest political leader, expressed his strong objection to this idea. The development of the MNP was hindered partly because of its too much insistence upon the idea of Indonesia Raya and partly because of the new development in Indonesia where the Dutch police action threatened to darken the future of the young republic.

Dato Onn, one of the original members of KRIS movement who participated in the Inaugural Meeting of KRIS Society in Kuala Lumpur on the 17th of August parted from the MNP group on the ground that he could not sympathize

with the idea of Indonesia Raya. He thought it more effective to support Malay Sultans for the advancement of political status of Malays after the Independence. As a result, he separately organized UMNO in March, 1946, and since then UMNO became the most leading actor in the political scene of Malaya.

In conclusion, firstly, the Japanese policy for Malaya was not based on a firm and consistent policy in favor of Independence of Malaya, but was motivated by entirely strategic considerations, varying in accordance with the changing stages of the War.

Secondly, the KRIS movement destined to promote the future Independence of Malaya was stimulated and planned by the Japanese Military Administration definitely in the context of the program of Independence of Indonesia.

And lastly, the KRIS movement itself turned out to be little more than a blue-print and to have no appreciable significance for the postwar development of nationalism in Malaya.

NOTES ON THE CONSTITUTION OF THE FEDERATION OF MALAYA

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A criticism of the constitution of the Federation of Malaya not infrequently made is that it is alien in concept and therefore somehow unfit or undesirable for the Malayan nation. If the constitution of Malaya is compared with that of Britain or the United States of America there would appear to be some validity in this charge. The British constitution has, of course, evolved over a very long period of time, clearly in response to ideals and political pressures peculiarly English. Even the constitution of the United States of America, drafted in less than four months by only fifty-five persons and drawing on sources as distant in time and place as ancient Greece, nevertheless was so fundamentally original in its concepts as to be appropriately considered uniquely American.

That the constitution of the Federation of Malaya is not uniquely Malayan is obvious. Major elements of it are directly traceable to the constitutions of Great Britain, the United States of America and India, to name only three sources. Moreover its constitution was essentially granted by Great Britain along with and as an essential part of the grant of independence. Even the very drafting of the constitution was done by a commission of five, no one of whom was from Malaya.[1]

The purpose of this paper will be to explore briefly the question of whether the constitution of the Federation is, in

1. See H. E. Groves, "Fundamental Liberties in the Constitution of the Federation of Malaya — A Comparative Study", 5 Howard Law Journal 190 (1959).

fact, alien to Malayan institutions, customs or practices.

Of course, if one's purpose were purely political, as opposed to historical (and to the extent that those concepts may be separated), then one might ask what is the real significance of the allegation that the constitution was alien-inspired and drafted. It can certainly be argued that whatever the source of the ideas or the nationality of the drafters, if the instrument is reviewed and accepted by a nationally representative body, that fact alone merges all alien elements into an indigenous instrument. Admittedly, this argument may be too facile in the case of the constitution of the Federation for the reason that the intense desire not to delay Merdeka Day pervaded the legislative debates on the adoption of the constitution. In fact, the term "debates" in this context is a misnomer for no fruitful exchange occurred or was encouraged.[2] In spite of this, it is possible to overemphasize the alien character in the constitution. Its actual drafting by the non-Malayan Commission sitting in Rome had been preceded by a conference in London in January, 1956 attended by representatives of Their Highnesses the Rulers and by members of the newly victorious Alliance Party. Here the fundamental principles of independence were agreed upon and the appointment of the Constitutional Commission decided.[3] Moreover, the Constitutional Commission did preliminary work in Malaya, travelling about the country soliciting memoranda from organizations and individuals, holding hearings and formal and informal conferences.[4] Further, a Working Party, containing representatives of the Rulers and of the Alliance Government studied the report of the Constitutional Commission between February 22nd and April 27th, 1957. Finally, a delegation containing, with others, the Chief Minister, representatives of the Rulers and of the Government agreed in London on the details of the Constitution. Though the final instrument follows closely the recommen-

2. Federation of Malaya, Legislative Council Debates, Thirteenth and Fourteenth Meetings of the Second Session of the Second Legislative Council cols. 2837-3030 (1957).
3. R. N. Hickling, An Introduction to the Federal Constitution (1960).
4. Colonial Office, Report of the Federation of Malaya Constitutional Commission 5-10 (1957).

dations of the Constitutional Commission, amendments did take place as a result of the procedure outlined above.[5]

If participation in reviewing, amending and accepting the constitution by responsible Malayan officials – the representatives of the Rulers, representatives of Government and finally of the Legislature as a body – can be said to make the document a Malay instrument, regardless of the sources of its inspiration or the nationality of its technicians, and it is submitted that this is a tenable argument, then even more forceful is the contention that every succeeding session of the legislature, operating under the constitution, subjecting it to review and especially by amending and adapting it, makes the document more truly an indigenous one.[6]

But is the constitution in its fundamental concepts alien to Malay institutions, customs or practices?

The basic concept of the constitution is the formation of a democracy, a representative government, responsible to an electorate. The Minangkabau of Negri Sembilan followed their democratic matriarchal adat law from the 16th century.[7]

Winstedt reports that Negri Sembilan "gave votes to women and protected the rights of the humblest."[8] Indeed, the Negri Sembilan matriarchal democracy required the election of all its representatives, including the Ruler, to be by a unanimous electorate. The democratic character of legislative decision-making may be seen in Winstedt and de Jong's compilation, *A Digest of Customary Law from Sungai Ujong*.[9]

"S 6. In olden times....the custom to which we conformed, the religious law we received....from our ancestors....were of six kinds....2. created custom....4. decisions of common accord....

