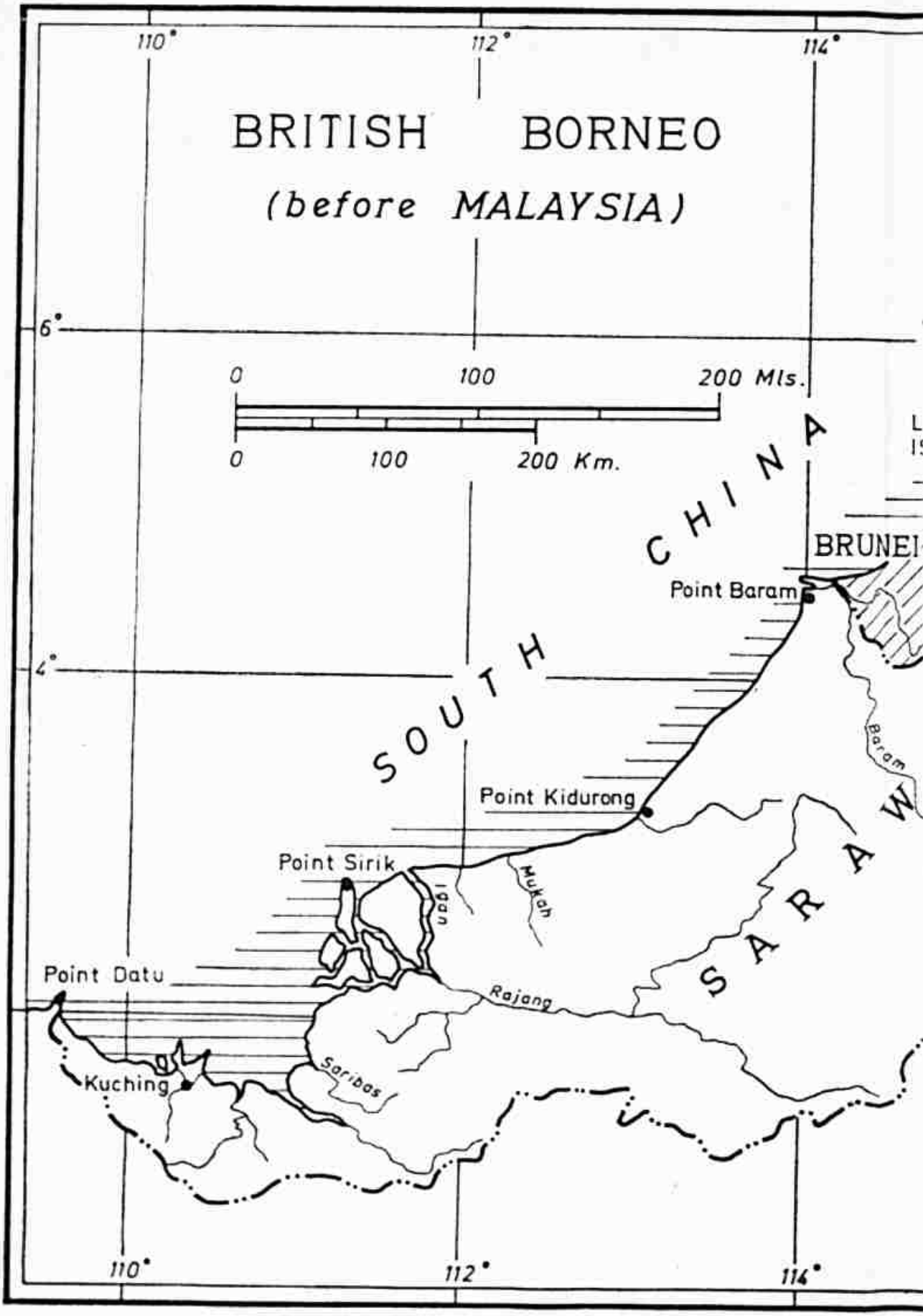
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(before MALAYSIA)
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BRUNEI
Point Baram
Baram
Point Kidurong
Point Sirik
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SARAWAK
Point Datu
Rajang
Kuching
Saribas
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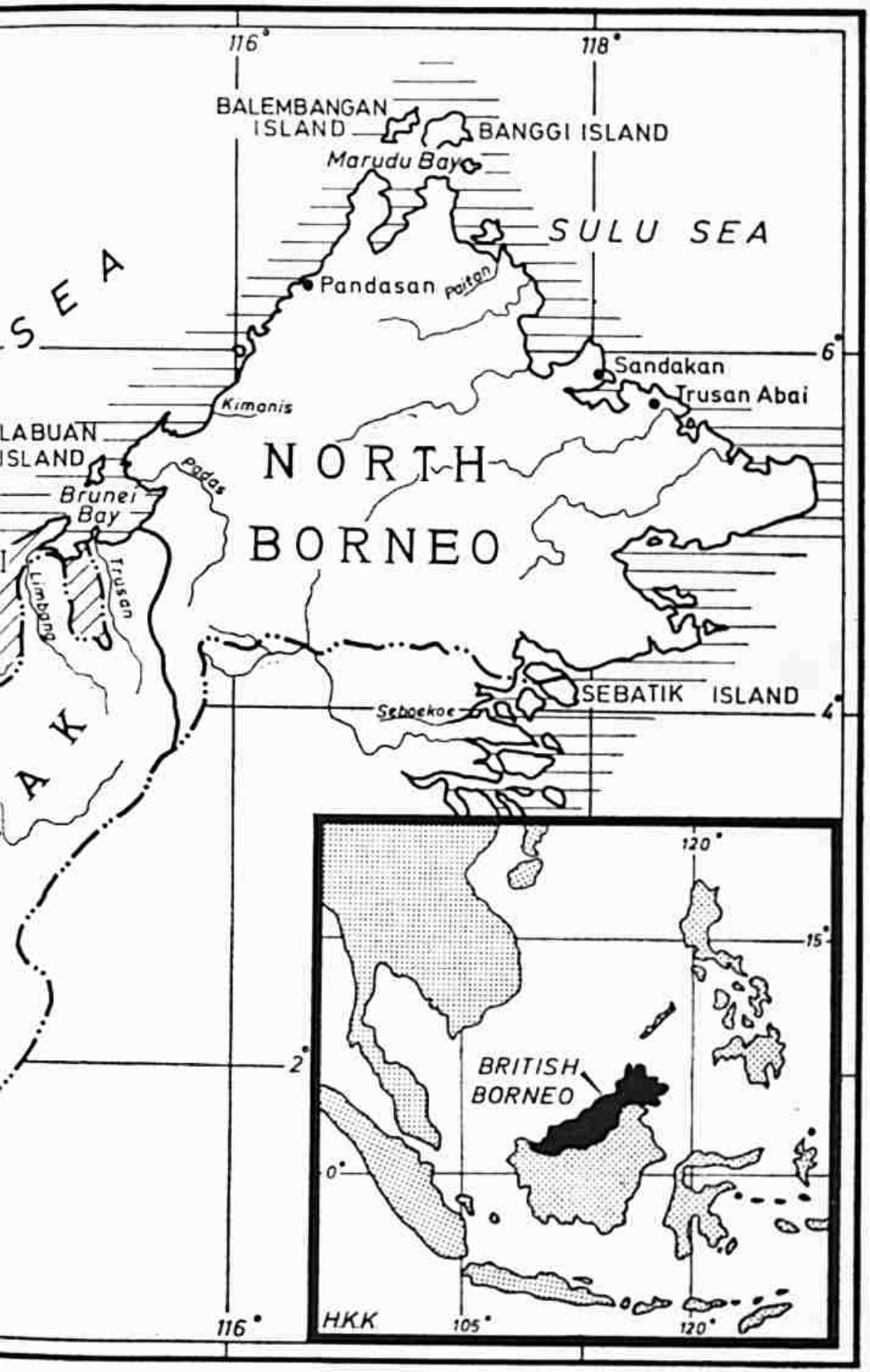
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BANGGI ISLAND
Marudu Bay
SULU SEA
Pandasan
Paitan
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Sandakan
Trusan Abai
Kimanis
LABUAN ISLAND
NORTH BORNEO
Padas
Brunei Bay
Limbang
Trusan
SEBATIK ISLAND
Sebuekoe
4°
2°
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116°
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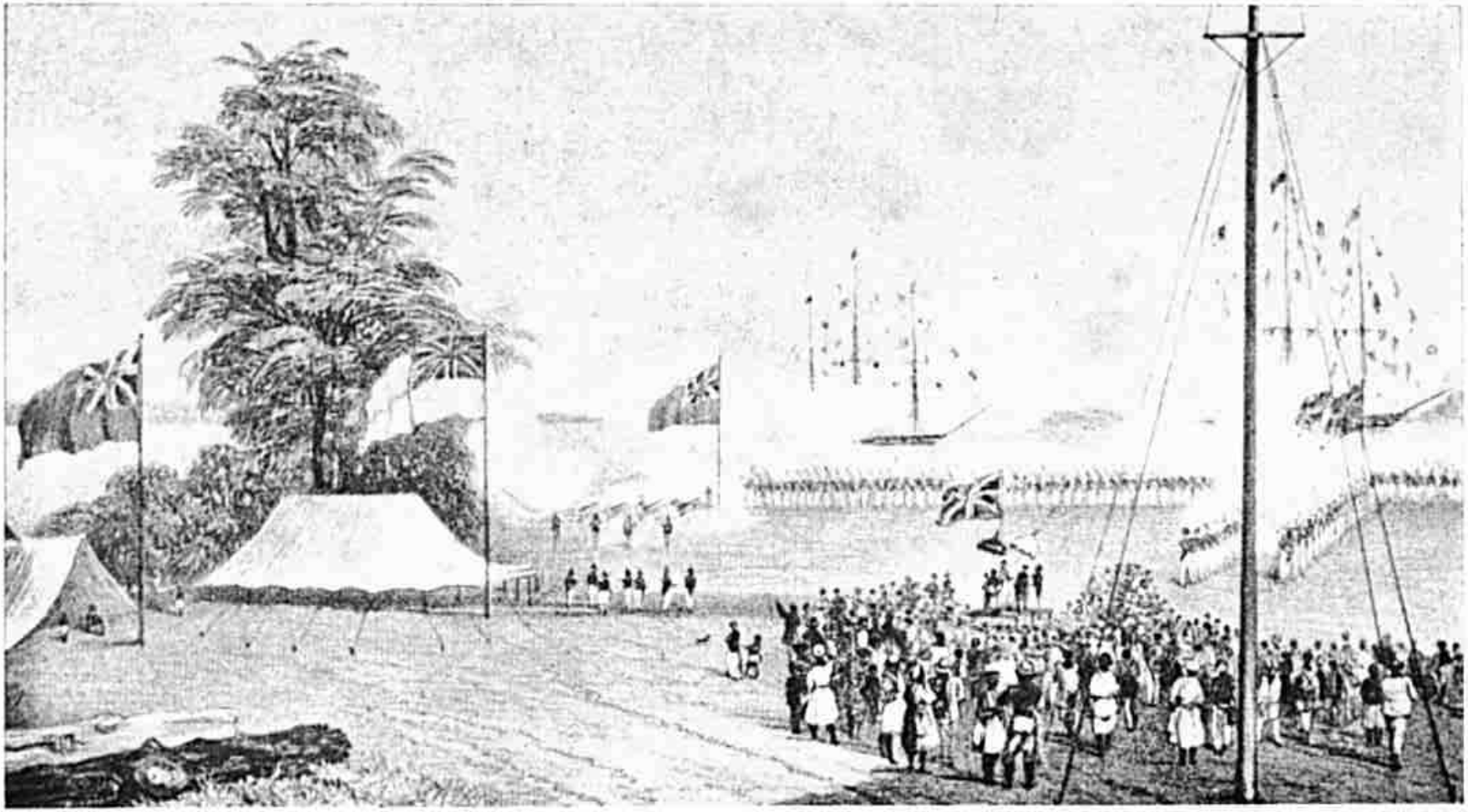
THE ORIGINS OF BRITISH BORNEO

英屬婆羅洲探源



1. Ceremony of hoisting the British flag on the Island of Labuan, North-west coast of Borneo, by Captain Rodney Mundy, H.M.S. *Iris*, December 24th, 1846. By J. W. Giles after L. G. Heath, R.N., *circa* 1847.

A picture originally in The Parker Gallery and reproduced from Emily Hahn, *James Brooke of Sarawak*, 1953, with permission from the publisher Arthur Barker Ltd.

Frontispiece

THE ORIGINS OF BRITISH BORNEO

L. R. WRIGHT

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Contents

ILLUSTRATIONS

MAPS

LIST OF ABBREVIATIONS

BNBCoP	British North Borneo Company papers
CO	Colonial Office, London
Conf. Print	Confidential Print
DS	Department of State, Washington
FO	Foreign Office, London
G.D.D.	German Diplomatic Documents
JRASSB	*Journal of the Royal Asiatic Society, Straits Branch*
JRASMB	*Journal of the Royal Asiatic Society, Malayan Branch*
LO	Law Officers, London
P.P.	*Parliamentary Papers*
PRO	Public Record Office

PREFACE

BY 1888 Britain had secured control over northern Borneo and commanded the eastern part of the South China Sea. This was the culmination of fifty years of involvement in the area. During the 1840s and 1850s that involvement was hesitant and faltering. But after 1860 it became a definite movement toward domination of the route between Singapore and China. Two basic factors of Britain's Far Eastern policy were involved. One was the need to maintain and protect the trade route to East Asia. The other factor was the evolution of an imperial policy—the change-over from primarily a commercially based to a politically based policy. The change took place during the quarter of a century following 1860. British activity was motivated more and more by the idea that another power might acquire a territorial footing in northwest Borneo and threaten the trade routes.

Britain's forward movement in Borneo was as much a reaction to the French presence in Indo-China as it was a reflection of the new imperialist feeling arising in Britain. The suspicion of German intentions in the area moved Britain to strengthen her position. She sponsored the state of North Borneo under rule by a chartered company. By agreement with Germany and Spain she defined her sphere in Borneo. Finally Britain assumed protectorates over Sarawak, Brunei and North Borneo.

The purpose of this book is to study Britain's progressive involvement in Borneo from 1860 to 1888, and to show how it reflected the development of policy in London. The bulk of the work was written in 1963 as a thesis presented for the Ph.D. degree in the University of London. Part of Chapter Three of the thesis was published in the *Sarawak Museum Journal*, (Vol. XI, Nos. 23–24) in 1964, and parts of Chapter Six appeared in 'The Partition of Brunei' which was published in *Asian Studies* (Institute of Asian

Studies, University of the Philippines, Quezon City) in August 1967. Both chapters have been rewritten for this book.

I am indebted to the staff of the British Museum, the Colonial Office Library, the Public Record Office, London, the National Archives, Washington, and the Sarawak Museum in Kuching. Mr. Tom Harrisson, the former Curator of the Sarawak Museum was especially helpful in encouraging my research. I would also like to acknowledge the advice and help of several other scholars who have read my work at some stage—Professor C. D. Cowan, Professor W. N. Medlicott, Mr. B. R. Pearn, and Professor Brian Harrison.

I express my thanks to colleagues in Hong Kong who have advised in numerous ways while the manuscript was in preparation, to Mrs Noreen Talbot who prepared the index, and especially to Mr. G. W. Bonsall of the Hong Kong University Press. The Asia Foundation provided a generous grant towards the publication of the book and the Department of Geography, University of Hong Kong helped with the maps.

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L.R.W.

CHAPTER I

THE BACKGROUND AND SETTING: THE SOUTH CHINA SEA AREA IN THE MID 19th CENTURY

THE BASIS of British Far Eastern policy during much of the 19th century was the valuable China trade and the security of the commercial routes by which that trade was exploited. The problem facing policy makers in London was not the acquisition of large amounts of territory—an idea repugnant to successive Colonial Secretaries—but the possession of strategically located and small naval stations and entrepôts which could command the sea routes through the Indian Ocean, the Straits of Malacca and the South China Sea. So dominant was the Manchester School of thinking upon British colonial policy during the middle years of the century that colonies were considered by some to be burdensome and no longer worth holding.[1]

After the Anglo-Dutch treaty of 1824 the preoccupation in the Far East was the China trade. For the next fifty years British governments struggled with the problems of the protection of that trade. Until 1833 trade between Britain and China was carried on, in theory, exclusively by the East India Company, although after the founding of the free port of Singapore in 1819 private traders engaged in the China trade by transhipping their cargoes at that port.[2] Company ships brought tea and silk to Britain. Ships outward bound from British ports carried cotton and woollen

[1] C. A. Bodelsen, *Studies in Mid-Victorian Imperialism*, Copenhagen, 1924, pp. 12–75. Bodelsen analyses the separatist and colonial reform movements and notes the distinction in attitude toward the larger European-settled dominions such as Canada and Australia and the smaller dependent colonies such as Mauritius. See also Herman Merivale, *Lectures on Colonization and Colonies 1839–1841*, London, 1861, and A. P. Thornton, *The Imperial Idea and its Enemies*, London, 1959, ch. 1. Thornton considers separatism more an assumption than a movement.

[2] M. Greenberg, *British Trade and the Opening of China, 1800–42*, Cambridge, 1951, pp. 36–37, 175. Greenberg estimates that by 1834 over half of British trade with China was in private hands.

textiles and iron and steel products to India. Raw cotton, pepper and opium were shipped to Canton from Indian ports, and from Southeast Asia came birds-nests, rattans, camphor, tin and pepper. Until the beginning of the 19th century large shipments of silver went to China in payment for Company exports. This proved such a drain that opium was developed as a major trading commodity with China despite Chinese import restrictions. Some opium originated in Turkey but most of it was grown as a Company monopoly in India. It was smuggled into China by Country Traders with the co-operation of Chinese merchants and boatmen. Lionel Curtis notes that opium shipments from Company sources in India in 1770 amounted to 200 chests, in 1830, 4,000 chests and by 1840 had increased by more than seven times.[3] As the trade was a smuggling operation accurate figures are not available. However, most sources agree that there was a continuous increase in the amount of opium shipped to China from the late 18th century on and that after 1833 the increase was great indeed. The increase reversed the flow of silver. From the first decade of the 19th century an increasing amount of silver left China in payment for Indian goods.

Although control of the China trade was in the hands of the Company, licenses were granted to private merchants and ship captains to engage in this lucrative commerce. It was the activities of these Country Traders which made possible the financing of the Company's China operations. Country Traders built up favourable balances in Canton mainly by commerce in opium. The Company used the credit balances to finance the tea 'investment' and gave the Country Traders bills on its account payable in India, Singapore or London.[4]

While opium was a contraband item and handled by the private traders, tea was a Company monopoly. The tea trade was the main

[3] L. Curtis, *The Capital Question of China*, London, 1932, p. 57. See also H. B. Morse, *The Chronicles of the East India Company Trading to China, 1635–1834*, Oxford, 1926, iii, 383 and iv, 383; and *The Trade and Administration of the Chinese Empire*, London, 1908, p. 334. Greenberg, *op. cit.*, p. 221, and Morse indicate a much greater increase in opium shipments to China during the period. See official reports in *P.P.*, 1830, V (644), p. 65 (The China Trade) and *P.P.*, 1830, VI (646), pp. 676–7 (House of Lords Report on the Affairs of the East India Company, and Trade between Great Britain, the East Indies and China).

[4] Greenberg, *op. cit.*, p. 11 cites W. Milburn, *Oriental Commerce*, London, 1813, ii, 483, and estimates that in the early years of the 19th century the annual credit balance of Country Traders in Canton was £1 million.

commercial activity of the East India Company after its loss of the monopoly of the India trade.[5] It was important to Britain. During the last years of the Company's monopoly of trade in China tea duties raised about one-tenth of the country's total revenue and averaged £3·3 million annually. Following the reduction of the import tax in 1833 and the end of the Company's monopoly the same year the amount shipped to Britain increased rapidly. During the first 'free season' the increase was 40 per cent. By 1843 the annual consumption of tea per capita was 1·47 pounds and in 1866 it reached 3·37 pounds.[6]

Silk was also an important item of import from China. Tea and silk together formed the bulk of imports for which payment was made possible by the considerable shipments of opium from India.

The China trade increased throughout the middle decades of the 19th century. Until India replaced China as the chief supplier, tea remained the basic import commodity. At the end of the 18th century the value of all imports into Britain from China averaged £1·8 million annually. During the next few decades the value of imports grew steadily. They averaged £4·3 million annually between 1811 and 1820. Then with the end of the Company monopoly, the opening of more ports and the establishment of Hong Kong following the first war with China, trade received new stimulus. Between 1854 and 1863 annual imports averaged £9·8 million. By the mid-1860s Britain succeeded in capturing predominance in the China trade. Between 1864 and 1873 annual imports were in the vicinity of £12 million.[7]

The protection of the long commercial routes to India, Singapore and China, especially in time of war, was a chief concern of the British government in formulating its Far Eastern policy. By the end of the fourth decade of the century the two main routes, via the

[5] C. R. Fay, 'The Movement Toward Free Trade', in *The Cambridge History of the British Empire*, ii, 399.

[6] Greenberg, *op. cit.*, pp. 3 and 186; and H. J. Habakkuk, 'Free Trade and Imperial Expansion, 1853–1870', in *The Cambridge History . . .*, ii, 772.

[7] Statistics are from Greenberg and Milburn, and from 'Annual Statement of Trade of the United Kingdom' for the years 1830, 1835, 1840, 1845, and 1850 compiled by the Statistics Office, Customs and Excise Department (PRO, Customs 4/25,/30,/35,/40,/45). See also *P.P.*, 1830 vi (646) p. 644, for figures on trade, 1820 and 1828. H. L. Hoskins in *British Routes to India*, London, 1928, p. 87, states that during the decades prior to the Anglo-Dutch settlement of the eastern question in 1824 British imports from the whole of the Far East tripled while exports quadrupled. Fay, *op. cit.*, p. 400, notes that in 1840 imports from India and China combined were £9·6 million.

Mediterranean, and around Africa, were secured by possession of naval stations at convenient intervals. The Mediterranean route was guarded by Gibraltar, Malta, the Ionian Islands and Aden. Naval stations at Sierra Leone, St. Helena, Simons Bay, Trincomalee and Mauritius protected the African route. British naval power was supreme in the Indian Ocean and Bay of Bengal after the defeat of the French fleets late in the 18th century and at Trafalgar in 1805.

The usual route of trading vessels bound further east to China from the Straits of Malacca or Sunda was through the South China Sea between Borneo and the Malay peninsula, the western passage. A passage by way of the Moluccas and west of New Guinea, the Pitt Passage, was frequently used, however, especially during the period of the northeast monsoons, October to April. Milburn in *Oriental Commerce* notes a third route, through the Straits of Macassar, as 'much frequented by ships bound to China late in the season'.

Ships from Singapore rounding the peninsula at Point Romania headed directly north on a track which carried them in sight of and eastward of Pulau Condore, off the coast of Annam. Thence, two routes were open. One, directly north by Hainan Island and the other, by way of the 'funnel', a passage north-easterly through the shoals to the Palawan Passage and the west coast of Luzon, thence to the islands off the Canton estuary. The latter route was used during the south-westerly monsoon. From the Sunda Straits ships would pass through the Karimata or Gaspar Straits, thence northward as described above.[8] A less used route lay from Singapore or Sunda north-eastward between the Natuna Islands and Point Datu the westernmost tip of Borneo, then northward along

[8] The following give detailed information on routes used between India and China during the 18th and 19th centuries: Alexander Dalrymple, *Memoir Concerning the Passage to and from China*, London, 1782, and *Memoir Concerning the Passage at a late season from India to China*, London, 1788; James Horsburgh, *Directions for Sailing to and from the East Indies, China, New Holland, Cape of Good Hope, and the Interjacent Ports*, vol. ii, London, 1811, and *Indian Directory or Directions for Sailing . . . .*, 8th ed., London, 1864. Horsburgh's later editions include directions for steamers as well as sailing vessels. D. R. MacGregor in *The China Bird: the History of Captain Killick and One Hundred Years of Sail and Steam*, London, 1961, p. 105, notes that 'the passage through the Gaspar Straits was not looked forward to by many masters with much pleasure'. The author indicates in his end map an even more difficult passage, that by way of the Banka Straits. This route is mentioned by Peter Osbeck in *A Voyage to China and the East Indies*, London, 1771, vol. ii, entry under date 16 Jan. 1752.

the Borneo coast and through the Palawan passage. Before the 1840s, the latter route was undoubtedly less frequented than the more westerly route, for at the beginning of the southwest monsoon each spring, when numerous trading vessels would be setting out for China, Illanun and Balanini pirates lurked in wait off the southwest coast of Borneo and among the islands at the entrance to the South China Sea. Chinese junks and native trading vessels of the East Indies were among the main victims of piracy. But the Illanun and Balanini would also attack European ships. The Malays and Sea Dyaks of the several rivers in the vicinity of Sarawak engaged in this occupation and a European ship in distress, or so unlucky as to ground upon shoals along the coast, was an easy mark for the Malays. In the early 1840s, two English vessels, the *Sultana* and the *Lord Melbourne*, were wrecked off Borneo. The Lascars in the crew were sold into slavery by the Malays, who plundered the vessel, while the Europeans were held for ransom.[9]

After several naval actions against the pirates during the 1840s and 1850s and the acquisition of Labuan, the Borneo route became safer for the passage of commerce. But as late as 1862, the annual expeditions of the Illanun and Balanini from Sulu around the whole island of Borneo were still considered a menace to commercial vessels, especially during the southwest monsoon.[10]

Before discussing the main factors of British policy during the 19th century, the protection of commerce and the international rivalry in the South China Sea, a few words about shipping and communications between London, India, and China are in order. The first steamship on the route to the Far East appeared in 1825. Because of the large quantities of coal consumed by the first paddle-wheelers, the shorter Egyptian route was favoured. Coaling

[9] Authoritative descriptions of piracy can be found in L. A. Mills, *British Malaya, 1824–67*, Singapore, 1925, pp. 214–62; and Baring-Gould and Bampfylde, *The History of Sarawak Under Its Two White Rajahs*, London, 1909, ch. iv. There is an eye witness account of a pirate attack in Henry Keppel, *The Expedition to Borneo of HMS Dido*, London, 1846. C. N. Parkinson in *Trade in the Eastern Seas*, London, 1937, pp. 350–1, states that small ships of the country trade were particularly vulnerable to attack by Malay pirates when on the west coast of Borneo.

[10] Copy of Admiralty to Adm. Kuper, Senior Officer at Singapore, 8 Oct. 1862, FO 12/30, describes a plan for an expedition with the Dutch against the pirates and contains a map of the route of Sulu pirates around Borneo; (Callaghan to FO, 10 Nov. 1862). Consul Callaghan suggests a plan of operation against the pirates while they are on the marauding expeditions. See also Stanton to Adm. 27 Sept. 1862, on the character of Illanun pirates.

stations on this route were at more frequent intervals. In 1830, the East India Company commenced a regular steam service between Bombay and Suez. Mail time between London and Bombay was reduced from three to two months.[11] The Peninsular and Oriental Company, in 1840, started a service of steam-packets between the Red Sea and India.[12] Five years later it was extended to Singapore and China.

While most passengers and cargo continued to travel by sail around the Cape throughout the middle decades of the century, the Mediterranean route was used by government officials and the mail. At mid-century the pattern of communications between London and the East was: steamships sailed twice monthly from London to Alexandria; officials and mail then went overland to Suez and again by steam to Bombay, Ceylon, Calcutta, and Madras; regular steam-packets left Bombay for China twice a month. By 1857, there was a weekly mail service between England and India.

Sail continued to dominate the commercial routes to China and the Far East until the 1870s when the Suez Canal and improvements in steam engineering helped turn the advantage to steamships.[13] The great expansion of the China trade during the first half of the 19th century was accompanied by increasing competition between Britain and the United States in carrying the tea and for dominance in the trade. While British traders continued to use the slow and ponderous Indiaman, the Americans developed the fast, sleek Clipper of two thousand tons which during the 1850s far out-distanced the British commercial fleet.[14] British merchants soon began building Clippers of teak which proved to be sturdier and faster than the American vessels. Cargoes were also better

[11] C.E. Carrington, *The British Overseas*, Cambridge, 1950, p. 464, states that after the establishment by East India House of the Overland Mail in 1838, the average time of mail from London to Bombay was 74 days and 64 days to London, and 50 days was the record run.

[12] Fay, *op. cit.* p. 412. The service ran between Suez and Madras, Calcutta and Ceylon. Bombay continued to be served by the East India Company.

[13] F. E. Hyde, *Blue Funnel: A History of Alfred Holt and Company of Liverpool from 1865–1914*, Liverpool, 1957, p. 25. Chapter II gives interesting information on the sail versus steam competition in the China trade. See also G. S. Graham, 'The Ascendancy of the Sailing Ship 1850–85', *Economic History Review*, ix, i, (Aug. 1956), p. 75, who points out that even after the opening of the Suez Canal a great amount of trade with India, the East Indies and Australia was carried by sail and that the canal 'was not a turning point in the life of sail'.

[14] For details of the shipping routes and characteristics of the China trade during the middle decades of the 19th century see D. R. MacGregor, *The Tea Clippers*, London, 1952, and the *The China Bird*, chs. 4 and 5.

protected and arrived in better condition than in the lighter American Clippers. This development plus the American concentration on the civil war during the 1860s and westward expansion thereafter gave the dominance of the China trade to the merchants from Liverpool, London and Glasgow.

The British Navy adopted steam as early as the 1820s. Steam propulsion became auxiliary to sail power and gave the advantage of great manoeuverability and movement independent of climatic conditions. The Admiralty, however, did not finally give up sails until 1870.[15] The warship equipped with paddle-wheels necessitated some changes in ship arrangements. The paddle-wheels were vulnerable and their location made it necessary to rearrange gun placements. The great quantity of coal which had to be stowed cut down on the space for ammunition and supplies. In 1845, the Navy adopted the screw propeller which proved to be a far superior means of steam locomotion. The development of steamships called for plentiful supplies of coal at frequent intervals. By mid-century Britain had coaling stations along the main trade routes. The challenge of French naval power during the 1850s and Palmerston's pursuit of a progressive naval construction policy went far in assuring to Britain continued naval superiority.

The great increase in the value of the China trade and in the number of vessels involved in that trade during the second quarter of the 19th century underscored the importance to Britain of the South China Sea area, through which most of the China trade passed. The main concern, of course, was the protection of the trade routes against piracy and an enemy during time of war. A corollary to it was the possession and maintenance of naval and coaling stations. Thus developed the concept of the strategic value of the lands flanking the South China Sea, and a concern for the activities of other western powers in the area.

After 1833 the increase in private Free Traders sailing under the British flag, to and from Canton, posed a major problem for the Admiralty. As long as the armed Indiaman plied the South China Sea, the commerce was relatively safe with only the need of an occasional vessel of the naval service. During wartime the Indiamen usually travelled in convoys accompanied by one or more naval

[15] W. L. Cowes, *The Royal Navy*, London, 1901, i, 194–8. In 1869 the Admiralty commenced the *Devastation*, the first British warship without rigging. For years, however, warships with sails and auxiliary steam continued to be used.

vessels. If a frigate or other naval craft was bound for India it protected the convoy throughout the trip. Otherwise the convoy was shepherded through the waters of the naval stations along the route. St. Helena, the Cape, and the East Indies squadrons furnished protection. When China ships made the long route by way of the Roaring Forties, almost to Australia, thence north through Sunda to Canton, a standing rule directed that a war vessel always accompany the convoy. In 1835 as a result of petitions from the merchants of Singapore for protection against pirates, three warships and three gunboats were sent to patrol the shipping lanes off Singapore. In 1837 a permanent naval force consisting of two Royal Navy ships and five gunboats, and a small steamship, the *Diana*, were stationed on the Straits. After 1842 the Admiralty allotted fifteen ships to the East Indies and China Station.[16]

The voyage from Singapore to Canton was a long haul, about 1,500 miles, with no friendly port of call or refuge. The commerce on the route was particularly vulnerable to enemy attack during time of war with other European powers. It was this fact which drew the attention of Britain to the northwest coast of Borneo in the middle of the 19th century. But, as in the case of Francis Light at Penang and Stamford Raffles in Singapore, it was the persistence and efforts of one individual Englishman which shaped the official attitude.

Borneo[17] is one of the larger islands of the world. It is slightly under 300,000 square miles in extent. It straddles the equator from 7° north latitude to 4° south latitude. The island is slightly pear-shaped, with its stem end pointing in a north-northeasterly direction. Ranges of mountains extend roughly in a northeast-southwest direction, separating the south and eastern three-fourths of the island, which is Indonesian Kalimantan, from the territories of Sarawak, Brunei, and Sabah (North Borneo). An east-west range crosses the island at 1° north latitude. The former British territories stretch the length of the northwest coast and around the northeast

[16] Mills, *op. cit.*, pp. 232–3. Admiralty instructions to Rear Admiral Parker quoted in Grace Fox, *British Admirals and Chinese Pirates, 1832–1869*, London, 1940, p. 58. Chapter III traces the development of the China Station.

[17] A. R. Wallace, *The Malay Archipelago*, London, 1886, and John Crawford, *A Descriptive Dictionary of the Indian Islands and Adjacent Countries*, London, 1856, are still useful guides for the study of the geography of Borneo. More recent works worth noting are Owen Rutter, *British North Borneo*, London, 1922, and Charles Robequain, *Malaya, Indonesia, Borneo and the Philippines*, London, 1954.

coast to Pulau Sebatik at about 4° north latitude. The mountains divide Borneo into these two parts. They also divide the watersheds of the rivers of Borneo. The rivers dominate political, social and economic life. The inhabitants of Kalimantan look outward toward the Celebes and Java Seas; while in the northern territories, the orientation is toward the South China Sea. The whole island is covered with jungle growth, from dense rain forest to the semi-savannah of the coastal plains of North Borneo. Rivers form convenient transportation and communications systems. They extend from high in the mountain ranges through hundreds of miles of often meandering paths to enter the oceans by multiple mouths among the mangrove swamps along the coast. They are navigable for many miles for those ocean vessels which are able to navigate the sand bar at the river mouth. In the former British territories, the largest river, the Rajang, is navigable for a distance of 80 miles. In North Borneo, the Kinabatangan River is 350 miles long, 75 of which are navigable. Kapuas, the largest of Borneo rivers, is 700 miles long and navigable for 400 miles by small steamers.

Low-lying coastal plains form a belt around the whole island from a few miles wide in the north to up to fifty miles in the south and east. Then come the low mountain ranges or hilly country and the high ranges culminating in peaks of nine to ten thousand feet in the centre of the island. The highest mountain, Kinabalu, 13,455 feet, stands majestic and isolated in the far north of the island.

The people live along the rivers in small clearings or, as in Brunei Town, in villages built on stilts over the tidewater. So important is the river in the lives of Borneo people that the districts take their names from the rivers. In the mid-19th century, the point at which our study begins, the dominant political group were Moslem Malays who occupied the river mouths and lower river districts.[18] In the northwest quarter of Borneo a number of tribes inhabited the upper river districts and the interior. In Sarawak, Land Dyaks, a peaceful agricultural people, lived. The Sea Dyaks or Ibans occupied large areas in the Sekrang, Saribas, and the Rajang districts. It was the Sekrang and Saribas Dyaks who, led

[18] For detailed information on the several tribes of Borneo, see H. Low, *Sarawak*, London, 1849; Charles Hose and William McDougall, *The Pagan Tribes of Borneo*, London, 1912; and H. L. Roth, *The Natives of Sarawak and British North Borneo*, London, 1896, based on the notes of H. Brooke Low, formerly of the Sarawak Government Service.

by Arab and Malay chiefs, were the scourge of the northwest coast before the 1840s. In piratical ventures they were second only to the Illanuns and Balaninis for the ferocity and extent of their raids. After the great pirate battle of Batang Marau in 1849, conducted by Sir James Brooke and Captain (later Admiral) Arthur Farquhar, the Sea Dyaks became peaceful and useful subjects of the white rajas.

Kayans occupied the upper reaches of such rivers as the Baram, the Limbang, Bintulu, and the Rajang. They were a warlike and powerful, but less travelled, tribe than the Sea Dyaks. The Melanaus were a tribe which lived in villages around the mouth of the Rajang and other rivers south of Cape Sirik. They were more affected by Malay customs and adopted Malay ways. The Kadayan people lived in the vicinity of Brunei and also to a great extent adopted Malay customs and religion. They were agricultural and were much oppressed by the Brunei rajas. They produced the pepper, beeswax, and camphor for the trade of Brunei. The Bajuas, or Sea Gypsies, lived along the northeast coast and were Moslem. The Muruts were a fierce tribe living mainly in the northeast of Brunei Bay.

At mid-century there were several thousand Chinese[19] in Sarawak, many of whom were occupied in the gold-mining kongsis. Chinese were in North Borneo and Brunei as traders and pepper planters prior to the arrival of Europeans. When pepper-planting declined in Brunei in the 15th century, the Chinese all but disappeared. In the early 1880s, according to W. H. Treacher, there were less than a hundred Chinese in Brunei.[20]

In 1840 the Malay state of Brunei held sovereignty over the whole of present day Sabah and Sarawak.[21] There is evidence that before 1500, Brunei had been a tributary of both Majapahit and China. But by 1500 the country was an independent power. Islam spread to Brunei from Malacca, and the 16th century saw Brunei reach its greatest extent and glory. The Sultan ruled over all northern

[19] For information on Chinese in Borneo, see Victor Purcell, *The Chinese in Southeast Asia*, London, 1965, pp. 357–381.

[20] W. H. Treacher, 'British Borneo: Sketches of Brunai, Sarawak, Labuan and North Borneo', *JRASSB*, 20, 1889, p. 27.

[21] H. Low, 'Selesilah (The Book of the Descent)', *JRASSB*, 5, June 1880; H. R. Hughes-Hallett, 'Sketch of the History of Brunei', *JRASMB*, Aug. 1940. Low's information is taken from the family records of the Brunei rajas. (See Low to Derby, 6 July 1875, FO 12/41). Together these two sketches furnish most of what is known about Brunei before the 19th century.

Borneo, the Sulu Archipelago and part of the Philippines. For a short time Manila paid annual tribute to Brunei. Pigafetta, the historian of Magellan's voyage, among western travellers touching at Borneo, described the magnificence of the Sultan's court in 1521.[22] At about this time also, Tomé Pires noted that the Brunei people were traders in gold, wax, honey, rice and sago with Malacca.[23] A century later Brunei was still powerful enough to consider going to the aid of Pahang in a war with Johore.[24] In the 1630s Brunei and its Sulu allies attacked Spanish settlements in the Philippines. The Spanish in revenge in 1645 sacked and burned Brunei. From the middle of the 17th century the decline of Brunei was steady. By the mid-19th century the Sultan was no longer able to rule effectively beyond Brunei Town. His authority was nominal on the northwest coast with still some residual respect for his title and leadership. Brunei had not, for many years, been able to control the Sea Dyaks of Saribas and Sekang or the Kayans of Baram, Bintulu and the Rajang. It was only by threatening to invite the Kayans and the war-like Muruts to attack them that Brunei rajas were able to collect taxes and fines from the villages and more docile tribes along neighbouring rivers. Brunei, like the Malay states of the peninsula noted by Mills,[25] was decaying rapidly. The coast north of Brunei was controlled by the Illanuns with a fortified town at Tempasuk and a stronghold at Pandasan. Brunei was a pirate mart second only in notoriety to Sulu. The Brunei rajas supported and supplied the pirate fleets.

When James Brooke arrived in Sarawak in 1839 the Malays of that southernmost province of the Sultanate of Brunei were in rebellion. Brooke,[26] son of an East India Company servant and himself a former officer of a Bengal regiment, aided the Brunei Raja, Muda Hasim, in putting down the rebellion in 1840 and 1841.

[22] *The First Voyage Round the World by Magellan*, ed. Lord Stanley of Alderley, London, 1874, Hakluyt Soc., pp. 110–8.

[23] *The Suma Oriental of Tomé Pires*, ed. Armando Cortesão, London, 1944, Hakluyt Soc., vol. i, 132–3. This account was written in Malacca and India in 1512 to 1515.

[24] See *Peter Floris: His Voyage to the East Indies in the Globe 1611 to 1615*, ed. W. H. Moreland, London, 1934, Hakluyt Soc., p. 73.

[25] Mills, *op. cit.*, pp. 171–2, 239. Mills notes that only Johore was not in a state of anarchy.

[26] The authoritative biographies of Brooke are: Gertrude Jacob, *The Raja of Sarawak*, London, 1876, and S.B. St. John, *Life of Sir James Brooke, Rajah of Sarawak*, Edinburgh, 1879. Hereafter abbreviated as St. John, *Life*.

As part of the bargain, Sarawak was handed over to Brooke to rule, and the Sultan confirmed the transfer in 1842.

Brooke was an English gentleman of private means, who had equipped his own expedition. Originally he had no political interest in the area but had been led to Borneo by his curiosity about the eastern seas. During the following years, Brooke, who took the title of Raja, busied himself establishing a firm but benevolent government of natives supervised by Englishmen. He succeeded also in establishing a strong British influence upon the northwest coast of Borneo. Sarawak prospered under Brooke rule. Brooke's arrival in Borneo coincided with a demand by merchants of Singapore for a British port on the northwest coast of Borneo. They felt this was necessary as a defence against pirates and for the promotion of trade. From 1841 Brooke urged Britain to establish a naval station, colony, or protectorate on the coast of Borneo to forestall any other power from doing so.[27] Others interested in Eastern affairs warned the government to take notice of foreign interests in Borneo.[28]

In November 1844 the Admiralty sent Captain Drinkwater Bethune to Borneo to look for a site for a naval station and specifically to investigate Labuan. The Foreign Office, which in 1845 appointed Brooke diplomatic agent to the Sultan of Brunei, now instructed him to co-operate with Bethune in locating and acquiring a suitable base. At the same time, Lord Aberdeen,[29] the Foreign Minister, in a letter to the Sultan noted with pleasure the Sultan's 'determination not to enter into any treaty engagements with foreign powers' during the period while Labuan was under consideration as a British base.[30] This was a reference to the offer by the Sultan, at the instigation of Brooke, of the island of Labuan

[27] Brooke to James Gardner, 10 Dec. 1841. FO 12/1; Brooke to FO, 31 March 1844, FO 12/3, enclosing a memo on the subject of piracy.

[28] See for example, John Anderson to *Indian News*, 10 Oct. 1844, FO 12/2; Anderson to Aberdeen, 14 July 1845, FO 12/3; Glasgow Chamber of Commerce to Aberdeen, 21 May 1846; Glasgow East India Association to Aberdeen, 23 May 1846, FO 12/3. Henry Wise, Brooke's London agent, conducted a vigorous lobbying operation aimed at persuading Britain to acquire Labuan. He was responsible for many letters and petitions to the government. John Anderson was a retired East India Company servant, who furnished Wise with information on the Far East.

[29] George Hamilton-Gordon (1784–1860), 4th Earl of Aberdeen, Foreign Secretary, 1828–1830 and 1841–1846, Prime Minister 1852–1855.

[30] Aberdeen to Sultan of Brunei, 1 Nov. 1844. FO 12/3. The United States had sought a treaty with the Sultan in 1845. See below, p. 15.

to Britain. Brooke supervised the transfer of Labuan to Britain as a colony and became its first Governor in 1848. He was also appointed Commissioner and Consul General to the Sultan of Brunei after negotiating a treaty of friendship and commerce in 1847.

Britain's closest neighbours in the South China Sea before the 1850s were Spain in the Philippines and the Dutch in the archipelago. The threats from these powers against the security of the British route to China, however, were not strong. The Dutch frequently complained that Britain's activities in Borneo were in violation of the 1824 treaty. Spain reacted sharply when Sir James Brooke, acting for Britain, negotiated a treaty in 1849 with the Sultan of Sulu whom Spain considered her vassal. The Foreign Office, however, under Lord Malmesbury[31] in 1852, thought it was not worthwhile to press Spain on the point. The Dutch were told that the treaty of 1824 did not apply to Borneo, and at no time was Holland enthusiastic about challenging Britain over the Borneo issue. During most of the 19th century, Britain's chief complaint against both Spain and Holland in the Far East was not that either might appropriate strategic positions from which to threaten British sea power in time of war, but the highly restrictive commercial policies which both nations followed in their colonial possessions. As late as the 1870s Britain was more concerned with Spain's restriction on trade in Sulu than with the strategic location of those islands and the Spanish claim of ownership, despite the fact that the Sulu Archipelago commanded the most direct trade route between China and Australia.

As in the Mediterranean and the Near East, so in the Far East after 1815 the main threats to British positions and aspirations were from France and Russia. Britain's response to the Russian threat to her Far Eastern position involved the development of policy in the northwest Pacific. A discussion of it is outside the subject of this analysis. It was by naval war with France that Britain had become a dominant power in the Indian Ocean late in the 18th century. In the early 1840s France was showing a renewed interest in the Far East and especially in the South China Sea area. Britain looked with some suspicion at French activities in Annam and the thought of France holding a position in the South China Sea was distasteful. In 1841, France sent an observation mission to the

[31] See below, p. 22. James Harris, 3rd Earl of Malmesbury, Foreign Secretary Feb. 1852 to Dec. 1852, and Feb. 1858 to June 1859.

Far East to look into the political situation in China and to show the flag 'in the midst of the British Far Eastern squadron' as a contribution to national prestige.[32] This mission turned out to be ineffective in gaining any specific ends for France because of the bickering among its members, their tendency to act independently of one another, and the machinations of French Catholic clerics who acted as interpreters to the mission.

Late in 1843 a second mission was dispatched to China. This was an imposing delegation led by Théodose de Lagrené with a naval escort of two frigates of fifty-two guns, three corvettes, and a small steam warship.[33] While the main objects of the mission were advertised as commercial, and specifically to obtain a treaty with China similar in terms to the Anglo-Chinese treaty, secret instructions ordered the mission to seek and acquire a naval station on the route to China. The island of Basilan in the Sulu group northeast of Borneo was suggested. The mission veiled its intentions because of the scrutiny of the British in the area. Ostensibly, the French fleet was to be on hand to assist China in case Britain refused to evacuate the island of Chusan, according to the terms of the settlement of the first China War. Admiral Cecille, in command of one of the French frigates, forcibly annexed Basilan for France after a punitive expedition against the islanders following their capture of five members of the crew of the corvette *La Sabine* and the execution of two of them. The French agreed to pay the Sultan of Sulu $100,000 within six months. The island was not garrisoned and the French fleet sailed away to Macao. The upshot of the Basilan incident was that Spain immediately protested against the French activity so close to her possessions in the Philippines and involving an island over which she claimed suzerainty. The settlement of the affair was made in Europe by a complete abrogation by France of the Basilan annexation.

Another power active in the Far East and which posed a potential threat to the British position on the route to China was the United States. As early as 1784 that country's commercial vessels were operating in Far Eastern waters.[34] In 1830, Edmund Roberts was

[32] The Jancigny-Cecille mission to China is discussed at length in John Cady, *The Roots of French Imperialism in Eastern Asia*, Ithaca, 1954, p. 33–42, 75.

[33] The Lagrené mission negotiated the Franco-Chinese treaty of Whampoa.

[34] The United States initiated its Far Eastern trade when the *Empress of China*, (Captain Green), left New York for Canton in February 1784. See Werner Levi, 'The Earliest Relations between the United States of America and Australia', *Pacific Historical Review*, Dec. 1943, p. 35.

dispatched to the Far East to secure treaties of friendship and commerce with Borneo, Siam, Cochin China, and Japan. He died at Canton before he was able to visit either Borneo or Japan.[35] In 1842, following the Anglo-Chinese treaty of Nanking, Caleb Cushing was appointed to Canton by the United States Government to secure a most-favoured-nation treaty with China and to visit Peking if possible. The treaty of Wang-hoa followed on July 3, 1844.

American naval vessels frequented the Far East. Commodore Lawrence Kearny commanded the United States squadron in China during the first China War. In October 1842 he had preceded Cushing to Canton and obtained some concessions for American traders.[36] Between 1838 and 1842 an American naval exploring expedition under Captain Charles Wilkes operated in the Pacific and Far Eastern waters. In February 1842 Captain Wilkes concluded a treaty of friendship with the Sultan of Sulu under the terms of which the Sultan agreed to protect American ships and extend most-favoured-nation treatment to United States citizens.[37] This treaty was the result of the Sultan having previously asked the supercargo of an American commercial vessel for a treaty to trade with the United States.[38] An American warship, the USS *Constitution*, Captain Percivall, called at Brunei during the summer of 1845 seeking a commercial treaty, concession of rights to the mining of coal, and offering protection to the Sultan.

[35] DS Special Missions, i, 73. Roberts was appointed 'special agent . . . for the purpose of examining in the Indian Ocean, the means of extending the commerce of the United States by commercial arrangements with the powers whose dominions border on those seas'. For Roberts' mission in Siam see Walter F. Vella, *Siam Under Rama III*, New York, 1957, p. 122. While he failed to persuade Siam to accept the most-favoured-nation principle he was able to get duties reduced. See also Virginia Thompson, *Thailand the New Siam*, New York, 1941, p. 200.

[36] See L. Battistini, *The United States and Asia*, New York, 1955.

[37] *Treaties and other International Acts of the U.S.A.*, ed. Hunter Miller, iv, 349–61. This work contains a facsimile reproduction of the agreement.

[38] Charles Wilkes, *Voyage Round the World*, New York, 1851, ch. 38. Wilkes had not a very high opinion of Sultan Mohammed and his court: '. . . . more cowardly looking miscreants I never saw. They appeared ready either to trade with us, pick our pockets, or cut our throats, as an opportunity might offer'. See also Wilkes, *Synopsis of the Cruise of the U.S. Exploring Expedition During the Years 1838 to 1842*, Washington, 1842. Wilkes was ordered to examine the Sulu Sea and to find a safe route through it which would shorten the passage of American ships to China. Wilkes reported that Balabac Straits was suitable. See also Wilkes, *Narrative of the U.S. Exploring Expedition*, Washington, 1842, V, ch. 9.

The Americans were put off by the Brunei authorities because of the expected negotiations with England over the Sultan's offer of Labuan and closer ties with Britain.[39] But in 1850 the United States' diplomatic agent, Joseph Balesteir, negotiated a commercial treaty with Brunei.[40] By this time, Britain was in a much stronger position in Borneo, having occupied Labuan and negotiated a treaty with Brunei in 1847. Balesteir was prepared to treat with Sarawak but the Raja wanted first to confer with the British Government. A convention was never concluded.

But while the United States sought ways and means of extending commerce and protecting her traders, she had no political ambitions in the South China Sea. Nor did she desire territory beyond her own borders. Indeed, when Commodore Matthew Perry devised a plan for American control of the Pacific between California and Japan and the ocean south of Japan the Government in Washington found the proposal embarrassing. Perry was told that the President did not approve of acquisition of territory which might need to be defended by force if challenged by China, Japan or a European power.[41] Some historians have noted an increase in American interest in the Pacific following the acquisition of California in 1848 and date the development of an official policy from that point.[42] But a definite policy did not emerge until later in the century despite ambitions of officials such as Secretary of State William Seward in the 1860s. The indifference of Americans and their preoccupation with developing the West prevented it.[43]

[39] Brooke to Aberdeen, 28 June 1845, FO 12/3, a copy of a memorandum of Muda Hasim to Brooke in June 1845. Muda Hasim, uncle of the sultan, was the effective head of the Brunei government and enjoyed the trust of Brooke and other British officials. He warned that the Americans had expressed a desire to monopolize the entire trade of Brunei. If Britain were 'unwilling to afford us assistance' he said, Brunei must 'solicit aid in another quarter', although their inclination was toward Britain. See also G. Irwin, *Nineteenth Century Borneo*, The Hague, 1955, p. 110. Irwin feels that this threat of American interest in Borneo was significant in persuading the British government to establish a footing on the northwest coast.

[40] Copy of the treaty is in Miller, *Treaties*, *op. cit.*, v, 819–43.

[41] See Earl Swisher, 'Commodore Perry's Imperialism in Relation to America's Present Day Position in the Pacific', *Pacific Historical Review*, Feb. 1947, p. 40.

[42] e.g. L. H. Battistini, *The Rise of American Influence in Asia and the Pacific*, East Lansing, 1960. This is a widely held notion which one reviewer feels needs re-examination. See O. D. Corpuz in a review of Battistini's book in *Journal of Southeast Asian History*, Sept. 1962, pp. 166–70.

[43] Swisher, *op. cit.* See also D. E. Clark, 'Manifest Destiny and the Pacific', *Pacific Historical Review*, I, i, 1932.

Britain was aware of the activities of the United States and European powers in the South China Sea area. She was reminded frequently of the threats inherent in French and American interests in the area. Britain's annexation of Labuan was instigated quite as much by the movements of these two powers as by the desire to protect British shipping from piracy and to provide an additional source of coal in the Far East.[44] In this sense it was a recognition by Britain of the strategic value of the northwest coast of Borneo. This had been Stamford Raffles's theme when early in the 19th century he urged the East India Company to establish British hegemony in Borneo. In the 1840s it was an argument which James Brooke used when he pressed for the annexation of Labuan as a naval station.[45]

Following the revolution of 1848 in Holland, the new Dutch Government under Thorbecke withdrew its diplomatic protests against British activity in northwest Borneo. But beginning around 1850 the Dutch interest in Borneo increased.[46] In that year all Dutch Indies possessions, except Java and Banka, were opened to private entrepreneurs for the purpose of exploiting mineral resources. The Dutch pushed the exploitation of coal but were soon disappointed in the quality and supplies found in southern Borneo. Friction with native rulers and Chinese settlers made for a difficult time for the Dutch. The Netherlands East Indian Government commenced a policy of force in their relations with Malay sultans and the Chinese, especially with regard to smuggling and other illegal activities. By 1860 the Dutch were involved in a full-scale war with the Sultan of Banjermasin, which culminated in the assumption of direct rule over that area. While the Dutch forward movement in Borneo was a part of a general plan for better control of the outer islands, it was also very much a reaction to British influence in the northwestern part of the island. From the beginning, the Dutch were suspicious of Raja Brooke's activities. In the late 1840s, they had proceeded to strengthen their position in Sambas and Pontianak, to prevent the spread of Brooke's

[44] See FO memo, 25 June 1846; FO to Adm., 24 July 1846, FO 12/4.

[45] See J. Bastin, 'Raffles and British Policy in the Indian Archipelago 1811–1816', *JRASMB*, May 1954, pp. 84–119; Brooke to Gardner, 10 Dec. 1841, FO 12/1.

[46] For a study of Anglo-Dutch relations in Borneo at this time see Irwin, *op. cit.*

influence southward and to discourage any further adventures of the Brooke type such as Erskine Murray had attempted in 1844 on the east coast of Borneo.[47]

British traders and officials in Southeast Asia were quick to point out to the home government any new moves by the Dutch, especially any activities which could be viewed as advancing Dutch hegemony. Indeed, British commercial circles invariably noted any Dutch advance as increasing the area of Dutch monopoly of commerce and of the subordination of foreign traders to Dutch control. In 1848, Raja Brooke warned the Foreign Office that the Dutch were about to establish a settlement on the east coast. The following year, both Brooke and the Singapore Chamber of Commerce notified the Government of a Dutch expedition to Sulu with the intention of forcing a treaty with the Sultan and acquiring territory either in the Sulu Sea or in the Bornean territory claimed by the Sultan.[48]

Throughout the 1850s the Dutch continued their movement of consolidation and direct rule over eastern and southern Borneo. In 1856, Spenser St. John, who had succeeded Brooke as Consul to Brunei, reported a great increase in Dutch activity in extending their authority in Borneo.[49] This prompted the government of Lord Palmerston to instruct St. John to find out more details concerning the extent of the claims of the Dutch. There the matter rested to be picked up again by St. John two years later.

But while the political questions between Holland and Britain in Borneo were more or less at rest there were economic problems in the area which caused friction. Following her plan for control of the outer islands, Holland attempted to extend the commercial terms of the 1824 treaty applying to Java, to the other islands. In 1849, she negotiated treaties which included exclusive commercial rights with several native states. The treaty of 1824 stipulated that neither Holland nor England would prevent the free intercourse and communication between the various native states of the

[47] Irwin, *op. cit.* p. 158. Murray had been killed while trying to negotiate with the people of the Kutai River.

[48] Brooke to FO, 31 May 1848, FO 12/6 and 17 April 1849, FO 12/7; Singapore Chamber of Commerce petition to FO, 1 May 1849, FO 12/7.

[49] St. John to FO, 12 Jan. 1856, FO 12/23; and FO to St. John, 21 April 1856, FO 12/25.

east and the other party.[50] But according to the Dutch view the ports of the native states with whom she had treaties were no longer native ports but Dutch ports and subject to the terms of the 1824 treaty. The Dutch Minister of the Colonies stated in the States-General that 'foreign flags remain excluded from the coasting navigation' of the East Indian possessions.[51]

Britain received frequent protests against Dutch exclusive commercial policies from her traders and representatives in the east, as well as from commercial interests at home. Among the petitioners were the East India Association of London, the Edinburgh and Singapore Chambers of Commerce, and the East India and China Association of Liverpool. Successive British foreign ministers passed on these protests in notes to the Dutch Government. Palmerston in October 1850, informed the Dutch that Britain considered the restrictions upon British trade as infringements of the 1824 treaty. The Dutch replied, rather vaguely, that their treaties with the Princes of Bali and Lombok, against which Britain protested, were not intended to injure the trade of Britain.[52] Lord Clarendon[53] at the Foreign Office, in 1855 and 1856, also warned the Dutch following more complaints from British traders in Surabaya and Singapore.[54] The following year Consul St. John wrote to Clarendon that no attention had been paid to the protests of Lord Palmerston in 1850.[55] In 1857 and 1858, Britain again protested to Holland when that country in a treaty with the native state of Tanette in Celebes included a stipulation which would prohibit foreigners from residing in that

[50] *Ibid.* See also FO memo of 5 Oct. 1850, and Palmerston to Schimmetpennick, 24 Oct. 1850, FO 95/249; and Conf. Print, number 1737, p. 27. The native states referred to in this instance were Bali and Lombok.

[51] Singapore Chamber of Commerce to Palmerston, 25 July 1850, FO 97/249. For a fuller discussion of commercial problems of the two countries, see N. Tarling, 'British Policy in the Malay Peninsula and Archipelago 1824–1871', *JRASMB*, xxx, Oct. 1957.

[52] Palmerston to Schimmetpennick, *op. cit.*; and Elliot to Palmerston, 26 Nov. 1850, FO 97/249.

[53] George William Frederick Villiers (1800–1872), Earl of Clarendon, Foreign Secretary 1853–1858, 1865–1866 and 1868–1870.

[54] Clarendon to Abercrombie, 8 April and 2 Dec. 1856, FO 97/249.

[55] St. John to Clarendon, 28 May 1857, FO 97/249. St. John urged the appointment of a commissioner to carry out investigations and hear complaints on the subject of the Anglo-Dutch activities in the archipelago. A commissioner would succeed Brooke who held the post but was unable to fulfil the mission because of his preoccupation with a commission of inquiry into his activities. St. John offered his services.

part of the Celebes without the permission of the Dutch government. In this instance, when the Dutch offered to 'intimate to all the native princes . . . that such stipulation did not apply to British subjects, who may be permitted to reside in the ports or cities specially opened . . . to foreign trade', Lord Malmesbury, again at the Foreign Office, accepted the offer.[56] Britain's resistance to Dutch devices designed to restrict foreign traders from the outer islands of the archipelago became normal policy with British governments during the mid-century decades.[57]

While Holland was a minor irritant to the British in Borneo during the early and middle parts of the century, Spain became one soon after the British acquisition of Labuan. Sooner or later Spanish claims in Sulu and British interests in Borneo were bound to clash. The friction came over the question of the status of Sulu.

The Sulu Islands lie to the northeast of Borneo and between that place and the Philippine island of Mindanão, and stretch across one of the most frequently used passages to the South China Sea.[58] On the map, the Sulu Islands resemble stepping stones between the Philippines and northern Borneo and there is something to be said for the idea that this is how the Spanish Philippine Government viewed them at mid-century. Since their first expedition to Sulu in 1578 the Spaniards periodically attempted to assert their authority over the islands. In 1763 a permanent Spanish garrison was established at the *presidio* in Zamboanga on Mindanão opposite the island of Basilan. By 1847 the actual occupation of the area was still limited to the *presidio* of Zamboanga despite military expeditions in 1823 and 1827.

Several treaties between Sulu and foreign states attested to the effective sovereignty of the Sultan, including several made at various intervals with Spain herself. The Spanish treaty of 1836, which was vague and susceptible to the interpretation of either an

[56] Clarendon to Abercrombie, 11 Nov. 1857, Malmesbury to Abercrombie, 2 March 1858, FO memo of 14 June 1858, Malmesbury to Ward, (The Hague) 21 June 1858, FO 97/249. The Dutch insisted, however, that the treaty of 1824 did not prevent the prohibition of foreigners residing in the interior. Lord Malmesbury did not think Britain could insist on 'unrestricted access' to the interior by British subjects.

[57] For the implications for Malaya of the Dutch policy see C.D. Cowan, *Nineteenth-Century Malaya*, London, 1961, pp. 20–27. A fuller discussion of the Anglo-Dutch diplomatic correspondence is given in Tarling, *op. cit.*

[58] N. Saleeby, *History of Sulu*, Manila, 1908, is the most complete history of Sulu in English.

alliance or a treaty of Spanish protection, could not be said to indicate any diminution of Sulu sovereignty. Treaties with the United States in 1842, France in 1845, and with Brooke representing England in May 1849, indicated that Sulu was considered an independent entity.[59] In December 1850 the Spanish government of the Philippines, using steam-powered war vessels recently arrived from Europe, sent a force to subdue and punish the Sulus for negotiating with James Brooke. The force under the Governor General, the Marquis de la Solano, was successful in destroying the Sultan's capital. The Sultan capitulated and sent a deputation to Manila asking for protection and appealing on the basis of the Spanish-Sulu treaty of 1836 to become subject to Spanish sovereignty. Yet after submitting to Spain in a new treaty, the Sultan of Sulu was not apparently sufficiently chastened, for he made known to British officials that he was still independent and seeking British protection.[60] This prompted the observation by the Spanish Captain-General of the Philippines, that the Sulus were 'utterly worthless and faithless'.[61]

The action of the Spaniards in the Philippines roused British officials in the east. While Consul Farren in Manila reported the facts of the success of the Spanish punitive action, St. John and others were warning of grave consequences to Britain's position in Borneo. St. John wrote,

> the annexation of Sulu to the Philippines will tend greatly to injure our interests in the seas . . . the whole of that archipelago and the coasts of Borneo to within 70 or 80 miles north of Labuan may be completely closed against British commerce.[62]

Admiral Charles Austen, Senior Officer in the Straits, wrote to St. John in April 1851, 'I cannot but look with distrust on the recent operations carried on against Sulu by the Spanish government'.[63] St. John was able to reply to Admiral Austen in June that the Spanish 'subjugation' of Sulu was not completely successful.

[59] See below, pp. 36, 38; Cady, *op. cit.*, p. 58. Copies of the treaties of 1836 and 1849 are in *P.P.* 1882, LXXXI, pp. 536–39. Saleeby dates the French-Sulu treaty 1843. Cady's more detailed research placed it in January 1845.

[60] St. John to Palmerston, 14 Oct. 1851, FO 71/1. A trader who had recently visited Sulu stated that the country was in a state of perfect anarchy.

[61] Farren to Palmerston, 4 May 1851, FO 71/1.

[62] St. John to Palmerston, 12 July 1851, FO 71/1.

[63] Adm. Austen to St. John, 30 April 1851, FO 71/1. See also Brooke to Palmerston 24 Jan. 1851, FO 12/9.

He still hoped to go to Sulu to exchange the ratifications of the Brooke treaty of 1849.[64]

The Foreign Office was adverse to any hasty action in putting the treaty into operation. Palmerston wrote, 'the matter may rest until we hear further'. The feeling at the Foreign Office seemed to be that Spain's claim to Sulu was founded only on the recent Spanish successes.[65] Lord Granville,[66] who succeeded Palmerston at the Foreign Office in December for a short term, was also against too much haste in the Sulu question. He wrote to Brooke seeking the latter's opinion, but stating that it was his own belief that the ratifications of the Sulu treaty should not be exchanged.[67] When Malmesbury took over the Foreign Office with the advent of the Derby government in February 1852 there followed a diplomatic exchange between London and Madrid in which Malmesbury attempted to feel out the Spanish on the extent of their claims and intentions. He expressed the view that Sulu was an independent government with which Sir James Brooke had rightfully negotiated upon explicit instructions from the British Government.[68] Lord Howden, the British Minister in Madrid, upon the request of the Under-Secretary of the Spanish Foreign Ministry, suggested to Malmesbury privately that it was not worth while to press for the exchange of ratifications of the Sulu treaty.[69] Lord Howden wrote that the matter 'touched the sensibilities of the Spanish cabinet'. France, he said, had given up Basilan in a similar instance in 1845, and would undoubtedly side with Spain against Britain. Malmesbury agreed that the matter should 'sleep'.[70] Thus the question was allowed to continue in an indefinite state. The Foreign Office, however, continued to maintain the attitude that Sulu was a sovereign state.

[64] St. John to Adm. Austen, 22 June 1851; St. John to Palmerston, 12 July 1851, FO 71/1.

[65] Palmerston's memos of 19 Sept. and 1 Oct. 1851; and FO memo of 14 Sept. 1851, FO 71/1.

[66] Granville George Leveson-Gower (1815–1891), 2nd Earl Granville, Colonial Secretary 1868–1870, and 1886; Foreign Secretary 1851–1852, 1870–1874, and 1880–1885.

[67] Granville to Brooke, 19 Jan. 1852, FO 71/1.

[68] FO memo. of 23 April 1852; and Malmesbury to Lord Howden (Madrid), 11 May 1852, FO 71/1.

[69] A. Rigise to Howden (private), 10 June; Howden to Malmesbury (private) Summer 1852, FO 71/1.

[70] Memo. by Malmesbury, 26 August 1852, FO 71/1.

While the ministers in London were content to allow the political question of Sulu to rest almost forgotten for the better part of a decade, two other vexing and related problems commanded the attention of British officials and traders in Borneo. These problems, however, received only sporadic consideration from the home government. They related to commerce and piracy. British trade with Sulu and northern Borneo was not extensive. It was carried on mainly in native boats which collected jungle products for trading in Labuan and Singapore. For various reasons the northwest coast of Borneo and the Sulu Sea had been relatively neglected by the British Navy during the latter part of the 1850s.[71] Two things contributed to this neglect. The shunning of Sir James Brooke by the naval forces following the 1853 commission of inquiry into his activities in Borneo was one.[72] The second was Britain's preoccupation with events in China which was, after all, the main theatre of British interest in the Far East. This neglect plus action on the part of the Spaniards in destroying some of the pirate strongholds in Sulu and Southern Mindanão, led the Illanun and Balanini pirates to increase their depredations along the northern coast of Borneo. There they established new headquarters. St. John wrote to the Foreign Office in April 1856 that 'the devastation of native prahus and trade . . . completely shut up some of the richest districts of Borneo, particularly those eastward of Marudu Bay'. He noted that the pirates had not attacked British commerce for five years but that they continually destroyed native trade on which it depended.[73]

The other problem in British-Sulu relations which tended adversely to affect British commerce was the Spanish restrictions on trade with the Sulu Islands. Early in 1858 the Spanish Philippine Government fitted out yet another expedition to pacify Sulu. The force occupied the Sultan's city while he retired to the mountains. At intervals, during the next few years he sent messages to British officials informing them that he was not submissive to the Spaniards and asking for British protection.[74] The Spaniards

[71] See St. John to Malmesbury, 10 Aug. 1859, FO 12/26.

[72] See below, p. 26.

[73] St. John to FO, 2 April 1856, FO 12/23.

[74] See for example Sultan of Sulu to Gov. of Penang, 29 April 1859 and 18 Oct. 1861, FO 71/1; Lt. de Crespigny to Adm., 18 Oct. 1858, FO 12/25. Sultan of Sulu to FO, 24 Feb. 1859, FO 12/26.

established a garrison and naval station on Balabac Island from which they attempted to control Sulu trade. The following year St. John wrote, 'Already at Balabac (Spain) is showing her monopolizing spirit by stopping every prahu that attempts to pass on its way to Labuan and Brunei'. Later on he reported that he was receiving constant complaints of the activities of the Spanish gunboats which 'appeared to be actuated by no other desire than to prevent the trade that has been for years carried on between the western coast and the countries to the eastward'.[75]

French forward movement in Indo-China

French Catholic missionaries were in Siam and Annam in the second half of the 17th century. While they were supported by the French East India Company, which wanted to extend its activities to those places, the French Government was now encouraging, now hostile toward foreign missions during the next century and a half. But during the middle decades of the 19th century the desire of French rulers to improve French prestige stimulated an imperialist interest. The Ministry of Marine and the Navy were in the forefront of this movement. During the 1830s and 1840s the Navy was conspicuous in its policy of granting protection and firm support to French missionaries in the Far East.

The rulers of Annam had not welcomed missionaries. Much of the time they were openly hostile toward them. Persecution including expulsion and imprisonment was the policy. Before 1857 the protection of missionaries was the chief activity of the French Navy in the area. There was little in the way of commerce with China and the East Indies. French ships bombarded the port of Tourane and occasionally carried out the rescue of persecuted missionaries and succeeded in putting others safely ashore to carry out their proselytizing activities among the Annamese. French approaches to the Annamite authorities were usually rebuffed because of the harsh methods used by the French officials. After one such incident in 1847, Britain sent her representative in China, John F. Davis, to Annam with a letter for the Emperor, Thieu-Tri, in an effort to discuss commercial relations and the negotiation of a treaty. Davis was not successful, possibly because

[75] St. John to Malmesbury, 4 Feb. and 31 May 1859, FO 12/26.

the French had left the Annamese with some distaste for Europeans.[76]

France under Emperor Napoleon III pursued an imperialist policy in the Far East centred upon the Indo-Chinese peninsula. Political pressures at home, and French naval sympathies for Catholic missionaries, both played significant roles in the French intervention in Annam. A French Foreign Ministry plan to acquire a footing at Tourane was set aside in the mid-1850s because of the concentration on China and the Crimean War. But by 1857 the French Emperor was persuaded to use the forces already in the Far East in conjunction with the Anglo-French effort in China to gain a foothold in Annam.[77] Tourane was occupied in 1858, only to be abandoned in 1860 because of difficulties of mounting an attack upon the capital Hué. Saigon, however, was occupied in 1859—a much easier task than in the case of Tourane—and became the centre from which French expansion continued in Indo-China.[78] We shall see that the French forward movement in Cochin China was a decisive factor in Britain's policy in the northwest coast of Borneo.

With the aid of ships and officers of the British Navy, Sir James Brooke carried on warfare against Bornean pirates. He directed the decisive blows which destroyed their power in the area. It was this action, plus his various roles of Raja of Sarawak, Governor of Labuan, and Consul in Brunei, which brought him into conflict with powerful interests in Britain. He had made enemies of men who had hoped to exploit his rule in Borneo for the mineral and commercial wealth supposedly to be won. When their hopes were frustrated by Brooke's concern for the protection of the natives against fortune seekers, they tried to destroy the Raja. Henry Wise, Brooke's former London agent, was one of these men. He convinced

[76] Cady, *op. cit.*, pp. 74–76. See also FO instructions to Davis, 18 March 1846, FO 17/108.

[77] The British government was not unmindful of French ambitions. Consul St. John reported, 'There have been many rumours lately that the French are about to form an establishment somewhere in these seas, and various spots have been indicated, such as an island off Cochin China in the direct track between Hong Kong and Singapore, and again on another not far from the entrance of the great river of Cambodia'. St. John to Lord Shelburne (private) 3 Aug. 1857, FO 12/24.

[78] Cady, *op. cit.*, pp. 207–23, gives a detailed discussion of the activities in Tourane and Saigon at this time.

leading radicals, including Joseph Hume, Member of Parliament for Montrose, and Richard Cobden, that Brooke slaughtered innocent natives on the excuse that they were pirates because they interfered with his own aggrandizing plans. The Aborigines Protection Society and the Peace Society joined with Brooke's enemies in calling for a public inquiry. A commission finally sat in Singapore in 1853. It completely exonerated Brooke of all charges but his reputation and prestige among the people of Borneo was damaged.[79] The commission of inquiry very strikingly pointed up the anomalous position of Brooke. By the duality of his position as a British official and as Raja of Sarawak, Brooke had been able to use the prestige of the British Government and the active participation of ships of the Royal Navy in establishing a viable administration in Sarawak and stamping his influence along the coast of Borneo. In Borneo Brooke was a power to be dealt with.

Following the inquiry, Brooke resigned his offices of Governor and Consul. Naval officers were no longer enthusiastic about participating in activities on the northwest coast of Borneo. The Admiralty had in 1853 issued instructions to its officers to adhere strictly to an order which prohibited attacks upon pirate vessels unless it could be shown that they had first attacked a British vessel. A standing order to naval as well as civil officials was designed to prevent interference in the political affairs of states in the Indian Archipelago. Britain now reminded its officials in Borneo of this order. These two orders dampened the enthusiasm of naval officers and were instigated by the criticism which the Navy received from radicals in Britain.[80] Indeed there were very few outward manifestations of official interest on the Bornean coast during the latter part of the 1850s. In 1857 Consul St. John wrote from Brunei, 'It is now six years since a man-of-war or steamer entered the city of Brunei'.[81]

[79] Irwin, *op. cit.*, pp. 140–50. Report of the inquiry, *P.P.* 1854–5, xxix, pp. 1–468. Baring-Gould and Bampfylde, *op. cit.*, pp. 151–2, contend that the British Government made no attempt to counter the bad impression. On the contrary, the Government did make the attempt. In letters to the Indian Government and to British officials in the East, Britain tried to repair the damage. The official attitude, however, never filtered down to the Bornean people. See FO to India Board, 6 Aug. 1855, FO 12/22.

[80] *P.P.* 1854, lxxii, pp. 33–34; FO to Adm., 28 Nov. 1855 and FO to St. John 6 Sept. and 30 Nov. 1855, FO 12/22.

[81] St. John to Clarendon, 11 May 1857, FO 12/24.

The coolness of the British government toward his regime did nothing to strengthen Brooke's shaky financial and political position in Sarawak. He had spent his fortune in maintaining the state but funds had not always been expended wisely. 'The weakness of the Sarawak Government,' said St. John in 1859,[82] 'perhaps arises from its attempting too much with its small means'. By 1860 the Raja was deeply in debt. In 1857 Chinese gold miners in upper Sarawak attacked and burned Brooke's capital at Kuching. Several Europeans were killed and public and private property was plundered. The attack seemed to be inspired by exaggerated reports of the British withdrawal from before Canton in January 1857. This was considered a Chinese victory by many overseas Chinese in the Far East and it caused great excitement among their communities. The Chinese were also aware of Brooke's loss of British support.[83] The insurrection was soon put down and despite the losses Sarawak regained its feet. Brooke realized, however, that his rule was tenuous without the support of a strong power. Late in 1857 he returned to England, leaving the government in the hands of his nephew, Captain Brooke Johnson, who then took the surname 'Brooke' as the Raja's heir. Raja Brooke remained in England until late 1860 directing negotiations with the British Government for the support he felt he needed.

Britain's mid-century position in Borneo was not stable. It rested upon two bases: the possession of Labuan near the entrance to Brunei Bay, and the 1847 treaty with the weak and corrupt state of Brunei. Labuan never flourished as a colony. It was acquired as a naval station and because it contained extensive coal deposits. It was seldom used as a base of operations by the Navy and the exploitation of the coal deposits was impeded by a series of mismanaged companies. It was an entrepôt of only minor importance serving the north coast of Borneo and the Sulu Archipelago. The 1847 treaty, which James Brooke negotiated with the old Sultan of Brunei, required the permission of Her Majesty's Government before any Brunei territory could be ceded. The Sultan was guided by the British Consul, who for a short time resided in Brunei Town. Usually, however, the British Consul resided at Labuan where,

[82] St. John to Malmesbury, 10 Aug. 1859, FO 12/26; and Baring-Gould and Bampfylde, *op. cit.*, pp. 241–43.

[83] St. John to Clarendon, 23 April 1857, FO 12/24; St. John, *Life . . .*, pp. 292–93; and Baring-Gould and Bampfylde, *op. cit.*, p. 189.

after the transfer of St. John, the post was combined with that of the Governorship of the colony. Prior to 1881, Britain had no position in the area which later became the state of North Borneo, with the exception of a rather dubious claim to the area based on 18th century treaties between the East India Company and the Sultan of Sulu.[84] The area was claimed by both Brunei and Sulu, but neither was able to extend effective control over it.

Southwest of Brunei, in the state of Sarawak, the British position was also tenuous. It was based on the fact that Sarawak was under the rule of Englishmen led by Sir James Brooke.

During the late 1850s the pressure of several forces calling upon Britain to establish a firm policy in the South China Sea reached great intensity. The Chinese rebellion in Sarawak in 1857 was a shock to many observers. It was followed by a Malay rising on the Rajang in 1859. There was also an increase in piracy along the northwest coast. Historians[85] have observed that these incidents were partly a result of the loss of prestige of the Raja following the inquiry and partly the result of the neglect of the coast by the Royal Navy. Officials in the East did not cease their warnings of Britain's weak position in Borneo. The resurgence of piracy and the restrictive trade measures of Holland and Spain brought pressure from British merchants and traders in Singapore. Traders were beginning to be disturbed by what seemed like a gradual closure of the Indies and Indo-China to free commerce and their expropriation by monopolist-minded countries. Britain was urged to preserve northern Borneo for her own exploitation.

Another factor was the increase in the expansionist tendencies of foreign powers in the area. Holland and Spain were pressing Borneo from the south and north. Britain was suspicious of American activities in the western Pacific. Above all, the beginning of the French forward move in Indo-China was seen as a challenge. At home, French naval construction and the expansion of naval facilities at Cherbourg plus an anti-British compaign in the French press did nothing to reassure Britain concerning French ambitions. They gave rise to doubts of British naval capabilities. Palmerston's naval construction programme was partly an answer. Beginning then at about 1860, British government activity with

[84] See below, pp. 35–37 and 152–4.

[85] e.g. Jacob, *op. cit.*, pp. 183–4: Baring-Gould and Bampfylde, *op. cit.*, pp. 151–2 and 189; and Rutter, *op. cit.*, p. 113.

regard to the South China Sea area was motivated more and more by the discomforting thought that another power might take advantage of Britain's shaky position in Borneo and acquire a territorial footing on the north west coast. Such a footing would directly threaten the trade route to China. Britain then set about strengthening her position in Borneo. Steps were taken toward more involvement in this strategic area in order to consolidate and protect British commercial interests. This was not a consciously thought out plan until the decade of the 1880s. However, most of the activities of British officials in Borneo during the three decades following 1860 were aimed at establishing a firm British domination of the South China Sea. The process of strengthening the British position in Borneo reflected the hesitancy of foreign and colonial policy in London during the controversy between advocates of the Manchester School, and the growing number of imperial minded persons. But it also reflected the beginning of the movement away from the philosophy of the Manchester School. The beginning of British imperialism is often dated from the early 1870s. However, by the late 1860s there seemed little doubt but that the strength of the Manchester School had waned and was being replaced by the new influence.

Prior to 1860, British policy in the Indian Archipelago and the South China Sea, which aimed at securing the trade routes, was prompted by the implied threat of other powers. Subsequent chapters will attempt in part to show that the policies pursued by successive British governments, beginning at about 1860, had much in character with the imperialist activity usually assigned to the later decades of the century. An outstanding aspect of this imperialism was the control of strategic areas and not merely the protection of British mercantile pursuits.

CHAPTER II

BRITISH REACTION TO RIVAL POWERS IN THE SOUTH CHINA SEA DURING THE 1860s

IT WAS characteristic of British policy during much of the 19th century that questions of the security of the lines of empire were more often the subject of dispatches and petitions from the field than of government memoranda and decisions.[1] Officials in London were usually occupied with affairs in Europe and the day to day operations of the government departments. They were seldom found in the forefront of those groups demanding firm action on colonial or defence problems in the South China Sea much before the 1870s. Consuls, colonial officials, and merchants in the East were the prodders. They were more and more aided during the latter part of the century by individuals and groups in Britain with interests in the East, chambers of commerce, trade associations and retired officials and merchants. But the Government could, and did, act decisively. During the 1860s Britain's reaction to foreign activities in the South China Sea resulted in a more effective and clearer policy in Borneo than is usually ascribed to that period. Most narratives describe British neglect of the northwest coast and ignore the fact that during these years Britain initiated her forward movement in Borneo and established the necessary policy which led to British dominion. This reaction to foreign threats and its effects in Borneo is discussed here in detail. Before discussing the form and nature of the forward movement in Borneo, it will be worthwhile to describe the activities of the powers in the South China Sea and Britain's reaction to them during the decade of the 1860s.

In 1860 Britain took firm steps toward making the northwest coast of Borneo a British sphere of interest for strategic reasons. The Spanish and Dutch pressures from north and south respectively

[1] Thornton, *op. cit.*, ch. I, discusses this point with some thoroughness.

were for the first time treated in the light of French moves in Cochin China. France was recognized as the greater potential threat to Britain in the South China Sea. As we have seen, France had invaded Annam at Tourane in 1858 and in the following year at Saigon. Although she had withdrawn from the former place, there was every indication that she intended to stay in Saigon. In 1860 the small garrison at Saigon was beseiged by an Annamite army.[2] France withdrew some 3,000 troops from her forces which had been committed to the Anglo-French effort in China and in 1861 succeeded in relieving the Saigon garrison and scattering the Annamite forces. As a result of the French moves in Cochin China, Britain renewed her interest in Borneo.

British reaction to Spain in Sulu

The Foreign Office, under Lord John Russell,[3] gave its attention to the Spanish pressure on Borneo. The diplomatic exchange between London and Madrid over the Sulu question was resumed in the summer of 1860. On July 2, Spain officially proclaimed Sulu her vassal and reiterated her intention to exclude foreign trade from the Sulu territory.[4] Later the same month, the Spanish Minister in London, Señor Isturitz, complained that British vessels were trading illegally in munitions with the island of Sulu in violation of the Spanish closure of that area to foreign commerce.[5] In answering, Lord Russell reminded Spain of the 1852 correspondence on the question and of Britain's refusal to recognize Spanish claims to Sulu.[6] His note continued, 'Her Majesty's Government see no reason for disturbing the decisions of their predecessors upon the question of independence of the Sultan of Sulu.' And, said Lord Russell, Spain had no right to obstruct British trade with Sulu. The Spanish Government now restated its claim to Sulu[7] on the basis of the treaties of 1836 and 1851. But, Señor Isturitz assured Lord Russell that the prohibition against foreign commerce

[1] Cady, *op. cit.*, pp. 268–70.

[2] Lord John Russell (1792–1878), 1st Earl Russell, Colonial Secretary 1839, May to July 1855, Foreign Secretary 1852–1853, 1859–1865, Prime Minister 1846–1852, and 1865–1866.

[4] A copy of the proclamation is in FO 71/1. See also India Office to FO, 15 Feb. 1862.

[5] Isturitz to Russell, 17 July 1860, FO 71/1.

[6] Russell to Isturitz, 2 Aug. 1860, FO 71/1.

[7] Isturitz to Russell, 9 April 1861, FO 71/1. (See also memo by Alfred Green, July 1873 in Conf. Print number 2262).

applied only to traffic in munitions and that Spain welcomed bona fide trade. That Spain's definition of bona fide trade was that trade which was confined to the four ports specified in the 1860 declaration was to become apparent during the next decade, when Britain came to grips with the commercial question. Lord Russell's policy in 1860 was basically a continuation of the 1852 policy of non-recognition but with important differences. Lord Malmesbury had not withdrawn from his non-recognition stand but he had weakened it by not pursuing the question. Upon the private request of the Under-Secretary of the Spanish Foreign Ministry to Lord Howden, the British Minister in Madrid, the question had been dropped. This was Lord Malmesbury's last word to Spain on the subject. The Foreign Office under Lord Russell was not only firm on the subject of non-recognition, but the 1860 correspondence set in motion an inquiry into Spanish claims.[8] Lord Wodehouse wrote:

> The bad use which Spain makes of her colonial supremacy as a means of shutting out other nations from trade is an argument in favour of not acknowledging her intentions. On the other hand, we have, I should think, very little interest in the independence of Sulu. But if we admit the right of Spain, we ought to know how far those rights extend and on what they are based.[9]

The British Consul in Manila, J. W. Farren, was asked for a report on the Spanish-Sulu treaty of 1851, the extent of the Spanish claims, and the 'inclination of Sulu'.[10] Early in 1862 the India Office queried the Foreign Office on the status of Sulu. The Governor of Penang had received a letter from the Sultan appealing to Britain because Spain had not fulfilled the treaty of 1851.[11] After a long delay,[12] Acting-Consul W. N. Webb reported from Manila in 1864 that the Sultan was 'a paid military and political

[8] Hammond minute on the Spanish note, 26 July 1860, FO 71/1.

[9] Wodehouse minute on the Spanish note, 27 July 1860, FO 71/1. John Wodehouse (1826–1902), 3rd Lord Wodehouse, 1st Earl of Kimberley, Parliamentary Under-Secretary at the Foreign Office 1852–1854 and 1859–1861, Colonial Secretary 1870–1874, Secretary of State for India 1882–1885, 1886 and 1894, Foreign Secretary 1894–1895.

[10] FO memo on Sulu, 22 March 1867, FO 12/33B.

[11] India Office to FO, 15 Feb. 1862, FO 71/1, with enclosure, Sultan of Sulu to Governor of Penang, 18 Oct. 1861.

[12] No reason seems to have been given for a 3 to 4 year delay. In March 1864, the Consul was reminded that the FO was still awaiting information on the Spanish position in Sulu. See FO to Farren, 21 March 1864, FO 71/1.

governor of a Spanish province', that the 'old Dattos [sic] are dead and salaries have not been paid to their successors'. He added, 'the new Sultan and chiefs, though naturally discontented under the Spanish yoke, seem quietly to submit to their fate'.[13]

Although Spain had never been able to subjugate the Sulu people but only to chastise them from time to time, there was some feeling in the East that Britain recognized the validity of the Spanish-Sulu treaty of 1851. London had instructed the admiral on the station to suspend steps with regard to Sir James Brooke's treaty with Sulu of 1849.[14] The Navy had previously been asked to provide a ship, when convenient, to convey the Consul General to Sulu for the exchange of ratifications of the treaty. A ship was never thus provided. This feeling of tacit British recognition was not allayed by the government ministers in London. In the face of the Spanish-Sulu treaty and consular reports that the Sulu rajas were resigned to 'the Spanish yoke', and in the absence of any clear assertion of their independence by Sulu, there seemed nothing further that Britain could do at this time short of a complete recognition of Spanish sovereignty over the archipelago. This they were not willing to do. For as long as Spain had designs on the Borneo territory claimed by Sulu, Britain would not recognize Spain's claims in Sulu. Lord Clarendon, at the Foreign Office late in 1865, noted that nothing could be done except to rest on the decisions of previous Foreign Ministers.[15]

Meanwhile, British commerce with Sulu was decreasing. It looked as though the prediction of St. John in 1851 was to come true. In October 1863 Governor Cavenagh of the Straits Settlements wrote to the Government of India at Fort William that trade between the Straits and the Sulu Islands had almost ceased. The following year Acting-Consul Webb reported substantially the same, that the trade with Sulu 'which before 1851 had been considerable', was now an insignificant traffic with Zamboanga only.[16] Despite the loss of trade, much of which had been the result of the depredations of the Illanun and Balanini pirates, and not the direct

[13] Webb to Murray, summer 1864, 7 Oct. 1864; Webb to Russell 24 Oct. 1864, FO 71/1.

[14] Webb to Russell, 24 Oct. 1864, FO 71/1. See also Malmesbury's 1852 decision that the matter should 'sleep', p. 22, note 70.

[15] FO memo, 22 March 1867, FO 12/33B.

[16] Cavenagh to Fort William, 23 Oct. 1863, and Webb to FO, summer 1864, FO 71/1.

result of the Spanish restrictions, there were Englishmen in the East who were sympathetic toward Spain's attempts to conquer Sulu. It must be remembered that the Philippine southern islands were habitually attacked and devastated by pirates. These pirates found a ready welcome in the Sulu Islands and they respected no nationality when choosing their victims. Some comfort must have been taken when the Spaniards began successfully ferreting out the pirates from their strongholds in the islands. If the Spaniards merely meant to subjugate the Sulu, suppressing piracy and lawlessness on the way and no more, they would have been applauded in many quarters. This may have been the view of officers in the Government of India when they wrote that the Spaniards in Sulu were not harmful to British interests and that 'control of the Spanish Government over Sulu, as far as it may prove effective, is likely to prove beneficial'.[17]

Despite the fears and suspicions of British traders and officials in the East, the Spanish hold over the area was tenuous. Their command of the waters around Sulu and northern Borneo was ineffective. The 1858 expedition succeeded in establishing small military and naval stations at Balabac, Basilan, and Jolo Islands. Although ravaged by disease and by sporadic raids of the Sulu people these bases were maintained and intact in the mid-1860s. Webb was able to report in 1864 that in his opinion, however, Spanish sovereignty was only nominal.[18]

Conflicting claims in northern Borneo

As we have seen, Spain's ambitions in Sulu were only mildly irritating to Britain. The real concern lay in the Spanish attitude toward the northern part of Borneo to which she might have some legitimate claim were her suzerainty over Sulu recognized. The Sultans of Sulu had a claim to that area dating from the early 18th century. Sometime during the 17th century, two rivals for the throne of Brunei, Abdul Mobin and Muaddin, both grandsons of Hasan the ninth Sultan of Brunei and reportedly the 'most arbitrary, powerful, and magnificent of the sovereigns of Borneo'[19] who ruled around 1600, were involved in a civil war. After twelve years of

[17] India Government to India Office, 31 Aug. 1865, FO 71/1.

[18] Webb to Russell, 24 Oct. 1864, FO 71/1.

[19] Hugh Low, 'Selesilah (The Book of the Descent)', *JRASSB*, 5, June 1880, p. 26.

sporadic fighting the Batara of Sulu arrived on the scene with five war prahus filled with warriors.[20] Both cousins sought the aid of the Sulu. But Muaddin, who apparently had the more legitimate claim, was successful in bargaining with the Batara. He received his help by offering him Brunei territory in northeast Borneo from Pulau Sebatik on the east coast to Kimanis on the west coast.[21] Muaddin, with the aid of the Sulu—some say the Brunei people looked on while the Sulu people did the fighting—suppressed his rival and established his rule, without, however, the royal regalia which Abdul Mobin, as a last defiant act, stuffed into cannon and fired out to sea. Sulu had little success in claiming northeast Borneo.[22]

Indeed, the legitimacy of the Sulu claim to the territory is in considerable doubt partly because of the unreliability of *tarsilas* such as 'Selesilah', which in many cases are nothing more than written-down legends to enhance the status of the royal house which produced them. Succeeding Sultans of Brunei have denied that northern Borneo was given to Sulu, and only the weight of Sulu tradition supports the claim. The weight of Brunei tradition challenges it.[23]

This was the state of things when Alexander Dalrymple, representing the British East India Company arrived in Sulu late in 1760. He was charged by the Madras government with the establishment of a factory in the Sulu Seas in an attempt to exploit the trade of that area and to attract the junk traders from northern China who frequented the islands.[24] In 1761 Dalrymple entered into an understanding with the Sultan of Sulu for the grant of a site for a station and he negotiated a treaty of friendship and commerce.[25] He selected Balembangan Island as the proper

[20] Batara is the Sanskrit title for a great ruler. This may have been the Sultan but more likely one of his Rajas.

[21] See Low, *op. cit.*, p. 15, and H. R. Hughes-Hallet, *op. cit.*, p. 33. Hughes-Hallet says it is not clear whether the area was granted or seized.

[22] Alexander Dalrymple, *A Full and Clear Proof that the Spaniards can have no Claim to Balambangan*, London, 1774. Dalrymple puts the date of the Brunei 'cession' to Sulu as 1704, p. 31.

[23] See the author's paper 'Historical Notes on the North Borneo Dispute', *Journal of Asian Studies*, XXV, May 1966, pp. 471–84.

[24] V. Harlow, *The Founding of the Second British Empire*, London, 1952, pp. 70–97, gives a clear account of the East India Company's Borneo adventure.

[25] *Ibid.*, copy in *P.P.*, 1882, LXXXI, pp. 530–31. See also India Board to Granville, 11 Feb. 1852, FO 71/1. Dalrymple, *op. cit.*, p. 32, gives the date of the treaty as 28 Jan. 1761.

location for a Company establishment. The island was ceded to Britain in September of the following year. When Britain occupied Manila soon after, Dalrymple was instrumental in freeing the legitimate Sultan of Sulu, Alimuddin, from his exile in Manila and re-establishing him in the islands in succession to the usurper with whom Dalrymple had treated.[26] By Sulu-British treaties in 1763 and 1764, not only were the former agreements confirmed but the Sultan awarded to the East India Company his territorial claim in northern Borneo, from Kimanis River on the northwest coast to Trusan on the northeast side. The British also were granted the islands of Balembangan, Palawan, Banggi, Balabac, and Manak.[27] This large cession was confirmed and further defined by the Sultan in 1769 when Captain Savage Trotter of the East India Company visited Sulu. According to Captain Trotter, the Sultan was 'extremely solicitous to have a settlement of English absolutely effected in some part of his domain as a balance against the power of the Dutch or Spaniards'.[28]

The Company formed a factory on Balembangan in 1773. It was destroyed by Sulus early in 1775. In 1805, after Company officials in the east re-established a settlement, the island was abandoned on orders from the Court of Directors in London.[29] In 1845 Balembangan was recommended by Captain Bethune as a location for a British naval and coaling station. But partly because

[26] Saleeby, *The History of Sulu*, pp. 72–79.

[27] *Ibid.*, grant of 2 July 1764; treaties of 23 Feb. 1763 and 28 Sept. 1764. See also India Board to Granville, 11 Feb. 1852, FO 71/1. But see Dalrymple, *op. cit.*, pp. 29 and 33. Most accounts follow Saleeby. Dalrymple was not clear himself whether Sultan Alimuddin I was in Manila 'under restraint'. He noted that the Sultan was a professed Christian and thus could not hold the 'regal dignity' in Sulu, a Muslim state. He further said that Alimuddin had 'abdicated' but it is unclear whether this was a wilful act or an automatic result of his profession of Christianity. In any event a usurper, albeit of the royal line, Bantilan (called Mohammad Muizzud Din), had ruled and granted Balembangan to the Company. Later, according to Dalrymple, his son, as Sultan Alimuddin II, granted northern Borneo as well. In June 1764 Alimuddin I was reinstated 'by the natives' and confirmed the grants on the condition that his son Datu Saraphudin should govern the territories in Borneo on behalf of the Company. Recent studies by the Philippine historian Horacio de la Costa give a clearer picture of Alimuddin I and confirm much of Saleeby's account. See his 'Muhammad Alimuddin I, Sultan of Sulu, 1735–1773', *Philippine Historical Review*, vol. I, no. 1, p. 95.

[28] Copy of Capt. Trotter to Court of Directors, 24 Dec. 1769, FO 71/1. The Sultan then confirmed the cession 'from Kiminas on the west side, in a direct line to Towson Abai on the east side thereof with all the lands, places, and people within those limits and also all the islands to the northward of the said island of Borneo as Balambangan, Palawan . . .'.

[29] Hall, *op. cit.*, pp. 427 and 431.

of the failure of the East India Company to establish a permanent factory there, Labuan was chosen instead.[30] At the time of the Spanish expedition of 1858, which established a garrison on Balabac Island, there were indications that Spain was about to move upon the mainland of northern Borneo. Consul St. John wrote in January 1858 that Spain was determined to extend her territory and was anxious to appropriate the north of Borneo. He noted, 'a fine seam of coal and a tin mine have lately been discovered in Marudu Bay, which partly explains this movement from Manila'.[31] Later in May, he reported to Lord Malmesbury the Spanish landing on Balabac and their 'meddling with the mainland'.[32] The following summer he wrote,

> Señor Cuarteron (a Spanish missionary priest in Borneo) assures me that Spain fully intends to take possession of the east coast of Borneo. I know not what authority he has for this statement, though the governor-general appears to be in correspondence with him and the priest may be indiscreet.[33]

At one point St. John suggested the formation of a convict settlement on the northwest coast to implement British rights there. St. John, a careful observer, continued his warnings in this vein until his appointment to Haiti in 1861.[34] He urged Lord Malmesbury and later Lord Russell, to state to the Spaniards in definite terms that the entire northwest coast of Borneo could be considered under British protection as a result of the Sulu cession in the previous century. 'Were Spain informed that this were the only view of the question that Britain could allow, it would probably check her designs', he wrote in 1859.[35] He continued,

> It should not be forgotten that the French are occupying the western shores of the China Sea, and that should Spain be allowed to seize the north of Borneo, she will possess the eastern shore, besides commanding all the important eastern straits.

Later in the year, St. John predicted the gradual extinction of British interests in Borneo unless Britain took a firm stand.

[30] Bethune to Adm., 1 Oct. 1845, FO 12/3; FO memo of 25 June 1845, FO 12/4.
[31] St. John to Clarendon, 8 Jan. 1858, FO 12/25.
[32] St. John to Malmesbury, 21 May 1858, FO 12/25.
[33] St. John to Malmesbury, 17 Aug. 1858, FO 12/25.
[34] See especially St. John's memo to FO, 9 Aug. 1860, FO 12/27.
[35] St. John to Malmesbury, 4 Feb. 1859, FO 12/26.

Lord Russell's note to Spain in August 1860 precluded a discussion of Borneo claims at this time by focussing upon the Sulu Islands themselves and stating firmly that Britain continued to recognize the independence of the Sultan.[36] Although this note was in answer to the Spanish announcement of the restriction of Sulu commerce and had the desired result of forcing the Spaniards to back down on this issue,[37] it reserved the settlement of the northern Borneo question for a later date. There is little doubt that Britain at this time considered northern Borneo to be within her sphere of predominance. At any rate, the fact is that Spain had her hands full in maintaining her small gains in the Sulu Archipelago. She made no moves onto the mainland at this time, with the exception of a single foray on the shore of Marudu Bay.

The priest Cuarteron, of whom St. John speaks, was himself a subject of some speculation, and seemed to the British in Labuan to be but another indication of Spanish ambitions in northern Borneo. He had been a trader in the islands and had reportedly salvaged a fortune from a wrecked Spanish vessel—one of the many ships which plied between Mexico and the Philippines carrying silver dollars. In 1857, after some time spent in Rome, Father Cuarteron established himself in Borneo as Apostolic Prefect and the leader of a handful of Italian missionary-priests. Cuarteron became an agent for the Spanish Philippine Government.[38] The same year he is said to have surveyed the island of Balabac for the Spaniards, preparatory to their garrisoning that place in 1858. In the role of Spanish agent, Cuarteron appears to have provided rumours and misinformation for the British officials in Labuan. In June 1859, he was in Manila and took the effort to write to St. John that the threatened occupation of northern Borneo by Spain was 'simply a boast of the ministers at Madrid'. He said, 'it is even in contemplation to withdraw their settlement from Balabac on account of the great sickness; five hundred troops and others having died in six months'.[39] Cuarteron established a mission at Gaya Bay and according to St. John, did not conceal his intention

[36] See above, pp. 31–32.

[37] Madrid informed the British Government in April 1861 that their closure of Sulu territory only applied to munitions and arms and not to general commerce, which they would encourage. See memo. by Alfred Green, July 1873, FO 71/5.

[38] Spencer St. John, *Life in the Forests of the Far East*, i, 370; Callaghan to FO, 7 May 1866, FO 12/33A; Usher to FO, 26 May 1876, FO 71/7.

[39] St. John to Fitzgerald, 18 June 1859, FO 12/25.

of fortifying his village, collecting all the Manila men scattered in the country, defying the local authorities, and gradually making it the commercial depot of the coast.[40] Owen Rutter states that Father Cuarteron's main purpose was to free Christian slaves of whom there were apparently great numbers along the northern coast of Borneo.[41] His most valuable service to the Spanish authorities, however, was in furnishing intelligence on the movements of British and German trading vessels which in the late 1860s and 1870s ran the Spanish blockade and traded with the Sulu Islands. Several of these ships were intercepted by Spanish gunboats as a result of Father Cuarteron's timely intelligence.

In the mid-1860s, therefore, two European powers and two East Indian governments each had some claim to the northern part of Borneo—north and east of Brunei and north of the Dutch east coast possessions. As for the sovereignty claims of Sulu and Brunei, neither was able to wield anything approaching effective control of the area. Datus and river chiefs owing nominal allegiance held some areas along the northwest coast between Kimanis and Pandasan. For example, Muda Damit son of James Brooke's good friend Muda Hassim, held the Putatan River districts. But most of these local chiefs considered themselves independent and were so recognized later on when the British North Borneo Company commenced buying these enclaves and granting pensions to the rulers. From Pandasan around the northern tip and eastward to opposite the Sulu Islands, Sulu datus and independent chiefs controlled many rivers. Owen Rutter maintained that the Sultan of Sulu was actually in possession of these lands.[42] Although Illanun pirates who were in alliance with Sulu had occupied several locations in this area, such as Marudu Bay and Tunku, presumably with the consent of or despite Sulu, and could dominate the coast at will, there is little evidence to support a notion that Sulu ruled the territories. The possibility that Britain might claim northern Borneo on the strength of the Dalrymple treaties was doubtful. The area was officially ignored after the East India Company finally abandoned Balembangan in 1805. As a matter of record, British officials were even ignorant of the existence of the Dalrymple treaties until 1852 when they were produced after much

[40] St. John to Clarendon, 8 Jan. 1858, FO 12/25.
[41] Rutter, *op. cit.*, p. 339.
[42] Rutter, *op. cit.*, p. 120.

searching at the India Office and in the archives of the Government of India at Bombay.[43] Any pretension to the area may have been forfeited by the apparent abandonment or lack of continuous implementaton of the 1764 Sulu cession to the Company, although Consul St. John reported that as late as 1849 the Sultan of Sulu considered the Dalrymple treaties in force.[44] In 1852, said a Foreign Office memo, 'it would appear that the British Government were of the same opinion'.[45] The Sultan himself reminded the Foreign Office of the 1764 treaty early in 1859.[46] Yet, in 1866 Sulu conveniently set aside any recognition of British ownership of northern Borneo when the Sultan protested against the Brunei grant of northern Borneo territory to Americans.[47]

Both the Foreign Office and the India Board had been unwilling to admit the Spanish claim of sovereignty over Sulu in 1852 because of the undefined status of Sulu's relationship to northern Borneo. Lord Russell continued this policy in 1860. By 1865 both privately admitted that Spain's claims to the Sulu Archipelago were strong from the standpoint of propinquity and the apparent submission of the Sultan.[48] For more than a decade after 1865 no attempt was made to settle the status of Sulu. Then the question was taken up only after the entrance of Germany and the United States upon the scene required that British preponderance in northern Borneo be further established. The Foreign Office correspondence on Sulu ends abruptly in August 1865 and there are no further entries until 1871.

British policy toward Dutch Borneo

In 1858 Consul St. John had warned the Foreign Office of the increasing Dutch pressure on the northwest coast of Borneo.[49]

[43] FO memo, 10 Feb. 1852; India Board to Granville, 11 Feb. 1852; Government of Bombay to Secret Committee, 3 Jan. 1852, FO 71/1. Bombay attested to the treaties of 20 Nov. 1761 and 28 Sept. 1764, between Dalrymple and the Sultan of Sulu.

[44] St. John to Palmerston, 18 July 1851, FO 71/1.

[45] FO memo of 19 Dec. 1865, FO 12/32B.

[46] Sultan of Sulu to FO, 24 Feb. 1859, FO 12/26. See also FO memo of 19 Dec. 1865, FO 12/32B.

[47] Callaghan to Clarendon, 29 Jan. 1866, FO 12/33A; Low to FO, 11 Jan. 1867, FO 12/33B.

[48] India Government to Indian Office, 31 Aug. 1865, FO 71/1; see above, pp. 32–33.

[49] St. John to Clarendon, 8 Jan. 1858 and to Malmesbury, 21 May 1858, FO 12/25.

The same year Sir James Brooke in England expressed his fear of Dutch intentions with respect to Sarawak. He believed that the Dutch looked forward to the acquisition of Sarawak after his death. He so warned Lord Clarendon at the Foreign Office.[50] He urged Britain to prevent any Dutch encroachment beyond the limit of the territory they controlled. This move was the beginning of what became a five-year campaign to gain British support for his Borneo venture and will be discussed in a subsequent chapter. Here it is only necessary to note that Brooke offered Sarawak to Britain and received a cool reception at the Foreign Office. Lord Clarendon had assumed an attitude of aloofness toward Sarawak in 1855 and 1856.[51] Two years had not changed that attitude. Brooke received little sympathy, but Parliamentary Under-Secretary Shelburne[52] thought the matter worth some attention. He wrote,

I do not see any reason for being jealous of Raja Brooke, and if British interests as a whole are better forewarded by backing him up . . . he might be a better channel than any other we could find for carrying out some scheme which would virtually put at our disposal the advantages in question.[53]

The advantages in question referred to the strategic position of Sarawak and its coal resources, which were reportedly extensive.[54] But two years later a new Foreign Secretary, Lord Russell, and the French advance in Cochin China, became new elements in the situation and influenced the mood of the Foreign Office. The subject was brought to the fore by Brooke's friend and former secretary, Consul St. John. At home on leave, St. John submitted a memorandum to the Foreign Office.[55] He pointed out that Sarawak was exposed to Dutch interference. He added,

A glance at the map will show the great value of the northwest coast of Borneo; it commands the China Seas. It must be remembered that the French are strongly fortifying Saigon in the southern portion of the

[50] FO memo of a conversation with Brooke, 14 Jan. 1858, FO 12/25. Paradoxically, Brooke approached Holland with an offer of Sarawak the following year. See below, p. 66.

[51] See above, pp. 26–27.

[52] Henry Petty Fitzmorris, Earl of Shelburne, Parliamentary Under-Secretary, July 1856 to Feb. 1858.

[53] FO memo. . . . 14 Jan. 1858, FO 12/25.

[54] St. John to FO, 31 May and 28 Nov. 1856, FO 12/23. See also Borneo Company to Malmesbury, 22 Dec. 1858, FO 12/25.

[55] Memo. by St. John, 9 Aug. 1860, FO 12/27.

Cambodian peninsula . . . a glance at their probable future would be interesting . . . the Spaniards have all the Philippines and have lately extended their power to Balabac off the north of Borneo; with the French on one side, and the Spaniards on the other, the China Sea will be closed against us if we lose the northwest coast of Borneo.

According to St. John, dependence upon naval superiority was a mistake. Britain should take possession of the northwest coast, 'commencing with Sarawak and gradually acquiring by purchase the districts of the north'.

While St. John's memo was aimed at supporting Raja Brooke's campaign, it had the effect of alerting the government to the strategic position of Borneo, *vis-à-vis* the French in Cochin China. The Foreign Office was inclined to take a less alarming view of Dutch capabilities than Brooke or St. John. Dutch colonial rule was an evil, wrote Lord Wodehouse, the Parliamentary Under-Secretary, in commenting upon St. John's memo.[56] But the evil had been much reduced. 'The Dutch are and must remain too weak to cause us any alarm', he added. But not so the French. Any extension of French rule to the archipelago would be a threat to India and Australia and to British interests in the South China Sea. Lord Russell agreed with Wodehouse's analysis.[57] The Foreign Office clearly favoured a weak Holland in the archipelago, including southern Borneo, rather than a strong France. But while the Foreign Office could not pursue St. John's suggestion[58] to take over Sarawak, it was decided to keep a close watch over the Borneo coast because of the growth of commerce and the probability that its strategic importance was increasing.[59]

In 1866 when the Foreign Office considered negotiating a new treaty with Holland covering possessions and trade, it decided not to include any change in the status of Borneo that would interfere with complete liberty of action with respect to Sarawak. The Colonial Office concurred.[60] Nicholas Tarling has suggested that the Admiralty's declaration of the strategic importance of the

[56] Memo. by Wodehouse, 18 Aug. 1860, FO 12/28.

[57] Minute by Lord Russell on the Wodehouse memo, 18 Aug. 1860, FO 12/28.

[58] 'The disadvantages greatly predominate', wrote Lord Wodehouse in his memo of 9 Aug. 1860.

[59] FO to St. John, 17 Nov. 1860, FO 12/27; FO to Callaghan, 27 May 1861, FO 12/29.

[60] FO to CO, 20 Feb. 1866, and CO memo of 21 Feb. 1866, CO 273/7.

northwest coast was the decisive factor.[61] A close reading of the Admiralty report reveals that the Lords of the Admiralty, while acknowledging the importance of the coast, felt that Britain could not reasonably oppose the formation of a French, Dutch or American naval station in Borneo. They were adamant in feeling, however, that Britain in any agreement with Holland should not be precluded from acquiring possession while other powers were free to do so. The Colonial Office advice was perhaps more to the point than the Admiralty's. Sir Frederick Rogers, the Permanent Under-Secretary, urged the Foreign Office not to 'fetter the future policy' of Britain as to steps to be pursued in 'unknown circumstances'.[62] The Foreign Office then informed Holland, in the same phrases used by Rogers, that Borneo was not to be included in any settlement.[63] The Anglo-Dutch treaty of November 1871, the so-called Sumatran Treaty, omitted any mention of Borneo.

As for Raja Brooke's fears, Consul Ricketts wrote in 1864 from Sarawak,

> Notwithstanding the jealousy which is said to exist on the part of the Dutch government toward English influence in these parts, the Dutch authorities at Sambas appear to always have manifested a spirit of friendship and cordiality toward the Raja's government. It has often been asserted that on the death of the Raja, the Dutch would take possession of Sarawak; but I do not imagine such a line of conduct, however much it may be desired by some, would meet with any chance of success.[64]

The following year, Ricketts recorded that the Netherlands Indies Government and Sarawak had cooperated in settling a dispute between people on the border of Sambas and Sarawak. He suggested that thus the Dutch tacitly recognized Sarawak.[65]

Sarawak did not fall into Dutch hands following Sir James' death in 1868. Apparently all was peaceful there for, when the Governor of Labuan visited Sambas and Pontianak in 1869, he reported no evidence of an impending move toward Sarawak.[66]

[61] N. Tarling, 'British Policy . . .'. He cites Admiralty to FO, 13 Jan. 1866, FO 37/450 (also in Conf. Print 1737).

[62] Rogers to Hammond, 5 Feb. 1866, FO 37/450 (Conf. Print 1737).

[63] Clarendon to Milbanke, 30 March 1866, FO 37/450 (Conf. Print 1737).

[64] Ricketts to FO, 25 Sept. 1864, FO 12/32A.

[65] Ricketts to FO, 15 May 1865, FO 12/32B.

[66] Pope-Hennessy to FO, 6 July 1869, FO 12/34B. Governor Pope-Hennessy was impressed by the active and intelligent administration of the Netherlands government in Borneo.

French Expansion in Cochin China and Cambodia

While Britain would undoubtedly resist any French move to acquire a footing in the archipelago she was not prepared to obstruct France in Indo-China.[67] The French Government's attitude towards expansion in Indo-China was one of indifference from about 1861 to 1873. It depended upon the vicissitudes of French affairs in European politics. Emperor Napoleon III was involved in his Mexican adventure during the early years of this period. War with Prussia took up the latter years. Finally, the disruption and prostration brought on by defeat in war allowed very little time for the pursuit of a more vigorous Far Eastern policy before the mid-70s. After 1867, however, French commercial circles began to take a new interest in the economic prospects of Indo-China and to dream of an outlet for trade with western China. Doudart de Lagrée, Francis Garnier and Jean Dupuis explored the Mekong and Red rivers between 1866 and 1872 seeking a route to Yunnan. As often happens, it was from the officials in the field that the stimulus for the forward movement in Indo-China came. Enthusiasm for furtherance of French influence in the Far East was centred in the Navy. We have already noted the prominent role which the French Navy took in earlier ventures in Annam. It was the Navy which wanted to recoup French prestige after the withdrawal from Tourane and a poor showing in China. It was an admiral who recommended the retention of Saigon.[68] Henceforth, the admirals ruled at Saigon with strong support from the Ministry of Marine in Paris—the one branch of the French state which continued a fairly consistent interest in Indo-China.[69] The attitude of the Emperor was inconsistent and his interest was elsewhere. His Ministry of Foreign Affairs was unwilling to take the lead in a strong forward policy in Indo-China. Indeed when Lord Russell inquired about the French intentions in Saigon, the Foreign Minister, Thouvenel, not an enthusiastic

[67] B. L. Evans, 'The Attitudes and Policies of Great Britain and China toward French expansion in Cochin China, Cambodia, Annam and Tonking 1858–1883', (unpublished Ph.D. thesis, University of London 1961), p. 41. Evans cites an 1858 memo.

[68] Cady, *The Roots of French Imperialism* . . ., p. 268, report of Adm. Page.

[69] Cady, pp. 269, 279. In 1860 Chasseloup-Laubat was appointed to the Ministry of Marine. It was he who pressed incessantly for action in Indo-China until he was succeeded in 1867 by the equally enthusiastic Rigault de Genouilly. Admirals Charner and Bonard and later La Grandière ruled successively in Saigon.

imperialist, answered that it was contemplated to withdraw from Saigon.[70] The Navy then was inspired to spread the glory of France and French culture and they were especially eager for some practical achievements to help redress the imbalance when compared to the standing of the British in the East. Too often, thought naval officers, French forces had to suffer the ignominy of operating under British naval dominance.

King Tu-Duc of Annam was finally forced to treat with France in 1862. In the meantime French officials were pushing hard toward Cambodia and Siam. Lord Clarendon in the Foreign Office raised a mild protest with Paris against the exclusive nature of France's protectorate treaty with Cambodia, but did not pursue the subject when reassured by the French Foreign Minister Drouyn de Lhuys.[71] Evans notes that British protests died with Clarendon.[72]

French approaches to Siam were of much interest to the British. During the 1860s, France succeeded in obtaining a treaty with King Mongkut confirming the French protectorate over Cambodia and granting to Siam the northwestern provinces of her alleged vassal, Battambang, and Angkor (Siemriap). The treaty was obtained, however, only after two stormy French missions had wrangled with the Siamese and after Siam had attempted to draw Britain into the negotiating arena.[73] Britain in fact had been the silent member at the treaty negotiations. While Siam tried to attract her to a participating role, the French role was to increase their prestige in Siam to an equal basis with the British. Britain was fortunate in having able Consuls in Bangkok in the persons of Sir Robert Schomburgk in 1861 and his successor, Thomas G. Knox, in 1866. These officials while closely watching the Franco-Siamese proceedings refused under instructions to become involved and repeatedly announced Britain's neutrality in the relations.

While Britain did not relish the French advance in Indo-China, her protests were half-hearted. At the time, to be sure, Britain was much occupied by affairs in China and India. Reaction to the Cambodian treaty has already been noted. Plenty of warning of the

[70] Cady, *op. cit.*, p. 263; Evans, *op. cit.*, p. 43.

[71] Clarendon to Grey, 25 Nov. 1865, FO 69/39, as cited by Evans.

[72] Evans, pp. 74–78.

[73] FO 69/39, *passim;* and B. S. N. Murti, 'Anglo-French Relations with Siam 1876–1904' (unpublished Ph.D. thesis, University of London 1952), pp. 127–9. Murti deals extensively with the Anglo-French rivalry on mainland Southeast Asia.

danger to British interests inherent in the French advance had been sent to London by officials in the East. Before the French capture of Saigon, while they were yet bogged down in Tourane, the India Office urged Britain to open up trade with Cambodia from Saigon and Pulau Condore.[74] This would prevent the closure of the area to British commerce and perhaps forestall any French move in that direction. There was a tendency to tolerate French domination over parts of Annam as long as it was within limits. That is, not in the direction of Laos and Siam. In 1861, on the arrival of a French mission in Bangkok, Consul Schomburgk wrote to the Foreign Office

> . . . with the sea coast of Cochin China, and Cambodia in her possession, the trade between the British East Indies and the China Sea may be sadly embarrassed should differences unfortunately arise between Great Britain and France.[75]

Later, Consul Knox kept London informed of the Franco-Siamese proceedings and was able to interpret the implication to Britain of the French moves. The British government approved the neutral, but observant, attitude of both Schomburgk and Knox. It can safely be inferred that Britain was not adamant in her opposition to France to the extent of challenging her in Cambodia as long as the independence of Siam remained intact.[76]

From the other side of the South China Sea, in northwest Borneo, more warnings were addressed to London concerning the adverse effects which the French gains in Indo-China would have on British interests in the South China Sea. Consul Ricketts in Sarawak and St. John in Brunei wrote of the French menace. St. John returned to London in 1860 and in August submitted the memorandum to the Foreign Office which we have already noted. While St. John's main purpose in the memorandum was to urge a protectorate over Sarawak, yet his warning of the French movement represented the most respected and reliable opinion among British officials in Borneo. From no less an official in the East than Governor-General Elgin in India, who had recently dispatched Governor Cavenagh of Singapore to carry out a mission of investigation at Sarawak, came a similar warning.[77]

[74] Evans, p. 41. Evans cites an India Office memo of August 1859.