"S 8. Created customs come from the findings of intel-

5. For example, the Commission had recommended a termination date for special privileges for Malays. This date was removed in the final constitution.
6. For example, a large number of minor and a few major amendments were adopted by the 1960 legislature.
7. P. P. Buss-Tjen. "Malay Law." The American Journal of Comparative Law, Vol. 7, No. 2, p. 248 at 260 (1958).
8. Winstedt, *Malaya and its History*, at p. 82.
9. Vol. 27, Pt. 3 (1954).

ligent chiefs of the village or of all the people of the village, settlement or clan, or the findings of the people of the district, phratry or clan by recital of the creed, sprinkling rice-paste, slaughtering a buffalo, and so forth.

"S 10. The meaning of decisions of common accord is: decisions sought up to the present day. When such a decision has been reached by the intelligent people in the village or in durbar, it is made known to the common man, and settled. Such are decisions of common accord.

"S 13. Tradition says:....'Each state is founded on wonted custom,' and the dictates of Islamic Law; sometimes debate, and sometimes learning, is required to support it.

"S 78. It is best for all inhabitants of a village to be unanimous, that whatever is undertaken takes place with the full agreement of all chiefs, complete accord of all captains, and the unanimity of all the learned, in order that all undertakings may succeed."

No one could contend that these interesting provisions served as the model for the sections of the Federation's constitution establishing a parliamentary system of government, but it would be just as erroneous to say that democratic government in Malaya could not achieve its inspiration from the peninsula itself.

In addition to creating a democracy, a federal government is created. Modern federalism was, of course, originated by the constitution of the United States. But a federation, albeit not a very homogenous one,[10] existed among the old Nine States of Negri Sembilan.

In addition to establishing a federal democracy, a basic feature of the Malayan constitution, and a unique one in modern government, is that of the elected monarch, the Yang di-Pertuan Agong, elected from among the State Sovereigns every five years on a rotating basis. Clearly the inspiration for this office is from the Minangkabau of Negri Sembilan, whose four territorial chiefs elected the Yang di-Pertuan.[11]

A major feature of the Federation's constitution is Part II, guaranteeing the "Fundamental liberties". Much of its language is similar to Part III of the Indian Consti-

10. See Winstedt, *The Malays, a Cultural History*, 90 (1958).
11. *A Cultural History*, at 86 ff.

tution and the latter's model, the civil rights and civil liberties provisions of the United States Constitution. But it was unnecessary to look more distant than the 1895 Constitution of Johore for the principle of individual equality. Section LVIII of the Johore Constitution merits quotation both for the completeness of the principle of equality before the law which it states and the incomparable language in which it is phrased:

"All the laws and customs of the country shall be carried out and exercised with justice and fairness by all Courts of Justice and by all Officers and Servants of the State between all the people of the country and the aliens who sojourn and reside under its protection, whether for a season or for a lengthened period, that is to say, without their entertaining in the least degree more sympathy or regard or partiality towards those who profess the religion of the country, namely the Mohammedan Religion, or making any difference between those who are the subjects of the State and those who are not."

The protections established by Section LVIII were made even more specific by the April 22, 1908 Amendments:

1. "No person can be deprived of his liberty, detained or imprisoned, except in due course of law, not even by the Sultan himself. The freedom and liberty of all persons, who are not restrained by just and impartial action of the law is the basis of all good Government."
2. "....No instructions regarding any particular matter which is before any Court can be given to them by the Sultan or by any of his Ministers".
3. "Any person restrained of his liberty or detained in custody or imprisoned except in due course of law may apply by himself or by anyone in his behalf to any Judge of the Court to cause him to be brought forthwith before the Court which Court shall thereupon determine whether the cause of the commitment were just or the detention lawful and the Court shall forthwith do as justice demands and if no legal justification be shown the Court shall order his immediate release."

Central to the Federation's constitution is Article 3 announcing Islam as the religion of the Federation, but

permitting the practice of other religions in peace and harmony. The very language of Article 3 echoes Article LVII of the Johore Constitution of 1895.

It must, of course, be acknowledged that the Johore Constitution was drafted by British lawyers;[12] and, in any case, its own Western influence is apparent.

Finally the unique constitutional provisions creating the Conference of Rulers stems from the imperfect federation of the old Nine States of Negri Sembilan.[13]

It would be ridiculous to put forth the thesis that the Federation's constitution was not influenced in important ways by the constitutional experience of other nations in the modern world. Indeed, it would be as preposterous to consider a constitution for a newly emerging democracy and ignore the instruments and the cases of those nations which have experienced constitutional democracy as it would be to set up an institute of medicine and ignore the experience of Pasteur and Fleming. But it is also erroneous to look upon the Federation's constitution as an alien instrument. For in its most fundamental concepts it finds its inspiration in, or is consistent with, Malay institutions, customs and practices of the 19th century and beyond.

12. See Hall, *A History of South East Asia* at p. 488.
13. *A Cultural History*, note 10 at p. 90.