[75] Schomburgk to Russell, 26 Sept. 1861, FO 69/39.

[76] Evans, pp. 94–98. Both Lord Russell and later Lord Stanley commended Consul Knox for ably representing the British position.

[77] Lord Elgin to Lord Russell, 8 Jan. 1863, FO 12/35.

I am disposed to think that the acquisition of Saigon by the French and the persistent endeavour of the Dutch authorities to cripple British trade . . . give increased importance to the preservation of the independence of Sarawak as a matter affecting British interests. I may observe on the former point, that in the event of war with France, the possession of this territory by a hostile power would tend to obstruct the Palawan passage and thus add to the embarrassment to which British trade with China would inevitably in such a case be subjected.

After 1860 no responsible official suggested challenging France in Indo-China, and her position of predominance there was considered a *fait accompli*. Yet the threat of the French footing in Indo-China was not lost on the Foreign Office. Always after this time, any suggestion of a diminution of British influence in the South China Sea was countered by the query, 'what would the French do?'. To obstruct the French advance in Indo-China was not practicable, for could Britain deny to France what she herself was doing in India. Lord Wodehouse in commenting upon Consul St. John's memorandum wrote,

The jealousy of the French seems to be excessive—can we pretend to occupy the whole of southern Asia except Persia, Arabia and China; yet that is what we must do if we are to keep out French, Dutch, and Spaniards.[78]

The Admiralty freely admitted that France in Indo-China commanded one of the great routes to China. But it noted that Borneo commanded the other.[79] The India Office for its part viewed the French moves without anxiety or concern so long as Siam remained independent.[80] The new French position had to be lived with but watched closely. G. F. Hudson contends that the Anglo-French alliance in the Crimea and China in the 1850s moderated what might otherwise have been a more vigorous opposition to France. He wrote,

England was no longer in a mood to obstruct all French expansion in the east, and was prepared to allow France to acquire a new colonial possession provided that it was neither too close to India nor on the far side of Hong Kong.[81]

Evans, in his study, went so far as to say that the British reaction to France in Cochin China and Cambodia was almost non-existent.[82]

[78] Wodehouse memo 18 Aug. 1860, FO 12/28.
[79] Admiralty to CO, 4 Jan. 1867, FO 12/35.
[80] Merivale to Hammond, 29 Sept. 1865, FO 69/39.
[81] G. F. Hudson, *The Far East in World Politics*, London, 1939, p. 67.
[82] Evans, *op. cit.*, p. 105.

Thus, British policy toward France on this issue stood. But the British position in Borneo was more important than ever before and the following years, as we shall see, saw an increase in British interests and commitments there due in no small measure to the presence of the French on the opposite side of the South China Sea.

American Activities in Borneo

We must now look at American activities in Borneo, during the 1860s. While the United States never challenged Britain in the area, the movements of some of her citizens in Borneo gave rise to anxiety among British officials both on the spot and in London.[83] The ill feeling which existed between the United States and Britain as a result of the latter's southern sympathies during the American Civil War, plus the harbouring of Confederate agents in Canada, caused Britain to view with suspicion any American moves in the South China Sea. Indeed, the action of American privateers during the war years did nothing to allay British anxiety.

It will be remembered that Joseph Balestier on behalf of the United States negotiated a commercial treaty with the Sultan of Brunei in 1850 which provided for the appointment of a Consul. In July 1864, President Lincoln upon the advice of the expansionist-minded Secretary of State, William Seward, appointed C. L. Moses, a New England yankee from Maine, to be United States Consul at Brunei.[84] Moses arrived in Brunei from Singapore in July 1865 aboard a British merchant vessel. He called at Labuan to apprise Governor Callaghan of his arrival. The timing of Moses' arrival in Brunei was propitious. The China Steamship and Labuan

[83] K. G. Tregonning, 'American Activity in North Borneo, 1865 to 1881', *Pacific Historical Review*, xxiii, iv, Nov. 1954, pp. 357–72, gives perhaps the best-known account of this brief episode.

[84] Moses to Seward, 4 July 1864, Department of State Consular Archives (DS) Brunei, vol. I. Earlier in 1862, it had been decided to appoint a Consul and one Anson Francis was chosen. As the post was not salaried and Francis had no funds, he begged off. Moses had some experience as a trader in the Far East and as was common practice in those days, took on the unsalaried post in addition to his own private business ventures. Seward was a recognized exponent of the doctrine of manifest destiny. His opponents claimed that he was even in favour of annexing a part of China. Frederick Bancroft's *The Life of William H. Seward*, New York, 1900, is an excellent study of the Secretary. He refers to an interesting letter (vol. II, p. 471) written by Seward to Cassius Clay, American Minister to St. Petersburg. He wrote in 1861, 'Russia and the United States may remain good friends until, each having made a circuit of half the globe in opposite directions, they shall meet and greet each other in the region where civilization first began, and where, after so many ages, it has become now lethargic and helpless.'

Coal Company, which had the lease of the coal fields of Muara at the mouth of the Brunei river, had been in arrears in payments to the Sultan for some time. He had been trying to collect, sending innumerable reminders and complaints to the British Consul. The American Consul thus made his appearance at a time when the Sultan had lost all hope of having his claim settled. Consul Callaghan wrote later, 'I have no doubt that this was one of the chief reasons which induced the government of Brunei to accede so readily to the proposals of the American.'[85]

Moses proceeded to ingratiate himself with the receptive Sultan, Abdul Mumin, and arranged for the cession for ten years of a large tract of territory in northern Borneo. In return, Moses agreed to pay the Sultan $4200 annually and to pay his chief minister the Temenggong $4000.[86] Moses further sought the rights to work coal at Muara as the coal company had ceased operations there and had no plans to return. To this the Sultan would not agree. The American left Brunei for Hong Kong almost immediately upon receiving the grant to raise capital and arrange for the settlement of his territory. There was much enthusiasm for the American venture at the court of Brunei. No doubt the Sultan and rajas, always short of money and feeling themselves the victims of the British coal company, saw in the American proposals a new source of funds. Consul Callaghan wrote, 'I have heard that Mr. Moses intends returning very soon to embark extensively in trade.' He added, 'Considerable hopes are entertained by the government of Brunei that he will do a great deal to develop the resources of the country.'[87]

In the meantime, the Sultan erected a large wooden consulate building for Moses. The latter noted in a dispatch to Washington that the building was to be forty feet square and to contain four rooms and an audience hall.[88] It is quite clear that Moses viewed the British as his chief rivals in Borneo for he considered that the Sultan's gesture of friendship was 'being done to the reverse of English influence.' He noted that the British Consulate was built at the expense of its own government. Moses was well satisfied

[85] Callaghan to FO, 7 May 1866, FO 12/33A.

[86] Ricketts to Russell, 12 Oct. 1865, FO 12/32B. Copies of the grant are in BNBCoP, and in FO 12/32B.

[87] Callaghan to FO, 20 Oct. 1865, FO 12/32B.

[88] Moses to Seward, 10 Aug. 1865, DS-Brunei.

with what he must have considered a clever yankee trick, played under the eyes of the British officials.

Moses mission to Hong Kong was successful. In November 1865 he transferred the territory and cession in northern Borneo to an American merchant, Joseph W. Torrey, and that gentleman with his associate, Thomas B. Harris, formed the American Trading Company of Borneo with financial backing from Chinese merchants in Hong Kong.[89] Torrey was confirmed by the Sultan and appointed 'supreme ruler and governor' with the title of Raja of Ambong and Marudu and with 'all other powers and rights usually exercised by and belonging to, Sovereign rulers'. Torrey's successors in the Company were to succeed to the titles in case of his death. According to the document of cession, the area transferred to the Americans comprised the 'entire northern portion of the island of Borneo from Sulaman on the west to the river Pietan on the east and the states of Patan, Sugat, Bang-gayan, Labok, Sandakan, China Bantangan, Gagayan, Mumiang, Benomi, and Kimanis, together with the islands of Banguey, Palawan and Balabac'. In effect, the area covered almost precisely the territory ceded to the Sultan of Sulu in 1704 by the Brunei Sultan Muaddin.[90] In January 1866, Callaghan wrote to Lord Clarendon at the Foreign Office, 'by this paper Mr. Torrey would seem to be constituted supreme ruler of these places and in virtue of this he has lately established a colony at Kimanis'.[91]

With capital furnished by the Chinese merchants, the settlement of Ellena on the Kimanis River commenced operations. A Hong Kong trader, Joseph Wheelwright, became Lieutenant Governor and Thomas Harris was Chief Secretary, while Torrey spent most of his time in Hong Kong trying to raise funds and interest in the new project. Tregonning has told in some detail the story of this colony and here I need only say that Ellena did not prosper. Some dozen Americans and threescore Chinese comprised the original settlement. The colony built a stockade and started some experimental plantings of rice, sugar-cane, and tobacco. Some trading operations were carried on with other rivers along the coast but sickness took its toll and there was much discontent among the

[89] Moses to Seward, 30 Nov. 1865, DS-Brunei. Moses enclosed a copy of the transfer document dated 27 November 1865 and attested to by Moses as Consul.

[90] The spellings of these place names are as they appear in the document.

[91] Callaghan to FO, 9 Jan. 1866, FO 12/33A.

Chinese from not being paid regular wages. There was also some friction between the Chinese financial backers and the company administrators. When one of the Chinese merchants demanded repayment of his loan he was turned out of the colony. Chief Secretary Harris became a victim of fever and died in May 1866. The whole establishment was withdrawn the following November and the Americans returned to Hong Kong.[92]

British officials in Borneo viewed the intrusion of the Americans with some alarm. Consul Ricketts in Sarawak, who was a warm advocate of British protection of that country,[93] thought that while there might be certain beneficial results from the presence of an American settlement in Borneo, the danger to British interests was probably greater.[94] He noted that this was all the more reason why Britain should stabilize her position on the northwest coast and especially in Sarawak. In reporting the arrival of Consul Moses he wrote that because the Brunei government was 'weak and bickering' it was likely to attract the attention of other European governments because of its beneficial location commercially with regard to the eastern archipelago and China. He noted, 'there would appear to be no little scope for the intrigue of foreign agency'. He reminded the Foreign Office that an American resident agent in Brunei would be in a favourable position to damage British influence and that the Sultan of Brunei was subject to bribes and financial pressure. Later when Ricketts learned of the Sultan's grant to the Americans, and their proposed establishment of Kimanis Bay, he suggested the necessity for forestalling further encroachments by maintaining Brunei as a weak native power, 'more or less subject to the control of Her Majesty's Government' between Sarawak and the American territory. Thus, either alone or with the United States, Britain should guarantee the Sultan's territories.[95] Ricketts noted that while the cession to Moses and Torrey was only for ten years 'once in the hands of a power like America, it is almost tantamount to perpetual occupation'.

The great danger to British interests in the area from an American establishment was in time of war, said Ricketts. At the same time

[92] Hugh Low to Lord Stanley, 1 Dec. 1866, FO 12/33A.

[93] See Ricketts first long consular report from Sarawak, 25 Sept. 1864, FO 12/34B.

[94] Ricketts to Russell, 30 July 1865, FO 12/32B.

[95] Ricketts to Russell, 12 Oct. 1865, FO 12/32B.

he recognized that in peacetime, 'the opening out of fresh sources of commerce can be but productive of general good'. He wrote that the Americans held territory with 300 miles of coastline, many fine harbours, and extensive coal-fields as large and possibly superior to Labuan's. The situation was ideal for a naval depot in the heart of the China Seas commanding the commencement of the Palawan Passage and the Sulu Sea. If, he argued, 'under United States policy we may expect to see the American fleet in the China Seas considerably augmented', they could either alone or in company with France dispute the passage of our China fleet to India and Europe.[96] Moreover, the American fleet and naval depot could be reinforced via the north Pacific much easier than the British fleet could be sustained via the Cape of Good Hope. San Francisco to China, he noted, was a distance of 7,500 miles, while from London to China was almost twice that distance.

Governor Callaghan of Labuan regarded the Americans with less alarm than did Ricketts. Being closer to the scene of the American activities, he was better able to judge the significance and prospects of the American Trading Company. As it happened, he seemed not unduly distressed by their prospects. He was even more dubious of their legal claim to northern Borneo considering the restrictions imposed upon the Sultan by his treaty with Great Britain and the fact that the cession was made without the sanction of Britain. Callaghan had many interviews with Moses and Torrey. He considered the former an adventurer of boastful and swaggering manner whose demeanor to the Sultan was now threatening, now ingratiating, while 'holding out extravagant hopes to him of United States Government support'.[97] In Torrey, Callaghan found 'rather a good specimen' of a Yankee who spoke sensibly and moderately. Torrey expressed his desire for the good wishes of the government of Labuan upon the American settlement and he hoped that the enterprise would be viewed favourably by Britain. Torrey said he was aware of the British restriction on the Sultan with respect to cessions of territory. But as the cession of northern Borneo was for

[96] *Ibid.* See also 'Report of the Secretary of the Navy' in *Messages of the President of the United States to the Two Houses of Congress*, Washington, 1867. The Navy Dept. contemplated increasing the Asiatic squadron with several small war vessels for pirate warfare. The squadron, based at Hong Kong, consisted of the flagship *Hartford* of 23 guns, three 10 gun vessels, and four lesser ships.

[97] Callaghan to Clarendon, 9 and 29 Jan. 1866, FO 12/33A. It is clear that the Sultan thought he was treating with the United States Government and Moses did little to allay that impression.

ten years and not in perpetuity, as was Labuan, it was not likely that the consent of Britain would be requested by the United States Government. Despite this, Callaghan had misgivings. He wrote to Lord Russell,

> It is probable, though some of the surrounding circumstances are ludicrous enough, that Mr. Torrey may get up some company and get something for surrendering his rights. What is more certain is that he and his belongings are sure to give us trouble here.[98]

Although the British Government was disturbed by the American activities, it clearly felt that it need not fear them to the degree that Ricketts' alarming dispatches urged. Russell noted that both Ricketts and John Abel Smith, Member of Parliament for Chichester, a close friend of Raja Brooke of Sarawak, who had also written a letter full of alarms and forebodings concerning the American project,[99] were using the incident as an excuse for a renewed appeal for a protectorate over Sarawak. Such a proposal had recently been rejected.[100] While the Foreign Office sought more information from Callaghan on the activities of all the foreign powers in the area, a message was despatched to the Minister in Washington, Sir Frederick Bruce. Clarendon asked Bruce to ascertain 'without putting any questions to the United States Government' whether Moses was acting in Borneo under instructions from Washington and what designs were entertained by the Americans in that quarter.[101] If need be, the London Government was prepared to rely on two points in their favour. The Foreign Office in a dispatch to Consul Callaghan noted the restrictions imposed by treaty on the Sultan with regard to making land grants, and it was noted that as late as 1852 Lord Derby's government had considered that the British claim to northern Borneo on the basis of the Dalrymple treaties was still viable.[102] When Sir Frederick Bruce informed the Foreign Office that the United States had not authorized any attempts to form settlements in Borneo, and that Moses' grant was on his own responsibility, they so informed Consul Callaghan.

[98] Callaghan to FO, 9 Jan. 1866, FO 12/33A.

[99] Smith to Murray, 13 Nov. 1865, FO 12/32B. Smith's letter contained so many inaccuracies and displayed such ignorance of the situation that it is probable that it had the opposite effect upon the Foreign Office from the one intended.

[100] Russell to Ricketts, 18 Jan. 1865; FO memo. of 16 Nov. 1865, FO 12/32B.

[101] FO memo. of 16 Nov. 1865, FO 12/32B; Clarendon to Bruce, 18 Nov. 1865, FO 5/1012.

[102] FO to Callaghan, 18 Nov. 1865; FO memo. of 19 Dec. 1865, FO 12/32B.

Later when the settlement at Kimanis failed the British Government quietly dropped the whole matter.[103]

In the east the visit of the United States war vessel, *Wachusett*, to Ambong Bay in the spring of 1866 aroused some speculation that the American Government might support the struggling colony. A British trader reported to Callaghan that American merchants in Manila viewed Torrey's company with ridicule. He felt, however, that the visit of the warship to northern Borneo indicated that the United States thought the matter worth looking into. The United States was interested in having its own coal supply in the area. When Moses reported that coal at Kimanis was superior to Labuan coal and would render American ships independent of British coaling stations, the State Department took note.[104] But in 1867 Bruce's information was confirmed when Captain Carter of the visiting American warship *Monocacy* informed Acting Governor Low of Labuan that he did not think the United States contemplated the formation of a settlement on the coast.[105]

The end of this American adventure was as intriguing as its beginning. Torrey, apparently failed to make any payments to Moses for his rights to the grant. Moses asked the Sultan to withdraw the grant from Torrey and sought to form a new company. Moses at one point aroused the interest of some Americans and Germans from Macao in a gold mining venture. When their ship grounded at the entrance to the Brunei River, the adventurers became disenchanted. They were even more disappointed in the colony at Kimanis and soon returned to Macao.[106] The American Consulate in Brunei burned down under circumstances which pointed to Moses having set it afire. He invented a story about an attack upon his Consulate and himself by Brunei people. His claims against the Sultan were investigated after the Sultan had complained of Moses to the admiral of the American Asiatic squadron. The Sultan had sent a letter to President Johnson requesting him to 'put a good consul in the city of Brunei.'[107] Admiral Bell sent Captain Carter of the USS *Monocacy* once again and the latter

[103] FO to Low, 2 April 1867, FO 12/33B.

[104] Moses to Seward, 31 Dec. 1865, and comment thereon, DS-Brunei.

[105] Low to Stanley, 23 March 1867, FO 12/33B.

[106] Torrey to Callaghan, 8 May 1866, FO 12/33A.

[107] Sultan of Brunei to Rear Adm. H. H. Bell, 21 March 1867; Sultan of Brunei to Pres. Johnson, Aug. 1866. FO 12/33A; Low to FO, 11 May 1867, FO 12/33B.

absolved the Sultan of any responsibility for the consulate fire.[108] Soon after, Consul Moses was suspended from duty by Secretary of State Seward. His successor, O. F. Bradford, made peace with the Sultan and assured him that the consulate fire was the work of Moses and that the United States wanted to be on good terms with the Sultan.[109] Consul Bradford discontinued the consulate at Brunei on March 5th, 1868.[110]

While the American adventure in Borneo did not succeed and was at no time apparently a serious threat to British interests on the island, yet it did indicate the danger to Britain of her unstable position in Borneo. Coming at the same time as the increasing pressure of Spanish claims in the north and the Dutch pressure in the south, it proved significant when in the next decade the clamour for British control of northern Borneo became intense. In the 1870s Torrey's claim to northern Borneo formed the basis for the possession of that area by the British North Borneo Company.

We have now traced Britain's reaction to the foreign threats to her position in the South China Sea during the middle decades of the 19th century. This reaction motivated the forward movement which in turn led to the complete domination of northern Borneo by Great Britain. The following chapters analyse the form and nature of that forward movement.

[108] See 'Report of the Sec. of the Navy 1867', p. 7. Hugh Low contributed considerably to a peaceful settlement of the Moses affair. In transmitting the Sultan's protest to Admiral Bell the Acting Governor requested Admiral Keppel, commander of the British China squadron, to advise his American counterpart to conduct an inquiry before any hasty action was taken. Low shared the Sultan's fear that American naval forces would seek reprisal against Brunei for the destruction of the consulate. See Low to CO, 11 May 1867, CO 144/26.

[109] Inche Mahomet, British consular writer, Brunei, to Hennessy, 4 March 1868, FO 12/34A.

[110] Bradford to Hennessy, 5 March 1868, FO 12/34A; Bradford to Seward, 16 March 1868, DS-Brunei: Bruce to FO, 13 May 1867, CO 144/26. Although Secretary Seward assured Bruce that the United States had decided to have nothing to do with Moses' grant in Borneo, and in fact that Moses was to be recalled, Bruce noted that Moses' name still appeared some time later on the diplomatic list as Consul in Borneo. See also Moses to Seward, 13 Nov. 1867; DS-Brunei.

CHAPTER III

BRITAIN AND SARAWAK
1858–1870

IN THIS study of Sarawak it is not intended to deal with internal developments *per se*. Nor is it intended to assess the administration of the government by the Brooke dynasty. We are primarily interested in those aspects of Sarawak's 19th century history which shed light on her relations with Britain, and which led to the protectorate agreement of 1888.

It is therefore necessary to trace the development of Britain's attitudes and policies towards Brooke and Sarawak back to the earliest days of the Brooke raj.

Soon after becoming Raja, James Brooke applied to the British government for protection. In *A Letter from Borneo*[1] in 1842, a pamphlet intended for the eyes of the government and the public, Brooke outlined his proposals for establishing a British footing in Borneo. He asked for British support in developing Sarawak by the residence of a few Englishmen working with the native rulers. He asked for a steamboat of 100 tons, manned and armed, to keep open the communications between China and Singapore and to survey the coasts of Borneo. There was no favourable response at this time from government officials. For two decades no firm support for Brooke was forthcoming from the British Government. The navy co-operated with him in suppressing piracy. In several instances it acted to promote British influence and Brooke's rule in Borneo. For example Admiral Thomas Cockrane, commander of the East Indies squadron, and Captain Rodney Mundy with Raja Brooke captured Brunei and humbled the Sultan in July 1846. They were at Brunei with a fleet of eight ships to investigate the murder of Raja Muda Hassim and other friendly pengerans at the Brunei court. When the force was fired upon from Brunei forts the ships proceeded to destroy the batteries and capture the town.

[1] James Brooke, *A Letter From Borneo*, London, 1842. Copy in FO 12/1.

The Sultan fled into the jungle.[2] But naval support for Brooke was more the result of the *ad hoc* decisions by friendly naval officers such as Cockrane, Mundy and Henry Keppel rather than from any clearly defined policy enunciated from London. Such support could usually be justified under the heading of warfare against piracy.

From time to time ministers spoke favourably of Raja Brooke's work. Lord Aberdeen, Foreign Secretary in 1845, defended Brooke's settlement against Dutch protests that it infringed the 1824 treaty.[3] In 1846 Foreign Secretary Lord Palmerston commended Brooke for his 'civilizing work' and offered naval support for pirate warfare. Palmerston recognized a flag for Sarawak. But the Foreign Office held to the view that ' . . . it is not the policy of Her Majesty's Government that British subjects should possess territory on the mainland of Borneo'.[4] Four years later the British government saw no reason why Brooke should not make a treaty with the United States even though the Foreign Office was not clear as to his status at Sarawak or whether his relationship to the Sultan of Brunei entitled him to negotiate a treaty with a foreign power.[5]

As the attack of the radicals on Brooke grew more persistent during the early 1850s ministers drew back to the official attitude of non-support. In 1853 when the Raja took issue with a Foreign Office statement which held that Sarawak was not independent Lord Clarendon noted,

> It seems to me that the various documents tend to prove how cautiously the government abstained from recognizing his [Brooke's] independence although in various ways the anomalous character of his position has been admitted.[6]

Spencer St. John succeeded Brooke as Consul-General in 1855. He suggested that Britain recognize Sarawak as independent and accredit the Consul to Brooke. The Raja had previously insisted that the Consul must receive his *exequatur* from him in order to act in Sarawak territory. Such a procedure would render the desired

[2] Church (Resident Councillor, Singapore) to Henry Wise, 30 June 1846, FO 12/4; Horace St. John, *The Indian Archipelago*, London, 1853, ii, 295 ff., gives a detailed account of Admiral Cockrane's operations in Borneo.

[3] Dedel to Aberdeen, 2 Dec. 1845; Aberdeen to Dedel, 10 Dec. 1845, CO 144/1.

[4] Aberdeen to Brooke, 1 Nov. 1844, FO 12/2; and FO to Adm., 24 July 1846, FO 12/4.

[5] Palmerston to Brooke, 24 Oct. 1850, FO 12/8.

[6] Brooke to FO, 27 Sept. 1853 and Clarendon's minute thereon, FO 12/13.

recognition. After consulting the Law Officers Lord Clarendon wrote to St. John that although it was legally possible for the Queen to permit one of her subjects to assume the sovereignty of a foreign state and to recognize him it ought to be done only in exceptional circumstances. Brooke could not be recognized.[7]

Lord Clarendon's letter to St. John on this occasion is worth quoting at length for it does not stop at non-recognition. Clarendon noted that the government would not pronounce an opinion as to the precise relationship between Brooke and the Sultan of Brunei, nor would it formally recognize Brooke as an independent sovereign. The letter goes on,

> Her Majesty's Government entirely agree with you in thinking that British interests in Borneo are so closely interwoven with the prosperity of Sarawak that whatever injuriously affects the latter must also be injurious to the former. Therefore Her Majesty's Government hardly believe that Sir James Brooke will place himself in direct antagonism to Her Majesty's Government by refusing to allow you to act within the territory which is subject to his rule, and thereby compel Her Majesty's Government to make known to the natives that no British subject can exercise sovereign authority without the permission of his sovereign, which permission has not been obtained by him, and that consequently he is acting against the law of England; whereas if he avoids insisting upon a recognition of his independent sovereignty which is inconsistent with his position as a British subject, his supreme authority at Sarawak upon whatever basis it may rest, whether upon the grant of the Sultan or the choice of the people, will remain undisturbed and unquestioned.[8]

This posed the question that for the next thirty years confused government officials in their policy toward Sarawak and Brunei. What exactly was the status of Sarawak? Lord Clarendon recognized the involvement of British interests in Sarawak. But he refused to take any responsibility for their formal protection or exploitation. Indeed the implication in Clarendon's instructions to St. John was that Brooke would be restrained if he pursued an obstinate course.[9] The Foreign Secretary ended by wishing Brooke success in pushing his civilizing influence.

[7] Brooke to St. John, 25 Oct. 1855; St. John to Clarendon, 3 Nov. 1855; and FO to St. John, 9 April 1856, FO 12/23.

[8] *Ibid.*

[9] St. John wrote years later, 'There can be no doubt, however, that our government behaved in a most shabby manner to the Raja,' St. John, *Life*, p. 278.

Palmerston, the Prime Minister, disagreed with Clarendon on the question of Brooke's independence. He wrote later the same year,

> The question seems to be rather between the sultan of Borneo and the raja of Sarawak than between the latter and the sovereign of England. But as far as we are concerned there does not seem to be any strong reason why we should not deal with Sarawak as an independent state, and if it is so, we might ask for an exequatur from the powers that be.[10]

This memorandum by Palmerston was written after Lord Clarendon again said that exceptional circumstances did not exist for the recognition of Brooke's sovereignty. A note from St. John that both the United States and France were about to negotiate with Brooke as independent sovereign of Sarawak apparently had no effect.[11] St. John received his instructions from Lord Clarendon in the Foreign Office and in August 1856 he took up his residence in Brunei. He tried to persuade Raja Brooke that the appointment was really a mark of friendship toward Brooke.[12] St. John had been for seven years Brooke's secretary and advisor.

The Chinese insurrection of 1857 and its aftermath marked the beginning of more hopeful moves on the part of Britain toward Sarawak. For one thing the public and some officials were shocked at the sudden attack of the Chinese goldminers under the influence of the *Sam-Tian-Kiau Hueh*. This secret society was reportedly associated with the 'Heaven and Earth Society' of Singapore.[13] Secondly, the Raja's friends in England, aroused at the Chinese attack, made known their disgust with the government's neglect of Sarawak and the northwest coast of Borneo. The government received numerous memorials from groups in support of Brooke, demanding that Britain extend protection to Sarawak or take it as a colony. The *Times* and provincial newspapers published letters and articles to the same effect.[14]

[10] Palmerston memorandum, 6 Aug. 1856, FO 12/23.

[11] Lord Clarendon memorandum, 4 Aug. 1856; St. John to Clarendon, 31 May 1856, FO 12/23.

[12] St. John, *Life*, p. 278.

[13] Baring-Gould and Bampfylde, pp. 186, 202; St. John, *Life*, p. 292.

[14] e.g. petition from Manchester people, *Times*, 30 April 1858, p. 12; (reprint from *Manchester Guardian* of 29 April); petition of companies of the City of London, *Times*, 12 Aug. 1858, p. 12; article from the Leeds *Mercury*, *Times*, 18 Aug. 1858; article from Norwich *Chronicle*, *Times*, 20 Sept. 1858; *Times*, 1 Dec. 1858.

Britain's change of attitude toward Sarawak in the early 1860s can be traced from Brooke's approach to the Foreign Office in 1858. Brooke arrived in England late in 1857. Soon the first hints of a change of feeling occurred. Brooke told Under-Secretary Shelburne at the Foreign Office that he hoped Britain would take note of the strategic position of Borneo between India and China. He spoke also of the advantage of coal supplies available at Sarawak, and the possible encroachment of the Dutch. Shelburne wrote of his conversation with the Raja,

> I think myself, that assuming the reports about the coal fields to be correct, the subject is worth attending to. Our own augmenting interests in those seas and the increasing establishment of Russia to the north, seem to be strong arguments in favour of acquiring at all events the use of all coaling stations within reach; especially as these stations and coal fields may fall 'de facto' if not 'de jure' into the possession of others. . . .[15]

Brooke submitted proposals with respect to Sarawak. He first suggested ceding the country to Britain as a colony. Britain must guarantee, however, that the religion, laws and customs of the people be respected. He asked that some compensation be awarded to him in lieu of the private fortune which he had spent on the country, and in place of the loss to the Brookes of future revenues. When Lord Grey[16] advised Brooke that a colony was almost surely out of the question and that a less formal connection would have more chance of acceptance, the Raja proposed a protectorate. Some sources[17] contend that the government offered Brooke a protectorate at this time. This is not substantiated by Foreign Office documents. No memorandum or letter mentions such an offer. Undoubtedly the contention arose from Lord Grey's intimation to Brooke. But Lord Grey was not a member of the government. He was a friend of the Raja and it was only natural that he should give him a little friendly advice.

Unfortunately for Brooke's proposals, Lord Palmerston's government was shortly replaced by Lord Derby's second ministry, with Lord Malmesbury at the Foreign Office and Sir Edward Bulwer-

[15] Shelburne memo., 14 Jan. 1858, FO 12/25.

[16] Henry George Grey, Viscount Howick, 3rd Earl Grey (1802–1894); Parliamentary Under-Secretary at the Colonial Office 1830–1833; Colonial Secretary July 1846–Feb. 1852.

[17] e.g. Jacob, *op. cit.*, ii, 266; Runciman, *The White Rajahs*, p. 135; and St. John, *Life*, p. 321.

Lytton[18] at the Colonial Office. Derby and Malmesbury seemed less inclined toward acquiring more responsibilities in Borneo than was Palmerston. During the life of this government Brooke received little encouragement. A delegation representing industrial and commercial interests of Manchester, Liverpool and Glasgow, and members of Parliament, met Lord Derby and urged him to grant a protectorate over Sarawak to keep it from falling to another power. Lord Derby argued that as long as Britain maintained naval superiority in the China Sea she could command the trade and commerce of 'those districts' and there was nothing to fear from an adversary in time of war.[19] Notwithstanding the lack of encouragement from Lord Derby's government the question remained alive and was the subject of further study at the Colonial and Foreign Offices.

The records of the Foreign Office covering the various negotiations between the government and Brooke and his partisans are incomplete. Much went on in private conversations between ministers and Brooke's supporters, John Abel Smith, M.P., and Thomas Fairbairn, both London businessmen with interests in the east, and Spencer St. John. These conversations are not recorded in memoranda. But from correspondence collected by Jacob, St. John and Rutter, and from first hand accounts by St. John the documents of the Foreign Office take on more meaning. It is thus possible to ascertain the feelings in government circles toward Sarawak and Brooke rule. Brooke's activity in 1858 was the beginning of a five year campaign to persuade the British government to grant to Sarawak some meaningful support. It achieved the limited success of a formal recognition. For the first time ministers were willing to give serious consideration to proposals to increase British influence on the northwest coast of Borneo. Previously London had been content with Labuan, an offshore island, for a naval and coaling station, and the symbol of Britain's presence.

Lord Derby's public 'no' to any form of protectorate or colonial status for Sarawak, as reported by the *Times* must be understood within the context of his complete remarks to the pro-Brooke deputation, in order to understand subsequent Foreign Office

[18] Sir Edward Bulwer-Lytton (1803–1873), novelist; Colonial Secretary in Lord Derby's second administration from May 1858 to June 1859.

[19] *Times*, 1 Dec. 1858.

moves. Like any responsible official, Derby would not commit the government to a policy on an issue which was still under consideration, by an unqualified yes or no. The fact was that the question of support for Sarawak was still pending. No decision had been made nor was likely to be forthcoming soon.

Lord Derby left a negative impression which he later attempted to moderate. His remarks were to the effect that the government would study any proposals closely but that

> . . . under the present circumstances it seemed doubtful whether it would be for the interests of the government to take unto their hands (Sarawak), multiplying and increasing the colonial dependencies of the country which were already too numerous. . . .[20]

If the deputation pressed him for an immediate decision, as they seemed to be doing, he was not at that moment prepared to say that the government would accept Sarawak as a colony or protectorate. Moreover, he thought it very unlikely.[21]

At this point Raja Brooke and friends took the government's answer to be no. There was some question of pressing the question in Parliament.[22] But the government had not made its decision. Raja Brooke in a letter to Lord Derby on December 29, designed to elicit an official rejection and thus end the uncertainty, once again proposed a protectorate. To Brooke's surprise the answer came back that a protectorate for Sarawak was under consideration.[23] Brooke thought that this was a change in the government's attitude, and was caused by differences in the Cabinet. That the matter was still being investigated and no final decision made is shown by the fact that the Admiralty had meanwhile received a favourable report on the condition of Sarawak which had been requested by Lord Derby.[24] It was this report which triggered the difference of opinion in the Cabinet, and not Lord Derby's remarks to the deputation on 29 November. For almost immediately the Admiralty was asked for more information. The hydrographer, Captain John Washington, was asked to submit a report on the capabilities of Sarawak for coaling and naval facilities.[25]

[20] In a letter to Brooke, 4 Dec. 1858, quoted in Jacob, *op. cit.*, ii, 299.
[21] *Times*, 1 Dec. 1858
[22] Brooke to Lord Derby, 4 Dec. 1858, FO 12/35; and Jacob, *op. cit.*, ii, p. 300.
[23] Brooke to Derby, 29 Dec. 1858; and Derby to Brooke, 11 Jan. 1859, FO 12/35.
[24] Jacob ii, p. 306; and Cmdr. Cresswell of HMS *Surprise* to Admiralty 28 Oct. 1858, FO 12/35. This report reached London in December 1858.
[25] Jacob, *op. cit.*, ii, pp. 306–7, quotes a letter of the Raja to Thomas Fairbairn.

The government's real reason for continued consideration of Brooke's proposals was the attitude of Holland. Although Derby in his remarks to the deputation had brushed aside the idea that the Dutch might ultimately claim Sarawak, dispatches from the British Minister in The Hague indicated that Holland took an unusual amount of interest in the status of Sarawak.[26] The Dutch had watched the progress of Brooke's proposals. The Minister of Colonies at one point remarked in the States-General that he felt Britain would not seriously consider taking Sarawak for it would surely give rise to collision between the two governments.[27] The Dutch had recently been busy making land grants and erecting forts and stations in areas close to Sarawak. Charles Rice[28] of the Foreign Office, armed with the Hague dispatches and Commander Cresswell's report drew up a long memorandum. He favoured the cession of Sarawak to Britain. Sarawak, he said, should replace Labuan as a British dependency because of its commercial and naval advantages.[29] Lord Malmesbury recommended Rice's memorandum to the Prime Minister and the Colonial Office, with a note stating that the conduct of Holland had induced him to look further into the question.[30]

Meanwhile Captain Washington with the help of old Eastern hands such as Admirals Mundy, Keppell and Cochrane, all friends of the Raja, produced a glowing report on Sarawak and recommended a 'moderate' protectorate.[31]

> . . . all that it (Sarawak) asked is that the government should extend to it the protection of a consular flag and a gunboat. British enterprise will do the rest.

[26] e.g. Ward to Malmesbury, 31 Dec. 1858, FO 37/366.

[27] Ward to Malmesbury, 29 Nov. 1858, FO 12/35.

[28] Hon. Thomas Charles Spring Rice, senior clerk at Foreign Office, 1857–1869; appointed Assistant Under-Secretary 1869.

[29] Rice memorandum, 7 Jan. 1859, FO 12/35. Britain in 1858 had considered the abandonment of Labuan because of the failure of the coal company. But the company was reorganized and the colony given a new lease of life. See FO 12/35, FO to India Board, 19 April 1858; FO to CO, same date; and CO to FO 30 April 1858.

[30] Malmesbury memorandum, 7 Jan. 1859. FO 12/35. Lord Derby in the House of Lords said some 'new facts' had been brought before the government. See *Times*, 11 March 1859, p. 6.

[31] Admiralty to the FO, 22 Jan. 1859, enclosing the report. 'Notes on Sarawak as a Naval Station', FO 12/35.

At the Colonial Office the Under-Secretaries, Lord Carnarvon and Herman Merivale[32] thought that a colony would be too expensive. They reluctantly accepted the solution of a protectorate.[33] Sir Edward Bulwer-Lytton, the Colonial Secretary, also assented to a protectorate. He wrote,[34]

> Sarawak would not be a desirable possession, but like many possessions we hold at present, it may not be desirable for us, but we had better hold it than allow another to hold it . . . the Dutch must not have it, to that I agree.

Furthermore, Sir Edward thought there would be no trouble with Parliament if it was decided to accept Sarawak under the proposals made by Raja Brooke. Thus the Colonial Secretary joined Carnarvon and Merivale in support of the lesser evil, a protectorate. But it was a move to keep Sarawak out of foreign hands for all agreed that it was not a valuable addition of itself. The Colonial Office view although not enthusiastic was not a rejection of Brooke's proposal as some have inferred.[35]

Sir Edward's lack of enthusiasm for possessing Sarawak would seem to have stemmed from an able memorandum produced by T. F. Elliot, Assistant Under-Secretary at the Colonial Office.[36] Despite the Admiralty's favourable reports, Elliot pointed out that the coal mines in Sarawak were about to be abandoned on the advice of their own engineer,[37] and that Labuan was to be retained and a new coal company given an opportunity of producing coal in the colony. Furthermore, said Elliot, Brooke had not been able to make Sarawak pay its way. How then could Britain, with an expensive establishment, do so? He added, 'a protectorate has generally been found a weak and clumsy expedient'. More corres-

[32] Henry Howard Molyneux Herbert, 4th Earl of Carnarvon, (1831–1890), Parliamentary Under-Secretary at the Colonial Office Feb. 1858–June 1859; Colonial Secretary July 1866–March 1867, Feb. 1874–Feb. 1878. Herman Merivale (1806–1874), Professor of Political Economy, Oxford 1837–1842; Permanent Under-Secretary, Colonial Office 1847–1859; Permanent Under-Secretary India Office 1859–1874.

[33] Merivale memo, 7 Feb. 1859, FO 12/35; Lord Carnarvon memo of 9 Feb. 1859, FO 12/35.

[34] Lytton minute, Feb. 1859, FO 12/35.

[35] See for example, Tarling, op. cit. p. 207.

[36] Elliot memo, 14 Feb. 1859, FO 12/35. T. Frederick Elliot, Assistant Under-Secretary, 1847–1868.

[37] Raja Brooke had been disappointed with the coal mines at Sadong when he inspected them in 1857. See St. John, *Life*, p. 319.

pondence with Raja Brooke now took place with reference to Brooke's demand for a monetary settlement.[38] The whole question was submitted in March to Lord Derby. Later that month he asked the Cabinet Office and the Admiralty for their further views before making the decision.[39]

From the foregoing it seems quite likely that had Lord Derby's government remained in power, a protectorate would have been offered to Raja Brooke in 1859. The sentiment of the ministers most directly concerned was that it should be held to prevent it from falling eventually to the Dutch, although they were not too sanguine as to its desirability as a naval station or as a source of coal. Labuan could yet serve this end. The ministers were unhappy with the prospect that Brooke might offer Sarawak to Holland. There were other foreign dangers to consider, France in Indo-China for instance. And St. John's reports from Brunei were full of the Spanish moves toward Borneo from the north. Naval officers in the East were not happy to see Spain moving into Sulu and northern Borneo waters.

As so often happened in Brooke's relations with the British Government a change of ministries caused an interruption in the consideration of the Sarawak question. Parliament having been dissolved in April, Lord Derby's government retired in June without deciding the Sarawak question. Palmerston again became Prime Minister and Lord Russell took over the Foreign Office. The Duke of Newcastle became Colonial Minister.

Captain Brooke Brooke, the Raja's nephew and heir, approached the new government. He wrote to Lord Russell at his uncle's behest to ask formal recognition of the independence of Sarawak.[40] This was an attempt to feel out the government and to remind it that the question of Sarawak was still pending. Lord Russell declined a formal recognition and would not be drawn on the protectorate question.[41] Then took place a series of communications between Raja Brooke and the Foreign Office, which were petty and argumentative and showed neither party at its best.[42] Brooke

[38] FO to Brooke, 17 March 1859; Brooke to FO, 24 March 1859, FO 12/35.
[39] Lord Derby's memo of March 1859, FO 12/35.
[40] Capt. Brooke to Russell, 19 Sept. 1859, FO 12/35.
[41] Russell to Capt. Brooke, 7 Oct. 1859, FO 12/35.
[42] Correspondence between Brooke and FO, Nov.–Dec. 1859, and FO memo. 28 Nov. 1859, FO 12/35.

'broke off' relations with Britain because of the latter's refusal to recognize the independence of Sarawak. Under-Secretary Wodehouse called Brooke's action 'ridiculous', noting that the only relations that existed were the British government's feelings of sympathy for the prosperity of Sarawak. Lord Russell wrote that Sarawak was 'welcome to any independence they can achieve and maintain'. But he warned Brooke that a British subject cannot throw off his allegiance to his own country 'at pleasure'. Another angry letter from Brooke was followed by one from the Foreign Office, terminating the correspondence. St. John wrote later, 'The Raja's correspondence during this year with Her Majesty's Government was not pleasant, and ended, apparently, in complete estrangement.'[43]

While the government decided to leave Sarawak in its anomalous state, there was no intention of ignoring British interests as Clarendon had done before the Chinese insurrection. The government ordered the Navy to make regular calls at Sarawak and watch over British subjects.[44] After years of neglect the Navy ordered frequent tours of the Borneo coast. It had taken a bloody rising and all the persuasive powers of Raja Brooke and his friends to bring about this very limited degree of support.

It was during this period that Raja Brooke approached Holland and France with a view to obtaining protection. In 1859 Captain Brooke opened negotiations with the Dutch Minister in London.[45] Irwin states that he was unable to find a record of Brooke's approach in the Dutch Foreign Office archives, and he surmised that the offer was made privately as a feeler.[46] Captain Brooke admitted having sounded the Dutch Minister, Baron Bentinck, on the subject. He wrote, 'that minister, after reference to his government, courteously declined the negotiation.'[47] France was next approached following the Raja's unpleasant correspondence with the British Government.[48]

[43] St. John, *Life*, p. 327.
[44] Russell memo, 28 Nov. 1859, FO 12/35.
[45] St. John, *Life*, p. 332.
[46] Irwin, *op. cit.*, p. 185n.
[47] J. Brooke Brooke, *A Statement Regarding Sarawak*, p. 12, copy in FO 12/31.
[48] Owen Rutter, *Rajah Brooke and Baroness Burdett Coutts*, London, 1935, pp. 69–72, Raja to Coutts, March 2, 21 and 26, 1859, and Coutts to Lord Elgin, 5 April, 1860.

St. John wrote that France was unwilling to accept Sarawak because of British displeasure.[49] St. John may be correct. Nonetheless it was Raja Brooke and, indirectly, Captain Brooke who interrupted the plan. Raja Brooke broke off the French negotiations because his nephew and heir, Captain Brooke, interfered and was not then prepared to acquiesce in a foreign protectorate.[50] The Raja referred to his interruption of the negotiations in private correspondence. To Bishop Wilberforce he cited the altered relations between Britain and France. To Fairbairn he noted 'political affairs would not warrant pressing negotiations further'.[51] One feels that the 'political affairs' were between the Raja and nephew, however, and not between Britain and France. It will be remembered, nevertheless, that during the late 1850s and early 1860s Anglo-French relations were strained at times by what were considered threats of invasion by France.[52] For some years the Raja toyed with the idea of resuming the French negotiations.

Captain Brooke had not been enthusiastic about turning to Holland. Early in 1860 he had written privately to Lord Russell asking that the settlement at Sarawak not be neglected. He asked that Her Majesty's naval officers in the East be directed to watch over it, 'as far as the exigencies of the service will permit.' Under-Secretary Wodehouse replied that such instructions had already been given to the Navy.[53] Captain Brooke was thus satisfied, that if Britain would not grant a protectorate at least her naval protection would be sufficient for Sarawak to continue independently.

According to the Raja's biographers his petulent and argumentative attitude during this period was caused by anxiety for Sarawak and its fate after his death.[54] He had suffered a slight stroke in 1858 which had slowed him down. Moreover, he was not sure of the constancy of his nephew, and heir, Captain Brooke, who seemed

[49] St. John, *Life*, p. 334.

[50] Rutter, *op. cit.*, pp. 73, 83–4, Raja to Capt. Brooke, 8 Aug., 1860; and Brooke Brooke, '*A Statement* . . .' p. 20, FO 12/31.

[51] Rutter, *op. cit.*, p. 75, Brooke to Wilberforce, 9 April 1960; and Jacob, *op. cit.*, ii, p. 321, Brooke to Fairbairn, 6 April, 1860.

[52] 'The mistrust here of French designs is very great . . .' wrote Lord Russell to Henry Elliot on 9 Jan. 1860. See *The Later Correspondence of Lord John Russell 1840–1878*, ed. G. P. Gooch, London, 1925, i, 253.

[53] St. John, *Life*, p. 332; Capt. Brooke to Russell, 14 Feb. 1860; and Wodehouse to Capt. Brooke, 22 Feb. 1860, FO 12/35.

[54] Rutter, *op. cit.*, pp. 71–72, Coutts to Lord Elgin, 5 April 1860; and St. John, *Life*, p. 333.

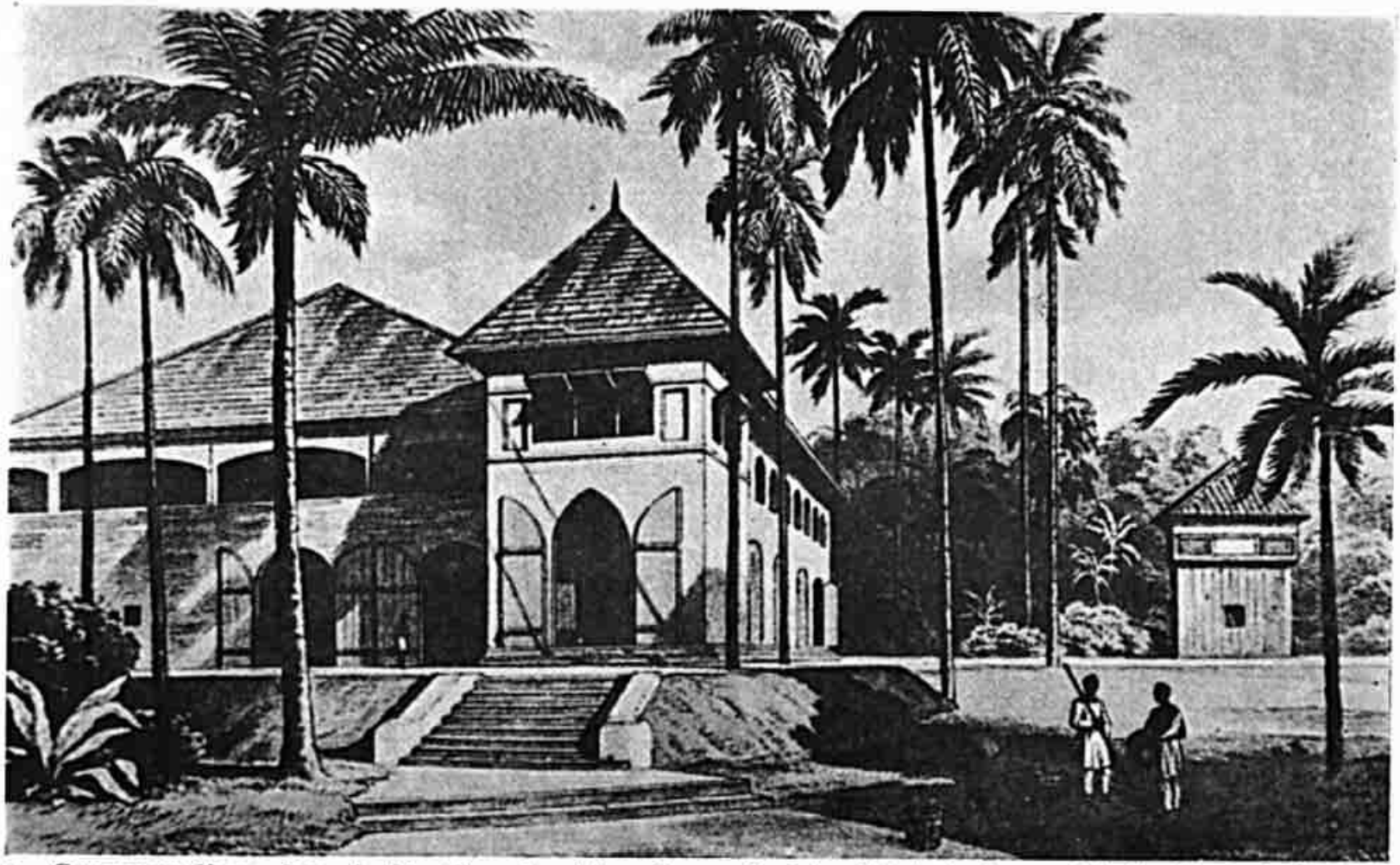
to vacillate, now wanting British or European protection, now not. Charles Johnson, his other nephew, was untried but seemed to the Raja to be close in sympathy to his brother in his views of Sarawak. Memories of the Chinese insurrection were still fresh, and in 1859 the murder of two of the Raja's district officers and the discovery of a Malay plot to exterminate the Europeans in Kuching caused further worry. Since the insurrection the country had been in tight financial straits and it had been necessary to borrow heavily.

From the Raja's viewpoint the British Government seemed indecisive and unable to give a yes or no to his proposals—proposals put forward in good faith as a patriotic English gentleman to his government. Brooke wanted desperately to establish stability for Sarawak in his lifetime, and to pass on, intact, the civilizing work to which he had given his energies for two decades. Unfortunately the Raja often used intemperate language and manners with officials who could have helped his cause.[55] This partly explains Brooke's estrangement from the British government and his turning to Holland and France. But his friends, Fairbairn, St. John and Angela Burdett-Coutts, a well known philanthropist, were convinced that any measure of British support was better than accepting a foreign protectorate. They now took over the major work of persuading the British government. They also arranged for the financial relief of the Raja and his country. Brooke was only too happy to let his friends take over. He wrote, ' . . . every arrangement political or personal which I attempted is at an end', and agreed not to pursue foreign protection until all attempts to persuade Britain had failed.[56] Brooke's friends were able to restore friendly contact with the government during 1860, but little more. Bishop Wilberforce of Oxford approached Lord Palmerston privately at the behest of Miss Coutts, and found the Prime Minister friendly. He reported that Palmerston was willing to send naval vessels for the support of Raja Brooke whenever they were needed.[57] It was also suggested that Lord Elgin, Governor-General of India, should be commissioned to investigate and report on

[55] e.g. Brooke to Derby, 4 Dec. 1858; Brooke to Russell, 26 Nov. 1859; and Brooke to Wodehouse, 12 Dec. 1859, FO 12/35.

[56] Rutter, *op. cit.*, pp. 83–4, Raja to Capt. Brooke, 8 Aug. 1860; p. 79, Raja to Coutts, 6 June, 1860.

[57] St. John, *Life*, p. 336, Wilberforce to Brooke, 4 April 1860.



2. Government House, Sarawak 1860. (Reproduced from Spenser St. John, *Life in the Forests of the Far East*, vol. II, 1862.)

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Sarawak. The Colonial Office, however, said that Lord Elgin was too busy, and Lord Russell concurred.[58]

Consul St. John, home on leave during 1860, joined the campaign. He submitted to the Foreign Office, the memorandum already noted, recommending a protectorate and received considerable attention from Under-Secretary Wodehouse and Lord Russell. He asked that the Union Jack be quartered in the Sarawak flag as a protection against European and American interference. He noted,

'. . . the mistake we committed in returning Java to the Dutch may be partially remedied by taking possession of the northwest coast of Borneo, commencing with Sarawak and gradually acquiring by purchase the districts of the north.[59]

St. John clearly thought that a limited protectorate was only the first step toward British dominion over the non-Dutch portions of Borneo.

Further than acknowledging British interests in Sarawak and agreeing to grant it naval protection the government was not prepared to go at this time. Certainly this degree of British involvement in Sarawak was a step in the direction Britain was to take later. It represented a change of policy from that enunciated by Lord Clarendon in 1856. It quite clearly evolved from Lord Derby's reconsideration of St. John's warning of French and Spanish pressures in the South China Sea. The government, however, was following the well-worn custom of going only so far as was necessary at the moment in its support of Sarawak. International pressures were not then great enough to warrant going beyond naval protection. One might argue that this was not so much a change of policy as a restoration of the amicable relations which existed between Sarawak and Britain in the days of the great pirate battles, before the 1853 inquiry into Brooke's activities. That it represented a considerable change in the basic nature of Britain's concern is quite evident. For in the 1840s naval support was granted to Brooke in his capacity as a British official, and to fulfill the terms of the Anglo-Dutch treaty of 1824 which called on Britain to fight

[58] Rutter, *op. cit.*, pp. 71–2, Coutts to Lord Elgin, 5 April 1860; CO to FO 30 April 1860; and FO to CO, 5 May 1860; FO 12/28.

[59] St. John memorandum, 9 Aug. 1860, FO 12/27; Wodehouse memo and Lord Russell minute, 18 Aug. 1960, FO 12/28. St. John foreshadowed a policy which was carried out with considerable success by Raja Charles Brooke some years later.

piracy. Under Palmerston and Russell in 1860 naval support was promised for British interests in Sarawak, not against pirates, but against the threat of other powers. Britain had gone far in recognizing its interests in Sarawak. Would it now go another step and grant a formal recognition of independence, and acknowledge the sovereign rule of Raja Brooke?

Events during 1860 and 1861 indicated the difficulties which British officials no less than Sarawak officials faced because of the undefined relationship between Sarawak and Britain. For many years Sarawak traders had been dealing with the people on the so-called sago rivers—Mukah, Oya, Igan, Matu and Nipa—in Brunei territory, buying sago for shipment to Kuching and Singapore. The traders had complained that some of the river chiefs had been interfering with Sarawak trade by attacking ships and exacting heavy duties. St. John has pointed out that the Sarawak traders were partly to blame for any unpleasantness in the sago rivers, for they wanted a monopoly of the trade, and expected the same liberal treatment in Brunei territory that they were accustomed to in Sarawak.[60] Coupled with this trouble there was a feud going on between two Brunei nobles in the Mukah river.

In 1857 Raja Brooke had received the Sultan's permission to try to settle the trouble in the sago rivers.[61] Both Captain Brooke, in 1858, and Charles Johnson, in 1859, when they were in charge of the government of Sarawak levied fines against subjects of the Sultan in Mukah, one of whom was an agent of the Sultan. Both kept the fines rather than turn them over to Brunei, the suzerain state. The Sultan took this as an insult.

When in the summer of 1860 Sarawak traders were denied entry to the Mukah River and the Sarawak flag was fired upon, Captain Brooke and Charles Johnson went in force for a showdown. The river chiefs were acting under the influence of Sarawak's old enemy, Musahor, a Brunei pengeran who had instigated the murder of the two Sarawak officials in 1859. At this point Governor George Edwardes of Labuan interfered in his capacity as Acting Consul-General. St. John was on home leave in Britain. Edwardes thought Captain Brooke was wrong in attacking subjects of Brunei in Brunei territory. It was his duty to restrain these British subjects of

[60] St. John, *Life*, p. 324.
[61] *Ibid.*, p. 320

Sarawak from complicating British-Bornean relations. Governor Edwardes felt also that Sarawak by its constant pressure on Brunei, and the ever widening activity of its traders, was imperilling the colony of Labuan. He wrote later

> I fully felt the embarrassing anomaly of the Sarawak government, but the interests of this colony demand a clear definition of its state. I was forced to act or to peril the safety of this colony. . . . the colony must be better prepared to meet the hostility I conscientiously feel will greatly impede its progress if not endanger its safety.[62]

With the blessing of the Sultan, Edwardes went to Mukah in the East India Company steamer *Victoria* and ordered the Sarawak forces to withdraw. They did so under protest. The reaction was immediate. The sentiment of British people in the east was overwhelmingly against Edwardes' action. They felt that such interference, causing the disgrace of Sarawak in native eyes, struck a blow at British influence in Borneo, and could lead to more native attacks upon Europeans, and a further decline in trade.[63] Coming after the Indian mutiny, the Chinese insurrection, and the plot against the Europeans of Sarawak, this seemed further confirmation of the danger to Europeans in the East. It was in such an atmosphere that Edwardes' action was viewed as nothing short of irresponsible. Musahor, having received the support of Governor Edwardes' action, sent a spear around the tribes—the symbol of calling out the warriors.[64] St. John later reported that the Brunei court thought that Britain was about to move all her subjects from Sarawak and turn it back to Brunei.[65]

Edwardes, as had the Sultan, disregarded the fact that the Sarawak government had received permission of the Sultan in 1857 to settle things in the sago rivers and protect traders. Thus Edwardes was out of order despite the Sultan's vacillation. The outcome was that St. John returned to his post, Edwardes was relieved as Governor and Britain sent naval vessels to transport St. John on a mission to the Sultan and chiefs to show Her Majesty's displeasure with Edwardes' action, and to lend, in effect, practical

[62] Edwardes to Duke of Newcastle (CO) 26 Dec. 1860, FO 12/35.

[63] See Traders of Sarawak memorial to Lord Russell, 23 Aug. 1860; Brooke to Russell, 25 Oct. 1860; Singapore Chamber of Commerce to Russell, 5 Oct. 1860, FO 12/26. Articles from *Singapore Free Press*, 23 Aug. and 6 Sept. 1860.

[64] Rutter, *op. cit.*, p. 94, cites Chalmers (a missionary) to Bishop MacDougall.

[65] St. John, *Life*, pp. 341–2.

support to Raja Brooke. The Sultan soon after ceded the sago rivers to Sarawak.

This incident is important for it dramatized the confused relationship between Sarawak and Britain, even in the eyes of British officials. It is doubtful whether the natives of Borneo ever distinguished between British subjects in Sarawak and the British Government.[66] It lent weight to the efforts of Brooke's friends to gain official support for Sarawak. It motivated Lord Russell to a reconsideration of the Sarawak question.

Despite Brooke's estrangement from the Foreign Office, some members of the government remained sympathetic. Lord de Grey,[67] Parliamentary Under-Secretary for India, interceded on behalf of Raja Brooke. He discussed Sarawak with the Duke of Newcastle, the Colonial Minister. Even though Governor Edwardes was rebuked the Duke did not feel inclined to support Raja Brooke. He thought it unwise to thwart him, however.[68] On his friends advice the Raja now agreed to an intermediate step. He wrote to Miss Coutts, 'We shall make no overture to any nation, and try only to gain recognition without definite protection, paving the way for future intimacy if needed.'[69] When in 1860 Miss Coutts loaned him money for the purchase of a gunboat for Sarawak the Raja's immediate fears for the security of his kingdom were relieved. Hence he had agreed to refrain from seeking foreign protection.[70] Sarawak could now await the pleasure of Her Majesty's Government for a time. The Raja, however, noted to Fairbairn that while he did not relish the idea of foreign protection it might, nevertheless, be necessary in the end. He wrote, 'It would be a crime to her (Sarawak) people to expose them to the evils of anarchy or unconditional surrender to Holland', but Sarawak 'isolated and outcast', could not stand alone. If Britain finally closed the door it would become necessary to obtain protection from another nation.[71]

[66] Wodehouse memo, 18 Aug. 1860, FO 12/28.

[67] George Frederick Robinson, Earl de Grey and Ripon, 1st Marquis of Ripon (1827–1909), Parliamentary Under-Secretary of State for India, Jan. to July 1861; Sec. of State for India, Feb. to July 1866; Governor-General of India, 1880–1884.

[68] Rutter, *op. cit.*, p. 110, Earl Grey to Coutts, 12 March 1861.

[69] *Ibid.*, pp. 117–8, Brooke to Coutts, 13 April 1861.

[70] *Ibid.*, and Jacob, *op. cit.*, ii, pp. 329–30. Raja to Fairbairn, 28 May and 10 July 1861.

[71] *Ibid.*

Britain kept her foot in the door. Because of the Mukah River incident the question of Sarawak again became of concern at the Foreign Office. Before he left for the East to relieve Governor Edwardes of his consular duties in the fall of 1860 St. John had recommended that the offices of Governor of Labuan and Consul-General be combined in one person, as they had been under Sir James Brooke.[72] St. John was considered for the post but the Foreign Office objected because St. John was too close to Raja Brooke, and Labuan it was thought, might tend to become subordinate to Sarawak.[73] The appointment went to T. F. Callaghan, the Chief Magistrate of Hong Kong. He was instructed, as St. John had been, not to interfere between the Sultan and the Raja. He was further told to maintain the most friendly relations with the English settlement at Sarawak, 'in the welfare of which Her Majesty's Government continue to take much interest'.[74]

The government, indeed, took much interest in Sarawak. While the Foreign Office repeatedly stated that Britain could not grant protection other than naval support it was edging toward recognition. Lord Wodehouse wrote in June 1861 following the Mukah River incident,

> . . . it must be borne in mind that Sarawak is in a state of quasi-independence. . . . As to our naval support we do give occasional naval protection the demand for which is scarcely consistent with the independence of Sarawak; and it cannot be for our interest to support Sir James Brooke's warlike demonstrations against the Sultan unless we are prepared to establish a permanent British dominion over the west coast of Borneo. This is what Sir James Brooke wants and what it has been decided not to do.[75]

From the government's point of view there were two legal questions concerning Sarawak which had to be considered. Firstly, the government felt that even limited recognition could not be granted, much less a formal protectorate, until it was known whether Sarawak was really independent or a vassal state of Brunei. Secondly, was it possible to recognize a British subject as the ruler of an independ-

[72] This had previously been suggested by Governor Edwardes and the Colonial Office. See Edwardes to CO, 24 Dec. 1859, CO 144/16; and CO to FO, 5 April 1860, CO 144/17. It is not known that Mr. Edwardes coveted the dual post.

[73] FO memo, 21 March 1861, FO 12/29.

[74] FO to Callaghan, 27 May 1861, FO 12/29.

[75] Wodehouse memo, 5 June 1861, FO 12/29. The 'warlike demonstrations' presumably referred to Sarawak's activities in Mukah.

ent state? Lord Palmerston had pointed out these two difficulties to Bishop Wilberforce in 1860.[76] The first question was most complicated. The original grant of Sarawak, from Point Dutu to the mouth of the Samarahan River, was dated 2 August 1846.[77] From 1841 when Brooke assumed the government he had paid an annual tribute of $2,550 to the Sultan and rajas of Brunei. By the 1846 agreement this tribute ceased. But the stipulation that on the death of the Raja and the accession of his heir a payment of $4,000 be paid the Sultan, remained. Two later cessions of territory in 1853 and 1861 added 200 miles of coastline to Brooke's kingdom. For these Brooke paid the Sultan annual tribute of $6,000. There was also the requirement that should the Sultan be in danger people from these areas must heed a Brunei call to service. With few exceptions[78] British ministers held the opinion that Sarawak was not completely independent of Brunei; that Raja Brooke owed duties to the Sultan which constituted the latter his suzerain. Thus it was thought Brooke could not legally sell or cede his rights, and Britain by a protectorate or colony could not take his place as the vassal of the Sultan.[79] As to the second difficulty, the Law Officers of the Crown had already said in 1856 that a subject of the Queen could become the sovereign of an independent country with permission of the Crown, in exceptional circumstances. Lord Clarendon, the same year, decided that the exceptional circumstances did not exist in Brooke's case.[80] Brooke contended that he was not the Sultan's vassal but that the grant of Sarawak was complete. Furthermore, he said, his title was derived from the will and support of a free people. Brooke might have said that Sarawak was his by right of conquest as well. In 1841 after directing the suppression of the rebellion of the Sarawak Malays against their Brunei masters he gained the trust and affection of Malays and

[76] St. John, *Life*, p. 336, Wilberforce to Brooke, 4 April 1860.

[77] W. G. Maxwell and W. S. Gibson, *Treaties and Engagements* . . . London, 1924, 'Grant by Sultan Omar Ali . . . ' It was confirmed by Sultan Mumin in 1853.

[78] Notably Lord Palmerston. See Palmerston memo, 6 Aug. 1856, FO 12/23. Palmerston would recognize Brooke's independence but did not feel his sovereignty was absolute. Later he considered the obstacles to Brooke's complete independence insignificant.

[79] FO to St. John, 6 Sept. 1855; FO memo, 18 July 1855, FO 12/22.

[80] Clarendon memo, 2 Feb. 1856, FO 12/23. *P.P.* 1854–5, xxix, p. 231. Brooke's statement to Commission, 6 Nov. 1854; Brooke to Clarendon, 27 Sept. 1853, FO 12/13.

Dyaks alike by insisting on their benevolent treatment in the peace terms. Yet Sarawak was not finally handed over to him until Brooke made a show of force. The chief people, namely the Malay chiefs and pengerans, then did 'choose' Brooke. The opportune arrival of an East India Company warship helped.[81]

Support for Brooke's view came from an unexpected source. In July 1861 Lord Russell asked St. John if it was true that the Sultan of Brunei considered Sarawak independent. He had been told that the Sultan saluted the Raja with twenty-one guns. St. John replied that the Sultan did indeed consider Sarawak independent and that it had been customary since 1853 to honour the Raja with a twenty-one gun salute.[82] If the Sultan considered Sarawak independent there seemed an opening for British recognition.

While Brooke was in Sarawak during most of 1861 his friends at home were busy on his behalf. They reminded the government that the Raja would be forced to again seek the protection of another country if Britain failed him. Lord Russell noted on a letter from one of these friends in August 1861, 'We cannot recognize him (Brooke) as an independent prince, but the settlement of Sarawak may be of great importance to our trade.'[83] The following month papers concerning the various proposals for Sarawak were being prepared for Lord Elgin, the new Governor-General of India.[84] The government had decided to have him undertake an investigation of conditions in Sarawak.

The Foreign Office now received a proposal for a limited protectorate of Sarawak consisting of the Union Jack quartered in the Sarawak flag, and the presence of a gunboat.[85] Layard,[86] Under-Secretary at the Foreign Office, wrote that the government's consideration of previous proposals had been marked with 'some

[81] St. John, *Life*, pp. 47–8, 56–57.

[82] Russell to St. John, July 10 1861; St. John to Russell, 2 Oct. 1861, FO 12/29. Malay officials in Sarawak considered the country independent. See St. John memo of a conversation with Malay members of the Sarawak Council, 25 Oct. 1855, FO 12/22.

[83] Russell minute on memo of Sir J. K. Shuttleworth which was submitted to the Foreign Office, Aug. 1861, FO 12/29.

[84] FO memo, Sept. 1861, FO 12/29.

[85] Layard memo, 2 Jan. 1862, FO 12/35. This was similar to St. John's suggestion in 1860.

[86] Sir Austen Henry Layard, served as attaché in Constantinople, 1847–1852; Parliamentary Under-Secretary at the Foreign Office, Feb. 1852 and 1861–66; Minister to Spain 1869–77; Ambassador to Turkey, 1877–80.

misconception of Sir James Brooke's views and motives on the one side, and by some unnecessary irritation on the other'. He thought that sufficient consideration had not been shown to Brooke and his various propositions. For its part the government had never been furnished with the necessary information about Sarawak to formulate a 'just and exact' opinion on Brooke's proposals, and such information was still not in its possession. Britain had always refused to recognize Brooke's independence, but the Sultan had saluted Brooke's flag. Layard suggested that Lord Elgin appoint the Governor of Singapore or a special commissioner to go to Sarawak for first hand information. He noted that previous governments had declined Brooke's offer of a cession of Sarawak because it was thought to be not of sufficient political and commercial value and because Brooke's title was not clear. On the other hand a protectorate was declined because of the inconvenience it would cause in relations with the Dutch. Layard concluded that it would be best to

> incur the certain outlay in taking it, to the uncertain of allowing it to fall into the possession of a rival nation. . . . The Dutch have been watching with a jealous eye our proceedings in Sarawak, and if it were found desirable to obtain a complete cession from the Sultan of the territory—dependencies near might be found to prevent it.[87]

Layard advised a cautious investigation.

Lord Russell, on the same day, addressed a letter to Lord Elgin formally asking him to handle the investigation. Lord Elgin sent Colonel Cavenagh,[88] Governor of the Straits Settlements, to Sarawak. Colonel Cavenagh's investigation was not quite satisfactory to some of Brooke's friends who felt that the Governor was not very thorough.[89] He gave an accurate summary of conditions in Sarawak, however, and suggested making Sarawak and Labuan lieutenant-governorships under Singapore.[90] Lord Elgin commented, upon submitting Cavenagh's report to the Foreign Office,[91]

[87] Layard, *op. cit.*

[88] Russell to Elgin, 2 Jan. 1862, Russell minute, same date, FO 12/35. Orfeur Cavenagh, Governor of the Straits settlements, 1859–1867; later knighted and a general in the Indian Army.

[89] St. John, *Life*, p. 363.

[90] Cavenagh's report, 21 Nov. 1862, FO 12/35. See also Orfeur Cavenagh, *Reminiscences of an Indian Official*, London, 1884, pp. 327–31.

[91] Elgin to Russell, 8 Jan. 1863, FO 12/35.

I am disposed to think that the acquisition of Saigon by the French and the persistent endeavour of the Dutch authorities to cripple British trade . . . give enhanced importance to the preservation of the independence of Sarawak as a matter affecting British interests.

The report satisfied Lord Russell that Sarawak was a stable and well-run government. J. A. Smith informed Raja Brooke in February that he was authorized to say that Lord Russell was ready to propose recognition to the Cabinet.[92] If Smith was premature in his news to Raja Brooke he may have inferred too much from Russell's words. Or the Foreign Secretary may have had second thoughts, for two months elapsed with no action being taken. In April when Smith pressed the Foreign Secretary to make good his promise of recognition, Lord Russell reportedly said, 'What I promised to do was to send out a consul to Sarawak, and ask for an exequatur. That I am now prepared to do.'[93] Lord Russell had previously asked the Law Officers to advise on the question of an exequatur, and they had replied that there were no grounds for not asking the exequatur of the Raja.[94] More months passed. Finally in August the Cabinet approved a Consul for Sarawak. This was, in Layard's words, 'the most direct and least formal method of recognizing it as an independent state'.[95] The Foreign Office appointed G. T. Ricketts, the Acting-Consul in Belgrade. He was instructed to procure his official recognition by the 'local authorities'. Thus the anomalous status of Sarawak in governmental eyes remained. One historian has pointed out that it was an ever cautious Foreign Office staff who issued the instructions to Ricketts to ask the exequatur of the 'local authorities' rather than from the sovereign of Sarawak. It provided an opening for a subsequent under-secretary to declare that Brooke had not been recognized.[96]

Lord Palmerston had been consistently sympathetic toward Sarawak. Difficulties such as recognition of a subject as an independent ruler, he thought, could be solved. He did not feel that

[92] St. John, *Life*, p. 363, Smith to Brooke, 24 Feb. 1863.

[93] St. John, *Life*, p. 364, Smith to Brooke, 24 April 1863, Smith had asked Lord Russell in September 1862 to appoint a Consul. See Smith to Russell, 4 Sept. 1862, FO 12/30.

[94] Russell memo, 8 Sept. 1862; Law Officers to FO, Oct. 1862; FO memo, 12 Sept. 1863, FO 12/30.

[95] St. John, *Life*, p. 367. Smith to Brooke, 17 Aug. 1863, Smith quoted Layard; FO memo, 20 Oct. 1863, FO 12/31.

[96] FO to Ricketts, 27 Feb. 1864, FO 12/32A; Irwin, *op. cit.*, p. 189; FO memo by Sir J. Pauncefote, 2 Jan. 1877, FO 12/43.

the 'immediate assumption of Sarawak with the colonial system' was possible, however, because of the opposition of Gladstone and others who thought that the territorial responsibilities of Britain should not be increased. Palmerston told Smith, during an interview in June 1862, that he would do what he could to 'foreward' British support for Brooke in Sarawak. It was Lord Russell in the Foreign Office, who had reservations.[97] And it was in the Foreign Office that the question was pending. Lord Russell decided on the less formal type of recognition of Brooke. Still, this was a step beyond naval protection. From every side came warnings of foreign interests in Sarawak, from Brooke's own contacts with Holland and France to a more recent overture from Belgium.[98] In the fall of 1861 the Duke of Brabant, heir to the Belgian throne, opened negotiations with Brooke for the cession or protection of Sarawak. The British government probably did not fear 'so inoffensive a government as Belgium', but it was yet another indication of foreign interest in Sarawak. Under-Secretary Layard's memorandum had been full of misgivings concerning Dutch interests, and Lord Elgin emphasized the danger from France in Indo-China at this time.

The Foreign Office was determined now to protect British interests in Sarawak, and showed it clearly in an incident which occurred early in 1863. Captain Brooke, administering the government in Kuching in the absence of the Raja who was in England, had attempted a policy in defiance of Raja Brooke. The Raja had for some time entertained doubts of his nephew's loyalty and ability to govern wisely. Having been widowed twice during his years in Sarawak, and having had several disagreements over government policy with his uncle, young Brooke had more than once questioned the Raja's intentions of ever abdicating the Raj in his favour. He was under some emotional stress when Governor Cavenagh's mission to Kuching seemed to reveal to him an attempt of the Raja to deprive him of his inheritance by turning Sarawak over to Britain. His defiance consisted of denouncing the Raja's negotiations for British protection. Raja Brooke immediately went East to depose his nephew. They met in Singapore, Captain

[97] St. John, *Life*, pp. 364–5, Smith to Brooke, 24 April 1863. Russell reportedly said, 'I suppose Lord Palmerston will be favourable to Sir James Brooke.'

[98] Capt. Brooke, *A Statement Regarding Sarawak*; St. John, *Life*, p. 359, Smith to Raja, 30 June 1862.

Brooke was pensioned and retired to England where, following further fulminations, he was disinherited. A British naval vessel was put at the Raja's disposal in Singapore, and no less than seven warships appeared in the Sarawak River.[99]

Lord Russell ordered this naval protection.[100] His decision to recognize Sarawak now went further. For the first time the Foreign Office officially made known their great interest in Sarawak. Consul Ricketts was instructed 'to afford that moral support to the Ruling Authorities which it is the desire of Her Majesty's Government to give them. . . .'[101]

Brooke's friends, especially J. A. Smith, continued to labour for a protectorate. But during the remainder of the Liberal government's tenure no further decisions were taken in that direction. The question was not forgotten and was twice proposed for discussion by the Cabinet, however. In March 1865 Brooke wrote to Miss Coutts that the Cabinet had again decided against a protectorate.[102] Again, after the death of Palmerston and when Clarendon succeeded to the Foreign Office in the place of Russell who became Prime Minister, the Cabinet discussed Sarawak. Under-Secretary Layard had again written a long memorandum detailing some of the foreign threats and noting especially that the question was connected with the encroachments of the Americans in the archipelago.[103] Lord Clarendon minuted that Sarawak would always be a difficulty, Parliament would not approve of its acquisition, 'yet the public would complain if on the Raja's death the Americans got possession of it'.[104] Sir James Brooke made one more attempt before he died to induce a larger British role in Sarawak. In November 1866 he offered to cede Sarawak to Britain in return for British guarantee of the state debt of £75,000.[105] Lord

[99] Capt. Corbett (HMS *Scout*) to Admiralty, 4 March 1863, FO 12/31; St. John, *Life*, p. 356. The naval vessels were in Sarawak waters 'ostensibly to look for pirates'.

[100] FO to Admiralty, 17 Jan. 1863, FO 12/31.

[101] FO to Ricketts, 27 Feb. 1864, FO 12/32A.

[102] Rutter, *op. cit.*, p. 244. Brooke to Coutts, 21 March 1865.

[103] FO memo, 26 Dec. 1865, FO 12/35. Smith used the 'lever' of the Sultan's grant to U.S. Consul Moses to move the British government.

[104] Clarendon's minute on Layard memo, 26 Dec. 1865; and memo of 9 Feb. 1866, FO 12/35.

[105] Brooke to FO, 3 Nov. 1866, FO 12/35. Some historians, notably St. John, page 372, and Rutter, p. 282, have said that Brooke now gave up all monetary claim. Since the greater part of the state debt was owed to him, this contention does not stand.

Stanley,[106] Foreign Minister in the Derby government which took office in July 1866, was contacted by Brooke's friends, and proved sympathetic.[107] The government now considered the offer thoroughly. Due consideration was given to the threats of Dutch and Spanish moves in Borneo, to France in Indo-China, and to the American threat in northern Borneo.[108] The dispatches of both consuls, Ricketts in Sarawak and Callaghan in Labuan, were full of the American venture in Brunei and their grant of territory in northern Borneo. The Foreign Office took note. Despite the United States government's declaration to Ambassador Bruce that it had nothing to do with the grants to Consul Moses, the British government considered Brooke's proposals within the framework of these new developments.

As usual, opinions differed as to the value of Sarawak. Earl Carnarvon at the Colonial Office thought a colony would be a financial burden and that Sarawak was of little commercial value. As to its strategic value, the Colonial Office thought the security of the existing colonies and the trade routes depended upon the command of the sea.[109] The Admiralty, however, felt that Sarawak's chief importance was its strategic position. 'It commands one of the great routes to China, while the French establishment at Saigon commands the other.' Further, the Admiralty thought that at Sir James Brooke's death Sarawak would be a 'great temptation' to France, the United States and Holland.[110] But the Colonial Office would have to administer Sarawak if it were taken and officials there were cool to the offer. Mr. Fairbairn, acting for Raja Brooke, agreed to let the matter drop when informed by Lord Stanley on February 5 that the reply of the government to his

[106] Edward Henry Stanley, Lord Stanley of Bickerstaffe, 15th Earl of Derby (1826–1893); Parliamentary Under-Secretary at the Foreign Office, March–Dec. 1852; Colonial Secretary Feb.–May 1858 and 1882–1885; First Secretary of State for India 1858–1859; Foreign Secretary 1866–1868 and 1874–1878. Derby was a conservative until 1880 when he left the party and became a Liberal, serving as Colonial Secretary in Gladstone's second administration. In 1886 he joined the Liberal Unionists.

[107] Rutter, pp. 271–3, Coutts to Fairbairn, Sept. 1866; p. 275, Brooke to Coutts' 20 Sept. 1866; Brooke said, '. . . . the fact of Lord Stanley agreeing with us on the question as to the *importance of Sarawak* is a great thing.' p. 278, Brooke to Mrs. Brown, 22 Sept. 1866.

[108] FO memo, 22 Nov. 1866, FO 12/35.

[109] CO to FO, 21 Jan. 1867, FO 12/35.

[110] Admiralty to CO, 4 Jan. 1867, FO 12/35.

offer of Sarawak was likely to be unfavourable.[111] It may be significant, however, that Acting-Consul Low's dispatch from Labuan telling of the failure and withdrawal of the American colony in Borneo was received at the Foreign Office just a few days before.[112]

According to Rutter, Lord Stanley offered to give Fairbairn a 'certificate' stating that Brooke had offered to cede Sarawak and the government had rejected the offer. This, it was thought, would be sufficient justification if Brooke were to offer Sarawak to a foreign country. Brooke's friends, including the Foreign Minister, were in favour of an association or company to take over Sarawak.[113]

Sir James Brooke died in June 1868 at his country seat in Devon and his second nephew the Raja Muda, Charles Johnson Brooke, was proclaimed raja in August. Soon after, the British government told the new Raja what it was to repeat many times during the next decade. Raja Charles had asked British permission to acquire another slice of Brunei territory, the Baram River district. The government refused permission, presumably under terms of the permissory clause of its treaty with Brunei. The Raja was informed that 'Her Majesty's Government have no desire to see any change in the present state of territorial possessions in the island of Borneo.'[114] Britain, said the Foreign Office refusal, reserved the right to interfere in any matter tending to invalidate Anglo-Bornean treaty relations. In effect the Disraeli government was continuing the policy of quasi-recognition but declaring at the same time the great importance of British interests in Sarawak, as had Lord Russell on two occasions. This pronouncement, however, was somewhat stronger than Lord Russell's declarations of naval protection and moral support. Its implication was that the northwest coast of Borneo was a British sphere. For how else could the statement be interpreted. Britain was so cognizant of the importance of the northwest coast that she could undertake to dictate its political arrangement. It was another step in committing Britain

[111] FO memo, 5 Feb. 1867, FO 12/35. The Raja was very ill, having recently suffered a second stroke.

[112] Low to Stanley, 1 Dec. 1866, FO 12/33A. This dispatch was received 30 Jan. 1867.

[113] Rutter, *op. cit.*, p. 292. Efforts were made to interest the Italian government and Italian capitalists to support such a company.

[114] FO to Hennessy, 2 Dec. 1868, FO 12/34A. Disraeli had succeeded the 14th Earl of Derby as Prime Minister in February 1868. His government was defeated by a sweeping Liberal election victory in November.

to a dominant position in northern Borneo. The sphere of influence principle dictated Britain's interference in Bornean political affairs after 1868.

In 1869 Raja Charles Brooke renewed the offer of a protectorate, in a modified form. He said Brooke rule should remain. Britain should act as advisor and protector in Sarawak's foreign relations, except those with the Dutch East Indies government and native governments of the archipelago concerning local and trivial questions. But even after considering the potential danger from the presence of strong rivals in the South China Sea Gladstone, now Prime Minister, and Clarendon, the Foreign Secretary, were reluctant to extend British responsibilities. The Foreign Office declined the offer.[113]

From almost total abandonment in the eighteen-fifties, step by step, Britain was brought to admit her special interests in Sarawak by 1868. We have seen that an unstable situation existed in Sarawak as a result of native plots and the Chinese insurrection. Sarawak seemed an easy prey for other powers and Raja Brooke wanted British support, but short of that he sought Dutch, then French and Belgian protection. Successive British governments were faced with the dilemma of not wanting to extend colonial responsibilities further, yet not wanting Sarawak to fall to another power—possibly a rival. There was a strong feeling that Parliament would not approve of the acquisition of Sarawak nor vote funds for an establishment. But any government which allowed Sarawak to fall to another power would be blamed. Lord Derby in 1859 might have accepted a protectorate had his government remained in office. The government under Palmerston and Russell recognized the great British interests and granted outright naval support to Sarawak. Lord Russell even expressed the government's great 'moral support' for Raja Brooke's settlement. He was persuaded to recognize the independence of Sarawak by appointing a Consul. Finally Disraeli's first government, in 1868 pronounced what amounted to a British sphere of influence on the northwest coast of Borneo.

Sir James Brooke was pessimistic about Sarawak's ability to stand alone. Britain's policy of support and protection developed slowly and with each step it went only so far as was felt absolutely

[113] C. Brooke to FO, 28 April 1869; and FO to C. Brooke, 10 June 1869, FO 12/35.

necessary, and acceptable to Parliament. There was much truth in a remark of one of Brooke's friends. 'The English government,' said John Abel Smith,

> is quite alive to the importance of Sarawak to British interests, but as long as Raja Brooke governs it so well and cheaply for them, they will do nothing for him or Sarawak.[116]

[116] Rutter, *op. cit.*, p. 272. Coutts to Fairbairn, early September 1866. Miss Coutts quotes Smith.

CHAPTER IV

BRITAIN AND BRUNEI
1868–1878

THE DEATH of Raja Brooke in 1868 and the succession of his nephew Charles Johnson Brooke marked a change of emphasis in British policy in Borneo. In this regard two factors were at play. Firstly, the improved economic condition of Sarawak convinced Raja Charles that the country could continue independently. There seemed little hope of a British protectorate in the immediate future, and Brooke was not inclined, as his uncle had been, to seek a foreign protector. Secondly, and partly motivated by the stability of Sarawak, the centre of attention now moved up the coast to Brunei. Indeed the focal point of British attention throughout our period moved from south to north—from Sarawak in the 1860s to Brunei during the late 1860s and most of the 1870s, thence to North Borneo. The emphasis of British concern changed in location and, as we shall see presently, changed also in substance, while the underlying idea remained, the British dominance of the coast. We shall deal with these two factors in order.

The personality traits of the old Raja and of Raja Charles Brooke had a profound effect upon Sarawak. According to his biographers Raja James was a warm and personable man, and given to extremes of emotion—great and terrible anger, and sincere compassion. He commanded the affection of natives and Europeans.[1] He is pictured as something of a father figure, fitted to be the chief and rallying point of a new country, and the benevolent and understanding friend of his people. Raja Charles, on the other hand we are told, was cool and aloof and always conscious of the dignity of his posi-

[1] Spencer St. John, *Life*, pp. 320–321 and A. R. Wallace, *The Malay Archipelago*, i, 144–47, and *My Life*, London, 1905, pp. 182–183, are among those who have left accounts attesting to these most human qualities of Raja James.

3. Malay text of the Sultan of Brunei's grant of Sarawak to James Brooke (Reproduced by courtesy of the Public Record Office, London.)

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tion.[2] He was eager to make Sarawak respectable among nations. He was the great friend and leader of the Dyaks among whom he spent most of the time during his first years in Borneo. He was not so popular among the Malays as his uncle had been. Charles, however, was an administrator where James had no head for figures nor heart for the day to day administrative routine. James had commanded affection and devotion, Raja Charles was respected and trusted for his fairness and strict adherence to orderliness and routine. Each made his contribution to the state at a time when, seemingly, the very qualities embodied by each were most needed. Raja James created a new state, Raja Charles made it work effectively.

From 1863 when Charles took over the government the economic condition improved.[3] This was partly because of the nature of the times rather than a change of administration. For the year 1863 Sarawak's total exports were worth $386,439, and imports $414,756. In 1869 the total value of trade reached $3,262,500. In 1867 and 1869 the country's revenue exceeded expenditure by between $5,000 and $9,000. In 1865, 1866, 1868 and 1870 there were deficits of from $1,000 to $8,000. After 1870 there was generally a surplus.[4] The prosperous condition of Sarawak meant stability, and Raja Charles saw no need to seek a protectorate from another European country if Britain refused it. Britain declined a protectorate in 1869 and again in 1874.[5] Yet with Charles Brooke it was never a question of abdication. He sought a protectorate for the greater security of the British position on the northwest coast. He did not seek to turn Sarawak into a British colony. He never once contemplated retiring from the country. Although he was proud of Sarawak's independence he laboured on behalf of a strong

[2] Margaret Brooke, *Good Morning and Good Night*, passim; Sylvia Brooke, *Sylvia of Sarawak*, pp. 125–6; St. John, *Life*, pp. 274–276, 328; Ussher to CO, 25 July 1877, CO 144/48, contain descriptions of Raja Charles and his administration of government.

[3] Ricketts memo on Sarawak, 3 Nov. 1864, FO 12/34A.

[4] *P.P.*, 1865, LIII (Consul's Trade Report), p. 336; 1871, LXV, p. 198; Bulwer to FO enclosing 'Sarawak Revenue Return 1865–1870', FO 12/37; and B. A. S. Hepburn, *The Hand-Book of Sarawak*, p. 92. Amounts in Straits dollars.

[5] See above, p. 82; FO memorandum, 1874, and FO to Brooke, 10 May 1875. FO 12/42. Brooke had asked for a British protectorate over Brunei, or if declined, that Sarawak be allowed to form a protectorate. From the memorandum it is evident that the Foreign Office considered it a request for British protection of Sarawak as well, and so treated it.

British position on the coast. Wherever the Sarawak flag was planted the interests of Great Britain were paramount, he declared in 1874.[6]

From the British government's point of view also Sarawak looked prosperous and stable.[7] The country had passed, with the death of Raja James, to the new administration without falling to a foreign power as so many had feared. In fact the actual change of administration had occurred five years before Sir James' death, in 1863, when Charles Brooke for all practical purposes became the ruler. At that time a government crisis, involving the deposition of Captain Brooke Brooke, for reasons of insubordination, and the establishment of Charles had occurred. This crisis raised some fears at the Foreign Office and a naval force had been sent to support the peaceful transfer of the government.[8]

With Sarawak stable and British in character, and increasingly concerned with internal administrative developments under the new Raja,[9] the immediate attention of the British government where it concerned Borneo was directed further up the coast.

Britain's relations with Brunei in 1868 were still based on the 1847 treaty.[10] In a practical way, however, Britain's position depended upon a single provision of that treaty, Article X, the permissory clause which restricted the Sultan from ceding territory to a foreign nation or subjects of a foreign nation without British consent. After confirming the cession of Labuan the article states,

> . . . in order to avoid occasions of difference which might otherwise arise, His Highness the Sultan engages not to make any similar cession either of an island, or of any settlement on the mainland, in any part of his dominions, to any other nation, or to the subjects or citizens thereof, without the consent of Her Britannic Majesty.

British influence in Brunei, and ironically, also the weakness of the British position based upon Article X, was evidenced by several incidents during the 1860s. Two instances involved the coal operations. Coal rights at Muara, near Brunei on the mainland, had been leased from the Sultan by the Eastern Archipelago

[6] Brooke to FO, 16 July 1874, and Brooke memo 17 July 1874, FO 12/42.

[7] FO memorandum, 22 Nov. 1866, FO 12/35. St John considered Sarawak economically sound.

[8] See above, pp. 78–79.

[9] Baring-Gould and Bampfylde, ch. XII, *passim*, give quite a thorough account of these internal developments.

[10] See in Maxwell and Gibson, *Treaties*, pp. 143–147, and Appendix I.

Company and its successor the China Steam Ship and Labuan Coal Company. The coal was worked only for short periods and the companies gave most of their attention to their mines on Labuan. But the leases were held to keep them from falling to a competitor. The coal companies were frequently in arrears of payment of rent to the Sultan. In 1862 Governor Callaghan warned the British Government that the Sultan would look for another tenant if the Labuan Coal Company continued in arrears. He wrote that British interests would be injured if the Muara rights should fall to a company formed under the auspices of a foreign power.[11] Although officials in London felt they could not interfere between the Sultan and the company they asked the company what it intended to do. Correspondence with the company revealed that in 1860 a French firm had offered to purchase the Muara coal rights from the British company. The company said it wanted support from the government to induce the Sultan to make a lease of other mineral rights. Such a lease, said the company, was necessary to

> prevent complications to Her Majesty's Government which would certainly arise should any other foreign power gain a footing on the mainland of Borneo by obtaining a grant for the minerals in question.[12]

The government would not agree to the company's request. It instructed Callaghan, however, to watch closely any new agreement which the company made with the Sultan and to prevent absolute rights over territory being acquired by the company. The Foreign Office feared that in the event of the failure of the company the land would be transferred to 'parties hostile to British interests'.[13] In July 1863 the company paid up three years of rent in arrears. No new agreement was made. The relations between the company and the Sultan however, were put on a friendlier basis for the time being.

In 1865 the company was again in arrears. Again the threat of a foreign power appeared. American Consul C. L. Moses was granted territory in northern Borneo. He asked the Sultan also for the Muara coal fields.[14] In the event the Sultan refused to grant

[11] Callaghan to Duke of Newcastle, 20 Sept. 1862, CO 144/21; Callaghan to Russell, 22 Sept. 1862, FO 12/30.
[12] Labuan Coal Company to Russell, 28 Jan. 1863, FO 12/31.
[13] Russell to Callaghan, 5 March 1863, CO 144/22.
[14] Callaghan to Russell, 20 Oct. 1865, FO 12/32B.

Muara to the American. There is little doubt, however, that the Sultan was vexed with the coal company and with the British Government for not compelling the company to make its payments to Brunei. Callaghan thought the Americans arrived at a favourable time when the Sultan had given up all hope of a settlement with the coal company.[15] The presence of the British Consul and his influence, however, prevented the Sultan from taking the drastic step of cancelling the grant of the British company and substituting an American company in its place.[16]

If anything the Brunei Government was weaker and more corrupt in 1868 than it had been at mid-century. Although disagreeing as to the degree of anarchy and corruption among the rulers of Brunei most observers were impressed by the weakness and poverty of the Sultan's government. A *Sarawak Gazette* article of April 1872 noted that Sultan Mumin was avaricious and grasping.

> The sultan's one object is gain: the means he employs for this end are matters of no consequence to him. His energy is entirely directed toward the hoarding of wealth; and his steamer, if she runs for six months will only be a new instrument for squeezing his unfortunate subjects.[17]

Governor Bulwer noted the weakness of the Sultan's government but thought that Sarawak exaggerated the conditions in its description of affairs.[18] Hugh Low, who was Acting Governor of Labuan on several occasions, wrote that from a European viewpoint all the nobles of Brunei with the exception of the Sultan and the chief minister, the Temenggong, were of 'very feeble character'.[19] They can be easily led by one who possesses their confidence. They did not resemble the rajas of Malaya in either vitality or courage, he said. Sultan Mumin had even less control over his government than had his predecessor, Omar Ali. The Consul-General to Brunei had frequently to remind the Sultan of his obligations under the treaty with Great Britain, and several

[15] Callaghan to Clarendon, 7 May 1866, FO 12/33A.

[16] Low to Derby, 6 Dec. 1875, FO 12/48. Low said the Sultan always desired to keep the mining rights of Muara in the hands of the British.

[17] *Sarawak Gazette*, 26 April 1872. One observer described the Sultan as 'having the soul of a huckster'; see Baring-Gould and Bampfylde, *op. cit.*, p. 327.

[18] Bulwer to Granville, 18 June 1872, FO 12/38.

[19] Low to Derby, 6 July 1875, FO 12/41.

times had to deal sternly with the Brunei government.[20] Because of the weakness of the Brunei government British policy depended largely upon the action of the Consul-General in sustaining Article X.

The occasion which drew British attention to centre upon Brunei in the 1870s did not involve another European power. It was Raja Brooke's attempt to acquire more Brunei territory and push his rule northward along the coast to Baram Point. His first request to the Sultan to cede Baram was in 1868.[21] At that time, as we have seen, the Disraeli government in thwarting Brooke's move northward pronounced a British sphere of influence upon the northwest coast of Borneo. Britain wanted no change in the territorial boundaries and was prepared to interfere with any attempt to invalidate Brunei treaty relations with Britain. It would seem that where Article X was concerned the Foreign Office considered Sarawak a foreign power. Such a policy was later enunciated at the Foreign Office on the basis of Brooke's assertion of his independence.[22] However there was much confusion over Sarawak's status and we shall see that the Foreign Office followed a carefully calculated policy of action during this period.

Had it been merely a question of the extension of Brooke rule over more Brunei territory the British government probably would not have objected. Brooke's northward movement, however, would have brought Sarawak into commercial competition with the colony of Labuan, and its governor into closer competition with Brooke for influence at the Sultan's court.[23] Because of the position of Labuan off the coast of Borneo, and because after 1861 the British Consul-General to Borneo was also Governor of Labuan, it is necessary to investigate the bearing which that colony had upon British policy.

The colony was established in 1848 as a naval and coaling station, and it was hoped by some that it would become an entrepôt

[20] e.g. Ussher to Derby, 3 Nov. 1876, FO 12/43. The Governor had to remonstrate with the Sultan because of crimes committed by the Brunei nobles against the Chinese traders, British subjects, of Labuan. See also the traders' petition to Gov. Ussher, 13 Oct. 1876.

[21] Hennessy to Stanley, 23 April 1868; Raja Brooke to Stanley, 30 April 1868, FO 12/34A.

[22] FO memorandum, 12 May 1876, FO 12/43.

[23] This is precisely what occurred between 1878 and 1888. See Chapters V and VI. Nicholas Tarling has noted some earlier instances of commercial and political competition in his 'Chinese Traders and the Entrepôt at Labuan in the Nineteenth Century', a paper presented to the International Conference on Asian History, Kuala Lumpur, August 1968.

for the Borneo coast and the Sulu Archipelago.[24] Some optimistic people even compared it to Singapore in this respect. As a station Labuan was seldom used by ships of the Royal Navy. To be sure, coaling facilities were provided at the port of Victoria, however, Kuching in Sarawak was usually favoured by naval officers for a stopping point in Borneo as it was more attractive and offered the refreshment of a larger English community.[25] More than one governor of Labuan complained that the colony was ignored in favour of Kuching. In 1886 the coal station was closed by the navy because of disuse. For long periods the supply of coal had not been dependable. The island had rich sources of coal[26] but the companies failed one after another. To a great extent the shortage of willing labour was the reason. Borneo Malays were found to be unreliable workers, and sufficient numbers of Chinese labourers could not be attracted to the mines even with the co-operation of the island government in encouraging immigration.[27] For short periods convict labour was used with some success but in the end this failed because the men would not work underground. Another reason for failure of coal operations was the poor management of the companies.[28] Managers were often eager to show up the inefficiency of a predecessor by a great effort at exploiting the surface coal—a practice which showed immediate and impressive progress. The longer and more tedious effort to win the deep veins was neglected.

Had these two serious problems been dealt with energetically much might have been accomplished. Yet there remained another basic ailment—the lack of long-term capital. As early as 1854 Lieutenant Governor Scott complained that the Eastern Archipelago Company was lax in its efforts to provide coal. He reported that the company was not investing the necessary capital to sink shafts for the deeper coal, but was skimming the surface deposits.[29] The companies were directed from London by directors who were

[24] FO to Admiralty, 30 May and 24 July 1846, FO 12/4.
[25] Admiralty to FO, 22 Jan. 1859, FO 12/35.
[26] Admiralty to CO, 2 Feb. 1886, CO 144/62; Bulwer to CO, 3 Feb. 1873, CO 144/36; and CO 144/32, *passim*.
[27] Callaghan to CO, 14 Jan. 1864, Labuan Coal Co. to CO, 10 July 1864, CO 144/23; Hennessy to CO, 25 Nov. 1867, CO 144/26.
[28] Scott to CO, 6 March 1854, CO 144/11; Bulwer to CO, 25 Feb. 1873, CO 144/40.
[29] Scott to CO, 6 March 1854, CO minute, June 1854, CO 144/11.

often sparing in their capital outlay and impatient to achieve immediate and large profits.[30] When profits were not forthcoming investors withdrew and the project failed. The company then reorganized or a new one was formed. During the period from 1847 to 1880 four companies operated, one after the other.[31] With each new company came renewed hope that Labuan coal would be produced in such quantities as to make it cheaper than coal shipped out from Britain, or from other eastern sources. With each failure disappointment with the colony grew. The failure gave Labuan coal a poor reputation, and made more difficult the task of finding investors to back a coal company. There was no confidence that the project to exploit the coal of Labuan would ever show a profit.[32] Each of the first three companies lost in the vicinity of £100,000. The Oriental Coal Company lost £150,000.[33] In 1878 the coal works were abandoned.[34] A visitor to the site at Coal Point in 1881 reported thousands of pounds worth of machinery and equipment rusting and decaying with ferns and weeds growing out of boilers and disused cylinders.[35]

A fair amount of the commerce of Borneo and Sulu was attracted to Labuan where a small community of Chinese and Indian traders handled sago and jungle products. There are no reliable figures for the Borneo and Sulu trade. In 1860 Labuan imports were worth £37,842, and exports, £12,603. By 1865 the value was £104,190 for imports, and £58,536 for exports, and in 1875, the figures were, £119,362 and £114,332, respectively.[36] Most traders, however, found it convenient to by-pass Labuan because of the

[30] FO memo, 15 Feb. 1879, FO 12/48.

[31] They were: Eastern Archipelago Co., 1847–58; Labuan Coal Co., 1860–66; China Steamship and Labuan Coal Co., 1866–68; and the Oriental Coal Co. 1868–78.

[32] CO memo, 27 Aug. 1867, CO 144/31.

[33] CO memo, 16 June 1882, CO 144/56.

[34] W. H. Treacher, 'British Borneo', *JRASSB*, v. 21, 1890, p. 45. Eleven years later still another company, the Central Borneo Company, undertook coal operations. It was succeeded in 1893 by the Labuan and Borneo Company which in turn gave way to the Labuan Coalfields Company, Limited, in 1902. The mines were again abandoned in 1911. See *Colonial Office* List, 1939, p. 397.

[35] Frank Hatton, *North Borneo: Explorations and Adventures on the Equator*, London, 1886, p. 128.

[36] Colonial Office List 1864, 1871, 1880; Bulwer memo., 8 Nov. 1873, CO 144/41. When the fall in value of money and the rise in prices as a result of the financial crisis in Europe during the middle and late 1860s is considered, this 'increase' in trade does not seem so great. See J. H. Clapham, *An Economic History of Modern Britain*, Cambridge, 1932, ii, 374–80.

failure of the coal companies and the virtual abandonment by the navy. They traded directly with Singapore from Borneo and Sulu. In 1872 Captain John Ross of Singapore was operating the only regular commercial service between Labuan and Singapore. He operated two large sailing vessels and a small steamer, the *Cleator*.[37]

The colonial establishment of Labuan was always a modest one. From the beginning, in 1848, the policy of the Colonial Office was to cut back administrative expenditure of the colony by reducing the number of officials. Sir James Brooke, the first Governor, was told in 1852 that the colony did not warrant a large establishment.[38] There were nine in the civil establishment. Over the years the staff was reduced and officials were often not replaced when their tour of duty was completed, the remaining officers taking over their duties. Under Governor John Pope-Hennessy there was a temporary reversal of this trend. When he was appointed in 1867 he badgered the Colonial Office for a full staff, including a private secretary and an aide-de-camp. The Colonial Office demurred but Hennessy was able to ring some concessions from London after he began showing impressive results from his administration of the colony. He got his private secretary.

In 1869 there were twelve Europeans in the establishment. By 1881 it had been reduced to five and was a completely make-shift arrangement. A former Colonial Surgeon was Acting Governor and was also Colonial Secretary, Auditor and Police Magistrate. The posts of Treasurer, Surveyor-General, Superientendent of Convicts and Harbour Master were combined in one man. There was a Colonial Surgeon and an Apothecary. The fifth European was W. H. Treacher, chief superintendent of the British North Borneo Company, and a resident of Labuan. He was a member of the Legislative Council and a judge of the General Court.[39]

Governor Hennessy in 1869 achieved the remarkable feat of making Labuan pay for itself, despite the temporarily increased establishment.[40] Hennessy's 'success' was exposed in 1872 when his successor, H. E. Bulwer, reported that Hennessy's remarkable financial management was the result of applying surpluses

[37] Bulwer to CO, 9 Nov. and 5 Dec. 1872, FO 144/38, iii.
[38] Pakington to Brooke, 6 Nov. 1852, CO 144/41.
[39] *Colonial Office List*, 1882, p. 106; Treacher, *op. cit.*, pp. 46–67.
[40] Hennessy speech to Legislative Council, 25 March 1869, CO 144/29.

accumulated in previous years from imperial grants against current expenditure.[41]

Governor Ord of Singapore reported on the financial condition of Labuan after Governor Hennessy's tenure.[42] Ord considered Hennessy's methods of raising revenue too monopolistic and his taxes too burdensome to the traders and inhabitants of the colony. However, from 1869 no more imperial grants were sanctioned for Labuan and the reduced establishment struggled along on its own.[43]

Britain's attitude toward Labuan alternated between a desire to abandon the place because of its failures, and hope for its eventual success. The fact is that Labuan could not be abandoned for fear of some other power taking it.[44] The abandonment of Labuan would have undermined Britain's influence in Brunei and hence her position on the coast. For the Sultan would have looked upon the withdrawal from Labuan as a sign that Britain was losing interest in Borneo. He depended upon the British as his defenders, and as support for that small authority which he continued to hold.[45] If the British were to leave Borneo the Sultan would be forced to look elsewhere for support. So because Britain could not abandon Labuan she wanted very much to believe in the success of the colony. In this she was aided by the governors who were anxious to raise the standing of Labuan.

Most of the governors beginning with Edwardes in 1856 were hostile to Sarawak and jealous of Raja Brooke's rule.[46] T. F. Callaghan who succeeded Edwardes in 1861, opposed a colonial status for Sarawak which was then under consideration. He thought it would be a liability because 'like all Borneo it suffered from want of population and cultivation.'[47] His rather disdainful

[41] Bulwer to CO, 10 April 1872, CO 144/36. There were actually deficits for the years 1869, 1870 and 1871.

[42] Ord to CO, 1 Sept. 1873, CO 144/41.

[43] Acting Gov. Leys (1881–1888) did not receive the compensation of a Governor. He received a small amount as a Colonial Medical Officer and £300 as Consul General to Borneo from the Foreign Office. See CO to FO, 18 Jan. and FO to CO, 7 Feb. 1882, FO 12/57.

[44] Admiralty to FO, 22 Jan. 1859, FO 12/35; CO minute, 20 July 1875, CO 144/45; CO memo, 10 Dec. 1886, CO 144/61.

[45] See, for example, Sultan to Low, 28 March 1867, CO 144/26; Low to FO, 11 May 1867, FO 12/33; Hennessy to FO, 10 March 1871, FO 12/37; Low to FO, 6 Dec. 1875, FO 12/48; Treacher to FO, 14 May 1884, FO 12/61.

[46] e.g. Russell minute on FO memo of 16 Aug. 1861, FO 12/28; and Edwardes to CO, 26 Dec. 1860, CO 144/18.

[47] Callaghan to FO, 11 Nov. 1862, FO 12/30.

solution was the mass immigration of Chinese who in 200 years, he thought, would bring Borneo into civilization. Governor Hennessy had no liking for Sarawak or Raja Brooke. Brooke he considered a vassal of the Sultan of Brunei, and Sarawak a delusion.[48] Although he professed considerable respect for Sir James Brooke and had even ordered official mourning at Labuan upon his death, Hennessy did not trust Raja Charles. He looked upon Brooke's desire to annex Baram as a challenge to Labuan[49] and to his own prestige at Brunei. His dispatches to both the Colonial Office and the Foreign Office were full of Brooke's 'high handed' methods in dealing with the Sultan. It was Hennessy who first warned the British government of the danger of allowing Brooke to annex more territory. For Hennessy thought that Brooke, being independent, could and probably would in turn grant territorial concessions to a foreign power or seek a protectorate from another European nation.

Governor Bulwer, succeeding Hennessy in 1871, was even more opposed to Sarawak's expansion.[50] Governors H. T. Ussher (1875) and C. C. Lees (1879) were somewhat more friendly to Sarawak and Raja Brooke.[51] But the friendly climate was interrupted when W. H. Treacher was Acting Governor and Consul General at intervals from 1877 to 1885.[52] Treacher became an enthusiastic supporter of the project of Baron von Overbeck and Alfred Dent which was the forerunner of the British North Borneo Company.[53] Treacher opposed Raja Brooke's power in Brunei for all the reasons put forward by previous governors[54] but mainly because Sarawak opposed the company in North Borneo of which Treacher became Governor in 1881.[55]

The British Government relied upon their representative in Borneo for information on conditions there. Always conscious of Article X of the Brunei treaty British policy and practice depended upon the dominance of British influence on the northwest coast. This meant to a large degree the influence which the British

[48] Hennessy to FO, 10 March 1871, FO 12/37.
[49] Hennessy to FO, 23 April 1868, FO 12/34A.
[50] Bulwer to CO, 16 Dec. 1874, CO 144/43.
[51] Ussher to CO, July 1877, CO 144/48; Lees to CO, 26 May 1881, CO 144/55.
[52] Herbert minute 15 July, Hicks-Beach minute 19 July 1878, CO 144/51.
[53] Treacher to FO, 2 Jan. and 22 Jan. 1878, FO 12/53.
[54] Treacher to FO, 14 April and 10 May 1878, FO 12/52.
[55] FO memo, 15 April 1885, FO 12/66.

representative had with the Sultan's government. Throughout the remainder of our period the strength of the British position in Borneo could be measured by the degree to which the Consul and Governor could hold a weak sultan in the British camp.[56]

Britain's refusal to allow Sarawak to annex the coast as far as Baram Point was an attempt to prevent Sarawak from undercutting Labuan's position. Britain could not allow such competition so close to Labuan and Brunei. She could not allow an increase in the Raja's influence at Brunei at the expense of the prestige of the Governor of Labuan.[57] British policy, then, followed closely the attitudes adopted by the various governors. At no time was this more evident than during the ten years from 1868 to 1878. We shall now analyse the questions which had the attention of Britain during these years and attempt to learn how British policy operated.

The Baram issue

The Baram question was the more important of two issues which led to British intervention in Brunei's political affairs between 1868 and 1878. The second issue dealing with the succession to the throne of Brunei will be discussed later.

Sarawak people and Brunei subjects intermingled in the area of the upper reaches of the Baram and Rajang rivers. Friction often occurred between them, especially between Sarawak traders and Brunei Malays. It was difficult to settle these disputes or for the innocent parties to receive redress because of the lack of control by the Sultan over his people. Raja Brooke wanted Baram because he saw nothing but unrest and continual friction in a rich trading area as long as a weak Sultan held nominal rule there. Brunei ceded territory to Sarawak in 1853 and 1861. In neither instance was the consent of the British government requested nor reference made to Article X of the 1847 treaty.[58] To be sure in 1853 there had been no crisis or issue of importance to attract the attention of the British government to Sarawak's acquisition of the coast as far as the Rajang river. The 1861 annexation of the sago rivers was the natural outcome of the troubled situation there when Governor Edwardes interfered with Sarawak's efforts to defend her sago

[56] See Callaghan to FO, 7 May 1866, FO 12/33A; Treacher to Maxwell, 22 Jan. 1885, FO 12/62; Treacher to FO, 19 March 1885, FO 12/64.

[57] Ussher to FO, 14 June 1876, FO 12/43.

[58] CO to FO, 29 Oct. 1874; Bulwer to FO, 16 Dec. 1874; and memo. by Alfred Green, 22 Sept. 1874, FO 12/42.

trade, and the Palmerston government recalled Edwardes and disapproved his action. But in 1863 had come a measure of British recognition of the independence of Sarawak, and five years later came the government's refusal to sanction Brooke's annexation of Baram. If Sarawak was independent it would seem that the restrictive clause of the treaty applied to that country, despite the fact that the Raja and his European officers were British subjects. Technically British subjects were not affected by the restrictive Article.[59] At first glance, therefore, there is a logical connection between the recognition of Sarawak's independence and the refusal to sanction the annexation. But this contention does not hold up under closer study. The circumstances of the two actions indicate that it was not quite so simple. For one thing it was a liberal government, under Palmerston, which recognized Sarawak while it was Disraeli's first conservative ministry which prohibited the annexation. Furthermore to argue that Britain's refusal to allow Brooke to annex northward was a direct consequence of recognition is to ignore the part played by the various governors of Labuan in their dual role of governor and consul.

It was unfortunate for Brooke that his first attempts to annex Baram occurred during the tenure of Governor Hennessy. It is doubtful if the British government would have objected to Brooke's move north had not the issue been raised and cultivated by the Governor. The precedents of the earlier cessions were obvious. Since the 1853 inquiry into Sir James Brooke's activities the Foreign Office had followed a policy of non-interference between the Raja and the Sultan, in spite of the increasing official interest in Sarawak.[60] In 1855 and 1856 in instructions to Consul St. John on the subject Lord Clarendon urged him to take no part in internal affairs in Borneo except to offer advice. Her Majesty's Government, said Clarendon, were not prepared to define the 'precise relations' between the Sultan and the Raja.[61] The policy was reiterated following Governor Edwardes' intervention on the Mukah river in 1860. Each new consul was given similar instructions upon his appointment.[62] The Colonial Office, too, instructed each appointee

[59] See above, p. 86.

[60] Chapter III, *passim*.

[61] FO to St. John, 30 Nov. 1855, FO 12/22; FO to St. John, 9 April 1856, FO 12/23.

[62] FO to St. John, 17 Nov. 1860, FO 12/27; FO to Callaghan, 27 May 1861, FO 12/29; FO to Ricketts, 27 Feb. 1864, FO 12/32A.

in his capacity as governor to remain aloof from the political affairs of Borneo.[63] Governor Hennessy advised the British government of Brooke's attempts to annex Baram. He urged the Disraeli government to resist Sarawak on the grounds of the restrictive clause.[64] At the same time Raja Brooke protested to both Hennessy and the Foreign Office against the Governor's interference, but the Foreign Office saw no basis for Brooke's protest.[65] They acted on Hennessy's suggestion and for the first time applied the principle of Article X to British subjects.[66] Hennessy convinced the Foreign Office that Sarawak was independent enough to be classed as a foreign power for the purpose. The Governor also mentioned that Sarawak was in a position to dispose of territory to a foreign power and the Foreign Office listened. Raja James Brooke's approaches to Holland and France were remembered too well to look with much enthusiasm upon Sarawak's attempts to expand northward.

The Foreign Office shared Governor Hennessy's distrust of Charles Brooke.[67] Clarendon had said in 1868 when the Sarawak protectorate question was pending that he did not relish protecting a petty ruler who wanted support but would not be controlled. Furthermore, Britain disliked Brooke's tactics in Brunei. Hennessy complained in March 1871 that Raja Brooke, that 'ill tempered vassal', used threats to compel the Sultan to accede to his demands.[68] The Sultan, Hennessy said, was a good and true friend of Britain and had done more for the cause of justice on the coast than all the well meaning officials of Sarawak had achieved in thirty years. The Foreign Office clearly disliked Brooke's treatment of the Sultan, and this was another reason why they did not wish to support Brooke's request for Baram against the Sultan's wishes.

The Foreign Office at this point, as we have seen, developed their case one step further and declared the whole northwest coast

[63] See CO to Hennessy, 7 Aug. 1868, CO 144/28; CO minute, 8 Feb. 1870, CO 144/33.

[64] Hennessy to FO, 23 April 1868, FO 12/34A: Hennessy to C. Brooke, 23 April 1868, and Hennessy to FO, 30 Sept. 1868, FO 12/34A.

[65] C. Brooke to Hennessy, 30 April 1868, and Brooke to FO, same date, FO 12/34A; FO memo., 5 June 1868, FO 12/34A.

[66] Minutes by Hammond and Lord Stanley, 25 Nov. 1868, and FO to Hennessy, 2 Dec. 1868, FO 12/34A.

[67] e.g. Clarendon minute of 20 Jan. 1870 on a letter from Raja Brooke, FO 12/42. 'The tone of this letter', he wrote, 'is not such as to give grounds for hoping for much good from the reign of the new Raja.' FO to Hennessy, 2 Dec. 1868, FO 12/34A.

[68] Hennessy to Odo Russell, 10 March 1871, FO 12/37.

within the British sphere of interest. They were disturbed by indications of foreign interest in the area, and saw no reason to arouse the suspicions of other powers[69] by sponsoring territorial changes. Sarawak could not annex Baram.

The Colonial Office preoccupation with Labuan

The Colonial Office was in agreement with the Foreign Office on the Baram issue at this point. Officials there were opposed to Sarawak's expansion not because of foreign threats but because of the threat of competition with Labuan. The Colonial Office was dependent for its information upon the governor's reports in the same way that the Foreign Office relied on the consular dispatches. Labuan had not prospered but Governor Hennessy in 1868 was thought to be making progress in reforming the fiscal administration of the colony.[70] The Colonial Office felt that Labuan had brighter prospects in spite of some doubt by Under-Secretary Rogers concerning Governor Hennessy's reports of the favourable commercial position in the colony.[71]

By 1872 the Colonial Office was again having doubts about the wisdom of retaining Labuan as a colony. Two factors brought this about. Firstly there were changes in the permanent staff at the Colonial Office[72] in 1870 and 1871 which brought fresh thinking to colonial problems. R. G. W. Herbert[73] succeeded Rogers as Permanent Under-Secretary and R. H. Meade[74] became an Assistant

[69] FO memoranda, 22 Nov. 1866 and 6 May 1869, FO 12/35.

[70] CO minute, 10 April 1868, CO 144/27.

[71] Frederick Rogers, succeeded Herman Merivale as Permanent Under-Secretary at the Colonial Office in May 1860; served until 1871. Rogers minute of 14 April 1868, on Hennessy to CO, 10 Feb. 1868, CO 144/27. See also C. B. Adderley, *Review of the Colonial Policy of Lord John Russell's Administration by Earl Grey, 1853*, p. 342.

[72] Recent authors have noted and adequately described the personnel changes at the Colonial Office in the early eighteen seventies, and the 'beginning of a new era' which those changes helped to bring about. See: C. D. Cowan, *Nineteenth-Century Malaya*, ch. 4, *passim:* David M. L. Farr, *The Colonial Office and Canada, 1867–1887* (Toronto 1955), ch. 2, *passim*; and 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' (unpublished Ph.D. Thesis, University of London 1959), ch. 1, *passim.*

[73] Robert G. W. Herbert, one time Private Secretary to Gladstone, Prime Minister of Queensland 1860–65, became Assistant Under-Secretary at the Colonial Office in Feb. 1870, Permanent Under-Secretary 1871–92.

[74] Robert H. Meade, Private Secretary to Granville, Assistant Under-Secretary at the Colonial Office 1871–92, Permanent Under-Secretary 1892–7.

Under-Secretary. Both Herbert and Meade were Liberals and took over at the Colonial Office during the first Gladstone ministry. But neither adhered to the philosophy of restricting colonial responsibilities which had so long prevailed at the Colonial Office under the influence of Rogers.[75] Secondly, and more important for its bearing upon Sarawak affairs, the failure of Labuan was dramatically pointed up when Governor Hennessy's financial maladministration of the colony was exposed by the new Governor, Bulwer.[76]

The mood in the Colonial Office over Labuan was decidedly one of disappointment. There was sentiment in favour of a change for the colony and Meade suggested that Labuan might be made a penal settlement for the eastern colonies in order to keep it afloat without a resumption of imperial grants.[77] The suggestion was not acted upon but it was clear that some more realistic status for Labuan was desirable. In the end it was decided to ask Governor Harry Ord of Singapore to go to Labuan and investigate the condition of the colony.

Upon his transfer from Labuan in 1871 Governor Hennessy had suggested in a memorandum to Lord Kimberley that Labuan should be joined to the Straits Settlements.[78] Kimberley thought it would be a good thing to have Governor Ord investigate the feasibility of Hennessy's suggestion, and Ord was ordered to Labuan in April 1873. In the meantime discussion respecting Labuan continued. Late in the year when Italy proposed to establish a convict settlement and commercial post on the northwest coast of Borneo, officials at the Colonial Office said Britain could not object merely to safeguard the trading interests of Labuan. Herbert wrote, '. . . the condition of Labuan must be critical if she depends upon exclusive trade and underdeveloped coal mines entirely'.[79] Governor Bulwer argued against the Italian project because of its nuisance value and its commercial competition with

[75] Rogers was a declared opponent of colonial expansion although he did not advocate giving up colonies. After his retirement he argued strongly against imperialism of the eighteen seventies and eighties. See e.g. his articles on South Africa in *Edinburgh Review*, April 1877, and *Nineteenth Century*, March 1879.

[76] CO minutes, 22, 25 and 26 June 1872, CO 144/36.

[77] Meade minute, 25 June 1872, CO 144/36.

[78] Hennessy to Kimberley, 7 Feb. 1871, CO 144/34.

[79] CO memo., 3 Jan. 1873, CO 144/38 (III); and Herbert minute, 15 Jan. 1873, CO 144/40.

Labuan. But Herbert thought such a view would lead to British opposition to all development of the resources and trade of Borneo except that which would benefit Labuan. This he thought undesirable.

Later when a German trader, Captain Willi Schuck, with the reputed support of his government, established a trading post in Sandakan Bay Lord Kimberley saw no grounds for opposition to the project.[80] One official declared that the German venture was 'a first rate thing on the whole' although it was bad for Labuan. And Mead pointed out that much of the trade which the Germans created would benefit British merchants in one way or another. Indeed the secretary had already declared that Labuan should not be allowed to stand in the way of the commercial development of other parts of Borneo.[81]

While any decision on the future status of Labuan awaited Governor Ord's findings it was clear that among the permanent officials at the Colonial Office, at least, disenchantment with the colony was strong. The policy of opposing any commercial ventures on the coast of Borneo in order to protect Labuan from competition was becoming more and more untenable if not already doomed.

Governor Ord's report which was received late in 1873 confirmed Bulwer's assertions of Governor Hennessy's maladministration and the past inefficiency of the coal mining operations.[82] Ord thought any formal union of Labuan with the Straits Settlements however, would be detrimental to the latter colony and of little benefit to Labuan because of the distance from Singapore. Ord recommended instead a limited connection in which Labuan would have a lieutenant governor nominally under the governor of the Straits Settlements, but subject only to his advice and assistance. In time Ord envisaged a situation whereby heads of departments in the civil establishment at Singapore would offer advice and assistance in administration and law to their counterparts in Labuan.[83] Labuan, he said, might become a small Singapore attracting the commerce of Borneo and Sulu, but it would be wise to reduce some of Hennessy's more burdensome taxes in order to

[80] Bulwer to FO, 9 Aug. 1873; and CO to FO, 11 Oct. 1873, CO 144/41.
[81] CO minutes, 22 Sept. 1872, CO 144/39, and 2 and 3 Oct. 1872, CO 144/41.
[82] Gov. Ord to CO, 1 Sept. 1873, CO 144/42.
[83] Kimberley had suggested a similar loose connection with the Straits Settlements in a memorandum of 28 April 1871, CO 144/34.

stimulate trade. There was reason to believe, Ord thought, that the Oriental Coal Company would win the deep veins of coal. If this happened perhaps 200 tons a day could be produced and Labuan would then be relatively prosperous.

The Colonial Office decided to postpone any action on Ord's report until the end of 1875 when the results of the coal operations would be known.[84] Any material improvement in the state of the colony depended upon the coal. No union with the Straits Settlements would be considered until Labuan could pay its share of operational costs.[85] Lord Kimberley thought that the taxes inaugurated by Governor Hennessy should remain until some improvement in the financial condition of the colony was seen. As to the coal operations he was not optimistic. He noted that there was some increase in the trade of Labuan and that a sago industry might prove valuable.[86] By careful economy Kimberley thought the colony could continue unaided but that it would always be close to 'that fearful catastrophe', a request to the Treasury for funds.

Raja Brooke's proposals

Action on Ord's report having been postponed by the Liberal Government, the status of Labuan became once again the responsibility of a Conservative ministry when the change of administration took place early in 1874. Lord Carnarvon, again Colonial Minister, repeated his stand of 1868 during this ministry and supported the Foreign Office in opposing Raja Brooke's designs on Brunei territory. The Raja had proposed in a long memorandum to the new Foreign Minister, Lord Derby, in July 1874, that Brunei should be taken under the protection of Great Britain.[87] The proposed protectorate would stretch from Sarawak territory at Baram Point to the northernmost point of Borneo. Brooke did not of course hold the coast as far as Baram but was still hoping to annex it. In a second memorandum Brooke asked that Sarawak be allowed to assume the protection of Brunei if Britain declined it.[88]

[84] CO minutes, 29 Nov. and 12 Dec. 1873, CO 144/42.

[85] Herbert minute, 14 Jan. 1874, CO 144/42.

[86] Kimberley minute, 17 Jan. 1874, CO 144/42; and Fairfield memo., 13 Nov. 1873, CO 144/41. Governor Bulwer sent the Colonial Office an exhaustive review of the commercial position of Labuan from 1848 to 1872, showing a general improvement in trade during the 1860s and continuing through 1872.

[87] Brooke to Derby, 16 July 1874, FO 12/42.

[88] Brooke to Derby, 17 July 1874, FO 12/42.

Brooke was worried lest foreigners occupy the territories of Brunei. If northern Borneo was lost to Britain along with Sulu[89] it would affect British commerce in the east. Britain's position at Labuan was not enough and if the government would not now increase its responsibilities in Borneo, Sarawak was prepared to extend its 'liberal and enlightened government' over Brunei and develop it commercially. The Raja wrote,

I feel sure it would much benefit trade, as well as be of great advantage to the sultan and all the native communities, and it is needless for me to say that where the Sarawak flag flies British interests are paramount.'[90]

Alfred Green, Foreign Office librarian, prepared an interesting memorandum on Brooke's proposals. He reviewed the history of Britain's position in Borneo and Sarawak's previous proposals for increasing British hegemony on the northwest coast.[91] As for Article X of the 1847 treaty Green said it did not apply to Raja Brooke because he was a British subject. Furthermore Green pointed out that the original grant of Sarawak to James Brooke predated the treaty. Brooke had received the grant in 1846, having held the governing power from 1841. All Brooke was asking, he wrote, was an extention of those rights of government over the rest of Brunei territory.

Such a proceeding can hardly be considered in the light of a cession to any other nation, as stated in the treaty, it being only an extension of the rights already enjoyed by a British subject.

This is an interesting interpretation of Brooke's case and if it had proved acceptable then the cessions of 1853 and 1861 could be claimed also to be merely extensions of Brooke's rights. No one at either the Foreign Office or Colonial Office was prepared at the moment to refute Green's argument. Neither did he attract support

[89] Spain's campaign in Sulu which began in 1872 seemed to be successful in its goal of subduing the Sultan and there was a strong belief in the east that these islands would at last come under Spanish sovereignty and become subject to Spain's restrictive trade practices.

[90] It would be interesting to know if Raja Brooke was influenced by the negotiations for the annexation of Fiji. Brooke's second memorandum was written on the very day that Lord Carnarvon announced to Parliament his belief that the cession of Fiji to the Crown should be accepted. (*Hansard*, (3rd Series) ccxxi, 17 July 1874, 179–87). Brooke was in England and the subject of Fiji had been in the press frequently. It is especially interesting that the heavy financial obligations which Britain assumed in Fiji were emphasized. (*Times*, 9 April, 16 May, 16 June, and 4 July 1874). Brooke suggested an initial outlay of £60,000 if Britain agreed to annex Brunei. (FO 12/42, Brooke memo., 16 July 1874).

[91] Green memo., 22 Sept. 1874, FO 12/42.

and nothing more was heard of his unusual interpretation. Green was curiously silent on one point, Brooke's status. Was Raja Brooke, a subject of the Queen, also an independent prince in the view of the Foreign Office or a vassal of the Sultan of Brunei? If he was not a vassal was not then Sarawak a foreign power so far as the terms of Article X of the treaty of 1847 were concerned?

However, Green was the only official to give any lengthy or original thought to the question at the time and his memorandum was circulated in both the Colonial and Foreign Offices. But the Foreign Office did not refuse to consider the proposals. Foreign Minister Derby brought them to the attention of the Colonial Office and the Cabinet, and for ten months the question was considered before a negative answer was returned to Brooke.[92] There was no urge in 1874 to pursue the question of Brooke's status. That would come later. It could not be denied that Brooke was a subject of the Queen, and indeed Permanent Under-Secretary Tenterden[93] told Brooke that he thought that Article X did not apply to him.[94] But the Foreign Office had to protect the prestige of their chief representative in Borneo, and the Colonial Office was awaiting the results of the coal company's deep drilling before deciding on the future of Labuan. In the event there was no desire to establish a formal protectorate over Brunei nor to permit Sarawak to extend its authority northward.

Under-Secretary Herbert thought that the sad experience with Labuan should forestall any extension of British obligation in Borneo. A British resident in Brunei should, he thought, be the extent of any British protection, and would satisfy the present demand of British interests in Brunei. Further, he held that a Sarawak protectorate of Brunei should be objected to, although he was not at all certain how far Britain had a right to interfere between Sarawak and Brunei.[95]

Lord Carnarvon agreed with Herbert. He noted, 'We have quite enough already on our hands.'[96] Later in the year Governor Bulwer reported that Raja Brooke was again asking for Baram. It cannot,

[92] Runciman, *op. cit.*, p. 178; FO 12/42 *passim*; and CO 144/43, *passim*.

[93] C. S. A. Abbott, Lord Tenterden, Assistant Under-Secretary at the Foreign Office, 1871–1873; Permanent Under-Secretary, 1873–1882.

[94] Tenterden minute on Brooke memo of 16 July 1874, FO 12/42.

[95] Herbert minute, 8 Oct. 1874, CO 144/43; and Herbert to Lister, 29 Oct. 1874, FO 12/42.

[96] Carnarvon minute, 8 Oct. 1874, CO 144/43.

he wrote, 'be a matter of indifference to the government of Labuan'. The Colonial Office supported the Governor's views, and Lord Carnarvon wrote to the Foreign Office that it was undesirable that Raja Brooke should acquire more Brunei territory.[97]

The Foreign Office felt that British interests in Brunei were adequately protected by the Consul without a protectorate. They were not convinced of the wisdom of allowing Brooke to annex northward nor to himself establish a protectorate over Brunei. Green had questioned the expediency of allowing 'a British subject in such juxtaposition to a British possession to enjoy such extensive rights of sovereignty'. Moreover, the possibility of foreign interference in Borneo was present at all times. If a political change occurred in Borneo would not this rouse other powers to take more notice of the northwest coast? Anderson, a senior clerk, had noted on Brooke's memorandum that if his proposals were accepted a Dutch protest would have to be dealt with. Lord Carnarvon had also advised Lord Derby that change in Borneo would cause difficulties with other European powers.[98] As for Brunei, there was some evidence that it needed protection against Raja Brooke. Consul Bulwer wrote that the Raja and his officers acted in a threatening manner toward the Sultan.

On 21 April the Cabinet considered Brooke's proposals, including his latest request for Baram. Without bringing up the question of Sarawak's status the government decided to reject them.[99] But because of the refusal to take up the status question the reasons for declining were expressed in vague terms. As noted, the Colonial Office was definite in not wanting Brooke to move northward because of lingering hopes that Labuan would prove valuable, but they questioned the government's right to interfere between Sultan and Raja. The Foreign Office referred to the decision of 1868 and told the Raja that they still desired to see no change in Borneo. But they did not specifically invoke the restrictive clause of the treaty. The question of Brooke's anomalous situation was thus avoided and awaited a future consideration.

The following year Brooke was given the same answer, when he requested that Article X be waived in his case, and he be allowed

[97] Bulwer to FO, 16 Dec. 1874, CO 144/42; CO minute, 30 Jan. 1875; and CO to FO, 5 Feb. 1875, CO 144/43.

[98] Anderson minute, 13 Aug. 1874; and Herbert to Lister, 29 Oct. 1874, FO 12/42.

[99] Derby minute, 21 April 1875, Derby to Brooke, 10 May 1875, FO 12/42.

to annex Baram.[100] Assistant Under-Secretary Lister was one of the few Foreign Office officials who favoured Brooke's expansion. He noted that the Sarawak government was a much better one than the Sultan's and was likely to encourage commerce and civilization. He was over-ruled by Tenterden who gave as the chief reason for opposing Brooke the arguments of Consul Bulwer in his dispatch of 16 December 1874. Labuan would be menaced, he thought, the consul's prestige at Brunei would be undermined. Moreover the Brunei nobles reportedly were not in favour of Brooke's annexation. Lord Carnarvon concurred.[101]

Reversal of policy at the Colonial Office

This was the last time that a colonial minister used Labuan as a pretext for opposing the expansion of Sarawak. A change of attitude toward Sarawak was beginning at the Colonial Office. It is first seen in Herbert's doubts about Britain's 'right' to interfere between Brunei and Sarawak. Among the permanent officials Labuan was already, as we have seen, all but written off as a failure. This sentiment was enhanced by the exposure of Governor Hennessy's financial manipulations. It was confirmed when the Oriental Coal Company, the fourth company to operate in Labuan, showed no more success than its predecessors. Much hope had been placed on the efforts to reach the deep coal. By mid 1875 it was evident that the company had failed. Governor Bulwer, on leave in London, defended the commercial position of Labuan *vis-à-vis* Borneo in a memorandum to the Colonial Office.[102] He said that the role of the coal operations in the colony and the short-comings of Labuan resulting from failure of the coal companies had been over-emphasized. The government, he said, had been too indulgent with the coal companies, and this contributed to the failures. The Governor contended that Labuan had commercial and strategic possibilities which were more important than the coal. Assistant Under-Secretary Meade disagreed. Labuan's potential value consisted in its coal mines and in nothing else, he wrote. He recognized, however, that Labuan could not be abandoned.[103]

[100] Brooke to Derby, 20 March 1876, and Derby to Brooke, 12 June 1876, FO 12/43.

[101] Lister minute, 5 May 1876; Tenterden minute, 12 May 1876; and Malcolm to Tenterden (CO to FO), 1 June 1876, FO 12/43.

[102] Bulwer memo, 12 July 1875, CO 144/44.

[103] Meade minute, 20 July 1875, CO 144/44.

The permanent officials at the Colonial Office, lead by Herbert and Meade showed no hesitation in viewing Labuan realistically. From their first experience of Labuan's problems they were willing in practice to allow the colony every opportunity to prove itself, while holding doubts as to its success. Their recommendations were generally accepted by both Carnarvon and Kimberley. But the Governor of Labuan and the information which he furnished to the Colonial Office still stood between the colony and the officials in London. When the failure of Labuan was at last recognized the basis for opposition to Raja Brooke was removed. The Colonial Office *rapprochement* with the Raja came about largely through the efforts of Governor Ussher who succeeded Bulwer in 1875. It partly substantiates the contention in this chapter that the Colonial Office attitude towards Borneo was dependent upon, and usually followed the sentiments of the Labuan governors.

To be sure, Ussher's first concern was for Labuan. In the summer of 1876 he warned, as had governors before him, that Sarawak's extension northward, would injure Labuan trade and prestige.

> However admirable and praiseworthy the results obtained by the late Sir James Brooke and the present raja the extention of that rule would tend to reduce Labuan to isolation.[104]

Although deploring the 'high handed' proceedings of Sarawak officials toward Brunei he recognized that Sarawak had legitimate complaints. Sarawak had difficulty in obtaining from Brunei debts owed to the Raja's subjects.[105] But Ussher adhered strictly to Foreign Office policy and reminded the Sultan that Britain would not sanction any cession of territory to Brooke.

Unlike his predecessors Governor Ussher took the effort to establish friendly communication with Raja Brooke. His first contact resulted in rather cautious praise of the Raja's 'firm and just' rule which had saved 'some of the finest provinces in Borneo from anarchy and bloodshed.'[106] In the summer of 1877 the Governor and the Raja exchanged visits. The opportunity thus afforded for a closer look at Sarawak and conversation with Brooke respecting Brunei caused Ussher to reverse his opinion of the Raja.[107]

[104] Ussher to FO, 14 June 1876, FO 12/43.
[105] Ussher to FO, 15 Sept. 1876, FO 12/43.
[106] Ussher to Derby, 11 April 1877, FO 12/42.
[107] A fact to which Ussher attested in a letter to the Raja in Jan. 1879 (Baring-Gould and Bampfylde, *op. cit.*, p. 339), and which was noted at the Colonial

During my stay with the raja I saw reason considerably to modify certain views which had been instilled into my mind respecting him. . .

Ussher became convinced of the Raja's sincere attempts to bring good government to the Borneo coast, and he was impressed by Sarawak's success. He wrote a long and complimentary report on Sarawak[108] which Charles Cox, chief clerk at the Colonial Office, thought should be suppressed[109] because it suggested the desirability of allowing Sarawak to absorb Brunei territory—a sentiment which was not in accord with Lord Carnarvon's views, presumably as expressed on the last occasion of the government's refusal of Brooke's request for Baram, in June 1876. Both Herbert and Meade praised the report, however, and from this time onward the Colonial Office's suspicion of Raja Brooke diminished.[110]

The reversal of attitude was complete in 1878 and was greatly influenced by Ussher's report and subsequent advice. It coincided with another development in Borneo which influenced a favourable attitude toward Raja Brooke at the Colonial Office. That development was the grant by the Sultans of Brunei and Sulu of northern Borneo to Baron Gustav von Overbeck, the Austrian Consul in Hong Kong, and Alfred Dent, of the London trading firm of Dent Brothers.[111] This grant which led to the founding of the State of North Borneo will be discussed in detail in a subsequent chapter. Only a few remarks concerning it need be made here.

Baron von Overbeck's visit to Brunei and Sulu in the winter of 1877–78 found Ussher on sick-leave in England, and William H. Treacher acting for him as Governor and Consul General. Ussher was in contact with the government, however, and warned of the danger to the British position in Borneo from the grant obtained by von Overbeck and Dent.[112] They were, he said, adventurers in the project for profit and would sell their rights to the highest bidder, possibly a foreign power.

Raja Brooke who had been trying to annex Brunei territory for ten years past was incensed that so large an area should be obtained

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Office, Cox minute, 11 Oct. 1877, CO 144/48, Ussher to Derby, 2 June 1877, FO 12/42; and 14 June 1877, FO 12/44.

[108] Enclosed in Ussher to Carnarvon, 25 July 1877, CO 144/48.

[109] Cox minute 11 Oct. 1877, CO 144/48.

[110] Herbert and Meade minutes, 11 Oct. 1877, CO 144/48.

[111] Treacher to Derby, 2 Jan. and 22 Jan. 1878, FO 12/53.

[112] Ussher to CO, 15 March 1878, CO 12/53.

so easily by strangers. He complained, with some justification as we shall see, that acting Consul Treacher supported von Overbeck's project, and he reminded the Foreign Office of its policy of opposing territorial changes on the northwest coast of Borneo.[113]

Governor Ussher and Raja Brooke joined in opposing the Dent-Overbeck scheme and succeeded in gaining the sympathy of the Colonial Office. But British policy toward the Dent-von Overbeck project was to be decided at the Foreign Office. The Colonial Office in 1878 could do nothing more constructive toward a Borneo policy than support Brooke's request for Baram. Meade noted that the extension of Sarawak could no longer be opposed as the Foreign Office seemed to favour the Dent-Overbeck cession because of the English investors in it and ignored the fact that Overbeck was a foreigner.[114] Hicks-Beach who succeeded Carnarvon at the Colonial Office when the latter resigned, minuted that the Raja had more claim for British support than had Baron von Overbeck.[115] He too noted the inconsistency of the Foreign Office in applying Article X to Raja Brooke but ignoring it in the case of Dent and von Overbeck. In July Hicks-Beach informed Lord Salisbury that Sarawak's request for Baram should be favoured if any territorial changes in Brunei were contemplated.[116] The following January, after talks with Raja Brooke and Governor Ussher the Colonial Secretary declared that he was ready to support the Raja whenever the Foreign Office arrived at a decision with respect to the Dent-von Overbeck cession. Ussher was greatly pleased with the interview and was assured that the Colonial Office agreed to allow the Raja and the Sultan to arrive at their own terms for the cession of Baram as long as the Sultan was a 'free agent'. Ussher thought Lord Salisbury would follow the Colonial Office on this matter.[117] Indeed, Under-Secretary Herbert suggested giving Raja Brooke Labuan as well as Baram. 'For Baram' he wrote, 'will bring Sarawak close up to our important island—failed in coal and failing in coin.'[118]

[113] Brooke to Derby, 11 April 1878 and Pauncefote's minute, 24 May 1878, FO 12/53.

[114] Meade minute, 15 July 1878, CO 144/51, commenting upon Salisbury's letter to Raja Brooke of 3 June 1878, a copy of which was sent to the Colonial Office (FO to CO, 11 July 1878).

[115] Minute of 19 July 1878, CO 144/51.

[116] Hicks-Beach to Salisbury, 22 July 1878, CO 144/51.

[117] Herbert minute, 17 Jan. 1879, CO 144/52; and Ussher to Raja Brooke, quoted in Baring-Gould and Bampfylde, pp. 339–40.

[118] Minute of 26 Aug. 1879, CO 144/52.

The Foreign Office defines its policy toward Sarawak

We have seen that the officials at the Foreign Office were steadfast in their opposition to Raja Brooke's annexation of Baram. In so doing they were strongly supporting their consul. Distrust of Raja Brooke made it impossible to approve his scheme for annexation of territory. It was pointed out by Pope-Hennessy in 1868 that he already had a vast territory to develop in Sarawak.[119] His reasons for wanting Baram, it was thought, must therefore be political. Some of the Raja's statements and activities seemed to support this contention. His proposal in 1874 to establish a Sarawak protectorate over Brunei was viewed with suspicion.[120] An article by the Raja in the *Sarawak Gazette* in 1872 which suggested pensioning the Sultan and establishing a stable government in Brunei was noted at the Foreign Office.[121] Consul Bulwer on this occasion considered the Raja's sentiments unfriendly. Under-Secretary Tenterden in opposing Brooke's request for Baram in 1876 thought the Raja had no philanthropic motives to bring good government to the northwest coast. He wanted, wrote Tenterden, to be in a more advantageous position when he offered to sell his rights to Britain.[122]

Not all of the officials were suspicious of Brooke. Assistant Under-Secretary Lister thought well of Raja Brooke's rule and said Sarawak should be allowed to acquire more Brunei territory provided the Law Officers found no impediment to such a move in the 1847 treaty, and it did not involve British protection.[123] At no time did the Foreign Office tell the Raja specifically that Article X was the *de jure* reason for their opposition for they were not certain that Sarawak was an independent state and how far Article X could be made to apply.[124] They ignored the fact that Brooke as a British subject did not come under the terms of the treaty, although Alfred Green was of this opinion, as we have seen from his memorandum, and even Lord Tenterden 'at first glance' thought so when he received Brooke's proposals for the annexation of Baram

[119] Hennessy to Stanley, 30 Sept. 1868, FO 12/34A.

[120] See especially, Green memo., 22 Sept. 1874, FO 12/42, and Tenterden minute of 12 May 1876, on Brooke letter of 20 March 1876, FO 12/43.

[121] Copy in Bulwer to Granville, 18 June 1872, FO 12/38; *Sarawak Gazette* of 26 April 1872.

[122] Tenterden minute, 12 May 1876, FO 12/43.

[123] Lister minute of 5 May 1876, FO 12/43.

[124] As we have seen the confusion carried over into the Colonial Office.

in July 1874.[125] The question of Brooke's status as a subject and ruler was not thoroughly investigated until 1876.

But the consuls used Article X in their opposition to Brooke. The Sultan was under the impression that it applied, and Raja Brooke himself assumed that the restrictive clause covered Sarawak.[126] He accepted that Britain had recognized the independence of Sarawak and its ruler during the Palmerston ministry in 1863.[127] Yet there was an unwillingness among later ministers to acknowledge this fact. It sometimes reached absurd proportions, as when Lister and Derby considered whether the loan of a naval officer to sail a gunboat to Sarawak on a salary of that government involved recognition of the Raja as an independent power.[128] Not the least reason for this unwillingness was the awkwardness of a subject of the Queen being also a brother prince. Officials considered the point from time to time. Thus in 1869 and again in 1874 the propriety of presenting Brooke at court as Raja of Sarawak was queried. On the first occasion Clarendon refused, but in 1874 permission was granted. The Foreign Office informed the Lord Chamberlain that the Raja was an independent sovereign.[129]

In May 1876 Senior Clerk Victor Buckley pointed out that Brooke as a subject was not barred by Article X. He thought, however, that Brooke ought not to be told this 'as we don't encourage him in his projects', and Lord Derby agreed.[130] Thereupon Tenterden and Lord Derby, in a novel opinion, decided that because the raja 'asserted' his independence he was a foreign power within the meaning of Article X.[131] Consul Bulwer had advised that just such a course was the proper one to follow in

[125] Green memo., 22 Sept. 1874; and Tenterden minute 16 July 1874, FO 12/42.

[126] Baring-Gould and Bampfylde, *op. cit.* p. 335.

[127] cf. Palmerston minute, 6 Aug. 1856, FO 12/23; Russell minute, 23 Aug. 1863; FO to Treasury, 28 Aug. 1863, FO 12/31; St. John, *Life . . .*, pp. 359–68. St. John quotes Under-Secretary Layard as saying that in the appointment of a Consul to Sarawak the Cabinet recognized Brooke by the 'most direct and least formal method.'

[128] Lister and Derby minutes, 11 Sept. 1875, on Admiralty to FO, 9 Sept. 1875, FO 12/41.

[129] Clarendon to Brooke, 26 May 1869, FO 12/35; and Hertslet memo, 29 Dec. 1876, FO 12/42. Hertslet cites FO to Lord Chamberlain, April 1874.

[130] Buckley minute of 5 May 1876, on Brooke to Derby, 20 March 1876, FO 12/43.

[131] Tenterden and Derby minutes, 12 May, on Brooke to Derby, 20 March 1876, FO 12/43.

relations with Raja Brooke, late in 1874. He said also that Sarawak's annexation of Brunei territory in 1853 and 1861 was an infringement of Article X of the Treaty with Brunei, and hence illegal.[132]

The confusion of the Foreign Office policy increased when late in the year steps were taken to define the Raja's status. The Sultan of Brunei had asked the British government if Brooke was still a subject of the Queen, and if so to restrain him from pressing for Baram.[133] The Sultan's real grievance was that Raja Brooke deducted from his annual payments the debts owed by the Sultan's subjects to Sarawak people. Sarawak traders were unable to collect through more normal channels because of the breakdown of government authority in the Brunei territories. The Sultan wanted Britain to force Brooke to desist from this practice. Assistant Under-Secretary Julian Pauncefote decided to pursue the question, although he thought that the government could not intervene between Sultan and Raja.[134]

In due course it was discovered that the Law Officers in 1856 and again in 1862 had said that Raja James Brooke could be permitted to assume the sovereignty of a foreign state, and that Brooke had been recognized by the Palmerston government. Whereupon Pauncefote, with the concurrence of Tenterden and Derby, decided that Raja Brooke was entitled to 'all the rights and privileges . . . of an independent sovereign prince'.[135] But Buckley had doubts[136] and Pauncefote agreed to a further search of the records. It was then discovered that no document could be found to show that Brooke had received permission from the crown to assume the sovereignty of Sarawak. It is not certain what type of documentation was sought, whether an order-in-council or a cabinet decision. Apparently the Foreign Office letter to the Lord Chamberlain or the record of Brooke's recognition at court were unacceptable. Furthermore a technical 'error' had occurred in the Palmerston government's recognition. Consul Ricketts' commission

[132] Bulwer to Derby, 16 Dec. 1874, FO 12/42.

[133] Ussher to Derby, 15 Sept. 1876, FO 12/43.

[134] Pauncefote minute, 4 Dec. 1876, FO 12/43. Sir Julian Pauncefote, Baron Pauncefote (1899); Attorney General of Hong Kong 1866–74; Assistant Under-Secretary, Colonial Office 1874–76; Assistant Under-Secretary, Foreign Office 1876–1882; Permanent Under-Secretary, Foreign Office 1882–1883; Minister and Ambassador to the U.S., 1893–1902.

[135] Hertslet memo, 15. Dec. 1876; and Pauncefote minute, 29 Dec. 1876, FO 12/43.

[136] Buckley minute, 30 Dec. 1876, FO 12/43.

had instructed him to apply for acceptance as Consul from the 'local authorities' instead of from the sovereign ruler. Irwin implies that the 'error' was deliberate on the part of the Foreign Office staff.[137] If so then the staff was guilty of insubordination in not carrying out precisely the intentions of the cabinet as expressed by both Palmerston and Russell. In Pauncefote's legal opinion this clearly showed that Raja James Brooke had not been formally recognized as a sovereign. He wrote,

> Raja Brooke has not forfeited his claims of British nationality by accepting the position of ruler of Sarawak and as a matter of constitutional law it is competent to Her Majesty to recognize him as a sovereign prince *but no such recognition has yet taken place.*[138]

Under the doctrine enunciated by Pauncefote the whole question remained obscure. For if the Foreign Office now decided that Brooke was not a sovereign ruler he must therefore be a vassal of the Sultan. If so then the question to which the Colonial Office alluded arises—did Britain have the right to interfere between the Sultan and one of his Rajas? Buckley contended that the Sultan should be told that Brooke was not recognized and that Britain could not intervene between the Sultan and his vassal. Lister agreed.[139] But Pauncefote argued that it was only necessary to answer the Sultan's questions with respect to Brooke's nationality, although the Colonial Office and the Consul General should be told of the Foreign Office decision regarding Brooke's status.[140] Finally with the concurrence of Lord Derby and the Colonial Office a dispatch went off to Ussher.[141] He was instructed to tell the Sultan that the tribute owed to him was a Sarawak state debt for which Brooke was not personally responsible, and therefore, while the Raja was a British subject, Britain could not intervene between '*two foreign states.*'[142]

[137] Irwin, *Nineteenth-Century Borneo*, p. 189.

[138] Pauncefote minute, 2 Jan. 1877, FO 12/43, (Pauncefote mistakenly dated it 2 Jan. 1876). Italics added.

[139] Buckley and Lister minutes, 22 Jan. 1877, FO 12/43.

[140] Pauncefote minute, n. d., FO 12/43, but follows Lister's above.

[141] Derby to Ussher, 29 Sept. 1877, FO 12/44. The Colonial Office caused several months delay in the dispatch by mislaying the correspondence with the Foreign Office. This caused no worry on the part of anyone at either office and perhaps shows how minor was the issue of Borneo.

[142] The following year Sarawak was again referred to as a foreign state. Salisbury to Brooke, 3 June 1878, FO 12/53.

So while maintaining by implication that Sarawak was a foreign power, and hence subject to Article X the government held the opinion, based on a minor legal point, that Brooke had never been recognized. What was gained by this policy? Had the Foreign Office followed Buckley's advice and announced that Britain considered the Raja a vassal of the Sultan it could not easily have prevented Brooke from taking under his governance more of his 'suzerain's' territory. Moreover, had the Foreign Office moved for an interpretation of Article X it would have been shown that Brooke a British subject, was exempt from its terms. He could have acquired Baram without British permission.

Raja Brooke's status was indeed anomalous. He was by the terms of the treaty exempt from control and was at the same time an independent power—a contingency which the government was loath to admit and which Pauncefote, the Foreign Office legal adviser, surely grasped.[143] The ambiguity of policy was deliberate. For if Article X were to operate as the basis of British dominance it must be made to apply to Sarawak. Otherwise a large section of the coast would be annexed by the Raja and come under the less well defined 'protection' accorded Sarawak.

If he knew of his position the Raja nevertheless did not move to oppose Britain's Borneo policy. Brooke assured Governor Ussher that he would not 'attempt to oppose the expressed desires of Her Majesty's government.'[144] It is to the Raja's credit that he restrained his impatience with the government's confusion and lack of candour.

As for the Dent-von Overbeck cession, Pauncefote disagreed with the Colonial Office view of the project and their support of Raja Brooke. He declared that the Colonial Office was influenced by Ussher who had a pro-Brooke bias.[145] Furthermore, he said, Ussher's advice was based upon wrong premises. 'I am', he wrote, 'personally acquainted with the promoters of the scheme and with its real features.'

The scheme for North Borneo was the vehicle which finally moved the Foreign Office from their opposition to Brooke's

[143] Sarawak may have been purposely exempted by the wording of the treaty, negotiated by James Brooke, for the Palmerston government of 1847 which approved it was sympathetic to Raja James and his Borneo project.

[144] Ussher to Derby, 14 June 1877, FO 12/44.

[145] Pauncefote minute of 7 May 1878, FO 12/53.

acquisition of Baram. It will be seen in a later chapter how a compromise was arranged between Sarawak and North Borneo. But for Pauncefote's opposition Sarawak might have annexed Baram long before permission was finally granted in 1882. For the Pauncefote doctrine rested on a false base, and some officials were beginning to take a more tolerant attitude toward Raja Brooke.[146] The annexation would have been allowed for practical reasons, as Sarawak was a proven and stable government.

It must be said, also, that had Brooke and Ussher been more adroit in handling their end of the Baram question the annexation might have occurred earlier. The Raja could have given an understanding that he would not cede territory to a foreign power without British consent, thus granting the government more control over Sarawak and allaying some of the suspicion of the Raja's motives at the Foreign Office. Undoubtedly such a guarantee would have been welcomed during the 1870s as it was only a few years later.[147]

Foreign interest in Borneo

The threats of foreign intervention on the northwest coast of Borneo during the 1870s were apparent to the Foreign Office. These moves amounted to little but were an indication to Britain that others were willing to establish a footing in Borneo should she retire from the field. Italy in 1870 asked the Sultan of Brunei for a grant of territory for a penal colony and a trading station.[148] At the time the British government raised no objections to a trading station although the idea of a penal colony so close to Labuan was opposed.[149] When in 1872 the Italian minister in London asked Britain to allow the Sultan to make the grant the

[146] e.g. Tenterden (minute of 16 July 1874, FO 12/42) and Lister (minute of 5 May 1876, FO 12/43).

[147] FO to Leys, 2 Nov. 1881, FO 12/52.

[148] Capt. Racchia to Hennessy, 18 Feb. 1870; Hennessy to Clarendon, 21 April 1870, FO 12/36. Captain Racchia of the Royal Italian Navy had set out from Italy in 1869 for a cruise in the Far East. He was commissioned to seek suitable sites for naval stations which might also be developed into colonies. Vincenzo Pizzicannella, 'La Politica del Regno d'Italia in Estremo Oriente nel Secolo Diciannovesimo', (unpublished thesis of the University of Rome, Faculty of Political Science, 1961) ch. 2. *passim*.

[149] Granville to Hennessy, 26 Sept. 1870, FO 12/36.

Foreign Office, on the advice of Consul Bulwer,[150] replied that it could not permit a penal settlement in Borneo. Upon this the Italian government abandoned the idea.[151]

Germany began to take an interest in Borneo during the eighteen seventies. Her traders had been in the Pacific for years and had built up a valuable commerce.[152] German ships in the carrying trade were familiar sights. Fresh from victory over France her commercial and industrial leaders were seeking to increase their business in the east and the German Government were being pressed to grant some measure of support and protection. In 1872 and 1873 several German vessels were stopped and captured by the Spanish blockaders of the Sulu islands. Britain, which had also experienced trouble with the Spanish blockade joined Germany in protesting to Spain. The outcome was the 1877 protocol, signed by the three nations, freeing commerce in the Sulu Archipelago.[153]

More direct German interest in Borneo occurred. In March 1873 a Captain von Blanc commanding the North German ship-of-war *Nymph* arrived in Borneo to investigate the Spanish-Sulu dispute.[154] The previous year the Sultan of Sulu had entrusted a letter for the German Chancellor von Bismarck to the German trader, Captain Schuck. The Sultan appealed for help against the Spaniards who in 1872 had once again mounted a campaign of conquest against the Sulu Islands. It will be remembered that Sulu had appealed several times to Britain without obtaining the desired results.[155] The following month Bulwer reported that von Blanc had returned from Sulu and displayed great interest in the commercial and strategic potential of Sulu and northern Borneo.[156] Bulwer thought that von Blanc had negotiated a cession of the island of Bongao. At any rate the German felt, said Bulwer, that

[150] Bulwer to Kimberley, 1 Jan. 1873, CO 144/40. Bulwer advised against a convict colony but thought that an 'Italian settlement' under the liberal patronage of Italy would be an element of strength on the northwest coast.

[151] Granville to A. Paget (British Minister in Rome), 30 Dec. 1872, and 21 April 1873; and Paget to Granville, 29 April 1873, CO 144/40.

[152] See esp. *Report of the Secretary of the Navy* (U.S.) 1866–67, p. 6; and M. E. Townsend, *Origins of Modern German Colonialism*, New York, 1921, ch. III, *passim;* The House of Godeffroy of Hamburg had trading posts in the Pacific in 1857.

[153] See below, pp. 140–42.

[154] Bulwer to Granville, 22 March 1873, FO 71/3.

[155] See above pp. 21, 23.

[156] Bulwer to Granville, 10 April 1873, FO 71/3.

Bongao which commanded the passage between Tawi Tawi and Borneo should be in the hands of a European power. An inquiry at Berlin by E. O. Adams, British Chargé d'Affaires, was met with the rather ambiguous reply by Herr von Philipsborn at the Foreign Ministry that he thought some sort of proposition was made to a visiting ship's captain by the Sultan of Sulu, but he did not think it had aroused much interest in Berlin.[157]

Bulwer's warning of German interest had basis in fact, for later in the year Captain Schuck was granted land on Sandakan Bay and was promised a monopoly of the rattan trade of the north coast.[158] Furthermore Captain Schuck informed Bulwer that he had the support of his government with whom he was in communication. Another approach to the German government was made. Minister von Bülow the Foreign Minister, told British Minister Odo Russell that the Sultan had asked for a German protectorate. Captain von Blanc had been sent to the East to say that Germany could not help him. There was no wish or intention, according to von Bülow, to acquire possessions in the Sulu Archipelago or any other part of the world.[159] A more important reason for von Blanc's mission seems to have been to investigate the Spanish blockade of Sulu. The Foreign Office was satisfied that Germany planned no territorial acquisitions in Borneo. Moreover, at this point Britain was more interested in getting German co-operation for a joint protest to Spain relative to the Spanish blockade.

In 1875 the Austrian consul, Baron von Overbeck, launched his Borneo project by purchasing the rights of the American Trading Company from its president, Joseph Torrey. Torrey had made no payments to the Sultan and had been unable to raise capital to resume the company's activities so disastrously terminated on the Kimanis River in 1866. He had accompanied von Overbeck to Brunei to obtain a ten year renewal of his lease.[160] Von Overbeck was a speculator and was in the venture for profit, and it was known that he approached both Austria and Germany in his search for financial backing.[161] Austria had shown enough interest in Borneo

[157] Adams to Granville, 16 Aug. 1873, CO 144/41.
[158] Bulwer to Granville, 9 Aug. 1873, FO 71/3.
[159] Russell to Granville, 21 Nov. 1873, FO 71/3.
[160] Low to Derby, 6 July 1875, FO 12/41. In 1878 Torrey became American Vice-Consul at Bangkok.
[161] J. Ross to CO (to FO), 9 Aug. 1878; C. Dilke to R. Bourke (Parl. Under-Secretary FO) 27 June 1878, FO 12/53.

to send a warship, the corvette, *Friedrich* (Captain Oesterecher) to Brunei to investigate the prospect of the American Trading Company.[162] The captain informed acting Consul Low that some businessmen in Vienna were interested and had applied to the imperial government for information. He was satisfied, he said, that there was no such company operating on the coast. In 1878 the presence of an Englishman, Alfred Dent, in the von Overbeck venture was reassuring to the Foreign Office.

The succession issue

The other issue which led to British intervention in Brunei politics during the 1870s was the question of the succession to the throne of Brunei. The succession issue illustrated just how much British policy depended upon the Consul's relationship with the Sultan's government. It also demonstrated the weakness of that policy. Sultan Abdul Mumin, already past middle age when he succeeded Omar Ali Saifudin in 1852, was a very old man, said to be over 90 years old. He was a cousin of the murdered Raja Muda Hasim, friend of James Brooke, and was himself placed in a position as Omar Ali's successor by the efforts of Raja James.[163] Power in Brunei was with whichever of the several pengerans surrounding the Sultan could hold his attention. That power was to a great extent only nominal and depended on the obedience which could be called forth by invoking the Sultan's name. This procedure was ineffective for several of the peoples living on the Brunei rivers were in a more or less constant state of rebellion against the excesses of the Brunei pengerans who invoked the Sultan's name in their extortionary demands.[164] The Kayan people, for example, carried on open warfare against the Brunei Malays during much of the latter part of the nineteenth century.

The Sultan had appointed no heir and according to Brunei law it was not necessary because each Sultan was chosen by the leading pengerans and chiefs.[165] But by custom each Sultan designated his

[162] Low to Derby, 1 June 1875, FO 12/41. Some seven years previously an Austrian naval expedition had operated in the Far East and Hennessy had been asked to watch it. See Hennessy to CO, 8 Jan. 1869, CO 144/29.

[163] G. R. Mundy, *Narrative of Events in Borneo*, London, 1848, ii, 115–6.

[164] Low to Derby, 26 April 1875, FO 12/41, and Baring-Gould and Bampfylde, pp. 333–336.

[165] Hugh Low, 'Selesilah (The Book of the Descent)',; and Baring-Gould and Bampfylde, p. 69.

successor and installed him as heir before his death. Should the aged Sultan Mumin die without naming an heir the resulting struggle of the claimants could prove bloody and bitter. So thought British officials in Borneo. Hugh Low during the 1870s first recognized the danger to Britain's position in Borneo by the continued anarchy and weakness of the Brunei government.[166] Low was Acting Governor and Consul between the departure of Governor Bulwer in 1875 and the arrival of Governor Ussher, a little over a year later. He took the occasion to inform London of the details of the Brunei political scene, the history of the sultanate and something about the leading personalities.[167] He noted that the preservation of peace in Brunei was of great importance to the colony of Labuan, which was left defenceless during the intervals between visits of naval vessels.[168] Britain could do much, he thought, towards stabilizing the Brunei government. In this he was echoing sentiments expounded by Raja James Brooke, Governor Pope-Hennessy and by Raja Charles Brooke as recently as the previous year. Each in his way had wanted to ensure British dominance on the coast by intervening to strengthen the government and bring order to Brunei.

Low first suggested something akin to a resident system by which the Sultan could be advised on better governmental procedures. But of more immediate importance was the danger inherent in the refusal of the Sultan to name a successor. Mumin reportedly wanted to leave the government to his wife, Raja Istori, becuse he thought none of the claimants had the good of the country at heart.[169] Low thought the situation dangerous because of the weakness of government at Brunei and because of recent threats of foreign interest in Brunei. The Raja of Sarawak was also eager to annex northward. When early in 1876 the Sultan's wife died Low warned Lord Derby that a successor to the Sultan should be named immediately as the Sultan's death 'may have a disturbing effect' on Brunei politics. The Sultan felt the death very deeply and was quite incapacitated for business. He married again within

[166] Low to Derby, 26 April 1875, FO 12/41.

[167] Low to Derby, 6 July 1875, FO 12/41. Low later published his study of the Brunei rulers in *JRASSB* as the article cited above, p. 10 n. 21.

[168] Low to Derby, 14 Jan. 1876, FO 12/43.

[169] Low to Derby, 6 Dec. 1875, FO 12/41.

six months for 'state reasons', the bride being the widow of one of his pengerans.[170]

There were three obvious candidates. The Pengerans Pamancha and Temenggong, half brothers, either of whom, Low thought capable of ruling. The third Pengeran, Anak Chu Chu, son of Raja Muda Hasim, was a dissipated young man of the royal line but had, according to Low, 'no disposition for business'. Pamancha was slightly older than Temenggong and was rumoured to have waived his claim to the throne some years before. There was some doubt about this. Both were sons of Omar Ali and adopted sons of Sultan Mumin although there was a question as to the legitimacy of Temenggong.

Upon his arrival in Labuan Governor Ussher agreed with Low as to the danger to the British position posed by the unsettled conditions in Brunei. But the disturbing element, according to Ussher, was Raja Brooke's influence at Brunei. The Raja reportedly favoured Anak Chu Chu as the Sultan's successor, and if he became Sultan, said Ussher, Sarawak's probable increase in territory and power would injure Labuan's trade and prestige.[171] Ussher, thinking Raja Brooke was a Brunei raja, even suggested that he might have some claim to becoming Sultan.

The portent of both Low's and Ussher's warnings was the same. Britain should intervene and hasten the selection of a successor to the Sultan. In the meantime Ussher asked for and was promised a warship for his use in the event that peace was threatened on the coast of Borneo. He wrote,

> In case of the Sultan's death my presence at Brunei with a ship of war would probably avert actual violence, and enable me to assist any rival claimants to settle their difficulties in a peaceful and orderly manner.[172]

The granting of naval support to the Consul in this instance was a clear decision on the part of Britain to intervene in Brunei, if necessary, and influence the selection of a new Sultan, despite the Colonial Office's diplomatic language on the subject. Herbert had minuted,[173]

[170] Ussher to Derby, 15 July 1876, FO 12/43.

[171] Ussher to Derby, 14 June 1876, FO 12/43.

[172] *Ibid.* Brooke's status was shortly under consideration at the Foreign Office.

[173] Minute of 27 Aug. 1876, CO 144/47.

Lord Carnarvon thinks it would be a wise precaution if a ship of war were within easy reach of Mr. Ussher to render him assistance if necessary from the present time until affairs become established and settled in Brunei after the death of the old and the succession of the new Sultan.

At this point the Colonial Office assumed as much initiative in the succession issue as did the Foreign Office under whose consular jurisdiction Brunei lay. There had been much conferring on the subject. Lord Derby in seeking the advice of the Colonial Office remarked, somewhat inaccurately, that Brunei politics were interesting to Britain chiefly from a colonial point of view.[174] But Article X and the ability of the Sultan to honour it was a concern of the Foreign Office. A weak Sultan meant also a weakening of British policy based upon the treaty rights. There seemed to be an attempt at the Foreign Office to shift responsibility for the succession issue onto the Colonial Office. There is no question that the Colonial Office was quite as active in the matter as the Foreign Office. Chief Clerk Charles Cox of the Colonial Office wrote,

It appears to me very desirable not only *for the interests of Labuan, but for imperial interests* that we should have a friendly Sultan on the throne of Brunei. I am at a loss to suggest, as apparently the Foreign Office are, how this end would be best attained.[175]

Cox thought, however, that the Sultan might be induced to name a successor if 'we had one in mind most likely to favour British interests'. He thought Hugh Low with thirty years of experience in Borneo knew most about the subject and should be consulted.[176]

It was Assistant Under-Secretary Meade who interviewed Hugh Low, when he returned to London on leave, and drew from him an outline for a policy on the succession problem.[177] Low recommended and Meade agreed that the choice of successor should be between the Pengerans Pamancha and Temenggong. They thought this should be the theme which the Consul 'might endeavour to

[174] Derby to CO, 21 Sept. 1876, CO 144/47.

[175] Minute of 26 Sept. 1876, CO 144/47. Italics added.

[176] The Colonial Office noted that the succession issue might 'be another case of Perak so far as the badness of all claimants are concerned' (CO Minute, 23 Sept. 1876, CO 144/47). The succession issue in Perak in 1873 should not, however, be too closely likened to the Brunei case. But when Hugh Low arrived in Perak in 1878 he faced there the problem of seeking an able Malay ruler as he had sought an able successor to the Sultan in Brunei. For the Perak case see Cowan, *op. cit.*, pp. 77–79, 99–101 and 252–254.

[177] Meade minute of 9 Oct. 1876, CO 144/47.

promote should he see a favourable opportunity'. No instructions were sent to Ussher at this time. The Foreign Office apparently felt that giving the Consul naval support to foster his prestige was all that was presently necessary.[178] They reminded the Admiralty again in early 1877 of their desire to have warships conveniently within call of Consul Ussher. The Admiralty promised to send ships to Labuan as frequently as possible.[179]

But the urging of Consul Ussher moved the Foreign Office to a more active policy. In April Ussher recommended direct intervention. The Sultan was so weak and the country so chaotic, he wrote, that

> A proper pressure exercised at the right time by the government of Labuan or the British consul may in reality strengthen the sultan's hands and enable him to fulfill his treaty engagements.[180]

Ussher was worried that Raja Brooke's candidate, Anak Chu Chu, would become Sultan, in which case the Raja would 'virtually rule Brunei'. Later, Ussher's visit to Sarawak which we have noted previously, allayed his fears of the Raja's intentions. He reported that Brooke did not favour Anak Chu Chu, and would not oppose Britain's choice in Brunei. At the same time Ussher announced that death had removed one of the claimants, Pengeran Pamancha. The Sultan, he noted, seemed to be approaching imbecility and the other Malays were unfriendly. He urged the Foreign Office to push the candidacy of Pengeran Temenggong.

The Foreign Office, following their usual procedure in this question, asked the Colonial Office for an opinion.[181] At this point the Colonial Office came forward with a memorandum outlining the policy recommended the previous year by Hugh Low. Now that one of the claimants was dead, the memo stated, Lord Carnarvon thought the Pengeran Temenggong was the most satisfactory candidate. The Foreign Office agreed and a dispatch

[178] The Foreign Office was frequently accused during Derby's tenure of neglecting decision-making, and certainly the Colonial Office on several occasions complained of a laxness and lack of vitality at the Foreign Office, e.g. CO minutes of 11 and 23 Dec., and on FO to CO of 27 Nov. 1876, CO 144/47, Meade minute, 6 Sept. 1875, CO 144/44; and CO minute of 30 Oct. 1878, CO 144/51.

[179] FO to Admiralty, 16 Feb. 1877, Admiralty to FO, 21 Feb. 1877, FO 12/44.

[180] Ussher to Derby, 15 Nov. 1876, FO 12/43; and 11 April 1877, FO 12/44.

[181] Correspondence of Aug.–Oct. 1877, FO 12/44.

was sent off to Ussher instructing him to urge the Sultan to nominate the Temenggong.

> . . . you will be especially careful not to proceed in any way that could be understood as dictating to the Sultan the person he should nominate as successor.[182]

But with naval force to back up the mission of the Consul the meaning of the British government was obvious to the Sultan. By the time the dispatch reached Labuan Ussher was travelling home on sick leave and it devolved upon Acting Consul Treacher to carry out the Foreign Office's instructions. Early in 1878 Treacher reported that the Sultan had selected the Temenggong as heir to the throne, and that Raja Brooke also favoured him.[183]

Thus the British government thought the succession question settled satisfactorily. But the Brunei Malays were often unpredictable, and three years later the Sultan had still not installed his heir.[184] By this time the Dent-von Overbeck project was well under way. There was a rumour that Mr. Everett, the Dent-von Overbeck agent, was planning to support a rival candidate for the throne in return for a reduction of the annual payments for the North Borneo cession.[185] Upon hearing this Consul Charles Lees, who succeeded Ussher in December 1879, went to Brunei in a man-of-war and induced the Sultan to install the Pengeran whom he had named his successor.[186] The Foreign Office dispatched their approval.[187]

For the second time a British official intervened to influence the selection of a Sultan for the Brunei throne—a Sultan whom it was expected would be friendly to Britain. The important difference between the two was that in 1877 the intervention was a carefully formulated plan directed from London while in 1846 Raja James Brooke's selection of Abdul Mumin was a freelance and emergency effort to strengthen the British influence at Brunei. With her intervention between Raja and Sultan over the Baram issue, the interventon for the selection of the Sultan's successor meant that

[182] FO to Ussher, 18 Oct. 1877, FO 12/44.
[183] Treacher to Derby, 5 Jan. 1878, FO 12/45.
[184] Lees to Granville, 31 Jan. 1881, FO 12/51.
[185] *Ibid.*
[186] *Ibid.*, and Lees to Sultan, 11 Feb., Sultan to Lees, 13 Feb., and Sultan to Raja Brooke, 21 Feb. 1881, FO 12/51.
[187] FO to Lees, 2 May 1881, FO 12/51.

Britain was committed to arrange political affairs on mainland Borneo to suit her role as the dominant power of the northwest coast. It was the practical application of the Disraeli government's sphere of influence policy, modified to satisfy the requirements of the colony of Labuan, and enhanced by fear of foreign interest on the coast and by the vitality of British commercial interests in the area.

Summary

After 1868 Britain's attention to Borneo matters moved northward and centred on Brunei. Her policy was based upon the restrictive article of the Brunei treaty of 1847. Because of the weakness of the Brunei government and its dependence upon British support and advice, and because at least twice during the 1870s the Sultan broke his treaty with Britain, the implementation of British policy depended to a great extent upon the representative at Brunei, the Consul-General, and his influence at the Brunei court. The Consul was also the Governor of Labuan, and the possession of that colony influenced British relations with Brunei. The governors were often overly concerned with the position of Labuan and their own prestige at Brunei.

Raja Brooke of Sarawak was in competition with the governors for influence at Brunei. Brooke's desire to annex more Brunei territory was opposed by succeeding governors. They thought that by moving northward Sarawak would compete commercially with Labuan, and that the Raja's prestige at the Sultan's court would increase. Both would, it was thought, undercut the British position.

The British government followed closely the recommendations of their representative. They interfered in Brunei affairs to prevent Brooke from annexing Baram on the basis of the restrictive clause. Thereby they seemed to support the view that Sarawak was independent and, moreover, a foreign state. Britain interfered again to strengthen the Sultan's government by urging upon the Sultan their choice for successor to the throne. He was duly installed.

The weakness of British policy was in the fact that it was too dependent upon the Consul and his influence. The Sultan could not be trusted to uphold the restrictive article in his treaty with Britain. The Foreign Office supported the Consul, but as firm as that support was during the 1860s and 1870s the application of British

policy was ineffective. It had not prevented foreigners from wringing concessions from the Sultan who merely on the whim of the moment and the size of the payment decided whether or not to honour his treaty obligations with Britain. Yet the Foreign Office clung to the policy, applying Article X in the case of Raja Brooke, and ignoring it in the case of Dent and von Overbeck. Part of the answer to this inconsistency is attributable to the personalities involved. Raja Brooke was distrusted while Dent and von Overbeck had strong supporters among officials in the Foreign Office.

Borneo policy at the Foreign Office never seemed quite so simple either in its formulation or application, as it was at the Colonial Office. The Colonial Office in contributing their efforts toward British dominance of the northwest coast merely had to protect Labuan. The prosperity and success of Labuan as a source of coal and as a commercial entrepôt was found to be a will-o'-the-wisp. When the Colonial Office became convinced of the colony's failure they gave their support, with the prodding of Governor Ussher, to the only other effective British effort on the coast, Sarawak. By this time the question of British support for the North Borneo project was an issue. The Foreign Office decided to postpone a decision on Brooke's annexation of Baram until the charter issue was settled.

Why did not the Foreign Office attend to the obvious weakness in their Borneo policy? The answer seems to be that until 1878 no issue or challenge to the policy became of sufficient importance to move officials in London to strengthen their position in Borneo. In the two major instances when British policy failed fortunate circumstances arose which favoured British interests. In the case of the American company the United States government refused to take advantage of its concessions and the company's efforts at Kimanis failed within a year. In the case of Baron von Overbeck a respected British commercial firm soon became the Baron's partner in the scheme and presently bought up his rights.

Had there been a serious and sustained threat to the British position in Borneo Article X could not have been relied upon. Undoubtedly intervention backed by naval power would have been resorted to. The intervention over the succession issue indicated Britain's determination to maintain her dominance on the coast. Other powers were aware of Britain's dominance not only because of her presence in Labuan, but because of her immediate

diplomatic response to any threats of a foreign footing on the coast. This contributed to the lack of any serious challenge to the British position.

Britain's policy may have been weak and the direction of it hesitant, yet by intervening she had committed herself in Borneo more deeply than before. During the 1870s her interests in the area had intensified. During the 1880s British paramountcy was to become *de jure* as well.

CHAPTER V

BRITAIN AND NORTH BORNEO

BRITISH POLICY in Borneo during the 1860s and 1870s has now been examined through the eyes of the Foreign and Colonial Offices, the two departments of government most concerned with the British interest in the area. The development of the main issues confronting policy makers has been traced and it has been shown that the policy was weak and ineffective although no strong challenge had arisen to test the British position. British intervention was necessary because of the failure of policy. We now come to a point in Anglo-Bornean relations, around the year 1878, when it became evident that British policy would have to be placed on a more reliable basis or the government would have to be prepared to see a diminution of British influence in the island, probably matched by an increase in the attention of other powers. There was little desire to see the latter process occur, in either government circles or among those people, mainly businessmen, who were interested in the East.

Attention focused in 1878 on the cession which Dent and von Overbeck had obtained in northern Borneo and their application for British government support. But, before examining the nature of the cession and considering the official response to the request, we must discuss other forces which had a bearing upon the question of Britain's continued dominance of the Borneo flank of the South China Sea. These forces complicated the problem which Britain faced in deciding the Dent-von Overbeck question.

In a sense the Baram issue, arising from the efforts of Sarawak to extend northward, to be seen in its proper perspective, must be considered one of these forces. Had the Raja not pressed northward, the north Borneo problem would have been easier for the government to resolve. Yet, Sarawak was under British rule and it could be argued that had British policy been based on a whole-hearted

support of Sarawak, rather than on Brunei, that policy would not in 1878 be in a weakened and ineffective condition. For Sarawak was a viable and influential state, the healthiest state in the area, and the Raja was experienced at ruling native people in Borneo. Baram has been fully discussed. The final settlement awaited the government's decision on the Dent-Overbeck question. A second and potentially more dangerous force was the power rivalry which during the 1870s was developing in and around the Sulu Archipelago and northern Borneo. To examine this force it is now necessary to digress to 1871 and analyse the nature of the Spanish activities in these areas.

It will be remembered from Chapter III that following the Spanish expedition against Sulu in 1858, Spain proclaimed the Sulu Archipelago closed to foreign commercial vessels.[1] and established a garrison and naval station on Balabac Island. In a note to Spain in August 1860, Britain had refused to recognize Spanish sovereignty in Sulu and her right to obstruct trade. In 1871 a series of incidents occurred which had far reaching effects upon British-Bornean policy. The Spanish government protested to Britain in July[2] that traders from Labuan and Singapore were operating in Sulu in defiance of the proclamation of 2 July 1860.[3] The Spanish Minister asked Lord Granville to again remind commercial circles of the restriction on trade with Sulu. Spain was quite accurate in her view of the Labuan trade, for Hennessy reported in August that trade with Sulu for the past three years was in no way checked by the Spanish authorities, and that it was an increasing and valuable trade.[4]

In a moment of absent-mindedness which it was later to regret, the Foreign Office agreed to publish the Spanish circular of 1860.[5] It read in part:

Owing to repeated infractions of the Custom House regulations enforced in the Philippines by foreign vessels which have carried to the Island of Sulu illicit merchandise, ammunition, and stores of war . . .

[1] Proclamation of 2 July 1860, copy enclosed in India Office to FO, 15 Feb. 1862. FO 71/1. See also *P.P.* 1882 LXXXI, 326–7.

[2] Spanish Minister (London) to Granville, 18 July 1871, FO 71/2.

[3] The proclamation of 1860 had been publicized in the Straits Government *Gazette*. See Cavenagh to Cortez, 10 Sept. 1860, in *P.P. loc. cit.* p. 326.

[4] Hennessy to FO, 15 Aug. 1871, FO 12/37.

[5] FO to Board of Trade, 31 July 1871; FO to Spanish Min., 31 July 1871, FO 71/2; and *London Gazette*, 4 Aug. 1871. See below p. 135.

the ports of Manila, Sual, Iloilo, and Zamboanga, alone being open to foreign trade, no direct traffic will be permitted under a foreign flag, with Sulu and its dependencies, which according to the capitulation of 30th of April 1851, form an integral part of the Philippine Archipelago.

It was apparent that the Spanish move was in preparation for a renewed attempt to bring Sulu under Spanish control. Preparations began in Manila for an expedition of five warships and several gunboats with an armed force to garrison military posts in the main islands.[6]

The reason for Spain's desire to achieve a *de facto* control over Sulu had not changed over the years, although the desire had grown more intense with the blow to Spanish prestige by the refusal of Sulu to remain quietly under Spanish dominion despite the capitulations of 1836 and 1851. The Philippine government allegedly desired to extirpate piracy around her southern islands—Sulu being the main resort of Illanun and Balanini pirates.[7] But the real reason remained Spain's jealousy of foreign influence in Sulu and the desire to exclude foreign vessels from the trade of the islands. In the words of the Spanish Captain-General, 'to ensure the indisputable and complete dominance of Spain in the south of the Archipelago'.[8] One Manila newspaper declared that the Spanish monopoly of trade at Sulu was the main object of the expedition. Indeed, this would seem so from the emphasis placed upon the reissue of the circular of 1860, and the protest from British commercial circles when that proclamation was published in the Singapore papers late in the year.[9] Consul Ricketts pointed out that the piracy issue was merely the excuse for the expedition, for the possession of Sulu was not necessary to exterminate piracy. Ricketts suggested that Britain recognize Spanish claims in Sulu only if British trade continued unhampered.

The Spanish squadron began the bombardment of Jolo, the Sulu capital, in October 1871. In December, reports of the vigour and seriousness of this latest Spanish attempt to subdue Sulu

[6] Ricketts to Granville, 15 Oct. 1871, FO 71/2; and Bulwer to Granville, 29 Dec. 1871, FO 12/37.

[7] In the summer of 1872 Commander Chimno of HMS *Nassau* on hydrographic survey work in the Sulu Sea destroyed three Balanini prahus which had attacked a party from his ship. See Bulwer to Granville, 29 Dec. 1871, and 12 June 1872, FO 12/37.

[8] Ricketts to Granville, 11, 14 and 15 Oct. 1871, FO 71/2.

[9] *Straits Times*, 18 Nov. 1871; and *Straits Observer* 8 Dec. 1871.

reached London from several sources.[10] Consuls Ricketts in Manila and Bulwer in Borneo kept the Foreign Office informed of Spanish moves. Closer to the scene Commander Chimno of HMS *Nassau* reported to the Admiralty. All agreed that British trade with Sulu was endangered.

The Foreign Office now decided to look into the question of Britain's political relations with Sulu. The most recent information was found in memoranda and correspondence with the India Office in 1865.[11] At that time the Palmerston-Russell government declined to pursue the subject except to reiterate Britain's non-recognition of Spanish sovereignty. Now in 1871 Lord Granville decided that Britain could not interfere between Spain and Sulu,[12] and merely warned Spain of the necessity of safeguarding British commerce in Sulu.[13] This was a mild warning in light of the publication in the *London Gazette* of the Spanish prohibition of direct trade with Sulu and is only explained by the fact that the officials in the political department at the Foreign Office had no knowledge of the July correspondence with Spain and the insertion of the Spanish proclamation in the *Gazette* of 4 August. This matter had been handled in the commercial department as a Spanish trade matter and for some reason the correspondence had not been registered in the political department.[14] Hertslet noted it first in his memorandum of 4 May, 1872.[15]

Nevertheless the Spanish Minister assured Mr. Layard that the Captain-General's activity in Sulu in preventing legitimate trade was not approved. Britain's trade would not be hampered.[16]

The Foreign Office became aware that Spain's latest campaign in Sulu was of serious concern to British interest early in 1872 with the arrival of Consul Bulwer's dispatch of 29 December.[17] Bulwer sent a copy of the Captain-General's circular which had appeared in the Singapore papers in November and December along with the adverse reaction of Singapore commercial interests. But more

[10] Ricketts' Oct. dispatches; Bulwer's disp. of 29 Dec. 1871; Adm. to FO, 7 Dec. 1871; and Gov. of Hong Kong to CO, 7 Nov. 1871, FO 71/2.

[11] See above, p. 40.

[12] Hertslet memo, 11 Dec. 1871, FO 71/2.

[13] Granville to Layard, 18 Dec. 1871, FO 71/2.

[14] Green memo, 18 Feb. 1874, FO 71/5.

[15] Hertslet memo, 4 May 1872, FO 71/2.

[16] Layard to Granville, 18 Jan. 1872, FO 71/2.

[17] Hertslet memo, 12 Feb. 1872, FO 71/2.

important was a dispatch from Bulwer of 27 April.[18] The Spaniards, said Bulwer, had bombarded and blockaded Sulu continuously for over five months and had increased their naval force from five to thirty-five ships of varying sizes. There had been no trade or communication between Labuan and Sulu during the first three months of 1872. On top of this came the news that Commander Chimno's surveying work had been interfered with despite Spanish promises of co-operation.[19] The vigour of the Spanish campaign in Sulu coupled with the trade prohibition was obviously a more serious matter than a mere expedition to subdue the Sultan. Spain was indeed bent on closing the Sulu Archipelago to British traders.

In August the Foreign Office addressed two Notes, protesting against Spanish interference with British shipping and surveying, to the Spanish government.[20] How, asked Britain, did Spain explain this interference in view of the assurances given in the Spanish Note of January. Spain, said Granville, had re-issued the proclamation of 1860, but in 1861 had assured Britain that the prohibition only applied to munitions of war and not to general trade which Spain wanted to encourage.[21] To Commander Chimno's complaint Spain replied that the presence of HMS *Nassau* had an unsettling effect upon the minds of the rebellious Sulu people and it had therefore been necessary to ask Chimno to leave.[22] As to interference with British trade Spain said no trade was allowed with Sulu. The Spanish Government were taking a much firmer stand than they had expressed in their Note of January. The press in Madrid took up a similar theme. News articles accused the British of giving material aid to Sulu.[23] Indeed, there was some basis for this opinion, on the surface at least, for late in the year the Sultan addressed letters to the British Government saying that he refused to capitulate and asking for British support.[24] Noting the presence in Sulu waters of the survey ship *Nassau* and the

[18] Bulwer to Granville, 27 April 1872, FO 71/2.

[19] Adm. to FO, 2 Aug. 1872, enclosing Chimno to Adm., 1 March 1872, FO 71/2.

[20] Granville to French, 9 and 31 August 1872, FO 71/2.

[21] Hertslet memo, 4 May 1872, FO 71/2. Hertslet quotes Spanish Minister to FO, April 1861.

[22] Spanish Foreign Minister to Layard, 20 Sept. 1872, FO 71/2.

[23] Layard to Granville, 16 Dec. 1872, FO 71/2.

[24] CO to FO, 17 Oct. 1872, FO 71/2. The Sultan had entrusted his letters to Commander Chimno who sent them to Governor Ord of Singapore for transmittal to London.

friendly intercourse between her commander and the Sultan the logical conclusion to the casual observer was that Britain was indeed answering the Sultan's call for help. Undoubtedly the Spanish fears of a foreign footing in the Sulu Archipelago were aroused by the movements of the *Nassau*. Commander Chimno wrote,

'. . . from the time of my arrival in the Philippines to survey the Sulu Islands, the Spanish authorities could not understand why we were going to survey these islands if not to take possession of them.'[25]

There matters stood at the close of 1872.

In 1873 a new element was introduced into the Sulu issue. The Sultan of Sulu had appealed to Germany for protection and aid against the Spaniards and Captain von Blanc in the German ship-of-war *Nymph* had arrived in the area to investigate.[26] Some German traders as well as British had been getting through the blockade to Sulu, and one of these had been encouraged by the Sultan to establish a trading station at Sandakan Bay. These moves by the Germans alarmed Consul Bulwer who saw a danger to the British position in yet another nation showing interest in Borneo. The immediate reaction at the Foreign Office was a wait and see attitude. One official noted and Lord Granville agreed[27] that it remained to be seen whether Germany would protect her traders, and in any case Britain must claim equal privilege with any German venture where Spain was concerned. The British Minister in Berlin, Lord Odo Russell, was asked to report on the German Government's position.[28]

In the meantime the Spaniards intensified their Sulu blockade by another notice in the Singapore papers. Henceforth, said the Spanish Consul, Spanish warships would vigorously enforce the prohibition of foreign vessels in Sulu.[29] At the same time Governor Ord warned the Colonial Office that the Spanish moves in Sulu were antagonizing Singapore traders.[30] Granville told Kimberley that Britain had no grounds for objecting to the notice. Even when

[25] Chimno to Adm., 24 Feb. 1872, FO 71/3. The surveying work extended from mid-1870 to mid-1872. See *Navy List*, June 1870 and Sept. 1872.

[26] See above, pp. 115–16.

[27] Senior Clerk William Wylde and Granville minutes of 30 Sept. 1873, FO 71/3.

[28] Granville minute, 27 May 1873, FO 71/3; and Chargé Adams to Granville, 16 Aug. 1873; and FO to CO, 27 Aug. 1873, CO 144/41.

[29] CO to FO, 1 May 1873 enclosing copy of notice by Spanish Consul Mencarini in *Straits Times*, 22 Feb. 1873, FO 71/3.

[30] Ord to CO, 13 March 1873, FO71/3.

Admiral Shadwell, commanding the China station, reported that the Sulu Sea was closed to British ships, the Foreign Secretary minuted, 'I do not think we can interfere.'[31]

Despite the fact that Granville was constant in his belief that Britain ought not to extend her colonial responsibilities, this does not completely explain his lack of vitality in pursuing this obvious challenge to a long held British policy of freedom of trade with the Sulu Archipelago. It can only be explained by noting Foreign Office reliance upon the protests already made to Spain, and the belief that the Spanish closure only applied to ships trading in arms. Both Tenterden and Granville referred to this when considering the Colonial Office's letter of 1 May.[32] But officials at the Colonial Office were not satisfied with what they considered negligence on the part of the Foreign Office in pressing the Sulu issue. Meade wrote to Tenterden that the trade of Sulu was vital to Labuan. 'Does Spain', he asked, 'have actual jurisdiction over Sulu?'[33] It will be remembered that the Colonial Office at this time, although disillusioned with Labuan, was nevertheless giving the colony all the lee-way for proving itself.

Up to this point the Foreign Office accepted the conclusions of the 1864–65 review of the Sulu sovereignty issue. At that time Consul Webb in Manila reported that Sulu seemed to submit to Spanish sovereignty, the India Office saw no disadvantage in Spain's occupation of the archipelago and the Foreign Office declined to pursue the question although refusing to recognize Spanish sovereignty. Now upon receipt of Meade's letter Assistant Under-Secretary Lister decided to review the Spanish claims.[34] The Law Officers were consulted on the bearing of various treaties on the subject.[35] But before the Law Officers could return a report events occurred which greatly complicated the question.

In September a petition from Chinese traders in Singapore asking for British action against the Spanish blockade of Sulu

[31] Granville to Kimberley, 12 May 1873; Adm. to FO, 13 May 1873, enclosing a letter from Adm. Shadwell; Granville's minute of 15 May 1873 and FO to Adm., 17 May 1873, FO 71/3.

[32] Tenterden and Granville minutes of 2 May 1873 with reference to Hertslet memo of 4 May 1871, Granville to Layard, 20 Oct. 1873, FO 71/3.

[33] Meade to Tenterden, 19 May 1873, FO 71/3.

[34] Lister minute of 23 May 1873, FO 71/3.

[35] These treaties included the East India Company treaties of 1763, 1764 and 1769; the Brooke treaty of 1849; and the Spanish-Sulu treaties of 1836 and 1851.

confirmed the view of the Colonial Office that trade with Sulu was suffering severely.[36] In the same month an incident took place which was sooner or later inevitable if the Spanish were at all serious in their blockade. The Spaniards seized a German ship, the *Marie Louise*, which was under charter to an allegedly British firm in Hong Kong, Augustine Heard and Company.[37] The agent of the company, Mr. J. B. Field, a British subject, was on board. The *Marie Louise*, although ostensibly on a voyage from Hong Kong to Singapore, was acting suspiciously when captured and was undoubtedly selling arms to Sulu. Field and one other British subject were imprisoned on the ship and were not permitted to contact the British Consul in Manila. Field later escaped from the ship to the British Consulate and then from the Philippines altogether. He was reportedly under indictment for a previous case of smuggling into the Philippines.

Before the incident was over the Consul at Manila twice called for a British warship, HMS *Kestrel* to be sent. When finally the courts in Madrid set aside the decision of a hastily summoned prize court in Manila and the *Marie Louise* was returned to her owners she was found in a badly deteriorated state, having been used in the interim as a transport by the Spanish authorities. The owner sued for restitution. After years of correspondence with Madrid over the confiscation of the cargo it was discovered that Augustine Heard and Company was an American and not a British firm, therefore Britain's interests only involved the detention of the British subjects.[38]

The case of the *Marie Louise* is interesting in that it, firstly, brought Britain and Germany together for joint action against Spain which led to the protocols of 1877 and 1885, and secondly, it furnished the spark for the challenge to the Spanish blockade and prohibition of trade in the Sulu Archipelago. Under pressure from the Colonial Office and Admiralty, Granville made a strong protest to Spain.[39] While again specifically refraining from

[36] Meade to Tenterden, 2 Sept. 1873 enclosing the petition, FO 71/3.

[37] Herbert to Tenterden, 9 Oct. 1873 enclosing a telegram from Gov. Kennedy of Hong Kong, FO 71/3. A second brig, *Gazelle* was detained but later released after the Manila prize court had confiscated the contraband portion of her cargo. See Layard to FO, 23 March 1874, FO 71/3; and Carvajal (Spanish Foreign Min.) to German Minister von Cantiz, 22 Dec. 1873, *P.P. op. cit.*, pp. 330–1.

[38] CO to FO, 18 June 1877, FO 71/12.

[39] Granville to Layard, 20 Oct. 1873, Layard to Spanish Foreign Minister, 8 Nov. 1873, FO 71/3.

recognizing Spanish sovereignty in Sulu he asked that Spain confine her prohibition to those ships engaged in 'illegal' traffic. At the time the details of the capture of the *Marie Louise* were not known in London, the Colonial Office having received only a telegram from Governor Kennedy. Thus when Count Münster, the German Minister in London, inquired what information Britain had about the ships Granville could only reply that he had no reliable details.[40] But it is noteworthy that from this point British-German co-operation on the Sulu issue commenced. Granville promised to confer with Münster when more information was received. It must also be noted that the British reaction to the entrance of Germany in the Sulu issue was a distrust of her intention. Lord Kimberley thought that the Germans should be watched closely although he could see no grounds for obstructing their traders in Borneo.[41] But Tenterden and Granville were more suspicious of German aims, and asked Odo Russell in Berlin to report any German move to gain possessions in the area or to interfere in the Sulu-Spanish affair.[42] Granville noted that Count Münster's inquiry was significant in the light of Bulwer's dispatches warning of German interest in Borneo. The Foreign Minister itemized the German activities; Sulu had asked for German protection; Germany sent the war-ship *Nymph* to investigate the Sulu-Spanish dispute; the German trader Captain Schuck established a station at Sandakan 'commanding the entrance to the bay'. The capture of German ships and the possibility that Germany would treat with Sulu, Granville thought, would bring her into collision with Spain.[43] Britain's interest in the case not only concerned the freedom of trade in Sulu but the fact that the route of the growing commerce between Australia and China lay through the Sulu Archipelago.[44]

British distrust was somewhat allayed when German Foreign Minister von Bülow assured Russell that his country had no wish to acquire territory in Sulu or indeed in any other place.[45]

German-British co-operation soon became evident. When the details of the *Marie Louise* case arrived in a dispatch from Governor

[40] Granville to Münster, 15 Nov. 1873, FO 71/3.
[41] Kimberley to Granville, 11 Oct. 1873, CO 144/41.
[42] Granville to Russell, 15 Nov. 1873, FO 71/3.
[43] *Ibid.*
[44] *Ibid.*
[45] Russell to Granville, 21 Nov. 1873, FO 71/3.

Kennedy of Hong Kong in late November[46] and there had been no answer from Spain to the British note, all the papers regarding the Sulu issue were sent to Germany. Germany protested in Madrid against the blockade and the capture of her ships.[47] Later Layard was instructed to co-operate with his German colleague in the matter. Soon Germany proposed, and the Foreign Office agreed, to continue co-operating over the issue of the sovereignty of Sulu.[48]

In the meantime rumours of the seizure of British ships and the details of the *Marie Louise* case gave fresh impetus for stronger action. The Foreign Office considered sending ships to Sulu to protect British trade.[49] However, it was decided to await the Spanish answer to the Note and to ask the Law Officers to pronounce on both the Spanish claim of sovereignty and the validity of the blockade.[50] Tenterden minuted that the issue had assumed too important an aspect for a mere reminder to Spain to answer the Note. The Spanish answer came early in December.[51] It was found to be unsatisfactory, for it contained in principle the assumption of Spanish sovereignty in Sulu. Carvajal, the Spanish Foreign Minister, repeated that the prohibition of trade applied to all Philippine ports except Manila, Sual, Iloilo and Zamboanga. He inferred that it ill-befitted the British government to protest for the notice of the prohibition had been published in the *London Gazette* in 1871 with the apparent approval of Lord Granville himself. No other government, said Carvajal, had seen fit to protest against the notice.

The Foreign Office were caught in their own error. They had indeed ordered the publication of the Spanish notice. But in due course they told Spain that they did not consider the publication of the notice in the *London Gazette* as a recognition of Spanish sovereignty in Sulu.[52] Layard was instructed to say that Britain was 'inadvertently led to imagine' that the notice published in

[46] Kennedy to CO, 2 Oct. 1873, FO 71/3.
[47] Layard to FO, 8 Dec. 1873, FO 71/4.
[48] Münster to Granville, 19 Jan. 1874; and Tenterden minute of 21 Jan. 1874, FO 71/5.
[49] Elliott minutes of 21 and 26 Nov. 1873, FO 71/3.
[50] Tenterden minute, 27 Nov. 1873, FO 71/3.
[51] Carvajal to Layard, 2 Dec., in Layard to Granville 8 Dec. 1873, FO 71/4.
[52] Layard to Sagasta (new Spanish Foreign Minister) 17 Feb. 1874, in Layard to Granville, 18 Feb. 1874, FO 71/5.

1871 and which had also been printed in Singapore in February 1873 was solely for the suppression of piracy. If it were known that the notice was identical to the one issued in 1860 Her Majesty's Government, said the instructions, would have refuted Spain's claim of sovereignty over Sulu. This was a rather weak explanation of what Lister called 'an unlucky oversight',[53] and the blunder was not lost on the Colonial Office which was impatient of what they considered the Foreign Office's indifference to the Sulu-Spanish issue.[54] Indeed it is inconceivable that the Spanish ministers should accept such an explanation in view of the fact that the Spanish note of 18 July, 1871 requesting the publication of the circular had specifically referred to its having been first issued in 1860. But much of the weakness of the explanation in this new note to Spain was covered by the main content being a protest against the illegal blockade[55] and the ill-treatment of British subjects. While the question of Spanish sovereignty and the blockade were being considered the Admiralty was instructed to watch the Sulu-Spanish situation and send a warship to the area when necessary.[56]

At this time there was a change of government in London. The Liberals who had been much blamed for inactivity in international and imperial questions during Gladstone's ministry were replaced by the Conservatives under Disraeli in February 1874. The latter had much to say and propose in the way of greater British involvement in the political affairs of Europe, and the extension of imperial responsibilities was to be solicited rather than shunned. A vigorous prosecution of foreign policy was forecast.

Granville had left the Sulu question in a very unfortunate condition, for the note to Spain had admitted an error in the government's handling of the issue. Hertslet declared that he for one was at a loss to know what to do—the blockade notice had not been withdrawn and the sovereignty question was still being considered by the Law Officers.[57] Tenterden, and Derby, who now returned

[53] Lister minute of 29 Dec. 1873, FO 71/5.

[54] Meade minute, 12 Aug. 1874, CO 144/42.

[55] The Foreign Office reasoned that to be recognized a blockade must involve two belligerents and be so proclaimed. A state of war was never proclaimed in Sulu, and assuming it had been, no proper proclamation of blockade had been issued until 28 Oct., one month after the seizure of the *Marie Louise*.

[56] Tenterden to Adm., 4 Feb. 1874, FO 71/5.

[57] Hertslet minute, 24 Feb. 1874, FO 71/5.

to the Foreign Office, decided to do nothing until the Law Officers report was received.

The report was received in May.[58] It stated that since Britain had allowed Spain to act under her claim of sovereignty in Sulu by proclaiming the prohibition of trade she could not now object to Spanish sovereignty. However, Derby decided that it was not necessary to announce this to Spain unless questioned. He told Layard that the Spanish claim was of doubtful validity but that Britain was not in a position to protest against it.[59]

The Colonial Office pressed for action. They had received a constant stream of protests of Spanish cruelty and atrocities in Sulu and of the closure of the Sulu Sea to traders of Singapore and Labuan.[60] Trade continued to suffer.[61] Permanent officials at the Colonial Office were already irritated by the Foreign Office error in allowing the Spanish notice to be published. Aside from the 'theoretical' question of sovereignty they felt Lord Derby ought to take strong action in Madrid and bring Spain to her responsibilities in the conduct of her Eastern affairs, for it affected all nations with interests there.[62] They urged as a first step the sending of a warship to observe and report on conditions in Sulu. Lord Derby agreed to this and Admiral Shadwell sent HMS *Frolic* under Captain Buckle.[63] But in view of the Law Officers' report opposition to Spanish sovereignty was a difficult problem. Lister took on the task of formulating a stand.[64] He reasoned that despite the fact that Spain had been unable to establish herself in the Sulu Islands the Law Officers considered that the Spanish prohibition

[58] LO to FO, 26 May; FO to CO, 1 Aug. 1874, the Law Officers first returned the Sulu papers on 22 April without a report. Tenterden was irritated for the Law Officers had received a steady flow of documents, and why no report was prepared is not known. Perhaps no formal request for one was made. If so it was just one more example of the inept handling of the Sulu-Spanish question. See Tenterden minute 23 April 1874; and Tenterden to LO, same date, FO 71/5.

[59] Derby minute, 26 May 1874, FO 71/5.

[60] In August 1873 the Philippine authorities announced that strong measures would be taken against the Sulu rebels: Sulu vessels were to be destroyed; armed native vessels would be treated as pirates and their crews condemned to forced labour. See Report in the *Straits Times*, August 1873 of article in *Diario de Manila*, 2 Aug. 1873.

[61] Bulwer to CO, 14 Jan., 9 May 1874, FO 71/5.

[62] CO Minute, 12 Aug. 1874, CO 144/43; and CO to FO, 11 Sept. 1874, FO 71/5.

[63] Derby minute, 19 Sept.; FO to Adm., 2 Oct.; and Adm. to FO, 14 Dec. 1874, FO 71/5.

[64] Lister memo, 21 Sept. 1874, FO 71/5.

of trade with Sulu was an act of sovereignty. But in 1861 Spain had assured Britain that the prohibition, originally proclaimed in July 1860, applied only to munitions. As the circular of 1871 was merely a reissue of the 1860 document, said Lister, Britain could hold Spain to this. As for the blockade, Spain had not properly given notice of it and she had never declared Sulu in a state of belligerency. In effect this was a slightly more refined version of the view taken by the Foreign Office in their previous note to Spain in February 1874. It was an attempt to repair some of the damage done by the publication of the Spanish notice. Lord Derby agreed with Lister's argument and pending Captain Buckle's report this was the line taken.

In the meantime the short-lived Spanish Republic was replaced by the monarchy in January 1875. In February the Foreign Office at the insistence of the Colonial Office[65] addressed a mild note of protest to the new Spanish government over the reported severe naval activity against the Sulu Islands.[66]

Much of the difficulty in handling the Sulu issue stemmed from the Spanish government's slowness in answering British notes and in its own correspondence with Manila. Much doubt existed in London that Madrid was able to control the government in Manila. The Philippine government seemed to follow an independent course.[67] Difficulties were also encountered by the British in Manila. Consul Ricketts complained of the 'dilatory and haphazard attention to affairs' of the officials, and of the inability even to get a letter acknowledged much less answered.[68] It is not surprising that the condition of her colonial administration reflected the instability of Spain's domestic politics at this time.

Captain Buckle's report of February 1875[69] confirmed much of what was already known. The Spanish occupation of the Sulu Archipelago was slight. The treaty of 1851 was broken on both

[65] Meade to Bourke, 3 Feb. 1874, FO 71/6.

[66] Elliot minute, 10 Feb. 1875, FO 71/6. Spain's response to this protest, however, was not to be made a condition of the recognition of the monarchy by the Foreign Office. See Tenterden minute of 8 Feb. 1875.

[67] Elliot minute, 12 Dec. 1873, FO 71/4. Spain admitted later that Manila was independent in financial matters, and evidently considered that trade and customs came under this heading. See Layard to FO, 7 Nov. 1876, FO 71/8. There was to be more friction between Britain and Spain in this matter. See West to FO, 9 Oct. 1878, FO 71/14; West to FO, 14 June 1879, FO 71/15.

[68] Ricketts to FO, 6 Feb. 1875, FO 71/6.

[69] Buckle to V. Adm. Ryder, sent to Adm., 28 Feb. 1875, CO 144/45.

sides, but by Spain in the first instance. The blockade though interrupting normal trade was ineffective.[70] Buckle thought Spain had her eye on Sandakan Bay and northeast Borneo, and suggested that Britain take immediate steps to safeguard her trade.

The Colonial Office urged the use of warships to force the blockade and ensure the freedom of trade,[71] but the Foreign Office continued to send the documents on the subject to the Law Officers for advice on the sovereignty issue. More reports of captured ships arrived. A report of the capture of the British ship *Nil Desperandum* proved false, but the yacht of the Sultan of Brunei, *Sultana*, on charter to British traders and flying the British flag, was seized. Of this seizure Meade minuted, 'Let us hope that the Spaniards may at last kick the Foreign Office into doing something a little more vigorous than consulting the Law Officers'.[72] A new and more formidable Spanish expedition to Sulu was being organized in Manila.[73] It was reported that the Sultan of Sulu agreed to submit to Spain if he was allowed to trade and not forced to disarm.[74] Indeed, it seemed to the Foreign Office that Sulu and Spain were about to come to terms for Consul Ricketts in a series of private letters to the Foreign Office in 1875 reported that secret talks were going on between Sulu and Spanish agents.[75]

Finally early in 1876 Britain and Germany agreed to a joint protest at Madrid to bring Spain to a settlement of the trade question.[76] Germany wanted to combine the trade and sovereignty issues and tell Spain that the 1836 and 1851 Sulu-Spanish treaties would only be recognized if Spain removed the trade restrictions.[77] Germany, like Britain, refused to admit Spanish sovereignty in Sulu because of Spain's failure to attain *de facto* control. The Colonial Office

[70] *Ibid.* W. C. Cowie and J. D. Ross, in partnership with Karl Schomburg of Singapore in the Labuan Trading Company, regularly ran the Sulu blockade. In one period of fourteen months Cowie's vessel *Tony* made twenty-one trips between Sandakan and Sulu.

[71] CO to FO, 10 July 1875, FO 71/6.

[72] Gov. Clarke to Carnarvon, 19 April; Low to CO, 15 July 1875, FO 71/6, and Minute of 6 Sept. 1875, CO 144/44.

[73] Ricketts (telegram) to FO, 25 April 1874; and dispatch of 5 July 1875, FO 71/6.

[74] Low to FO, 12 Aug. 1875, FO 71/6.

[75] Ricketts to FO, 25 May, 16 June, 5 July and 18 Aug. 1875. FO 71/6.

[76] Derby minute, 16 Jan. 1876; FO to Russell, 17 Jan. 1876; Münster to FO, 10 Feb. 1876, FO 71/7. Another German ship, the *Minna*, had been seized by Spanish warships in 1875.

[77] Von Bülow to Münster, 24 Feb. 1876, FO 71/7.

also believed that trade would not be secure until Spain gave up her pretensions to sovereignty.[78] But the Foreign Office, because of the Law Officers' report, was not ready to dispute the sovereignty claim. In March therefore Germany and Britain sent identical Notes to Madrid protesting against the trade restrictions and carefully avoiding recognition of Spanish sovereignty over the islands.[79]

In the meantime Layard asked the Spanish Foreign Minister about the new expedition to Sulu. He replied that its purpose was to enforce the 1836 and 1851 treaties.[80] The blockade, he said, would be raised and not re-established. The expedition of thirty-two ships and 6,000 to 8,000 men bombarded and occupied Sulu on 29 February.[81] Harassment by the Sulu people prevented a campaign into the interior of the islands. Sulu was garrisoned with 2,000 men and in April the expedition withdrew.[82] But it was a hollow victory, for the Sultan set up his capital in another part of the island and refused to submit. The Minister of Colonies at Madrid, however, announced that Sulu was re-established as a Spanish dominion.[83]

Continued pressure on Spain by Germany and Britain brought assurances that the blockade would be lifted. In June reports from Ricketts said this had occurred. But in October Ussher said the blockade was still in effect, and that Sulu was to be declared a port for the coasting trade and thus closed to foreign vessels.[84]

It was obvious to the Foreign Office that Spain by restricting trade was trying to draw out a recognition of her sovereignty over Sulu.[85] This Britain refused. But Spain retreated somewhat in lifting the blockade, and was slowly settling the claims arising out of the case of the *Marie Louise*.[86] The Foreign Office thus devised

[78] CO to FO, 28 March 1876, FO 71/7.

[79] FO to Russell, 10 June 1876, FO 71/7.

[80] FO to Layard, 15 Feb., and Layard to FO, 20 Feb. 1876, FO 71/7.

[81] Low to FO, 24 March 1876, FO 71/7. Low reported a rumour that a French warship accompanied the Spanish flotilla.

[82] Ricketts to FO 24 March and 10 April, 1876, FO 71/7. Ricketts said 18 men-of-war and 7,000 men were involved. See also Consul Ussher to FO, 26 May 1876. Cuarteron, the missionary-priest, was suspected of urging the Spanish-Sulu warfare of the 1870s to put an end to trade of other nations with Sulu.

[83] Walsham to FO, 27 May 1876, FO 71/7.

[84] Ussher to FO, 7 Oct. 1876, FO 71/8.

[85] FO memo, 14 Nov. 1876, FO 71/8.

[86] Layard to FO, 23 April 1874; Russell to FO, 12 Sept. 1874, FO 71/5.

a basis on which a settlement was to be arranged. So long as Spain did not interfere with foreign trade in the archipelago Britain, although not recognizing Spanish sovereignty would not interfere with the proceedings of Spain in Sulu.[87] Later the Spanish Foreign Minister stated to Layard that Spanish claims of sovereignty were limited to Sulu and that Spain had no designs on Borneo.[88]

The convention which was signed in Madrid on 11 March, 1877, embodied all that Germany and Britain desired—freedom from interference to trade with Sulu.[89] Britain and Germany agreed not to interfere with Spanish attempts to occupy the islands and to establish customs houses on those actually occupied. Any reference to Spanish sovereignty was carefully omitted.

Earlier in the year suspicion of German intentions in Sulu were again brought up at the Foreign Office. Layard from Madrid and Consul Palgrave from Manila reported that Germany wanted a footing in Sulu.[90] The Foreign Office was informed that Germany was sending a warship to Sulu to protect its trade, and had so warned the Spanish government.[91] Germany asked Britain to send warships for the same purpose. The Foreign Office showed some wariness of this suggestion. There was a feeling that perhaps Germany was going too far. Suspicion of Germany was not allayed when the German Minister in Madrid told Layard that Bismarck might not want the Sulu issue settled.[92] Some credence was given to this idea when Bismarck objected to the stipulation in the draft protocol allowing Spain to set up customs houses in islands which she might in the future occupy.[93] But upon representations from Britain Bismarck withdrew his objection.[94] Following the protocol Germany indicated her desire for continued collaboration on Sulu questions.

The significance of the negotiations leading up to the protocol of 1877 to the present study is that they show clearly that Britain considered northern Borneo within her sphere. In this matter Lord Derby followed the line propounded by Lord Russell in

[87] FO memo, 14 Nov. 1876, FO 71/8.
[88] Layard to Derby, 3 Jan. 1877, FO 71/10.
[89] Copy in *P.P.*, 1882, LXXXI, p. 545; and Hertslet, *Treaties* . . . XIV, 513–6.
[90] Layard to FO, 17 Jan., and Palgrave to FO, 24 Jan. 1877, FO 71/10.
[91] FO memo, 12 Jan. 1877; and Layard to FO, 17 Jan. 1877, FO 71/10.
[92] Layard to FO, 17 Jan. 1877, FO 71/10.
[93] Münster to FO, 16 Feb. 1877, FO 71/11.
[94] FO to Russell, 21 Feb. 1877, FO 71/11.

1860.[95] In refusing to recognize Spanish claims of sovereignty in Sulu Derby was safeguarding northern Borneo and preventing it falling to another power. The sovereignty question was relegated to a future time and Britain again went only so far as the immediate issue warranted.

The negotiation, however, gave a legal base to Germany's interests in the area and for the next decade Germany's intentions were the subject of much official concern in Britain, as we shall see. Of immediate benefit to Borneo and Labuan was the restoration of normal trade with Sulu. Spanish authorities in the Philippines showed some reluctance to comply with the protocol but Ussher reported in August that the terms were being strictly observed.[96]

The Dent-von Overbeck cession

With these events in Sulu and Raja Brooke's pressure northward forming a background the Foreign Office received the first reports of the cessions by the Sultans of Brunei and Sulu of North Borneo to an international syndicate headed by Baron von Overbeck and Alfred Dent.[97]

Von Overbeck became interested in the grant held by Joseph Torrey and the American Trading Company of Borneo in 1870.[98] While in Europe in 1874 the Baron induced the secretary of the Austro-Hungarian Embassy in London, Count Montgelas, and A. B. Mitford to go in with him on the venture.[99] Back in the East,

[95] See above, p. 38.

[96] Ussher to FO, 23 Aug. 1877, FO 71/12. Madrid explained that the slowness of communicating the protocol to Manila caused a misinterpretation of verbal instructions previously given to the new Governor-General Mariones. The confusion was soon corrected.

[97] See above, p. 107. The syndicate consisted of Dent, holding 27 out of 48 shares in the venture, and von Overbeck in association with Count Montgelas, and A. B. Mitford, holding 21 shares. Dent subsequently brought in his brother Edward, partner with him in the City firm of Dent Brothers Company, and Overbeck sold four shares to John Dent, Edward's son. See in British North Borneo Company Papers (BNBCoP.) the following agreements: 11 July 1874 between Overbeck, Montgelas and Mitford; 27 March 1877 between Overbeck and A. Dent; 10 Dec. 1877 between A. Dent and E. Dent; and 24 March 1879 between Overbeck, A. Dent and J. Dent. The British North Borneo Company Papers which were turned over to the Colonial Office, where the author studied them, when North Borneo became a colony in 1946, have since been deposited in the Colonial Office collection in the Public Record Office.

[98] Tregonning, *op. cit.*, p. 9.

[99] Agreement of 11 July 1874, BNBCoP.

von Overbeck agreed to purchase Torrey's title to North Borneo for £15,000 if he could procure its renewal.[100] The Sultan refused a renewal on advice of Hugh Low[101] but the heir to the throne, Pengeran Temenggong complied on 21 June, 1875.[102]

As we have seen von Overbeck aroused the interests of Vienna businessmen while in Europe in 1874 with a plan to sell his Borneo grants, once secured.[103] When they were advised by the Austrian government against the project on the grounds that the American company was unreliable von Overbeck negotiated with Alfred Dent. The Baron had by this time secured his option agreement with Torrey.

A two part plan was agreed upon by the two promoters of the syndicate: firstly, to negotiate a new cession with Brunei and take possession of the territory, and secondly to sell it on the best terms available.[104] Dent held the controlling financial interest and was to promote the second part of the plan. Overbeck was named chief manager of the project in the East and agreed to carry out the first part. Acting Consul Treacher of Labuan advised the Sultan and von Overbeck to insert in the new cession agreement stipulations that the area would not be transferred without the British government's consent, and that the whole cession would be subject to the approval of the Foreign Office.[105] Treacher, however, was not present during the final negotiations and von Overbeck persuaded the Sultan to sign an unrestricted lease. The Sultan agreed reportedly because von Overbeck convinced him that he was a free agent to do with his territory as he pleased. The British, von Overbeck said, had done nothing to develop the country and, moreover, the British-owned Oriental Coal Company were in arrears in the payment of rent on their mainland leases. An attempt by Treacher to get the restrictions inserted was too late. Treacher then followed Overbeck to Sulu in HMS *Hart* which happened to be on a routine visit to Labuan, where a similar cession was obtained. The

[100] Agreement of 19 Jan. 1875, between Overbeck and Torrey, BNBCoP. This was only an option to buy Torrey's lease.

[101] Low to Derby, 6 July 1875, CO 144/44.

[102] 'Renewal of Lease', 21 June 1875, BNBCoP.

[103] See above, pp. 116–17.

[104] Overbeck to Dent, 2 Dec. 1879; Dent-von Overbeck Agreement of 27 March 1877, BNBCoP.

[105] Treacher to Derby, 2 Jan. 1878, FO 12/53; Lease by the Sultan of Brunei, 29 Dec. 1877, BNBCoP.

Sultan of Sulu and von Overbeck agreed to the restrictive clause in this lease.[106] The cession from Sulu was thought necessary because Sulu claimed most of northern Borneo.[107]

On the return trip Overbeck established residencies at Sandakan, under W. B. Pryer, at Tempasuk, under William Pretyman and at Papar, under H. L. Leicester. Thus actual possession of the territory was established. Treacher appointed Pryer to the post of consular agent at Sandakan.

The presence of Treacher at Sulu in a British warship gave rise to Spanish complaints that the acting consul actually aided von Overbeck in obtaining the cession.[108] It is doubtful that the Sultan of Sulu needed much coaxing to lease the territory as Sulu had been trying unsuccessfully for years, as we have seen, to get either Britain or Germany to grant some measure of aid to him.[109] Having a British settlement nearby under the protection of a consular agent and the British flag was undoubtedly comforting. So also must have been the added protection afforded by the restrictive stipulations in the treaty, attesting to British official interest.

The patriotism of Treacher in encouraging legitimate British enterprise, as was his consular duty, is not in doubt. Once his suspicion of von Overbeck was removed by the prospects of the whole territory being organized under a British company the fact that Overbeck was not British did not overly worry him. He had a promise from the Baron that the whole area could be placed under the direct control of Britain whenever the government chose.[110]

What did not seem compatible with his official position, however, was Treacher's wholehearted support for this experiment on the one hand and his opposition to Sarawak on the other. Raja Brooke's

[106] Treacher to Derby, 22 Jan. 1878, FO 12/53; Lease by Sultan of Sulu, 22 Jan. 1878, BNBCoP.

[107] See above, pp. 34–35.

[108] Spanish Consul, Singapore to Colonial Secretary of the Straits Settlements, 22 Feb. 1878, FO 12/53.

[109] W. B. Pryer, 'Notes' attached to Ada Pryer's manuscript of *Ten Years in North Borneo*, in BNBCoP. One other consideration may have moved the Sultan. A rebellious chieftain, Datu Haroun al Raschid, later to be a Spanish puppet Sultan, had agreed with the Spaniards to set up as Governor of Sandakan. When Overbeck arrived with an offer to lease the area, the Sultan was able to forestall Datu Haroun and the Spanish by accepting the offer.

[110] Overbeck to Treacher, 1 Jan. 1878, FO 12/53.

state was a well established and prosperous British undertaking. Treacher maintained as late as April 1878 that its extension to the Baram river would hurt Labuan and ought not to be tolerated.[111] Yet three months earlier he had remarked that Labuan ought not to stand in the way of the Dent-von Overbeck venture, in territory even closer orientated to the colony.[112] His appointment of a Dent-von Overbeck employee as a consular agent, with the prestige such an appointment gave to the project,[113] was in contrast to his strong hint to the Sultan of Brunei against ceding Baram to the Raja from 'the very little territory left to you'.[114] Treacher loaned the services of his Malay writer to von Overbeck as an interpreter and assistant. A few months later, however, he carefully assigned leave to the writer for the period spent with Overbeck, at the same time explaining, 'I saw no necessity to prevent him thus passing his leave'.[115]

There are two explanations of Treacher's strong support for the Dent-von Overbeck venture. Firstly, a combination of considerations moved Treacher. These were: the consular duty to encourage British enterprise; a patriotic desire to see northern Borneo under British influence especially as Germany and the United States as well as Spain had made moves in that direction; and a reaction to Raja Brooke's opposition to the cessions.[116] This explanation is the weaker because it does not account for the risk Treacher assumed in arousing the displeasure of the Foreign Office for such obvious interference in support of von Overbeck, and for the appointment of a consular agent without prior instructions. Secondly, and the more valid explanation is that certain officials in London, privy to the Dent-von Overbeck scheme when it was planned, intimated their favourable views to Treacher through von Overbeck. A reading of the relevant Foreign Office and British North Borneo Company documents reveals quite clearly a number of circumstances supporting this contention. It is noted, for example, that Alfred Dent and Assistant Under-Secretary Pauncefote

[111] Treacher to Derby, 14 April 1878, FO 12/52.
[112] Treacher to Derby, 22 Jan. 1878, FO 12/53.
[113] Herbert to Pauncefote, 24 April 1878; Treacher to FO, 5 Feb. 1878, FO 12/53.
[114] Treacher to Sultan of Brunei, 18 Aug. 1878, FO 12/45.
[115] Treacher to Hicks-Beach, 8 April 1878, FO 12/53.
[116] See below, pp. 150–51.

were acquaintances from their Hong Kong days.[117] Von Overbeck was the bearer of letters from Pauncefote, among others, implying strong official support for the project. Treacher wrote that von Overbeck appeared

> in the capacity of agent for a British subject and with introductions of a private nature certainly from gentlemen holding high official appointments at home, and to whom the previous correspondence on the subject from the very first was in all probability known. The object of the Baron's present visit was also known before he left England to both Her Majesty's Foreign and Colonial Offices, as well as his former doings in this quarter. . . .[118]

It is apparent then that, while Pauncefote issued no direct instructions to the Consul to aid von Overbeck in his mission, he nevertheless conveyed to Treacher his desire that the grant of North Borneo should not be obstructed. In the face of seeming official approval and lack of official instructions Treacher supported the project. He reported to Lord Salisbury,

> I considered therefore that my duty would be to watch proceedings and report fully to your Lordship, and not to oppose altogether a scheme undertaken with the knowledge of and apparently without opposition from Her Majesty's Government. . . .

During and after the organization of the project there was frequent private contact between Dent and Pauncefote.[119] Before any official communication passed between Dent and the Foreign Office Pauncefote was aware of the movements of both Dent and Overbeck. As early as March 1878 he advised the deferment of all

[117] Pauncefote minute, 7 May 1878, FO 12/53. Alfred Dent was associated with the trading firm of Dent and Company of Hong Kong until the early 1870s. Julian Pauncefote commenced his government service as Attorney-General of Hong Kong in 1866. He was appointed legal adviser at the Foreign Office in 1876, becoming at the same time an Assistant Under-Secretary. He succeeded Tenterden as Permanent Under-Secretary in 1882. As Under-Secretary he frequently acted in place of Tenterden who was in poor health.

[118] Treacher to Salisbury, 15 July 1878, FO 12/53. See also Cowie, *North Borneo and How it Became British*, p. 4. Cowie says that the Baron convinced him he was supported by 'people of very great influence' in the government.

[119] e.g. Dent to R. B. Read, 30 July, 10 Sept., 13 Nov. 1880, and 11 March 1881, BNBCoP. Dent often referred to 'our friends' in the Foreign Office. Tregonning, *op. cit.*, p. 21, has suggested that the idea of a chartered company to develop North Borneo was originated by Pauncefote, and that he pressed it upon Dent and Sir Rutherford Alcock. However no documents in the Foreign Office correspondence nor in the British North Borneo Company Papers specifically support this although it seems quite probable. Alcock was another old China hand and friend of Pauncefote who became interested in the project and later became chairman of the company.

matters connected with the project until the return of Dent and von Overbeck from the East to place their plans before the government.[120] In the face of Colonial Office opposition to the scheme[121] and protests from Consul Ussher, Raja Brooke and Governor Robinson of Singapore Pauncefote argued for British support for the project.[122] It was, he said, truly a British undertaking and should be encouraged. Salisbury agreed to await the return of the two promoters of the venture.[123] His minute on this occasion indicated a favourable attitude toward the project if British treaty rights with Brunei were 'not prejudiced' and if no more foreigners were involved in the undertaking. Thus when the Foreign Office received on 18 May the first official letter, from Edward Dent, announcing the project Pauncefote was ready with a not unfavourable reply,[124] saying the government awaited his brother's return.

Although both Lister and Tenterden hesitated to give their complete support to the project and to approve Treacher's action, Pauncefote prevailed.[125] He felt that the opposition of the Colonial Office stemmed from their reliance upon Consul Ussher who was influenced by Raja Brooke.[126] Treacher was warmly commended by the Foreign Office for his activities in support of the British venture as Acting Consul General, while the Colonial Office warned him in his capacity as Acting Governor of Labuan to keep himself and his staff aloof from the Dent-von Overbeck undertaking.[127]

In answer to a question by Charles Dilke, Robert Bourke, the Parliamentary Under-Secretary, rather naïvely stated that the appointment of Mr. Pryer as consular agent at Sandakan and the use of the British flag in the Dent-von Overbeck territory should

[120] Pauncefote minute, 12 March 1878, FO 12/53. The first letter from the Dent interests was dated 16 May 1878, from Edward Dent on behalf of his brother.

[121] Herbert to Pauncefote, 24 April 1878, FO 12/53.

[122] Robinson to Carnarvon, 27 Feb. 1878; Pauncefote minute of 7 May 1878, FO 12/53.

[123] Salisbury minute, n.d. but follows Pauncefote minute of 7 May, FO 12/53.

[124] E. Dent to Salisbury, 16 May 1878; Pauncefote to E. Dent, 3 June 1878, FO 12/53. See also *Hansard* (3rd), CCXL, 21 May 1878, 358.

[125] Lister minute of 11 July; Tenterden minute of 2 July 1878, FO 12/53. For a study of Pauncefote's role in the Foreign Office in support of North Borneo see the author's paper, 'The Foreign Office and North Borneo', *Journal of Oriental Studies*, VII, Hong Kong, January 1969.

[126] Pauncefote minute of 29 Aug. 1878, FO 12/53.

[127] Salisbury to Treacher, 4 Sept. 1878; Hicks-Beach to Treacher, 12 June 1878, FO 12/53.

cause no misconception.[128] That such misconception had already occurred was evident from reports from the East which held that British support was proved by Treacher's activities.[129] Indeed Dent and Overbeck did not hesitate to use the consular appointment to impress the natives and Spaniards alike with the blessing of Britain upon the project. Overbeck instructed Pryer to fly the British flag side by side with the Dent company flag.[130] Later when Pryer received a permanent appointment Dent instructed him to 'make what political capital you can' of the appointment.[131] Dent wrote, 'You will no doubt take full advantage of the consular flag and of your position in all matters'. Pryer was ordered by Dent to send copies of all his consular dispatches to the Company in London.[132] The most revealing incident, however, was when Treacher himself withdrew Pryer's appointment[133] rather than complicate relations with the Spanish authorities in the Philippines who now protested against the cession.[134] They too noted what appeared to be British support of the project. Treacher had to admit that the conflict of interest in Pryer's case was too obvious.

Following the protocol of 1877 Spain continued her efforts to extend control over Sulu. She held a precarious square mile footing on the Island of Sulu and was constantly harassed by Sulu guerillas. But part of the population was friendly and throughout 1877 she tried a policy of conciliation. This culminated on 5 February with the signing of a new treaty only two weeks after the Sultan's cession to Dent and von Overbeck.[135] Although the agreement was liberal toward Sulu inasmuch as the Sultan was allowed to fly his own flag and receive a pension, it granted Spain the sovereignty of Sulu.

[128] *Hansard*, (3rd), CCXL, 20 June 1878, 1881.

[129] e.g. J. D. Ross to CO, 9 Aug. 1878; Treacher to Salisbury, 15 July 1878, FO 12/53, with reference to opposition from the *Straits Times* and the *Straits Chronicle*; Robinson to Carnarvon, 27 Feb. 1878.

[130] Overbeck to Pryer, 26 Aug. 1878, BNBCoP.

[131] Dent to Pryer, 19 March 1880, BNBCoP.

[132] Dent to Pryer, 4 Feb. 1881, BNBCoP.

[133] Treacher to Derby, 14 May 1878, FO 12/53.

[134] Palgrave to Derby, 5 April 1878, enclosing articles from *Diario de Manila*, of 22 March and 27 March 1878, FO 12/53.

[135] Walsham (Madrid) to FO, 12 March 1878; Treacher to FO, 20 April 1878, enclosing copy of the treaty, FO 71/13; and Palgrave to Derby, 5 April 1878, FO 12/53. Spain tried to keep the treaty secret until after ratification. Even Consul Palgrave had no knowledge of it as late as 22 March 1878.

There is no doubt of the Sultan's reluctance to give in to Spain for he considered the Spanish request for a treaty an ultimatum and he was unable longer to resist Spanish pressure. Indeed, he made an effort before signing to gain British support by offering to cede all of the Sulu Archipelago except two small islands to Dent and Overbeck if the British government approved.[136] Before ratification of the treaty the Sultan requested British and German mediation between Sulu and Spain.[137] But while Britain and Germany were discussing joint action the Manila authorities prevailed upon the Sultan to sign an unconditional cession of Sulu and all its dependencies to Spain. This he did on 22 July, 1878, being no longer able to wait for the long desired British-German intervention.[138]

The Spanish Philippine authorities immediately applied this to North Borneo, as constituting a Sulu dependency. They reportedly compelled the Sultan to write a letter to Baron von Overbeck cancelling his cession.[139] But the Sultan had foreseen such a contingency and had informed the Baron that if he received such a letter in the Sulu language rather than in Malay, or which was improperly sealed he could consider it as worthless, having been dictated by the Spaniards.[140] There followed a correspondence between von Overbeck and the Spanish Governor of Sulu, Martines, in which the Baron maintained that he represented British interests and that the Spanish treaty could not possibly supersede the Sultan's cession of North Borneo made six months previously.

The Spaniards followed this up with the visit of a naval vessel to Sandakan where they threatened to oust Pryer forcibly from his Residency.[141] Spanish ships also appeared at Marudu and Tempasuk and urged the Sulu people and natives of those places to raise the Spanish flag. It is noteworthy that the people refused to comply with the Spanish demand.[142] Pryer surrounded himself with a loyal group and resisted the efforts of the captain of the *El Dorado* to unseat him. Fortunately W. C. Cowie was in Sandakan

[136] Gov. Robinson (telegram) to CO, 22 Feb. 1878, FO 71/13.

[137] Treacher to FO, 20 April and 31 May 1878, FO 71/13.

[138] Treacher to FO, 5 Aug. 1878, FO 71/14; Treaty of 22 July 1878, copy in *P.P.* 1882, LXXXI, p. 347.

[139] Sultan to Overbeck, 23 July 1878, FO 71/14.

[140] Treacher to FO, 24 Aug. 1878, FO 71/14; Sultan to Overbeck, 22 July 1878, BNBCoP; and Treacher to FO, 25 April 1879, FO 71/15.

[141] Treacher to FO, 24 Sept. 1878; Mackenzie (Manila) to FO, 24 Oct. 1878, FO 71/14; *Pryer's Diary*, 3 Sept. 1878; Overbeck to Pryer, 8 Nov. 1878, BNBCoP.

[142] Treacher to FO, 24 Sept. 1878, FO 12/53.

and placed his steamer, the *Far East*, flying the British flag, between the Spanish ship and the settlement. The *El Dorado* relented rather than initiate more serious Anglo-Spanish complications.[143]

When Spain was queried on the Sandakan incident the Spanish Foreign Minister replied that it was all a mistake, that Spain had no designs on North Borneo.[144] This was to be another example, however, of policy made in Madrid not being implemented by the authorities in the Philippines, for several more attempts were made in the next three years to establish a footing upon the northeast coast. For practical purposes possession of North Borneo was established and the syndicate relied upon the Foreign Office, where they had influential friends, to deal with Spain.

Before considering the government's handling of the Dent-von Overbeck cession and the charter issue we must note the opposition of Raja Brooke to the venture. We have already seen that the Raja was angered by the cession as he had repeatedly been informed that Britain opposed any territorial changes on the northwest coast of Borneo. That his own aim was eventually to acquire the government of Brunei either as a protectorate with the blessing of Britain or by gradual cession there can be little doubt.[145] We have noted his concern with the weakness and corruption of Brunei and his proposals of 1874.

When, therefore, the Dent-von Overbeck syndicate arrived in Borneo looking very much like a commercial enterprise and with a foreigner as its chief representative, Brooke looked upon it as an obstacle to his plans for Borneo. Both he and his uncle had always assumed a protective attitude toward Borneo when it seemed to be threatened by commercial exploiters.[146] He sized up the new venture as a profit-making scheme and immediately challenged it. He accused Treacher of misuse of his consular office in aiding von Overbeck.[147] He particularly disliked Treacher's use of HMS *Hart* in allegedly pressing for the cession at Brunei in defiance of the treaty of 1847. Pauncefote, however, minuted that it ill-behooved

[143] W. C. Cowie gives an interesting account in *London and China Expess*, 27 Nov. 1908.

[144] West (Madrid) to FO, 9 Oct. 1878, FO 71/14. The Foreign Office had already received a copy of the July 22 treaty from Spain. See West to FO, 18 Sept. 1878, FO 71/14.

[145] Chapter III, *passim*.

[146] Runciman, *op. cit.*, p. 197; and Usher to CO, 25 July 1877, FO 144/48.

[147] Brooke to Derby, 11 April 1878, FO 12/53.

the Raja to complain when Sarawak had herself obtained cessions 'in defiance of the treaty'.[148] Brooke pointed out that the North Borneo cession covered several territories on the northwest coast which were independent of the Sultan and acknowledged by him to be so.[149] The chiefs of these rivers, he said, had not been consulted and he would 'ignore the cession' unless Britain approved it, and do his best to protect the people from the 'unjustifiable adventure' of von Overbeck.

The Raja sailed up the coast advising some of the chiefs of their 'rights' and urging them to protest to Brunei.[150] He kept Treacher informed of his action, and the correspondence took on a personal note when each accused the other of insulting behaviour.[151] Pauncefote sided with Treacher[152] and would have encouraged further animosity had not Under-Secretary Bourke, Tenterden and Lister cautioned restraint in answering Brooke's charges.[153] The Foreign Office simply acknowledged Brooke's letter and the Raja turned to Consul Ussher and the Colonial Office where he met with a more sympathetic reception, as we have noted.[154]

In London late in 1878 Dent and von Overbeck initiated the second part of their plan, to translate their cession into profit. Overbeck's hopes of selling to a Vienna syndicate had failed. Moreover the restrictive clause in the Sulu lease and assurances which Dent and von Overbeck had given to British officials both in London and the East that the project would be British, although not binding made a transfer to a foreign company difficult.[155] Despite this, news of the project in the German press was duly noted at the Foreign Office.[156]

[148] Pauncefote minute of 24 May 1878, FO 12/53. Pauncefote was in error for the treaty specifically exempted British subjects such as Brooke but applied to foreigners such as von Overbeck. See above p. 113.

[149] Brooke to Tenterden, 6 April 1878, FO 12/53. These enclaves became the subject of much negotiation before finally coming under chartered company rule.

[150] Brooke to Treacher, 9 April 1878, FO 12/53.

[151] Brooke to FO, 6 May 1878, enclosing letter from Treacher of 16 April 1878, FO 12/53.

[152] Minute of 2 July 1878, FO 12/53.

[153] Bourke, Tenterden and Lister minutes of 11 July, Lister minute of 7 July, 1878, FO 12/53. Lister felt Treacher had been 'studiously offensive' to the Raja and would do well to try and conciliate Brooke if his aim was to diminish opposition to the Dent-von Overbeck project.

[154] See above, p. 107.

[155] E. Dent to Pauncefote, 16 May 1878; and Overbeck to Treacher, 1 Jan. 1878, FO 12/53.

[156] C. Dilke to Bourke, 27 June 1878, FO 12/53.

The partners decided to sell their enterprise to a British company to be formed for the purpose of opening up North Borneo to traders and planters. Thus they would make a profit on their initial investment and, by associating themselves with the company, would share in any future dividends. To gain the greater protection of the British government they sought a royal charter.[157] They wanted recognition and government support and a charter was thought the most feasible way short of an outright protectorate. They proposed that the company would always be British in character, and promised not to establish or allow trade monopolies. The charter, they contended, would give Britain control over the project without sovereign responsibilities. The government could supervise the foreign relations of the territory, including those with the sultans and with Sarawak, approve the appointment of the governor and judicial officials, and veto or approve any transfer of territory.

Pending action by the government on the request for a charter Dent and von Overbeck propagandized their plan among a select group of business and professional men, including several old Far Eastern hands such as Admiral Keppel and Rutherford Alcock, a former Minister to China. Enthusiastic support was given to the project at a meeting at the Westminster Palace Hotel in March 1879 and Lord Salisbury was asked to receive a deputation of Dent's supporters.[158] But although Lord Salisbury had spoken favourably of the cession he felt he could not yet publicly discuss British 'colonization' in an area apparently claimed by Spain and at a time when the Government was working with Germany on a joint policy toward Spain.[159] When Dilke raised a question in Parliament about the cessions Under-Secretary Bourke replied that Spain's claim was receiving attention and it was impossible to make public the details of the cession question at the time.[160]

Indeed the Spanish Philippine authorities were pressing their claims on the basis of the Sulu treaty of July 1878 so strongly with

[157] Dent to Salisbury, 10 Oct., and 2 Dec. 1878, FO 12/53.

[158] Alcock to Salisbury, 31 March 1879, FO 12/54.

[159] Salisbury minute, 5 April 1879; FO to Alcock, 7 April 1879, FO 12/54. When the protest to Spain was made Pauncefote suggested that the public interest such a deputation showed would strengthen the government's position *vis-à-vis* Spain. Salisbury disagreed. See Pauncefote and Salisbury minutes, 9 June 1879, FO 12/54.

[160] *Hansard* (3rd), CCXLVI, 12 June 1879, 1698–9. See also Dilke to Bourke, 10 April, and FO minute of 12 June 1879, FO 12/54.

gunboats and pressure on the natives that the Foreign Office was obliged to act to uphold their policy of the non-recognition of Spanish sovereignty in Sulu. The Colonial Office had been continually pressing for action.[161] It was clear also that there was a strong desire to prevent Spain from occupying northeast Borneo because of its assumed strategical importance.[162] Moreover, under the urging of Pauncefote, Salisbury had decided to support the Dent-von Overbeck project.[163]

In January the Law Officers had been consulted on the sovereignty issue. Their advice was that Britain was not justified in objecting to Spanish sovereignty in the Sulu Archipelago nor to the Spanish-Sulu treaty of July 1878.[164] The East India Company treaties with Sulu of 1761, 1764 and 1769 could probably not support a British protest for they were 'observed or not as it suited the purpose of the English in those seas'. Moreover, the Brooke treaty of 1849 was not valid as ratification had not been completed. If, said the Law Officers, the northeast coast of Borneo was considered a Sulu dependency, it too passed under Spanish sovereignty and the Dent cession would have to be confirmed by Spain.

F. S. Reilly, a legal adviser loaned to the Foreign Office by the Law Officers, suggested that a compromise with Spain should be worked out.[165] Britain, said Reilly, should recognize Spanish sovereignty in the Sulu Archipelago in return for Spain's abandonment of any claim on mainland Borneo. But Pauncefote was anxious to make a strong protest to Madrid on the whole sovereignty issue first, 'whether it be legally sustainable or not'.[166] This would, he said, give room for negotiation and the Reilly compromise might well be the end result. Pauncefote also suggested that the Spanish-Sulu treaty was inconsistent with the spirit of the protocol of 1877.

It was Tenterden who suggested that German support for the protest should be sought.[167] Germany had requested continued

[161] FO memo, 5 Oct. 1878, FO 71/14.
[162] FO to CO, 27 Feb. 1879, FO 12/54.
[163] *Ibid.*
[164] LO to FO, 3 Feb. 1879, FO 71/15.
[165] Memo of 20 Feb. 1879, FO 71/15.
[166] Pauncefote minute, 24 Feb. 1879, FO 71/15.
[167] Tenterden minute, 25 Feb. 1879, FO 71/15.

collaboration on the Sulu question when the protocol was signed and moreover she was now questioning the legality of Spanish claims and activities in the archipelago on the basis of the protocol. With the concurrence of the Colonial Office and Germany the Foreign Office protested to Spain:[168] firstly, that the Spanish-Sulu treaty of 1878 was not in accord with the spirit of the 1877 protocol; and secondly, that the northeast coast of Borneo did not come under Spanish sovereignty by the terms of the treaty, the treaty being merely, with that of 1851, a resubmission of Sulu on the basis of the 1836 treaty which expressly excluded any Borneo dependencies of Sulu. Moreover, said the Foreign Office, if North Borneo were to be claimed by any European power, Britain had a prior claim under the East India Company treaty with Sulu of 1769. In view of Spain's assurances that she had no designs on North Borneo Britain urged her to disavow the aggressive activities of her Philippine government.

While the protest was being prepared reports of fresh attempts by the Philippine authorities to coerce the natives on the northeast coast to raise the Spanish flag were received. Dent asked the Foreign Office for permission to raise the British flag over North Borneo and Pauncefote supported his request. Pauncefote also urged the sending of a man-of-war to Sandakan to report on the Spanish activities, and the re-appointment of Pryer as Consular Agent.[169] While Pauncefote was for all-out support of the Dent interests, Tenterden was more reserved. He agreed to send a ship if the Admiralty knew of one in the neighbourhood under a captain who would give a 'good and impartial' report.

> These Sulu affairs and this question of Messrs. Dent concession in Borneo are rather obscured by the personal interests of the people whose accounts we are receiving and an independent report would, I have no doubt, throw much light on these matters.[170]

Both Tenterden and Salisbury thought that Germany should be induced to co-operate or at the least be kept informed of British action. To this Hicks-Beach, the Colonial Minister, added his

[168] FO to West, 20 May 1879, FO 71/15. The protest, in two parts, was delivered to the Spanish Foreign Minister on 12 and 15 June in conjunction with similar protests by the German Minister in Madrid. See West to Salisbury, 12 and 15 June; West to Duc de Tetuan, 12 June 1879, FO 71/15.

[169] A. Dent to Salisbury, 28 Feb. 1879, and Pauncefote minute thereon, FO 12/54.

[170] Tenterden minute, 3 March 1879, FO 12/54.

approval, and he insisted that the warship's mission be strictly to make an impartial report and not for the support of the Dent-von Overbeck establishment.[171] The Colonial Office believed that no decision on the cession could take place until the Spanish claim was challenged. The question of the flag, they thought, should be discussed by the Cabinet. On 29 March the Foreign Office asked the Admiralty to send a ship to Sandakan to protest against the Spanish attempt to raise her flag in Borneo.[172] No mention was made of an impartial investigation[173] and, at the insistence of Pauncefote, Treacher accompanied the warship and apparently assumed direction of the mission.[174]

It is interesting to note the way in which Pauncefote's handling of the details of this mission gave it the outward aspect of a naval force in support of the North Borneo settlement while it remained scrupulously aloof from official contact with officers of the company in North Borneo. Following the Foreign Office request of 29 March the Admiralty telegraphed instructions to Singapore and HMS *Modeste*, under Captain J. G. Mead, set off for Borneo arriving at Labuan on 6 April.[175] It departed for Sandakan on 11 April. The telegraphic instructions to Treacher to accompany the mission were not sent until 5 April. HMS *Kestrel*, Captain Edwards, was dispatched to carry these instructions to Treacher, arriving in Labuan, of course, after the *Modeste's* departure. Treacher sailed in the *Kestrel* for Sandakan and reached there only one day after the arrival of the *Modeste* but before Captain Mead had commenced his mission.

The presence of two British war vessels in apparent support of the Dent interests in North Borneo was not lost on the Spaniards.[176] The Dent company was glad to have naval support[177] and Dent informed Pauncefote that the ships had arrived just in time to forestall another Spanish attempt at Sandakan.[178] In September

[171] Herbert to Tenterden, 21 March 1879, FO 12/54.

[172] Pauncefote to Admiralty, 29 March 1879, FO 71/15.

[173] Late in the year, however, the Admiralty sent another ship, HMS *Midge*, Cmdr. Salman, to Sulu and North Borneo for information on Spanish activities. See Adm. Coote to Adm., 3 Nov. 1879, FO 12/50.

[174] Pauncefote minute, 31 March, and Treacher to CO, 25 April 1879, FO 71/15.

[175] *Ibid.*

[176] Spanish Minister to Salisbury, 20 Oct. 1879, FO 12/54.

[177] Von Overbeck to Pryer, 4 April 1879, BNBCoP. Von Overbeck told Pryer that HMS *Modeste* went 'as a result of our request to the Foreign Office.'

[178] Pauncefote minute, 15 June 1879, FO 12/54.

after an urgent request by Dent for protection against an expected attack from some Sulu people in alliance with Spaniards the Admiralty was again ordered to have war vessels visit northeast Borneo.[179]

As usual the Spanish response to the latest joint protest to Madrid, that of May 1879, was slow in coming. At the time the Spanish Foreign Minister declared total ignorance of attempts to plant the Spanish flag in Borneo. He stated that Spain had no intention of occupying North Borneo, upon which Lord Salisbury noted that Spain did not, however, disavow their claim.[180] The Spanish reply to the protest in October was to this effect.[181] No occupation was planned but Spain refused to renounce her claim to sovereignty over Sulu dependencies including northeast Borneo.

As has been suggested the lines of control by Madrid over the Philippines Government were unreliable, for Spanish assurances were not followed up by corresponding action in the East. Consul Pauli in Manila, however, assured the Foreign Office that the Philippine Government was well under the control of Madrid.[182] Spain, he said, found it convenient that officials at Manila asserted the right to hoist the flag in North Borneo, and Spain could support or repudiate such action according to the opposition from other countries. That Spain found it convenient also to conceal the degree of her control over Manila, as we have seen, supports Pauli's contention. However, the attempts to raise the Spanish flag in Borneo were not inconsistent with the assurances by Spain that she planned no occupation of the territory, and were quite apart from attempts to occupy. Indeed there is every reason to believe that the frequent use of British war vessels in support of British policy effectively cancelled out any plans Spain may have had to occupy points on the northeast coast. It is a fact that the attempt of the *El Dorado* in September 1878 to take over Sandakan was not repeated.

Although correspondence and negotiations with Spain and Germany continued until 1885 the protest and the use of naval

[179] Dent to Salisbury, 23 Sept. 1879; FO memo, 6 Oct. 1879; and Pauncefote to Dent, 3 Oct. 1879, FO 12/54. (See also in *P.P.* 1882 LXXXI, p. 489.)

[180] West to FO, 14 June 1879; and Salisbury minute, FO 71/15.

[181] Walsham to FO, 18 Sept. 1879; and Duc de Tetuan to Marquis de Casa Laiglesia, 20 Oct. 1879, FO 71/15.

[182] Pauli to FO, 7 Aug. 1879, FO 71/15.

force effectively answered the Spanish threat to obstruct the Dent-von Overbeck project. Settlement of the question by protocol in 1885 will be discussed subsequently.

Pauncefote had been urging the Foreign Minister to consider the Dent-von Overbeck proposals but Lord Salisbury felt it necessary first to arrange, with Germany, the joint protest to Spain.[183] In October Salisbury gave his attention to the proposals. In a memorandum he noted that Dent was asking for four things:[184] a charter of incorporation; consular authority for his Residents; the countenance and protection of British consular, naval and colonial authorities; and British support for the control of foreigners in North Borneo. Salisbury's memorandum reads more as a justification for a mind already made up than as a listing of the relevancies preparatory to making a decision. The question was already decided at the Foreign Office for the Colonial Office had been told that Lord Salisbury favoured the project,[185] and Pauncefote had intimated privately to Dent the Foreign Minister's support. As for the charter, Salisbury thought that the opportunity of opening up trade with the interior of Borneo through an English company was justification enough. There would be difficulties but these could be overcome. For instance, Raja Brooke's 'superior claim' might be settled by a compromise over any disputed territory. The Spanish claim, he thought, was not serious nor dangerous, but needed more attention. Certainly Labuan ought not to be put in the way of impeding the development of North Borneo. Moreover, company government in the area would probably cost no more in demands on the naval forces than did Sarawak.[186]

But Salisbury's greatest concern was the strategic value of North Borneo. Some of Dent's associates, primarily Alcock and Admiral Keppel, argued strongly that the coast of North Borneo ought to be in British hands for it commanded both the passage through the Sulu Sea and the Palawan passage.[187] Salisbury agreed.

[183] Pauncefote minutes, 1 April and 9 June, 1879; Salisbury minutes, 5 April, 9 June and 21 Oct., 1879; see also Pauncefote (private) to Alcock, 9 June 1879, and Alcock (private) to Pauncefote, 14 June 1879, FO 12/54.

[184] Memo of 11 Oct. 1879, FO 12/54. (All requests were contained in Dent to Salisbury, 2 Dec. 1878).

[185] See above, p. 153.

[186] A point that Gladstone made later when defending the charter in the House of Commons. See *Hansard* (3rd) CCLXVII, 17 March 1882.

[187] See *Report of a Meeting for the Discussion of Affairs in Borneo*, 26 March 1879; (copy in *P.P.*, 1882, LXXXI, pp. 461–71).

The attention of all other countries is at the present time so much toward the acceptance of important strategic positions in the Pacific that if this opportunity is allowed to pass by it seems very probable that some other nation would interpose claims which would prevent it from being renewed.

It is interesting to note that on the only reservations Salisbury expressed, he was reassured. In May 1878 he had said he favoured the project if it did not infringe British treaty rights with Brunei and if no more foreigners were admitted to the enterprise. Pauncefote argued that the project was a bona fide British undertaking, von Overbeck being only an agent of a British association,[188] and thus did not infringe the restrictive sections of the Brunei treaty. Edward Dent's letter to Salisbury of 16 May 1878 indicating that control of the undertaking was in the hands of Alfred Dent was reassuring.[189]

The guiding hand of Pauncefote is seen in all aspects of the charter negotiations but in no place more obvious than in his moves to keep Dent and Alcock informed of the thinking inside the government. Every argument for or against Dent's interests was communicated in a private note or conversation. Dent and Alcock were thus prepared to present a rebuttal or explanation at the appropriate time in official letters to the Foreign Office. Thus Dent assured Lord Salisbury that the undertaking was British, and Alcock and Keppel confirmed the strategic value of the area. We have suggested that the form of government recognition and support—by charter—was Pauncefote's idea, as the least painful way of promoting British dominance in the area and of promoting and protecting the interests of British capitalists. Because of liberal and radical opposition at home and opposition from foreign powers, Pauncefote realized that an annexation or protectorate was out of the question. In answer to a suggestion by Consul Pauli that Britain and Germany should establish a joint protectorate over North Borneo Pauncefote minuted, 'a protectorate does not commend itself to my mind'.[190]

Salisbury was convinced but both the Colonial Office and the Admiralty had reservations about the Dent-von Overbeck scheme. The Colonial Office contended that Raja Brooke had a better claim to

[188] Pauncefote minute, 7 May 1878, FO 12/53.

[189] See above, p. 147.

[190] Pauli to FO, 13 Oct. 1879; and Pauncefote minute, 27 Dec. 1879, FO 71/15.

North Borneo than had the new syndicate. They were suspicious of Baron Overbeck's connection and the possibility that the cession would be sold to Germany or Austria. On this point the Foreign Office admitted that both Ussher and Treacher had said there was nothing to prevent the owners from transferring their cession to a foreign power. But the Foreign Office argued that a charter giving control to Britain would prevent this.[191] However, Hicks-Beach decided that it was a Foreign Office matter and agreed not to press his opposition if Salisbury were in favour of the scheme.[192]

The Admiralty disagreed with Admiral Keppel's view.[193] The northeast coast, said the naval hydrographer, had little strategic value as most traffic used a passage further east when sailing through the Sulu Sea. The northwest coast, and especially Gaya Bay, had some value and its possession by an enemy in wartime could be inconvenient—but no more so than many other parts of the world. The Admiralty thought no additional responsibility should be accepted with respect to Borneo. If a gunboat were called for by a charter, they were not in favour of a charter. It was just such protection that Dent and his associates envisaged.[194]

At this point consideration of a charter was interrupted by correspondence with the Dutch over their interests in Borneo. From the beginning the Dutch official view was that the North Borneo scheme was the promotion of a commercial group and Britain had no political motives in granting a charter. The Dutch Government perhaps wished to play down their Borneo policy as they could see little advantage in pressing Britain. The only basis, the 1824 treaty, was weakened by its frequent calling up in the past on Borneo issues and by Britain's refusal to admit its relevancy. Nevertheless the influential Liberal paper *Nieuw Rotterdam Courant* in May 1879 had tried to raise a protest on the basis of the treaty.[195]

[191] Memo for the Cabinet, 6 Oct. 1879, FO 12/54. The same argument could be used in the case of Sarawak but in that Pauncefote argued that Sarawak came under the restrictive clause of the Brunei treaty. See above, p. 113.

[192] Herbert to Tenterden, 21 March 1879.

[193] Adm. to FO, 21 Oct. 1879, enclosing report of Frederick Evans, Hydrographer, of 20 Oct. 1879, FO 12/54. The Admiralty letter was reminiscent of the view taken by Lord Wodehouse with respect to Sarawak in 1860 and 1861. It is interesting that this note confirmed the view that Labuan's importance was strategic. See above, p. 42.

[194] e.g. Pryer to Capt. Edwards of HMS *Kestrel*, 26 Aug. 1879, FO 12/50. Keppel to Salisbury, 8 Oct. 1879, FO 12/54.

[195] Fenton to FO, 9 May 1879, FO 12/54.

The British Chargé Fenton was instructed to resist firmly if the Dutch government took up the theme. But in October the Dutch Minister of Colonies declared in the States-General that he viewed the project as commercial in nature and that as it probably would not assume the character of a British settlement the Dutch would not protest.[196] But the Dutch Foreign Minister, Baron Lynden, asked Salisbury to inform him when a decision on the charter was made. This Lord Salisbury promised to do.[197]

There was another dispute with the Dutch. This was over the boundary between North Borneo and Dutch Borneo at the Sibuco River. While this was never considered a serious quarrel it was irksome to the North Borneo authorities for the exact course of the river was unknown. Should it be found to flow from a northerly direction there was a grave possibility that North Borneo would grant away an extensive piece of territory by recognition of the Sibuco as the boundary.[198] The question dragged on for years and was finally settled in 1891 by decision of an Anglo-Dutch boundary commission.[199] The boundary was established by survey in 1912.

A United States complaint against the Dent-von Overbeck cession was made in the east by Commander R. W. Schufeldt of the USS *Ticonderoga*.[200] He visited Brunei and Labuan in late February 1880 and addressed letters of protest to the Sultan, and to W. H. Read, the Dent-von Overbeck agent in Singapore.[201] The purport was that there was no guarantee that the rights of American citizens under Article II of the American-Brunei treaty of 1850 would be recognized in the part of Brunei now ceded to Dent and von Overbeck. The protest was answered by the Sultan,[202]

[196] *P.P.*, 1882 LXXXI, pp. 63–70, Stuart to Salisbury, 24 Oct., 12 and 14 Nov., 1879, enclosing extracts from the debate on the budget of Netherlands India in the Second Chamber.

[197] *Ibid.*, p. 73, Salisbury to Stuart, 24 Nov. 1879. Salisbury's successor Lord Granville fulfilled the promise in July 1880. *Ibid.*, Granville to Stuart, 21 July 1880.

[198] Hertslet memo on boundary, 20 June 1882, FO 572/15 (Conf. Print 4647).

[199] *P.P.* 1892, XCV, 721–6; and Hertslet, *Treaties* . . . XIX, 755–6.

[200] The *Ticonderoga* was on a special diplomatic and commercial mission. The commercial part involved contact with native rulers in an effort to promote trade. See *Report of the Secretary of the Navy 1878–1879*, p. 6; *Report* . . . *1880*, p. 42. Schufeldt asked the Sultan if he had any territory left which he would be willing to cede.

[201] Schufeldt to Sultan, 1 March 1880; and Schufeldt to Read, 26 Feb. 1880, FO 12/55.

[202] Sultan to President of U.S., 8 March 1880, FO 12/55.

who reminded the United States that there were no restrictive terms in the treaty covering territorial cessions and that the United States had not objected when grants were made to Sarawak and to Consul Moses. In the case of Moses the United States said it had no objection to Americans holding territory as long as the most-favoured-nation rights were guaranteed to Americans.[203] The Foreign Office noted the American protests and passed their Borneo dispatches on to the Minister in Washington. Here the matter ended. However, American rights under her treaty with Brunei were recognized in the territory and eventually guaranteed by Britain.[204]

Once it had been decided to sell the cession to a British company Dent proceeded to make his project acceptable to the government. While in Labuan in 1878 he had offered to grant Britain a lien on the territory and deposit the deeds in the Foreign Office in return for 'moral support'.[205] Dent was aware of the difficulties caused by the presence of von Overbeck, a foreigner, in the undertaking. Now he made moves to remove the Baron from the association. In March 1879 von Overbeck sold four of his shares in the project to John Dent.[206] Alfred Dent urged von Overbeck to sign over his title deeds unconditionally.[207] Overbeck refused.

In April 1879 the promoters had decided to turn over the task of organizing a company to Dent Brothers Company, and they agreed upon the terms of a prospectus.[208] They were to seek a minimum price for the cession of £100,000. With this move von Overbeck ceased to have a direct part in the management of the project.[209] Then Dent and the Baron commenced a long drawn out quarrel.[210] Dent wanted a private appeal to friends for support of the company while von Overbeck argued for a public advertisement for capital. Dent offered von Overbeck a small cash payment for his interests plus shares in a company without capital but which Dent would

[203] President Hayes to Sultan, 8 June 1880, FO 144/54.
[204] Dent to Pryer, 5 March 1880, BNBCoP; FO 5/1718, FO to Thornton, April 29 1880; and FO 12/60, Pauncefote memo, 28 April 1883.
[205] Treacher to FO, 15 July 1878, FO 12/53.
[206] Agreement between A. Dent and Overbeck, 24 March 1879, BNBCoP.
[207] Overbeck to Dent, 2 Dec. 1879, BNBCoP.
[208] Overbeck to Dent, 3 April 1879, BNBCoP.
[209] Dent to Overbeck, 1 Dec., and Overbeck to Dent, 2 Dec., 1879, BNBCoP.
[210] Correspondence between Dent and Overbeck, 1879 and 1880, *passim*. BNBCoP.

back financially. But von Overbeck pointed out that this seemed to be a scheme to organize a bogus company for which the shares would be valueless. Dent would retrieve all his outlay plus a profit, his firm would receive a handsome commission for organizing the company and Dent would continue in control of the project. Both men referred to legal counsel and Dent considered proceedings to oust von Overbeck from the North Borneo undertaking. He was advised, however, that the Baron's rights under the various agreements were valid.[211]

In the event, the project almost changed hands. Lord Salisbury, although urged to do so by Pauncefote, refused to grant a charter before the resignation of the Government.[212] The Conservatives had been defeated in the election of April 1880. With the advent of the Gladstone Ministry which included some formidable anti-expansionists such as John Bright, Joseph Chamberlain and Gladstone himself, the chances of government support of the North Borneo venture seemed dim. Dent felt that the prospects of organizing a company on the basis of the original agreement were slight as capitalists would shun the project, lacking government support.[213] In order to retrieve his outlay Dent agreed to sell his interests to von Overbeck.[214] There was some disagreement as to terms. On 19 May Dent made a firm offer to von Overbeck to sell for £50,000 if von Overbeck could raise the funds by 19th June.[215] Since January the Baron had been in Austria and Germany. Now von Overbeck proposed to German capitalists that they should take advantage of Dent's offer. Alexander Mosle, a Bremen merchant and Reichstag member, petitioned Bismarck for a state subsidy for a company to buy and develop von Overbeck's land in North Borneo.[216] Bismarck ignored the request, probably still smarting from the recent defeat, in the German Parliament, of the Samoan Subsidy Bill to which he had given his support. This measure would have provided a government subsidy to a South Sea trading company

[211] Harwood to A. Dent, 7 June 1879, BNBCoP.

[212] Pauncefote and Salisbury minutes, 17 April 1880, FO 12/55.

[213] Pauncefote memo, 3 July 1880, FO 12/55; and Dent-Read correspondence, July 1880 to Dec. 1881, BNBCoP., *passim*.

[214] Dent to Overbeck, 23 April 1880, BNBCoP.

[215] Dent to Overbeck, 1 and 19 May, Overbeck to Dent, 12 May, 1880, BNBCoP.

[216] 'Baron Overbeck and the Germans' containing a note of 29 May 1880, from Berlin, no names attached. BNBCoP. Townsend, *op. cit.*, p. 130. Mosle was the spokesman for the movement which was pressing the German Government to acquire colonies.

controlled by the Hamburg firm of Godeffroy.[217] Its passage, according to Townsend, would have set Germany on the path of colonial expansion in 1880. Its defeat, however, led the German Chancellor to a more careful handling of further requests by the powerful colonial movement.

There was a rumour that von Overbeck's proposals would be considered by a group of financiers who now stepped in to handle the Samoan interests which the Parliament refused to subsidize.[218] If in fact this group considered Overbeck's project it was not successful. The group announced its intention of pushing the trading company by a reorganization, however, and in an interesting sentence in a letter to Dent, von Overbeck, in Vienna, said, there was every probability of his obtaining a good price for the cession 'within a couple of months, and to obtain which I am ready to negotiate if entrusted with the requisite powers'.[219] This was undoubtedly a reference to the Samoan group. It conceivably would have taken all of two months for the company reorganization and the negotiations with von Overbeck.

Of Dent's part in this matter we only know that he wanted to recover his outlay of some £40,000[220] plus as much of a profit as possible. It is not clear whether or not his offer to sell to von Overbeck and a European group was sincere for before the month elapsed he was writing to Pryer that von Overbeck was trying to raise interest on the continent 'without my approval'.[221] Britain, he said, would not allow a foreign company to settle the territory. The suspicion arises that Dent was using the Baron's efforts in Germany and Austria to press the Gladstone government for recognition of his project. In any event Pauncefote used this threat of foreign interest successfully when briefing the new Foreign Minister, Lord Granville, on the North Borneo issue.[222] He wrote in a memorandum to Granville:

> The German press have lately spread rumours of a German company, *under government auspices*, taking over the cessions, and the Spaniards would be glad enough to buy out Mr. Dent. The Dutch also are covetous

[217] *Ibid.*, and London *Times*, 27 and 28 April, 1880.
[218] Copies of articles from Cologne *Gazette* and Berlin *Telegram* of 21 May 1880, BNBCoP.
[219] Overbeck to Dent, 22 June 1880, BNBCoP.
[220] Pauncefote memo, 3 July 1880, FO 12/55.
[221] Dent to Pryer, 4 June 1880, BNBCoP.
[222] Pauncefote memo, 3 July 1880, FO 12/55.

of this territory . . . and the Russians are said to be on the look out for a post in the China seas.

Dent, he explained, had expended much capital on the project and if the charter was not granted he must dispose of his cessions.

Pauncefote evidently felt that the anti-expansionist philosophy of the Liberals and Radicals under Gladstone could be countered by bearing down on the argument of a foreign power threatening British interests. The dislike of the Liberals for the restrictive commercial policies of some European powers and the danger of their extension could undoubtedly be relied upon.[223] Pauncefote argued that short of annexation or a protectorate the best way to keep the territory out of foreign hands was to secure its settlement by British subjects under Dent's cession.

Under-Secretary Tenterden supported Pauncefote,[224] and one by one the other officials at the Foreign Office and Colonial Office followed. Dilke, the Parliamentary Under-Secretary, had some reservations concerning the Dutch but felt the issue must be settled because of foreign interest.[225] He had warned the Foreign Office in 1878 that von Overbeck's project was receiving much attention in Germany.[226] Kimberley also agreed that North Borneo should not be allowed to fall to another power.[227] He noted the success of Sarawak and thought the North Borneo company could follow suit. Finally, Granville agreed to a charter and the Dutch minister, Bylandt, was informed as promised.[228]

It now remained for the Law Officers to iron out any legal problems and for the Cabinet to grant its approval. In the meantime Dent was informed privately of the decision[229] and soon after he succeeded in coming to terms with von Overbeck.[230] He wrote,

[223] Kimberley in a memo, 13 July, mentioned this in connection with Germany, Spain and Holland, FO 12/55.

[224] Tenterden minute, 7 July 1880, FO 12/55.

[225] Dilke minute, 7 July 1880, FO 12/55. The Dutch, he thought, should be sounded on the subject. See also Dilke minute, n.d. but follows Pauncefote minute of 14 July 1881, FO 12/56.

[226] See above, p. 151.

[227] Kimberley memo, 13 July 1880, FO 12/55.

[228] *P.P.*, 1882, LXXXI, p. 75. Granville to Stuart, 21 July 1880; Granville to Stuart, 10 Aug. 1880, FO 12/55.

[229] Dent to R. B. Read, 24 and 30 July 1880, BNBCoP.

[230] Agreement of 1 Sept., 1880 between Montgelas, Mitford, Overbeck and Alfred, Edward and John Dent, BNBCoP. Von Overbeck was being pressed in court by his creditors and agreed to sell for £100 a share. Montgelas and Mitford also sold and the Dents became sole owners of the cession for £1,700.

'Overbeck is eliminated as far as necessary for all our purposes'.[231] The Baron's only remaining role was as agent for Dent in completing arrangements with Joseph Torrey for the handing over of the titles of the American Trading Company. Dent maintained that Torrey's leases were valueless but as an agreement existed between the American and von Overbeck he thought it better to 'compromise than fight'. 'Between ourselves', he wrote to Read, 'we are anxious to get this small man out of the way'.[232] The negotiations took place in the East. Dent was anxious to keep the charter decision secret for fear that Torrey would object if he knew that government support was a *fait accompli*.[233] Dent agreed to pay $20,000 but hoped to get the titles for $10,000.[234] Torrey, the Yankee trader, demanded $30,000 then raised it to $40,000.[235] Dent increased his offer to $25,000 and Torrey accepted.[236] Dent felt rather 'sold' but for this modest price he gained a clear title to North Borneo. As for Torrey he undoubtedly made a profit on the American Trading Company. It is not known whether he shared the profit with the widow of his former partner, Harris, whose power-of-attorney he had obtained.

In July the Dents transferred their deeds to the British North Borneo Provisional Association for £120,000. But Alfred Dent continued to play a leading role in the Association and later in the British North Borneo Company. Considering that Dent by admission spent about £40,000 on the project and between £5,000 and £10,000 for the rights of Overbeck and Torrey he still received a handsome profit, in the vicinity of 100 per cent return.

The papers on the Dent request were circulated to the Cabinet late in 1880 and a decision on granting a charter was taken. It took almost another year for the details of the charter to be worked out. The Admiralty and the War Office were assured that no armed force was intended for the protection of North Borneo beyond that protection normally granted to British subjects.[237] Indeed, the Admiralty already had standing orders to this effect. The question of sovereignty over the area was of concern to the Colonial Office.

[231] Dent to Consul Lees, 10 Sept. 1880, BNBCoP.
[232] Dent to Read, 5 Nov. 1880, BNBCoP.
[233] *Ibid.*
[234] Dent to Read, 16 and 17 Dec., 1880, BNBCoP.
[235] Read to Dent, 4 and 12 Jan., 1881, BNBCoP.
[236] Dent to Read, 13 Jan. 1881; and 'Release of J. W. Torrey and S. Harris, and the American Trading Co., to Overbeck and Dent', 15 Jan. 1881, BNBCoP.
[237] Pauncefote to Privy Council Office, 29 July 1881, FO 12/56.

The Law Officers ruled that Britain assumed no sovereignty and the Company would administer the territory under the suzerainty of the Sultans.[238]

Finally by an order in council on 26 August, 1881, a charter was granted to the British North Borneo Company.[239] It authorized the Company: to govern the territory on the basis of the Sulu and Brunei cessions; to protect the inhabitants in their religion and customs; to discourage slavery and abolish it by degrees; and to engage in commerce and planting. The charter placed the following restrictions upon the Company: it must remain British in character; there was to be no transfer of territory without the consent of one of the principal Secretaries of State; no trading monopolies were to be established; the appointment of a governor was to be approved by the government; and Britain was to retain a veto power over the Company's treatment of the inhabitants and over its conduct of foreign relations, including the settlement of disputes with the Sultans.[240]

The justification for granting the charter with the consequent expansion of British responsibilities gave rise to some searchings of conscience among members of the Liberal government. Some, including Gladstone himself, Dilke, John Bright and Joseph Chamberlain had long been advocates of non-expansion of British territorial interests.[241] For Gladstone and Dilke the charter question was particularly difficult. The election of 1880 had been fought largely over foreign and colonial policy. In his Midlothian campaign Gladstone argued strongly against increasing Britain's responsibilities overseas by annexation or protection.[242] Dilke had been critical of the North Borneo project while in opposition, and he had urged his views upon other members of parliament.[243]

[238] Herbert to Pauncefote, 2 June 1881; Pauncefote minute, same date; and LO to FO, 14 July 1881, FO 12/56.

[239] *London Gazette*, 4 Nov. 1881.

[240] The foreign relations restriction was urged by the Law Officers in substitution for one proposed by Pauncefote which directed Britain to conduct the foreign relations of the territory, in order to 'avoid responsibility to Foreign Powers for the acts of agents of the Company'. See LO to FO, 17 Sept. 1880, FO 12/55.

[241] Bright was Chancellor of the Duchy of Lancaster; and Chamberlain, President of the Board of Trade, in 1880.

[242] See W. E. Gladstone, *Midlothian Campaign* (speeches of Nov.–Dec., 1879, and March–April, 1880, reprinted from *Scotsman*), *passim*.

[243] *Hansard*, 240, 20 June 1878, 1881; and *Hansard* 246, 12 June 1879, 1698–9. Dilke to Granville 14 Dec. 1881, Add.Mss. (Gladstone Papers, British Museum), 44149, f. 51; Gwynn and Tuckwell, *The Life of the Rt. Hon. Sir Charles Dilke*, pp. 389–40, cites, Granville to Dilke, 27 Dec. 1881.

When the papers were circulated to the Cabinet members Dilke was worried that not enough attention was given to the question.[244] When it is remembered that during the period the Irish question, especially concerning the coercion and land bills, was the main issue in Parliament and the Cabinet Dilke's concern is easily understood.[245] When the papers returned to the Foreign Office Dilke noted that there were four minutes against granting the charter and two in favour, and no comment from Gladstone.[246] Dilke wrote later that at this point he had the papers sent again to the Prime Minister. Then Granville informed him that Gladstone gave his approval.[247] Upon this Dilke decided not to oppose the charter.

Whether in fact Gladstone saw the papers at this time is not clear. A year later after the charter was granted Dilke, in a letter to Granville—a copy of which he sent to Gladstone—pointed out the great difficulty of defending the charter in Parliament.[248] Such a charter, he said, was without precedent and it had not been sufficiently discussed by the Cabinet. Gladstone declared that he could not remember having seen the papers nor the decision of the Cabinet.[249] Granville sent the Borneo material to him.[250] The Prime Minister perused it and still could remember no Cabinet discussion.[251] 'I am', said he 'in the condition of one shutting the stable door after the steed has been stolen'. Gladstone, it developed, had reservations about the charter.

[244] Granville to Gladstone, 16 Dec. 1881. Add.Mss. 44173, f. 252, (Granville-Gladstone correspondence on the subject can be found in Agatha Ramm, *The Political Correspondence of Mr. Gladstone and Lord Granville 1876–1886. I*); Gwynn and Tuckwell, *op. cit.*, p. 389.

[245] Walling, R. A. J. (ed.) *The Diaries of John Bright*, p. 450. Bright noted that in seven Cabinet meetings between 10 Nov. and 14 Dec. 1880, the period when the charter was considered, the one big issue of discussion was Ireland. He does not mention the charter.

[246] Chamberlain, Bright, Childers (Sec. for War), and Harcourt (Home Sec.) against; and Kimberley and Lord Chancellor Selborne for the charter. See Gwynn and Tuckwell, p. 389; and A. G. Gardiner, *The Life of Sir William Harcourt*, p. 414.

[247] Gwynn and Tuckwell, *op. cit.*, p. 389; and Ramm, *op. cit.*, p. 321.

[248] Dilke to Granville, 14 Dec. 1881, Add.Mss. 44149, f. 51, and Granville to Gladstone, 16 Dec. 1881, Add.Mss. 44173, f. 252.

[249] *Ibid.* and Dilke to Granville, 14 Dec. 1881; PRO 30/29/121, (Granville Papers—PRO) and PRO 30/29/125, Gladstone to Granville, 3 Jan. 1882, (Ramm, *op. cit.*, p. 326).

[250] Granville to Gladstone, 18 Jan. 1882, Add.Mss. 44147, fo. 20, (Ramm, *op. cit.*, II, 331).

[251] Gladstone to Granville, 20 Jan. 1882 PRO 30/29/125, (Ramm, *op. cit.*, II, 333).

Dilke had, a few days previously, set out in a minute certain inconsistencies in Pauncefote's argument for the charter.[252] Dilke thought that if, as Pauncefote argued, there was no necessity to protect North Borneo and thus no increased responsibility, why was there such emphasis upon the strategic location and the fine defensive harbours of the territory. He had no objection to either occupying the area or recognizing the Company rule,[253] but Parliament, said Dilke, would not accept the Government's inconsistent argument. Dilke urged a tighter control over the Company because of the opium trade and the existence of slavery. He thought control ought to be administered by the Colonial Office. 'It was not', said Dilke, 'so much to the thing itself I was opposed as to the manner in which it was done'.

Dilke's attitude irritated Granville who regarded it as an attempt to reopen an issue which Dilke had not opposed at the time.[254] With Gladstone's approval Dilke was given a mild rebuke.[255] Gladstone, however, was interested in Dilke's second thoughts, and agreed with him that the Government ought to have a firmer control of the Company.[256] In addition Gladstone thought Britain should assume no more military responsibility in North Borneo than it had in Sarawak.[257]

Granville and Pauncefote, however, were able to give a satisfactory interpretation of the charter. Granville thought it imperative that North Borneo be in British hands for strategical and commercial reasons. The charter, he said, did not imply British sovereignty nor obligate Britain to defend North Borneo more than she was already obligated to protect British subjects.[258] Pauncefote dwelt on

[252] Minute by Sir Charles W. Dilke, 13 Jan. 1882, FO 572/9 (Conf. Print 4613).

[253] Gwynn and Tuckwell, *op. cit.*, p. 389.

[254] Granville to Gladstone, 15 Jan. 1882. Add.Mss. 44174, fo. 9, (Ramm, II, 328–9).

[255] Gladstone to Granville, 16 Jan. 1882. PRO 30/29/125. (Ramm II, 330); and Granville to Gladstone, Add.Mss. 44174, fo. 45, 13 Feb. 1882, (Ramm, II, 341).

[256] Gladstone to Granville, 20 Jan. 1882. PRO 30/29/125, (Ramm, 333–4).

[257] Gladstone stretched the point when he remarked that Sarawak 'had had the countenance and approval of the government'. See ch. 3, *passim*.

[258] Granville minute, 16 Jan. 1882, FO 572/9 (Conf. Print 4615). Pauncefote also used this argument yet one of his first moves following the granting of the charter was to recommend the Admiralty to protect North Borneo 'subjects and *property*' as a 'project which has received the approval of Her Majesty's Government'. See FO 12/55, Pauncefote minute, 25 Dec. 1880 on Adm. to FO, 23 Dec. 1880. Dent wrote to Read at this time, 'the Admiralty are receiving special instructions to assist our enterprise'. See BNBCoP., Dent to Read, 31 Dec. 1880.

the strategic value of the territory as he had in his previous argument.[259] He also argued that while the charter granted approval and support to the undertaking the Company submitted to the curtailment and control of its powers by the Government.

Granville reminded Gladstone that the Irish question in late 1880 had occupied him so completely that he had undoubtedly forgotten the action taken on North Borneo.[260] He said that both he and Kimberley recalled that the question had been formally submitted to the Cabinet. But the evidence is strong that Granville and Pauncefote pushed through the charter without Gladstone's sanction and with only a minority of the Cabinet in favour of it. Whether Gladstone would have rejected the charter had it not been a *fait accompli*, as Dilke later contended, is questionable.[261] Certainly Granville's influence with the Prime Minister was extremely great. In any event Gladstone defended the charter in the House of Commons' debate[262] and received the warm thanks of Granville.[263]

The debate centred on the following two points: that the charter extended British responsibilities, and was in effect protection if not annexation; and that the charter gave British protection to the opium trade and to slavery. Gladstone argued that he was not normally in favour of extending British affairs overseas, but that by leaving Sarawak on its own the Government had not escaped responsibilities there. Now in North Borneo, he said, an experiment would be tried. The project had already been successfully under way for four years and could continue under the Joint Stock Companies Act. But, said Gladstone, a charter would give the Government control and restraint of the Company's powers while granting recognition to the undertaking. 'We do not say this is a system of which the success had been demonstrated, it may break down', he said. The charter would control slavery and gradually abolish it. If not the charter would be revoked.

[259] Pauncefote minute, 17 Jan. 1882; and above pp. 163–64. FO 572/9 (Conf. Print 4614). See also Pauncefote's notes on the charter, 19 Jan. 1882, FO 572/9, (Conf. Print 4599). He wrote, ' . . . the grant of this charter is based on grounds of political expediency'.

[260] Granville to Gladstone, 23 Jan. 1882, Add.Mss. 44174, 32, (Ramm, I, 355–6).

[261] Gwynn and Tuckwell, *op. cit.*, p. 389.

[262] *Hansard* (3rd). 267, 1148ff. (17 March 1882).

[263] Granville to Gladstone, 18 March 1882, Add.Mss. (Ramm, I, 350).

In general both Liberals and Conservatives welcomed the charter. The Liberals were chided for a volte-face but were warmly seconded by ministers of the former government. Lord Carnarvon agreed with Granville and Kimberley that the strategic value of North Borneo demanded its control by Britain to prevent it from falling to another power.[264]

Soon after granting the charter Britain decided to allow Sarawak to annex Baram. The Colonial Office had supported Brooke since 1878. In January 1879 they decided to press for Government sanction of Brooke's move northward if the Foreign Office favoured the Dent-von Overbeck venture.[265] The Foreign Office had deferred a decision on Baram until the North Borneo question was settled. But when the Sultan refused to part with any more territory the Foreign Office decided not to press him to do so.[266] With this Brooke had ceased his requests of the Sultan. The Foreign Office were still suspicious of Brooke because they had only slight control over him. This suspicion was fed by Treacher. What, said Treacher, would Britain's attitude be if the Raja should die while his heirs were in their minority?[267] The implication was that Sarawak, enlarged by the addition of Baram, would be tempting to some other power.

The question was reopened in 1881 when Consul Lees reported that Pengeran Temenggong, the heir to the throne, wanted to cede Baram to Sarawak for the yearly revenue.[268] Lees noted that Commodore Schufeldt on his visit to Brunei the previous year had asked for a cession of territory. The Sultan, said Lees, would probably be induced to sell Baram to the highest bidder, and he thought Sarawak should have it because it was British. He advised sanctioning the cession with a restrictive stipulation against its transfer to another power.

Lord Kimberley thought the annexation should be allowed but the Sultan should be warned against ceding any territory to a foreign power. 'I am', he said, 'in favour of the aggrandizement of Sarawak. . . .'[269] Finally, in November the Foreign Office sent a

[264] *Hansard*, (3rd), 714–24. (13 March 1882).

[265] See above, pp. 107–08.

[266] Treacher to FO, 3 May 1879; and FO memo, 17 July 1879, FO 12/52.

[267] Treacher to FO, 10 May 1878, FO 12/52.

[268] Lees to FO, 26 May 1881, FO 12/52.

[269] Kimberley to Granville, 6 Aug. 1881, FO 12/52; and minute of 6 June 1881, CO 144/55.

warning to the Sultan and at the same time gave their consent to the cession of Baram.[270] Thus it is seen that once it was decided to support North Borneo the Foreign Office could no longer sustain their argument against Brooke's annexation of Baram. With the threat of another grant of territory to America, Britain acted in favour of Sarawak.

Summary

British policy in Borneo in 1878 was weak and some strengthening was necessary if Britain was to retain dominance on the northwest coast. Pressure from Spanish moves in Sulu dramatized the vulnerability of Britain's position and in the protocol of 1877 she attempted to remedy the situation. The significance of the protocol to this study is not in what it stated but in what it omitted. Its importance was not that trade was to move freely but that Spanish sovereignty in Sulu and North Borneo was resisted.

Spain gained also from the agreement for she was allowed to proceed unhindered in the Sulu Archipelago.

The challenge of Spain and suspicion of German intentions persuaded the government to support the Dent-von Overbeck venture. The response of Lord Salisbury to the request for a charter was favourable from the beginning. Although the Colonial Office favoured Raja Brooke as the proper recipient of Government support still they did not oppose the Foreign Office. Under the Liberal government there was more restraint and soul-searching but in the end they granted a charter for political expediency, to prevent North Borneo falling to another power.

The charter issue was a problem decided favourably by Lord Salisbury in the Conservative government but it was left for the Liberals to accomplish, in much the same way that the case for the annexation of Fiji had been prepared by the Liberals and carried out by the Conservative government in 1874.[271] The lobbying tactics organized by Dent and Alcock and encouraged by Pauncefote were in some respects a foretaste of the type of alliance later to be attempted with some success by the Old China Hands of the China Association and officials in Whitehall. For the cultivation of previous personal relationships with officials in the Foreign Office

[270] FO to Leys, 2 Nov. 1881, FO 12/52.

[271] See Ethel Drus, 'The Colonial Office and the Annexation of Fiji', *Transactions of the Royal Historical Soc.*, ser. v, XXXII, pp. 102–3.

by Dent and Alcock provided an opportunity for what Pelcovits has termed, practicing the 'diplomacy of intimacy'.[272]

Who gained by the granting of a charter? The Company received the prestige of Government support and protection. Britain established its dominance in the area on a firmer footing than ever before, attaining a strong *de jure* position to bolster that already held by terms of the 1847 treaty. The people of North Borneo gained a settled government which extended justice and protection, and developed the country by opening commerce and plantations. Sarawak gained Baram. Brunei gained an annual rent from territory she could not control and from which she could not collect revenue.

The parallels with Sarawak's early history are interesting, perhaps to the extent of indicating a pattern in the growth of British involvement in Borneo. Firstly, North Borneo and Sarawak were both settled by British subjects who very early received British naval support. The arguments in favour of official recognition were similar in both cases—strategic location and the forestalling of a foreign power. Both were granted protection and declared to be within the British sphere. Both developed along colonial patterns.

By 1882 the weakest point of the British position in Borneo was Brunei. It was yet susceptible to foreign pressure and only under an informal British control. A strengthening of Britain's relations with Brunei was one of the unfinished tasks of British policy in the area. In dealing with it Britain, as we shall see, was led to regularize her relationships with North Borneo and Sarawak.

The other unfinished task was the tying-up of the loose ends of the Sulu-Spanish question. When these tasks were completed Britain's position of dominance in the area was absolute. We shall deal with these two issues in the next chapter.

[272] N. A. Pelcovits, *Old China Hands and the Foreign Office*, p. 128. Dent was prominent among the organizers of the China Association in 1889. He undoubtedly found his experience of guiding the North Borneo charter through the Government valuable.

CHAPTER VI

BRITISH SOLUTIONS IN BORNEO: THE PROTOCOL OF 1885 AND THE PROTECTORATES OF 1888

IN GRANTING a charter to the British North Borneo Company Britain found herself the sponsor of a handful of colonial administrators in a sparsely populated jungle area the size of Ireland. In the summer of 1881 William Treacher was loaned by the Colonial Office to become the first Governor of North Borneo. He made Labuan the temporary headquarters of his government. The Provisional Association in London wanted Labuan for the headquarters of the new government and urged the Colonial Office to turn over the colony to the Company. But the Colonial Office, often critical of the Company and its activities, decided in 1882 to maintain Labuan as a separate colony for a few more years.[1] In so doing it followed the practice which had grown up over the years when dealing with the problems of that colony. It postponed a final decision on the status of Labuan to some future time. Sandakan thus became the Governor's headquarters in 1883 after Kudat had been tried for two years and failed to attract traders and enterprise to what seemed in 1881 like a promising location in Marudu Bay.[2] By the end of 1881 the Company was well established on the littoral of its vast territory. It had a flourishing town at Sandakan, and stations at Tempasuk and Papar as well as at Kudat. Little headway had been made in occupying the interior. To be sure Francis Witti and Frank Hatton, two young employees of the North Borneo administration had explored inland and had charted rivers and watersheds in certain areas.[3] But with limited resources

[1] Treacher to Dent, 28 March 1882, BNBCoP; CO to FO, 18 Jan. 1882, FO 12/57.

[2] Alcock-Dent correspondence, 1882–83, *passim*; William Pryer's Diaries, 1878–1881, *passim*, BNBCoP.

[3] For an account of the work of Hatton and Witti see Frank Hatton, *North Borneo: Explorations and Adventures on the Equator*, London, 1885; and Owen Rutter, 'A Hungarian in Borneo', *The Hungarian Quarterly*, v. I, no. 6 (1936).

the Company was in no condition for a rapid settlement and based their hopes on attracting Chinese immigrants and planters to open up the rivers to trade in jungle and plantation products.[4]

The Protocol of 1885

The chartering and support of Company rule in North Borneo did not settle the vexing problems connected with the Spanish claim to the territory. Moreover Britain's sponsorship of North Borneo rested on a rather tenuous diplomatic contrivance in this respect. It will be remembered that in 1879 Pauncefote had persuaded the Foreign Office to ignore the Law Officers' opinion on the validity of the Sulu-East India Company treaties of the 18th century, and to protest against the Spanish contention that North Borneo was a dependency of Sulu and had by the Spanish-Sulu treaty of July 1878 passed under Spanish sovereignty.[5] Pauncefote had recognized that the issue must one day be negotiated. But in order to achieve the strongest possible government support for the Company, which was then the pressing question, and at the same time to forestall Spain's occupation of North Borneo Pauncefote successfully urged the continuance of the policy of non-recognition of Spanish claims of sovereignty in Sulu as well as in North Borneo.

When Spain protested against the charter and reports began to come in of a resumption of Spanish attempts to establish a footing in North Borneo[6] Pauncefote and Tenterden brought out the Reilly plan and decided that the uncertainties of Britain's legal position in the area must be removed.[7] The Reilly compromise called for British recognition of Spanish sovereignty in the Sulu Archipelago in return for Spain's abandonment of her claims to North Borneo. But legalizing Spain's position in Sulu was a step beyond the 1877 protocol which in its closest approximation to a political provision stated that Spain was free to establish customs houses in the parts of Sulu actually occupied or which she might occupy in the future.[8]

[4] Correspondence between Dent and Alcock, 1882–1883, BNBCoP, *passim*.

[5] See above, p. 153.

[6] Spanish Minister to FO, 3 Dec. 1881; Consul, Manila to Commander of the China Station, 7 Jan. 1882; Adm. Willes to Admiralty, 11 Jan. 1882, FO 12/58.

[7] Pauncefote and Tenterden minutes of 5 Dec. 1881, FO 12/58. Saleeby, p. 231, noted that Spain's assumption of control over Sulu's foreign relations by the 1878 treaty and Sulu's apparent acquiescence was the *fait accompli* which Britain and Germany could not deny and which demanded a settlement of the issue.

[8] See above, pp. 140–41

It will be remembered that Germany had shown some reluctance to agree to these terms but in the end had acceded to them. This then plus the fact that Germany and Britain had agreed to co-operate in the Spanish-Sulu issue made it imperative that Germany should be invited to participate in any new agreement. Lord Granville, upon the recommendation of Tenterden, approved the plan.[9] He sounded the Spanish Minister and in due course the Spanish Government agreed to the principle of the compromise.[10] But Germany was unwilling to see Spain sovereign in Sulu and demanded unqualified adherence to the 1877 protocol.[11] However, the Foreign Office felt that Germany would come around if the free-trade guarantees of the 1877 agreement were included in the new protocol.[12] Bismarck at this time was under strong domestic pressure to wage a more vigorous policy for the protection of German traders and to acquire overseas stations and colonies.[13]

The complication of Bismarck's European policies affected many moves in the colonial field. German support for Britain's unilateral Egyptian policy was not yet in evidence.[14] In the meantime Germany was pursuing a *rapprochement* with France for, among other things, a lever with which to gain credits with Britain in Egypt.[15] As it was to turn out these credits were soon to be called for in the form of concessions to Germany in the colonial field.[16]

It is evident that for these reasons—for the protection of German trade and the particular state of European politics—Germany was not so willing to rush into a co-operation with Britain in Sulu in 1882 as she had been in 1877. During 1882 and 1883 Germany found reasons for not agreeing to the new Sulu plan. Spain had postponed a routine commercial treaty with Germany and Count Münster in London told Pauncefote that Germany was not inclined

[9] Granville to Spanish Minister, 7 Dec. 1881, FO 12/58.

[10] FO to Morier, 25 Jan. 1882, FO 71/16.

[11] FO to Ampthill, 23 Jan. 1882, Morier to FO, 9 Feb. 1882, FO 71/16.

[12] FO to Morier 14 Feb. 1882, FO 71/16.

[13] Townsend, *op. cit.*, pp. 80, 129–131; German warships had for years made frequent visits to Sulu and North Borneo. See Treacher to Alcock, 25 May 1883, and 11 April 1884, BNBCoP.

[14] It appeared late in 1882. William L. Langer, *European Alliances and Alignments, 1871–1890*, New York, 1956, p. 278. *German Diplomatic Documents 1871 to 1914, (G.D.D.)*. ed. E. T. S. Dugdale (London 1928) i, 161–5, Herbert Bismarck to Prince Bismarck, 13 Sept. 1882, and memo by Herbert Bismarck, 22 Oct. 1882.

[15] *Ibid.*, pp. 155, 169 and pp. 188–90.

[16] *The Holstein Papers*, ed. N. Rich and M. H. Fisher, Cambridge, 1957, ii, 175n.

to move on a new protocol until the commercial treaty was signed and ratified.[17] In September 1883 the treaty was signed and the Foreign Office pressed for the new protocol.[18] But now Germany delayed again. She demanded a formal request from Spain for the recognition of the Spanish sovereignty claim in Sulu and for a new protocol.

It seemed to the Foreign Office that Germany was manufacturing excuses for delay. Lord Ampthill reported from Berlin that when the latest demand was satisfied the Germans would find other reasons for delay.[19] Finally in the summer of 1884 King Alphonso of Spain visited Germany to observe military manoeuvres. He spoke to the Germans of the pending agreement over Sulu. Soon after the Spanish Minister in London informed the Foreign Office that Germany had now signified her willingness to go ahead with the protocol.[20] Late in the year Germany brought up another point which had all the signs of another delaying tactic. In a Note to Britain in November[21] the German Foreign Ministry declared that the terms of the protocol of 1877 extended to North Borneo and thus German free-trade rights in the Company's territory were guaranteed. In taking this line Germany seemed to accept, as had the Law Officers, the Spanish interpretation of the treaty of 1878 that North Borneo was a dependency of Sulu. The fact that the 1877 document was already a year old by the time the Sulu-Spanish treaty was negotiated did not seem to disturb the Germans. This line also suggests that Germany and Spain may have co-operated in an effort to force some sort of British concession or for Britain's discomfiture. A hint as to Germany's diplomatic action toward Britain during the following months is contained in a memorandum by Prince William Bismarck, son of the German Chancellor and a member of his staff. He wrote that in the colonial arena because Britain was not forthcoming in a liberal attitude toward German colonial aspirations, Germany's object should be to 'create every sort of diplomatic difficulty for England'.[22]

[17] Ampthill to FO, 26 Jan. and 28 March 1883, FO 71/17.
[18] FO minute, 10 Sept. 1883, FO 71/17.
[19] Ampthill to FO, 21 Dec. 1883 and FO to Ampthill, 18 Dec. 1883, FO 71/17.
[20] Laiglesia to Granville, 16 June 1884, FO 71/17.
[21] Münster to FO, 16 Nov. 1884, FO 71/17.
[22] *G. D. D.*, p. 182, Bismarck to Münster, 12 Aug. 1884; Memo of Prince Wm. Bismarck, 23 Aug. 1884.

Although the German Note created no serious diplomatic difficulty, it was another annoying delay. Britain replied[23] that the protocol of 1877 specifically excepted North Borneo, for the protocol was based on the Sulu Archipelago as defined by the Spanish-Sulu treaty of 1836; the treaties of 1851 and 1878 being merely re-submissions of Sulu to the terms of the 1836 Agreement.[24] The Foreign Office took the view that this was another excuse for delay because Article 17 of the North Borneo Company charter stipulated the freedom of trade in the Company's territory to all nations. It was obvious that the Germans wanted this guaranteed to them in an international agreement, rather than in a British document which could be changed without reference to Germany. In the event Britain agreed to an article in the proposed protocol that guaranteed freedom of trade in the Company's territory.[25]

Germany next maintained that Spain had promised that the signing of the protocol was to coincide with the signing of other agreements. These included rights for a coaling station at the Spanish West African port of Fernando Po, and the guarantee of certain rights of occupation to German settlers in Sulu. Spain denied making such a promise and in January asked Britain to proceed with the protocol without Germany.[26] By March, however, all of Germany's objections were cleared away and the protocol was signed.[27] The Reilly compromise formed the main part of the protocol.[28] Germany and Britain recognized Spanish sovereignty in the Sulu Archipelago, including the islands of Balabac and of Cagayan-Jolo. Spain renounced all claims of sovereignty to North Borneo and the islands within three leagues, and the islands of Balembangan, Banggi, and Malwali. Article 4 re-affirmed the freedom of trade terms of the 1877 protocol and Article 5 guaranteed freedom of trade in North Borneo.

The protocol tidied up the unsettled political questions of the area and the line between Spanish and British spheres was drawn. Spain was at long last recognized as supreme in Sulu, although for as long as Spain remained the colonial power in the Philippines

[23] FO memo, 4 Dec. 1884, FO 71/17.
[24] See above, p. 154.
[25] FO minute of 11 Dec. 1884, FO 71/17. Article 5 in the protocol of 1885.
[26] Bunsen to FO, 14 Jan. 1885, FO 71/18.
[27] Bunsen to FO, 4 March, and Morier to FO, 7 March 1885, FO 71/17.
[28] Articles 1, 2, and 3. Copy in *P.P.* 1884–5, LXXXVII, p. 606–9. Appendix II.

Sulu continued to be restive.[29] Later, the United States was to have troubles in its handling of Sulu.[30] For Britain the protocol meant another step toward bringing the Borneo territory under colonial supervision. She declared in direct terms in the international arena that North Borneo was within the British sphere as she had accepted the role of sponsor in granting the charter. The experience of Germany's colonial policy undoubtedly stimulated Britain to a Sulu settlement, although the compromise with Spain on the basis of the Reilly plan would sooner or later have been achieved without the German catalyst. That German co-operation was sought is significant. Firstly, it indicated that Britain recognized Germany's right to participate in any settlement effecting or rising out of the 1877 protocol which was a direct German interest, and secondly, it seemed to indicate that in such a demarcation of colonial spheres Germany, as a new and strong contender in the field, must be considered. In effect this was a following through of the policy in Africa of defining areas of colonial interest. The same procedure was to follow the next year in the demarcation of areas in the Southwest Pacific.

In Borneo and Sulu there was no direct threat of German colonization. In fact Britain was willing to see Germany in the Caroline Islands.[31] But Germany had legitimate commercial interests in the Borneo area[32] and, as Bismarck so frequently reiterated,[33] the German policy in the Pacific was basically one of the protection of trade.

The Scramble for Brunei, 1882–1888

The grant of a charter to the British North Borneo Company greatly strengthened Britain's position in Borneo. From the 1860s Britain was the dominant power in the northern part of that island, but that did not preclude incursions into the area by other powers

[29] Saleeby, *op. cit.*, p. 139.

[30] See 'Annual Report of the Secretary of War for 1902' and '. . . for 1903' in *Five Years of the War Department Following the War with Spain, 1899–1903*, Washington, 1904. pp. 261, 363.

[31] *The Holstein Papers*, ii. 234n.

[32] e.g. The German Borneo Company of Hamburg was active in Banggi and the Sulu Islands. See Treacher to Alcock, 26 July 1885, BNBCoP., and Treacher to FO, 15 Sept. 1884, FO 12/61.

[33] *G.D.D.* p. 131, Bismarck to Hatzfeldt, 7 Aug. 1884; p. 169, Hatzfeldt to Münster, 4 April 1884; and pp. 178–9, Bismarck's minutes on H. Bismarck to Prince Bismarck, 16 June 1884.

from time to time. In London the development of policy during the 1860s and 1870s was away from the narrow view of non-involvement in overseas territories and toward a policy of annexation and dominion which reached a frenzy of activity in the mid-1880s.

On the threshold of the latter development Britain was the unofficial protector of Sarawak and Brunei and the sponsor of North Borneo under the rule of a chartered Company with headquarters in London. Her relationship with Sarawak had changed very little since 1863 when Lord Russell's government had supported the accession to power of Charles Brooke. Her connection with Brunei had been strengthened by interfering in Borneo politics in 1868 and 1875 to compel the maintenance of the terms of the 1847 treaty in the face of the inability of the aged Sultan Mumin and his rajas to maintain a stable administration. From time to time the burdens of government were lessened for the Sultan by permitting Sarawak to annex great slices of Brunei territory. Then North Borneo, the largest cession of all was removed from Brunei—though it could hardly be missed for Brunei had not for years wielded authority there nor had the Sultan derived any revenue from the territory. Despite Britain's enhanced position in Borneo Brunei remained a weak point in the British sphere, susceptible to foreign incursions.

The creation of the state of North Borneo presented Sarawak with a formidable challenge to her political supremacy and prestige in Borneo. It threatened to end her territorial expansion. By 1882 two quasi-British colonies faced each other in competition for the remaining territories of the weak and corruptly-governed Sultanate of Brunei. In the remainder of this chapter will be shown the final stages of Britain's policy in Borneo which culminated in the assumption of protectorates over the three territories. There were four protagonists. The heat of the controversy kept two, Sarawak and North Borneo, steadfastly opposed to each other. The other two, Brunei and Britain, split into at least two factions each. The factions supported either North Borneo or Sarawak, and at times changed sides. Despite this, both Britain and Brunei had motives of their own which tended to unify the respective factions. Brunei wanted to maintain its separate identity as a state and Britain wanted to make secure her position in this part of the South China Sea.

Raja Charles Brooke had never forgiven Dent and von Overbeck for raising their state in territory which he considered it his manifest destiny eventually to occupy. By 1881 the government of North Borneo was firmly established in control of its territory. Treacher, writing to Alfred Dent later that year, expressed the opinion that the Company was too well established 'to fear any action Raja Brooke may feel inclined to take'.[34] Although he had tried to prevent the establishment of the Dent-von Overbeck scheme, when it received British support and encouragement Raja Brooke accepted it as an accomplished fact. He continued, however, to resent Acting-Consul Treacher's support of Dent and his opposition to Sarawak. When Treacher became the Company's first governor it tended to confirm for the Raja the view that the Acting Consul General's support for the Company had superseded his first duty of loyalty to the government and the maintenance of an impartial attitude.

Very early, North Borneo Company officials expressed hope that relations with Sarawak would become cordial.[35] But that this was unlikely could be seen from the fact that both states were ambitious in the same direction. Both wanted to annex Brunei territory, as though the mantle of Brunei as the ruler over northern Borneo would fall to the winner. Sarawak's ambitions were the more obvious. The Raja's thinly-veiled antagonism toward North Borneo was met by the Company efforts to annex bordering territory better to secure their state against Sarawak aggression. But eventually the Company coveted Brunei territory to keep it away from Sarawak and to prevent Raja Brooke from controlling Brunei or achieving undue influence there.

Before discussing events in Brunei a word must be said about Labuan which was also coveted by both Raja Brooke and the Company.[36] Britain had been unable to abandon Labuan and it was administered by a small staff. Its importance as the headquarters of British dominion in Borneo belied its own precarious financial condition and its reduced commercial role. It was common knowledge that Labuan was an embarrassment and source of

[34] Treacher to Dent, 18 Nov. 1881, BNBCoP.

[35] Treacher to Dent, 16, 28 July, 10 Aug. 1881, BNBCoP. It was not until November that Treacher felt the Company was in for trouble from Raja Brooke.

[36] BNBCoP, *passim;* and Brooke memo to Lord Brassey, 11 April 1887, FO 12/75.

annoyance to the Colonial Office. The various proposals for its transfer to the Straits Settlements came to nought.

Dent wanted Labuan for the Company headquarters as Sandakan was too remote.[37] He wanted the Company to administer Labuan also for prestige reasons. Foreign states and natives alike would note that the British North Borneo Company had been charged with the government of a crown colony.[38] Short of this company policy was to urge its retention as a colony and keep it out of Raja Brooke's hands.[39] The company's approaches to the Colonial Office to take over Labuan always failed. To a great extent this was because of the opposition of the permanent officials to North Borneo.[40] Since the days of Governor Ussher the Colonial Office had supported Sarawak's move northward, and showed little sympathy for the Foreign Office's support of North Borneo. In this respect the Colonial Office had the warm backing of Acting Governor Peter Leys from 1881 to 1888. Raja Brooke, on the other hand, made only small efforts to get Labuan for Sarawak. Later on he proposed to take it off British hands for the coal mines when he was reportedly trying to gain control of the coal sources on the northwest coast of Borneo.[41]

Not least among the reasons against turning the colony over to North Borneo was the fact that Britain had assured the Dutch in 1882 that she assumed no sovereignty over North Borneo as a result of the charter.[42] If now the Company were given the colony it might indicate to the Dutch that Britain did indeed claim sovereign rights in North Borneo and that the Company was merely the government's agent.[43] In any event the government finally put

[37] Dent to W. H. Read, 1 April and 6 May 1881, and Dent to Treacher, 23 Sept. 1881, BNBCoP. Dent wanted a 999 years lease of Labuan for greater British support—'to keep the British government at our backs in position of our landlord'. See also Dent to W. H. Read, 15 Sept. 1881. Dent wanted Treacher to become Consul General and wanted the British flag quartered in the North Borneo flag. This degree of British recognition he thought 'sufficient for our requirements.'

[38] Dent to Treacher, 10 March 1882, BNBCoP.

[39] *Ibid.*, and Dent to Read, 31 Dec. 1880, BNBCoP.

[40] Treacher to Dent, 17 Nov. 1881, BNBCoP, and above, pp. 107–08.

[41] Alcock to Creagh, 29 Nov. 1888, BNBCoP. C. V. Creagh was Assistant Resident of Perak from March 1883; was appointed Governor of North Borneo in 1888.

[42] Granville to Bylandt, 7 Jan. 1882, FO 12/58.

[43] CO Minute, 21 Sept. 1881, CO 144/55; Dent to Read, 30 Sept. 1881, BNBCoP.

an end for the time to requests from both Sarawak and the Company by deciding that neither should have Labuan.[44]

Although North Borneo officials realized Raja Brooke's dislike for their project, as late as September 1881 they had no quarrel with him. Dent wrote that with the exception of the Provisional Association's desire to have Labuan 'we have no secrets from him now'.[45] One of Raja Brooke's acts which very early angered North Borneo officials was a proclamation late in 1881 which he addressed to all Sarawak people living in the Company's territory. He urged his subjects to remove to Sarawak because North Borneo, he said, was unable to guarantee their protection.[46] Company agent Read considered it 'outrageous' and Dent was angered at this 'unfriendly and discourteous act'.[47] Dent complained privately to Pauncefote and the incident undoubtedly did nothing to enhance the Raja's reputation with the Foreign Office.[48] Yet there is evidence that the Raja meant merely to prevent friction with North Borneo of the type he had frequently had with Brunei by ensuring that his subjects were not in a location to be the cause of dispute. The Ranee Margaret informed Dent that she thought the Raja meant no incivility to North Borneo by the proclamation. Governor Lees also pointed out to Dent that the Raja had acted similarly in the case of Sarawak Dyaks in Padas to prevent friction with Labuan authorities.[49]

In May 1882 the British North Borneo Company bought out the British North Borneo Provisional Association and Rutherford Alcock became chairman of the Company while Dent became managing director.[50] During the rest of the year, the new Company concentrated on organizing its affairs in London and putting the Company on a sound financial basis while expending the vast initial amounts needed for the development and equipping of Company installations in Borneo. Indeed, the spending of funds and hiring of employees went on at such a pace that Treacher had to be warned to slow down and economise or the Company's funds

[44] FO to Alcock, 10 June 1887, BNBCoP.
[45] Dent to Read, 15 Sept. 1881, BNBCoP.
[46] Read to Teacher, 7 Nov. 1881; Treacher to Dent, 18 Nov. 1881, BNBCoP.
[47] Dent to Read, 9 Dec. 1881, BNBCoP.
[48] Dent to Treacher, 16 Dec. 1881, BNBCoP.
[49] Dent to Treacher, 6 Jan. 1882, BNBCoP. Dent and Lees had called on the Ranee in London.
[50] Dent to Treacher, 5 May 1882, BNBCoP. The sale price was £300,000.

would be exhausted.[51] The Court of Directors was not pleased with Treacher's administration, especially his refusal to account for funds and to get approval before hiring officials. Alcock pointed out to the Company that the Governor had a staff of 47 at £15,300 per annum to administer some 28,000 square miles of territory, while Sarawak with over 40,000 square miles was administered efficiently by only 28 officers at an outlay of £11,000.

Later in 1882 Dent was sent to Borneo to help establish a sounder fiscal administration. He was authorised to replace Treacher if necessary, and Captain Bloomfield-Douglas, Resident of Selangor, and Sir Walter Medhurst, a former Consul in China, were considered as successors to Treacher. Once in the East, Dent apparently changed his opinion of the Court's fiscal policies and gave his approval to Treacher's actions. Dent was himself partly responsible for Treacher's extravagant ways, for early in 1882 he had informed the Governor that the Company 'had considerable capital for years to come', actually £360,000.[52] Dent spoke with enthusiasm of the Company's prospects. Although eventually Alcock and Dent reached agreement on a policy of economy, the disagreement caused a strain between the two during 1883.

During this time certain undramatic events were transpiring in Brunei and around the southern boundary of the Company's territory which contained the seeds of trouble. In July 1881, Treacher had expressed the belief that Sarawak's annexation of Baram would not effect North Borneo except as to North Borneo's ambitions toward Labuan.[53] But later in the year when the Raja established A. H. Everett, a former North Borneo employee, as his agent in Brunei[54] and issued the proclamation to his subjects in Sabah, as the Company preferred to call the territory, the Company became perturbed. Treacher strongly urged the Court to press for the acquisition of Labuan as a counter to Brooke's move northward

[51] Alcock to Dent, 15 Nov., 1 Dec., 1882, and 11 Jan. 1883, BNBCoP.

[52] Dent to Treacher, 5 May 1882, BNBCoP.

[53] Treacher to Dent, 28 July 1881, BNBCoP.

[54] Everett had negotiated a reduction of the lease money for North Borneo with the Sultan under the guidance of Dent in 1880. (See Dent to Read, 26 Nov. 1880, 25 Jan. 1881, Read to Dent, 22 March 1881, BNBCoP.) Everett was granted leave in Oct. 1881. He resigned the Company's service in June 1882. In 1884, Everett was refused a concession of mineral rights in Company territory because of his activity against the Company at Brunei. (Alcock to Treacher, private, 9 May 1884). There were other changes of loyalty. Raja Brooke lost several of his officers to the Company's service during the 1880s. See Governor's correspondence with Ct. of Directors, BNBCoP., *passim*.

to Baram,[55] but the new Governor, Leys, felt that he could make the colony pay its way and in March 1882 the Governor told Treacher that the colony would be continued for at least two more years, after which it might be attached to the Straits Settlements.[56] Sarawak's annexation of Baram was approved in June 1882. The ease with which concessions could be bought at Brunei with ready cash was demonstrated the same year. W. C. Cowie leased the mineral rights of Muara, a peninsula at the mouth of the Brunei River. Muara contained rich coal deposits and was the area leased by the Labuan coal companies, most recently by the Oriental Coal Company, but never developed.[57] The next year two more leases were sold by the Sultan. One and one half miles of coastline north of Brunei Bay went to one Lee Cheng Lan and included 'independent governing authority of the area'.[58]

In July 1883, Everett was granted the mineral rights of the Pandasan River. The following year he was granted the revenue rights.[59] As we have seen, the Company's lease as far south as the Kimanis River was interrupted by several rivers belonging to independent chiefs and not included in the grant to Dent and von Overbeck. These rivers formed enclaves in Company territory and became a problem to the Company in its attempt to develop the area. Rebellious natives, as well as slavers and smugglers, could operate in Company territory from these enclaves. The Pandasan River was one of these enclaves. Its lease by Everett particularly irked the Company. The officials suspected that Raja Brooke and Everett were in alliance and meant to restrict the Company by controlling the enclaves and by preventing its approach to Brunei in any possible territorial aggrandizement southward.[60] Everett had been offered the position as Resident of Baram by the Raja. He had been petitioning the Sultan for mineral rights over much of what remained of Brunei territory and when he succeeded in obtaining Pandasan he had also coveted several other unleased

[55] Treacher to Dent, 17 Nov. 1881, BNBCoP.

[56] Treacher to Alcock, 28 March 1882, BNBCoP; see also CO to FO, 18 Jan. 1882, FO 12/57.

[57] See above, pp. 99–100. By late 1884 Muara, under Cowie's management was producing 300 to 400 tons of coal per month. Treacher to Alcock, 10 Nov. 1884, BNBCoP; see also Lees on Muara coal in FO 12/59.

[58] Leys to FO, 22 June 1883, FO 12/59.

[59] Leys to FO, 7 July 1883, FO 12/59; and Alcock to Treacher, 23 May 1884, BNBCoP.

[60] Alcock to CO, 8 May 1883, FO 12/59.

rivers. In 1885, Treacher leased the Putatan district for the Company to prevent Everett going there.[61] The Company found it necessary in order to protect its own interests in Brunei and on its southern frontier to engage in the scramble for Brunei territory. Dent's trip to the east in 1883 offered an opportunity. Dent and Treacher were instructed to negotiate for the cession of Brunei land bordering Company territory. 'We are eager', wrote Alcock to Dent, 'to get a foothold in Brunei before the death of the present Sultan'.[62] Dent was as eager as Everett to claim the minerals thought to be in Brunei.[63] In June Dent asked the Sultan for the lease of the Kalias Peninsula and the Padas river.[64] This was only the first step. What Alcock envisaged for the Company was the annexation of the five main rivers emptying into Brunei Bay.[65] In protesting against Everett's and Brooke's activities to thwart the Company, Alcock wrote to the Colonial Office that the rivers of Brunei Bay fall 'within our absorbing power'.[66]

Treacher, the energetic Governor of North Borneo, was also convinced of the necessity of moving into Brunei territory. Early in 1884, he had again become Acting Governor of Labuan and Consul General on Leys' illness.[67] He reported that the Limbang River, under proper management, would be a rich district for the Company. The Limbang, of which the Brunei River was an estuary, was perhaps the most fertile of the lands left to Brunei. The Brunei

[61] Treacher to Alcock, 5 June 1884, and Alcock to Treacher, 18 July 1884; BNBCoP. The pengerans' desire for money was insatiable. Treacher obtained Putatan by advancing $1500 of the regular North Borneo lease money in North Borneo copper coin to be deducted in silver from the payment due in December 1885. Brunei received advances often years ahead. At one point in 1887 the total of money advanced stood at $30,718 and no further payments were due until 1890. (Alcock to Treacher, 1 April 1887).

[62] Alcock to Dent, 6 April 1883, BNBCoP.

[63] Dent was also aware of coal and oil in Labuan and was eager to be first in on any new concessions there. (See Dent to Read, 24 June 1881, BNBCoP.)

[64] Leys to FO, 2 and 7 June 1883, FO 12/60.

[65] Leys to FO, 5 May 1883, FO 12/59. The five are, besides the Kalias and Padas, the Lawas, Trusan and Limbang.

[66] Alcock to CO, 8 May 1883, FO 12/59.

[67] Treacher to Alcock, 14 Jan. and 20 Feb. 1884, BNBCoP. Although ill, Leys delayed his departure for further instructions. According to Treacher, Leys had thought Treacher was severing his connection with the Company when recomending him to the Foreign Office for the post of Acting Consul General. Now he had second thoughts about leaving Treacher in charge while still Governor of North Borneo. Alcock was pleased that Treacher was to be Acting Consul General and Governor and felt it a favourable development in the Company's campaign to obtain Labuan. (See Alcock to Treacher, 19 Dec. 1883; and a private letter of 23 March 1889, BNBCoP.)

pengerans, however, extorted taxes and fines to an extreme degree so that by the 1880s the natives of the river were in more or less open revolt against Brunei rule. In June 1884, the Limbang people attacked and killed agents of the Temenggong, who were extorting taxes.[68] Later they successfully defeated a small force under the Pengeran himself and followed it up by moving on Brunei, where they attacked several houses on the outskirts. The Sultan appealed to Treacher, who refused to intervene unless the Sultan agreed to cease arbitrary taxation of the Limbang people and promised in writing to limit taxes to a poll tax and a 5% *ad valorem* duty on gutta percha. The Sultan reluctantly agreed, but while Treacher was in the Limbang getting the agreement of the Limbang chiefs to the document, Brunei resorted to the only power it had to retaliate. It urged the warlike Muruts of the Trusan district to attack the Limbang. But Treacher was able to persuade the chiefs to sign the truce. The Limbang people relied upon the English to hold the Sultan to the agreement.

In October the river chiefs were again threatening to attack Brunei and the Sultan was powerless to prevent them. At this point Treacher arrived in Brunei on board HMS *Pegasus*, Captain Bickford.[69] The visit of the warship had a quieting effect upon the situation. The Temenggong was upbraided for allowing the Muruts to attack Limbang while Treacher was negotiating the truce in the river. The Acting Governor received an apology from the Brunei rajas. At the same time the Padas-Kalias cessions were offered to the North Borneo Company and Treacher accepted them. With an eye to the rival claims of Sarawak Treacher had written into the Padas cession the stipulation that any prospective cession of Brunei territory should first be offered to the Company.[70]

Prior to this Treacher had suggested to the Court of Directors a pact with Raja Brooke for the partition of Brunei giving the Company all Brunei territory to and including the Limbang River and granting Sarawak land as far north as the Tutong River.[71] Such a settlement would grant Alcock's desires. The Company would, in effect, surround Brunei while the Raja would be stopped

[68] Treacher to FO, 28 Oct. 1884, FO 12/61.
[69] Treacher to FO, 15 Nov. 1884, FO 12/61.
[70] Treacher to Alcock, 20 Dec. 1884, BNBCoP.
[71] Treacher to Alcock, 25 Dec. 1884, BNBCoP.

somewhat further south. Alcock had declared his interest in obtaining Cowie's lease of Muara[72] and had proposed to Under-Secretary Herbert, in a private letter, an arrangement for taking over Labuan for a period of three years.[73] Had such plans been successful, the instability of the area during the next few years would have been prevented. As it turned out, only the offer of Muara was taken up.

Events in Brunei moved too fast for these plans. In December, the Company's hopes for Brunei were thwarted when Sarawak got ahead of them in a bid for the Limbang river. F. O. Maxwell, Senior Resident of Sarawak, acting for Raja Brooke who was in England, went to Brunei to seek compensation for Sarawak traders who were killed by Muruts in the Brunei owned Trusan River. The Sultan and the Temenggong who was regent, offered to cede the Trusan to Sarawak, and Maxwell accepted. The Temenggong also offered Limbang.[74] Maxwell accepted conditionally upon the Raja's return. The Sultan, however, refused to sanction the cession of Limbang because much of the district was crown property.

It became now the turn of the Company to protest against Sarawak's action. When Treacher heard of Maxwell's success in Brunei, he fired off angry dispatches to the Foreign Office and to the Court of Directors. He urged Alcock to press the Foreign Office to send him instructions. As Consul, he had reminded the Sultan that British permission must be granted to any cession of Brunei territory. He wrote to Alcock,

> I have strained every nerve to prevent any cession, using the agreement in the new Padas lease, with reference to submitting all offers of territory to the company in the first instance, as my principle card. It would be wearysome to relate all the steps I have taken with this object in view.[75]

Treacher had indeed been active. Under his direction, G. L. Davies, the Company's west coast Resident became the Company's Agent in Brunei. With Maxwell and Everett acting for the Raja, the rivalry for cessions reached a peak during December 1884. The Brunei pengerans aligned themselves with the parties, depending on their own personal interest. In his dispatch to the Foreign Office, Treacher said that Britain should decide whether

[72] Alcock to Treacher (private), 21 Aug.; Alcock to A. Dent (private), same date, BNBCoP.

[73] Alcock to Herbert (private), n.d. but probably Sept. or Oct. 1884, BNBCoP.

[74] Treacher to FO, 21 Dec. 1884, FO 12/61.

[75] Teacher to Alcock, 20 Dec. 1884, BNBCoP.

Sarawak or North Borneo got the Limbang.[76] Baram, he said, formed a good northern boundary for Sarawak. Pending a decision he proposed that both Sarawak and North Borneo cease further negotiations for leases. Sarawak deplored the action by Treacher to bring North Borneo into the picture for it maintained that the Company had not been offered Trusan or Limbang.

The crisis over Limbang showed up the factionalism in Brunei. While the Sultan was old, imbecile and weak, his pengerans were unable to protect themselves from Limbang and divided on the question. At the time of the Padas lease to North Borneo, the Temenggong had agreed to press for the cession if the Company would loan him $25,000.[77] When the Company instead advanced $15,000 to the di Gadong and the Bandahara in return for pushing the negotiations the Temenggong was angered. It was at this point that the Temenggong leased the Trusan River to Sarawak for $4,500 and with his son-in-law, the Bandahara, also offered the Limbang. The Sultan and the di Gadong refused to sanction the Limbang lease. Thus while the Temenggong and the Bandahara favoured Sarawak in this instance, the di Gadong sided with North Borneo. The latter depended upon the Company for part of his income, from the Padas lease money. It is interesting to note that in his official capacity the di Gadong held the Sultan's seal and regalia.[78] When the Temenggong became the regent the di Gadong had refused to give up the seal. The seal was necessary before any cession document was valid. It was while he controlled the seal that the di Gadong ceded Muara governing rights to W. C. Cowie, without the Sultan's knowledge.[79] But these alignments, it must be understood, were tenuous and depended in no small means on the monetary payments each party could or was willing to offer to the Brunei pengerans. In addition, both North Borneo and Sarawak used the threat of withholding payments for other leases in order to keep the Brunei rajas in a sympathetic mood.

It was the di Gadong's friendship and his control of the Sultan which the Company exploited in their attempt to gain the favoured

[76] Davies had offered $4,500 for Limbang plus a $5,000 loan, and a gift of $1,000 to Yacob, the di Gadong's secretary. See Davies to Treacher, 18 Dec. 1884, BNBCoP.

[77] Treacher to Alcock, 20 Dec. 1884. The Company claimed that the Temenggong did nothing for them in the Padas case. BNBCoP.

[78] *Ibid.*

[79] Treacher to FO, 13 May 1885, FO 12/72.

position in Brunei and to annex Limbang. Treacher instructed his west coast Resident, Davies, how to influence di Gadong and the Sultan.[80] 'Maybe', he said, 'we can get the government of Limbang, without actual cession', by inducing them to withhold their 'chop' on the Trusan and Limbang cessions to Sarawak. Davies was asked to urge the Sultan to write to the Consul General repudiating the cessions of Trusan and Limbang. At the same time, Treacher got Maxwell to agree to cease negotiating pending a decision from London.[81] Then, he outlined to Alcock all the reasons why the Company should control Brunei Bay.[82] North Borneo, he said, could develop Brunei Bay more economically than could Sarawak. The coal of Muara should be under British control through Company rule. Limbang, Trusan, and Tutong, he said, should be under one rule for they formed an economic unit. Ethnologically these rivers, he claimed were more akin to North Borneo for the Bisayas of the Limbang were the same people as the Bisayas in the Padas River. Moreover, said Treacher, these people in Brunei Bay were quite distinct from the Kayans and Dayaks of Sarawak. He again brought up the fears of Sarawak being an undependable party. The Company's succession is provided for, he wrote, whereas there might be trouble in Sarawak at the Raja's death.

Alcock agreed that it was important for the Company to control Brunei but he hoped to do it by urging Britain to establish a protectorate over Brunei and appoint the Company to administer it.[83] Short of this, he hoped the Company could annex Brunei. But only as a last resort, for the Company had its hands full in plans for development of an already large territory and only wanted to control Brunei to keep it from falling to Sarawak.[84]

With the Padas-Kalias cessions to North Borneo, and the Trusan-Limbang cessions to Sarawak to deal with the British Government was handed the complications of Brunei to unravel. Both Sarawak and North Borneo protested against the cessions to the other. The agents of both were busy buying influence and advantage in

[80] Treacher to Davies, 20 and 21 Dec. 1884, BNBCoP.
[81] Treacher to FO, 22 Dec. 1884, FO 12/61.
[82] Treacher to Alcock, 26 Dec. 1884, BNBCoP.
[83] Alcock to Treacher, 13 Feb. 1885, BNBCoP.
[84] Alcock to Treacher (private), 2 Jan. and 13 Feb. 1884; Alcock to Pauncefote (private), 11 Feb. 1884, BNBCoP.

Brunei.[85] Raja Brooke again complained of Treacher's triple role as Governor, Acting Consul and Acting Governor of Labuan.[86] Indeed, Treacher's interests were conflicting. He was freely sending to the Court of Directors in London copies of his official correspondence with the British Government.[87] He had negotiated the Padas cession for North Borneo while visiting Brunei in a British man-of-war as Consul General. When the Raja pointed out that the cession was negotiated 'under cover of the consular flag', Treacher remarked that the accusation was 'too childish to call for refutation'.[88] In answer to a question in Parliament about Treacher's conflict of interest the Parliamentary Under-Secretary for the Colonial Office, Evelyn Ashley, had replied that the Sultan was fully aware of the constitution of the British North Borneo Company and of Treacher's role.[89] In private the Colonial Office officials were more candid. When in June 1885 the Temenggong was installed as Sultan Hasim, Treacher as Governor of Labuan presented him with a gift of a rifle. In granting approval of this gesture Meade minuted,

> it may be difficult for the new Sultan to discriminate clearly between the Acting Governor of Labuan and the officer of the North Borneo Company as the giver of it.[90]

The Colonial Office supported Raja Brooke's protest and pointed out to the Foreign Office Treacher's serious conflict of interest.[91] Pauncefote agreed that there was a conflict in Treacher's case

[85] e.g. Davies-Treacher correspondence, December 1884, BNBCoP. The company advanced the di Gadong $15,000 for the Padas-Kalias cession; it offered $4,500 for the Limbang, plus $1,000 to the Sultan's secretary if he could influence the cession, a $5,000 loan to the Sultan, and a promise to Inche Mahomet, the British consular writer, of a 'good berth' in Limbang if the Company got it. For Sarawak Everett was instructed to offer $7,000 to $8,000 for the Padas River; Maxwell got the Trusan for $4,500 plus $13,000 advanced to the Temenggong and the threat of withholding two years of the Sarawak cession money ($22,000).

[86] Brooke to FO, 7 Nov. 1884, FO 12/63.

[87] e.g. Treacher to Alcock, 29 Oct., 10 Nov., 16 and 24 Nov. 1884, and 7 March 1885, BNBCoP. 'I enclose you', he wrote to Alcock, 'my draft of a report to the Foreign Office in full reliance that you will see that the Foreign Office does not become aware of my having done so.' Alcock replied that he could 'feel quite at ease about the safe custody of the enclosures'. (Alcock to Treacher, private, 17 April 1885).

[88] Treacher to Alcock, 15 March 1885, BNBCoP.

[89] *Hansard* (3rd) CCXCVI, 380–1 (24 March 1885).

[90] Minute of 24 July 1885, CO 144/59.

[91] Meade minute of 26 Jan. 1885, CO 144/58; CO minute of 3 April 1885, CO 144/59; CO to FO, 23 April 1885, FO 12/66.

but he could find no instance where Treacher acted other than scrupulously in support of British interests, and Treacher was assured of the confidence of the Foreign Office by Lord Granville.[92] This suggests that Pauncefote viewed Company interests and British interests as one. Nevertheless, the Colonial Office with Foreign Office approval soon began making arrangements for Governor Leys return to Borneo to relieve Treacher.

Early in 1885 the Government received the requests for the sanction of the various cessions and the Company proposal for a protectorate over Brunei. The protectorate proposal was supported by Treacher as Acting Consul General.[93] The Company with its Court of Directors headed by Alcock sitting in London and with the sympathetic ear of Pauncefote and its man as Acting Consul General was in a better position than Sarawak to influence the Government. Alcock revived the fears of Sarawak's political instability and the possibility of its sale or passing to a foreign power. He used this argument to the Foreign Office in official letters and in private notes to Pauncefote and Granville in attempts to prevent Sarawak's annexation of Brunei territory.

As for Sarawak, Raja Brooke was frequently in England. Consul Leys during most of 1884 and 1885 was at home also. Both worked on government officials. Perhaps Sarawak's advantage, however, was the fact that generally she was favoured by the Colonial Office for reasons already discussed.[94] Herbert pointed out to the Foreign Office the inaccuracy of Alcock's allegation of the susceptibility of Sarawak to foreign pressure.[95] For Raja Brooke had, with the Baram cession, formally agreed to a restrictive measure granting Britain veto over any transfer of Sarawak territory. Lord Derby went on to suggest a partition of Brunei territory between the two protagonists, to forestall any foreign power in Brunei itself.[96] For that state with its corrupt and unstable government was the weak point in the Borneo scene. The Colonial Office actually was in favour of transferring Labuan to Sarawak and allowing it to annex all of

[92] Pauncefote minute, 21 April 1885, FO 12/67, and Granville to Treacher, 9 May 1885, FO 12/64.

[93] Treacher to FO, 7 March 1885, FO 12/64. Treacher suggested a British Resident with a small staff.

[94] See above, p. 105.

[95] Herbert minute, 18 Feb. 1885, CO 144/60. CO to FO, 20 Feb. 1885, FO 12/67.

[96] Derby to Granville, 20 Jan. 1885, FO 12/67.

Brunei. 'As far as the Colonial Office is concerned', wrote Meade[97] 'we incline rather to the Raja than to the Company'. As for Brunei and Labuan, he said, 'we tend to encourage their transfer to Sarawak in preference to the Company'. Herbert pointed out that Sarawak was sound financially while North Borneo would require an imperial grant to administer additional territory.[98] Privately Lord Derby felt that Sarawak should have Brunei, but he decided to 'hold off for a while' and not press for the Colonial Office's solution.

To forestall any transfer pending a decision, the Foreign Office instructed Treacher to forbid any cession except with permission of Her Majesty's government.[99] The Colonial Office concurred in this but warned that while it was important to prevent a foreign power having access to the northwest coast, Britain must not exclude Raja Brooke and favour the Company.[100] There was some belief among permanent officials that the North Borneo Company was heading for collapse and that when this happened, Raja Brooke ought to be in a position to move into the vacuum thus created.[101]

Therefore, while the Colonial Office favoured Sarawak's annexation or protection of Brunei, on the immediate questions of the respective cessions the Colonial Office suggested that Britain approve them in line with the previous proposal of partition. After all, this was a partial partition. 'I think', wrote Lord Derby, 'a Sarawak protectorate of what remains of Brunei might prove a good arrangement, but we need not now say so'.[102] The Foreign Office agreed and notified Treacher that Britain approved the

[97] Meade minute, 26 Jan. 1885, CO 144/60.

[98] Herbert minute, 18 Feb. 1885, CO 144/60. It is worth noting that Alcock's judgement of Colonial Office thinking on the Brunei issue was wrong. We have already noted his suspicion of Meade's support of Raja Brooke. On 13 Feb., he wrote privately to Treacher that Herbert was against granting more of Brunei to Raja Brooke and that the Colonial Office was considering a protectorate of Brunei 'with our assistance'. (Alcock to Treacher, private, 13 Feb. 1885, BNBCoP.)

[99] FO to Treacher, 21 Feb. 1885, FO 12/62.

[100] CO to FO, 20 Feb. 1885, FO 12/67.

[101] Herbert minute, 2 March 1885, CO 144/60. While the Company was as yet not prospering, its financial position had improved somewhat. In March 1883 Alcock had told Dent that if the expenditure of huge funds in Borneo was not curbed and the country paying for itself by the end of 1884 the Company would have to be wound up. Alcock had wanted to replace Treacher but Dent supported Treacher. Some economy was instituted and conditions gradually improved, (BNBCoP., Alcock to Dent, 22 March 1883).

[102] Minute of 28 March 1885, CO 144/60.

Brunei cessions of Padas-Kalias to North Borneo and of Trusan-Limbang to Sarawak.[103]

The Colonial Office stand in favour of the partition of Brunei or its protection by Sarawak is partly explained by the fact that officials there were adamantly opposed to an administrative protectorate on the pattern of those in the Malay states. In the case of Brunei it would necessitate an imperial grant.[104] The North Borneo Company's proposal thus found little favour at the Colonial Office. Meade minuted, 'to govern Brunei proper as a protectorate from Labuan has not found official proposers or seconders within my memory'.[105] A Sarawak protectorate over Brunei would cost the British Government no additional expense.[106] It seems clear that the Colonial Office expected and was prepared for the demise of the Company and the extension of Sarawak's power over the whole area of northern Borneo. Lord Derby thought that if the 1847 treaty was not sufficient to protect Brunei against a foreign power, an ordinary protectorate without a Resident might be proclaimed.[107] Such an arrangement would allow the absorption of the rest of Brunei by the two neighbouring states. Similar protectorates over North Borneo and Sarawak might also be established. Pauncefote said that the Company's protectorate proposal should be considered further.[108] Brunei traders had petitioned the Foreign Office in support of a protectorate[109] over the chaotic state and Treacher and the Company were continuing their pressure for protecton.

At this point, Brunei affairs became even more complicated. The Raja began occupying the Trusan River. Before Brooke's success in acquiring the Trusan, the Company had shown interest in obtaining Cowie's mining lease at Muara, which Cowie had commenced working in 1882.[110] The Company was attracted by the idea of establishing at Muara a coaling station for ships plying

[103] FO to Treacher, 30 May 1885, FO 12/68.
[104] CO to FO, 31 March 1885, FO 12/67.
[105] Minute of 26 Jan. 1885, CO 144/60.
[106] Herbert minute, 18 Feb. 1885, CO 144/60.
[107] CO to FO, 31 March 1885, FO 12/67.
[108] Pauncefote minute, 21 April 1885, FO 12/67.
[109] Treacher to FO, 30 March 1885 (Tel.) FO 12/66; petition of 30 March 1885 in FO 12/64. Brooke and Leys showed that Treacher solicited the petition through Davies. (See Brooke to Granville (Tel.) 27 March 1885, FO 12/66).
[110] Alcock to Treacher (private), 21 Aug. 1884, BNBCoP; and Leys to FO, 31 Aug. 1882, FO 12/57.

the China Seas.[111] Early in 1885, Cowie obtained from the Sultan the land rents and revenue farms at Muara. In March he was granted the whole of Muara peninsula.[112] The Company feared that the Raja, in Trusan now, having encircled Brunei, would be able to dominate the Sultan unless the Company could counter by obtaining Muara.[113] In May 1885, Cowie transferred Muara to the Company with the Sultan's seal of approval pending also the approval of Her Majesty's Government.[114] This was almost the last official act of Sultan Mumin's reign. He died 29 May and was succeeded by the Temenggong as Sultan Hasim. When the Foreign Office sent their approval of the cessions to North Borneo and Sarawak, news of the Sultan's death had not reached London. The Foreign Office, consequently, did not know that the new Sultan had reconsidered the Limbang cession and now did not want to cede it to the Raja.[115] In March, upon the old Sultan's request the rajas of Brunei in a burst of unanimity had agreed amongst themselves not to cede any more Brunei territory.[116] But for a $40,000 loan, Brooke was now able to persuade Sultan Hasim to agree not to cede territory to any party other than Sarawak or Britain.[117]

Alcock, of course, immediately remonstrated with Salisbury and Pauncefote for allowing Brooke in Trusan and Limbang.[118] Alcock felt this setback all the more for Pauncefote had been sitting with the Suez Canal International Commission in Paris when the instructions to approve the cessions had been sent to Borneo. Thus, the Company had not been privately informed of the dispatch.[119] Lister went so far as to point out that Pauncefote was the only one

[111] Alcock to Dent (private), 21 Aug. 1884, BNBCoP.

[112] Treacher to FO, 24 Jan. 1885, FO 12/63; and Brooke to Leys (Tel.) March 27, 1885, FO 12/64.

[113] Alcock to Treacher (private), 26 June 1885; and (official), 17 July 1885, BNBCoP.

[114] Treacher to FO, 31 May 1885, FO 12/68; Alcock to Salisbury, 1 Aug. 1885, FO 12/72.

[115] Treacher to FO, 22 July, FO 12/64; Alcock to Treacher (private), 12 June 1885, BNBCoP.

[116] *Ibid.*; and Treacher to FO, 7 March 1885, FO 12/64.

[117] Treacher to FO, 22 July 1885, FO 12/64. The sum represented an advance of ten year's lease money on the Trusan district.

[118] Alcock to Pauncefote (private), 11 July; Alcock to Salisbury, 15 July 1885, FO 12/68.

[119] Alcock to Treacher (private), 26 June 1885, BNBCoP.

at the Foreign Office who knew the whole Borneo issue.[120] The result might have been different had Pauncefote not been absent for, although he had already decided for the cessions in principle, Alcock undoubtedly would have pointed out to him, as he now did in his July protests, that the Limbang cession cut Brunei in half and that by acquiring Trusan, Sarawak surrounded Brunei.[121] This was later regretted by Pauncefote for it meant a firm grasp on Brunei by Raja Brooke. For its part the Colonial Office, now under Colonel F. A. Stanley,[122] however, refused to sustain Alcock's complaints.[123] Like his predecessor Lord Derby, the Colonial Secretary pressed for the annexation of Brunei lands by both states. Unlike Derby, he was reluctant to assume even a simple protectorate. He felt that British interests were sufficiently protected by the 1847 treaty and by the agreement signed by Raja Brooke. In October the Foreign Office reluctantly decided to stand by its sanction of the cessions.[124] It was decided, however, to keep Muara under British control in one way or another.

The Colonial Office had not approved of North Borneo having Muara unless the new Sultan sanctioned the grant. It felt, that the transfer to the Company of Cowie's commercial rights there could not be resisted but Colonel Stanley informed the Foreign Office that he was against ceding powers of government over Muara to either North Borneo or Sarawak.[125] Pauncefote took up the Company's contention. He argued that it was only fair to let North Borneo have Muara because the Raja had been given permission to annex Limbang and Trusan which were non-contiguous areas.[126] Lord Salisbury agreed to this arrangement and asked the Colonial Office to reconsider its stand.[127] The Foreign Office wanted to avoid the possibility of Muara and its coal passing out of British

[120] Alcock to Treacher (private), 12 June 1885, BNBCoP.

[121] The Foreign Office maps of the area were not accurate and officials did not realize that Brunei was now surrounded by Sarawak territory. (See Herbert minute of 12 Nov. 1885, CO 144/60); Pauncefote minute of 15 Oct. 1885, FO 12/68.

[122] Colonel F. A. Stanley (1841–1908), Lord Stanley of Preston (1886); succeeded his brother, Lord Derby, as 16th Earl; Governor-General of Canada, 1884–1885, Colonial Secretary, June 1885–February 1886.

[123] CO to FO, 24 Sept. 1885, FO 12/68.

[124] Pauncefote minutes, 15 and 24 Oct. 1885, FO 12/68.

[125] CO minute, 13 Aug. 1885; CO to FO, 11 Sept. 1885, CO 144/60.

[126] Pauncefote minute, 24 Oct. 1885, FO 12/68.

[127] FO to CO, 4 Nov. 1885, FO 12/68.

hands. Under Herbert's strong urging, the Colonial Office accepted the Foreign Office scheme. He noted the danger of either France or Germany stepping in as both were active in the east. But the Colonial Office insisted that Britain should retain the right of assuming the sovereignty over Muara and the mouth of the Brunei River at any time in the future.[128] There was yet some fear of the consequences should the Company fail.

In January 1886, the Foreign Office informed the Company that it could have Muara 'subject to certain conditions', which the Government would decide later.[129] In October Alcock had withdrawn formal application for the sanction of the cession of Muara because of what seemed to him Foreign Office indifference. With the return of Leys to the East and with the opposition of the new Sultan, the Raja and the Consul General, the pressure was more than the Company cared to bear for the sake of Muara.[130] Although the Company regretted the government's decision to uphold the sanction of Limbang and Trusan to Sarawak, they were now happy to have the promise of Muara with its coal and excellent harbour. Alcock wrote to Treacher 'it may prove a valuable acquisition at no distant date'.[131] Treacher was instructed to keep watch on the situation and to cultivate Cowie, but not make any agreement with him.[132]

As for the rest of Brunei affairs, Alcock and Treacher were agreed to leave them alone and 'be rid of Brunei-Sarawak intrigues' and to concentrate upon the development of North Borneo territory. Now that Treacher had been relieved as Acting Consul General the Company was at a distinct disadvantage in Brunei politics.

The new Sultan considered the grant of Muara to Cowie invalid because it had been sanctioned without consulting him or the Bandahara.[133] He had been the regent at the time. Britain was reluctant to force the transfer of Muara against the Sultan's wishes, especially as it developed that the di Gadong who had controlled the Sultan's seal had sealed the cession document without consulting

[128] CO to FO, 14 Nov. 1885, FO 12/68.
[129] FO to Company, 21 Jan. 1886, BNBCoP.
[130] Alcock to FO, 13 Oct. 1885, FO 12/72.
[131] Alcock to Treacher, 22 Jan. 1886, BNBCoP.
[132] *Ibid.* and Alcock to Treacher (private), 22 Jan. 1886.
[133] Leys to FO, 14 Dec. 1885, FO 12/68.

the old Sultan.[134] Moreover, the di Gadong was to some extent a Company man as his income was derived from the Padas cession. Now the new Sultan refused to give over either Limbang to the Raja or Muara to the Company and Britain was not ready to force him. Yet there was strong sentiment for deciding the Brunei question because of the instability of the area and its vulnerability to possible French or German overtures. While the Colonial Office pressed for the absorption of Brunei by North Borneo and Sarawak and Lord Salisbury in 1885 had agreed, he had noted rather sardonically,

> I agree to the proposal but I look with some apprehension to the Colonial Office plan of pressing the wreck of Brunei. Remember the new principles Bismarck has introduced into colonial politics. He might as likely as not seize the balance while we are awaiting to see it reach the proper stage of decay.[135]

Early in 1886 the Liberals were again in office. Now Meade and Herbert persuaded Granville, once again the Colonial Secretary, to support a protectorate over Brunei on the basis of proposals which Leys had made on his return to Labuan.[136] Leys suggested that Trusan be the boundary between Sarawak and North Borneo, and that only the Brunei River and Muara be left to the Brunei rajas. Pauncefote agreed to press for Leys partition plan and further suggested that Britain establish protectorates over all three states.[137] The Colonial Office requested that Admiral Hamilton, Commander of the China Station, be instructed to survey the area around Brunei Bay and investigate the cessions of both states.[138] Hamilton was further instructed to look into a protest by chiefs of the Padas River who were not consulted on the cession of their lands.[139] Leys and the Sultan were reportedly supporting the claims of the Padas chiefs against the Company, while Treacher insisted that they were instigated by Raja Brooke abetted by Leys and Everett.[140] Meade at the Colonial Office, urged an inquiry into

[134] *Ibid.* and Everett to Leys, 9 Jan. 1886 (copy), enclosed in Treacher to Alcock, 18 Jan. 1886, BNBCoP.

[135] Salisbury minute of 24 Oct. 1885, FO 12/68.

[136] Meade and Herbert minutes, 30 June 1886, CO 144/62, CO to FO, 2 Aug. 1886, FO 12/72.

[137] Pauncefote minute, 27 Aug. 1886, FO 12/70.

[138] Herbert minute, 30 June 1886, CO 144/62.

[139] Alcock to Treacher, 29 Oct. 1886, BNBCoP.

[140] Treacher to Alcock, 11 Jan. and 25 May 1886, BNBCoP.

the claims.[141] He was irritated because the Foreign Office had, in his opinion, rushed their approval of the Padas cession the previous year. The Colonial Office questioned the propriety of Treacher, while he was Acting Consul General, accepting the Padas cession for the Company.

In further consultation the Colonial Office and the Foreign Office agreed on a plan of settlement for the Borneo problem. Leys' partition plan formed the basis, and simple, political protectorates were planned. It was decided that the issue demanded the visit of a special commissioner to observe the situation and press for the settlement. Pauncefote wrote to the Colonial Office,

> . . . it appears to the Secretary of State that the authority of the British Crown is not defined with sufficient precision to obviate the risk of an attempt being made by some foreign power to obtain a footing in those regions.[142]

It was necessary to secure the British position, he continued,

> . . . not only from the magnitude of the commercial interests involved, but also from the strategical position of the territories in question. The remarkable activity which has been displayed during the last few years by some foreign states in the acquisition of colonies and new outlets for trade call for the utmost vigilance on the part of Her Majesty's government, in order to avoid rival claims and encroachments in territories where British interests preponderate so largely as they do in that part of Borneo.

When Lord Salisbury took over the Foreign Office following Lord Iddesleigh's death[143] Pauncefote, in briefing him on the mission, pointed out that the colonizing propensities of Germany made it necessary to safeguard British rights on the Borneo coast, and prevent Sarawak falling to a foreign power.[144] As in the past the Governor of the Straits Settlements was entrusted with the mission to Borneo. Governor Frederick Weld was instructed to present the plan of settlement to the Sultan of Brunei.[145] In

[141] Meade minute, 3 March and 30 June 1886, CO 144/62.

[142] FO to CO, 13 Jan. 1887, FO 12/75.

[143] Sir Stafford Henry Northcote, first Earl of Iddesleigh, Foreign Secretary July 1886 to his death in January 1887.

[144] Pauncefote memo to Salisbury, 28 Jan. 1887, FO 12/75. The Under-Secretary continued to be unduly suspicious of Raja Brooke.

[145] FO to CO, 13 Jan. 1887, FO 12/75. The Colonial Office also considered the possibility of combining Labuan, Muara and Brunei into one unit. Governor Leys who had been optimistic about making Labuan pay its way had recently sent in a most depressing financial report on the colony. (See Leys to CO, 12 Oct. 1886, CO 144/61; and CO minute, 10 Dec. 1886).

Brunei[146] Weld found the Limbang chiefs still in a state of rebellion and willing to accept any arrangement rather than to return to Brunei rule. The Sultan had a small force blocking the river. Weld persuaded both sides to agree to a truce until the whole problem should be decided by Britain. The Sultan feared that Britain would force him to cede Limbang and Muara as Leys and Everett had led him to believe.[147] Weld reassured him that this was not the case, after receiving a telegram from Lord Salisbury to this effect.[148] Salisbury, however, urged the Sultan to cede Limbang, but the Sultan declared his intention not to cede any more territory because of the Brunei rajas' agreement before the death of the former Sultan. He reiterated his desire for a British protectorate and a Resident.[149]

Weld agreed with the Sultan and recommended a protectorate similar to those in the states of the Malay Peninsula, with a Resident who would also administer Labuan and be the Consul.[150] Weld suggested that while the Government was considering his recommendations a temporary Resident be appointed for a period of six months. He mentioned the name of W. E. Maxwell, the Acting Resident Councillor of Penang. The time when the plan of settlement could be implemented was long past, said Weld, for the Sultan was adamant in his stand on Limbang. Further, he recommended that North Borneo and Sarawak be granted protection only if they requested it. So confident of his solution was Weld that he led all parties to believe that a Resident would soon arrive in Brunei.[151] Davies, the Company's west coast Resident, with Governor Crocker's backing, applied for the post.[152] Weld passed

[146] Lovat, Alice (Lady), *The Life of Sir Frederick Weld, G.C.M.G.* London, 1914, pp. 395–404, gives an interesting account of Weld's mission to Borneo from his diaries and letters to his wife. The version corresponds closely to Weld's official report to be found in Weld to Holland, 20 June 1887, CO 144/64.

[147] Leys to Sultan, 18 Nov. 1886, and Everett to Sultan, 11 Feb. 1886, CO 144/64.

[148] Salisbury to Weld (Tel.) 25 May 1887, CO 144/64. The Sultan had written to the Foreign Office before Weld's arrival, expressing his fears and asking for a Resident.

[149] Weld to Sultan, 5 June 1887, CO 144/64; and Weld to CO, 14 June 1887, CO 144/63.

[150] Weld to Holland, 20 June 1887, CO 144/64.

[151] Weld to the people of Limbang, June 1887, CO 144/64. (Conf. Print 5577); and Crocker to Alcock, 30 June 1887, BNBCoP.

[152] Davies to Weld, 30 June 1887, CO 144/64.

on Davies' application to the Colonial Office with all the other papers on the mission. Weld's candidate was W. E. Maxwell.

The Colonial Office was less than satisfied with Weld's mission. Officials there considered his insistence upon a Resident and an administrative protectorate financially impracticable. Herbert noted[153] that Brunei could not support a Resident and the Treasury would not make an imperial grant. Both Sir James Ferguson, the Parliamentary Under-Secretary at the Foreign Office, and Pauncefote agreed with Herbert.[154] Pauncefote, true to his sympathies with North Borneo, insisted that Labuan should be reserved for North Borneo if it were ever to be handed over to a non-imperial authority. He pointed out that Labuan was closer to North Borneo. 'It is therefore important', he said, 'that Sarawak authority should not prevail there'.

A simple protectorate over Brunei was agreed upon by the under-secretaries. Moreover, dispatches from Leys since the return of the Weld mission indicated that the Sultan was now willing to cede Limbang to Sarawak for the sake of the subsidy. Thus the original partition scheme was adopted, and was submitted to Lord Salisbury. He had some reservations. Sarawak and North Borneo, he noted[155] were rapidly 'crushing out' Brunei.

> I think we had better let them finish it, and make no agreement with the Sultan of Brunei which would stand in the way of a consummation which is inevitable and, on the whole, desirable.

Nevertheless, he agreed to submit to the Cabinet any simple protectorate scheme for Sarawak and North Borneo which had Colonial Office approval. The partition of Brunei and protectorates over the two neighbouring states would make a Resident in Brunei unnecessary. The Colonial Office under Sir Henry Holland[156] held out for the simple protectorate over Brunei as well as pointing out that such a scheme would not stand in the way of the absorption of Brunei by the two states when the time came.[157] Indeed, said Herbert, it would make the acceptance of that end more palatable to the Sultan.

[153] Herbert minute, Dec. 1887, FO 12/77.
[154] Ferguson minute, 9 Dec. and Pauncefote minute, 30 Dec. 1887, FO 12/77.
[155] Salisbury minute, Jan. 1888, FO 12/78.
[156] Sir Henry T. Holland, Colonial Secretary, 1887–1892; created Baron Knutsford, 1888.
[157] Herbert minute, 31 Jan., and Holland minute, 1 Feb. 1888, FO 12/78.

Thus in 1888 the government negotiated protectorates with all three states.[158] As they had already agreed to the extension of both Sarawak and North Borneo into Brunei territory, the final settlement of the Brunei problem was substantially as the plan had been given to Weld. Two rivers south of Brunei, the Belait and the Tutong, as well as the Brunei river and the two Muaras remained under the Sultan. Though British permission for the cession of Limbang to the Raja still stood on the record it remained nominally under the Sultan. In practice the chiefs of Limbang were independent until 1890 when they placed themselves under the rule of Raja Brooke and he annexed the district. Contrary to Herbert's prediction the Sultan did not readily accept the cession of the Limbang to Sarawak.

The agreements provided for no interference with the internal affairs of the respective states. The important provision, however, gave Britain control over the foreign relations of the three states.

While the protectorate agreements were being considered there was some fear of giving offence to the Netherlands.[159] Count Bylandt had made an inquiry concerning a rumour that Britain was planning to extend protection over northern Borneo. But Britain had always maintained her rights in Borneo, and Herbert minuted, 'We must face, I think, the dislike of Holland (if it is real) to what it is not entitled to object to'.[160] However much Holland may have disliked it she did not pursue the subject. A Dutch newspaper summed up the most obvious sentiment under the circumstances:

> However much we may deplore it now that we, not even being able to develop our infinite Indian empire, have not extended our authority over the whole of the island of Borneo, we have no right, as the case stands now, to prevent another power from establishing itself there. We have no authority whatever in North Borneo, and if, through jealousy, we should try to thwart England, we should only make ourselves ridiculous.[161]

[158] FO 12/78; copies also in *P.P.*, 1888, LXXIII, pp. 179–85. The Company and Raja Brooke readily accepted protectorates and signed agreements on 12 May and 5 Sept. respectively. Hugh Low, of Perak, negotiated the agreement with the Sultan, 17 Sept. 1888. See Appendix III.

[159] Hertslet memo, 12 Jan. 1888, FO 12/78.

[160] Minute, 31 Jan. 1888, CO 144/65.

[161] Copy of a translation of an article from *Het Vaderland* enclosed in FO to CO, 6 April 1888, CO 144/65.

Summary

The motives of the protagonists are fairly simple to define. Brunei was in the last stages of decline. Her Sultan and ministers, competed with each other for wealth to be had by making cessions. Enriching themselves was their main motive in their role in the partition of their state. But another motive finally appeared with some effect. The rapid absorption of the state alarmed the old Sultan and his heir. Thus the continued existence of Brunei became a motive. How much this could stand against the offer of ready money was seen later when in 1890 Brooke annexed Limbang and offered a payment of $6,000 a year.[162] The Sultan refused the money and it was used to develop the Limbang district.

As we have seen the various rajas allied themselves with the most lucrative proposition presented by Davies and Everett, agents of North Borneo and Sarawak respectively. Raja Brooke of Sarawak had ambitions to rule all of northern Borneo. The Company interfered with these ambitions and so Brooke increased the pace of his movement northward by pressing for now part, now all, of Brunei. The Company, at first, was fairly content with its large cession. But under the energetic administration of Treacher, it decided to oppose Brooke's advance and itself developed an absorption policy toward Brunei to prevent it falling to Brooke.

Under the heightened fervour of imperial activity in Africa and the Pacific, Britain's objective was to prevent an opening for a foreign footing in northern Borneo and to secure her own dominant position there as an imperial power. This involved stabilizing the political stituation by settling the rival claims of Sarawak and North Borneo to Brunei territory; delineating the boundaries of the three states and placing the relations between each one and Britain on a regulated basis by establishing simple political protectorates. It is quite clear also, that both the Colonial Office and the Foreign Office fully expected Brunei to be completely absorbed by her neighbours. Nothing in the protectorate agreement stood in the way. When Raja Brooke annexed Limbang, it was not surprising then that Britain raised no protest. Labuan was turned over to the Company to administer in 1889, strictly according to Pauncefote's recommendations of the previous year, because Muara

[162] FO minute, 1895, FO 12/106. Baring-Gould and Bampfylde, *op. cit.*, p. 353.

had been promised them but not included in the North Borneo share of Brunei territory.

Conclusion

The protection of the China trade route as a motive for the British presence in the South China Sea is not a new idea. Seen in retrospect the decision to dominate the northwest coast of Borneo was taken by Palmerston in 1846 when Labuan was annexed. The decision was acknowledged two decades later with the declaration of a sphere of influence by Disraeli. In the meantime, after 1860, two factors prompted action which led to an increase in Britain's involvement in Borneo. The threats from other powers who were increasing their activity in the area was one factor. The other was the political instability on the northwest coast. Britain's answer was to provide naval protection for Sarawak and for British commercial interests in the area.

Until 1881 Britain was content with a sphere of influence based on the 1847 treaty and naval protection. As a base of operations Labuan was sufficient as long as a naval and coaling station was all that was required. But it became evident that the 1847 treaty while adequate with respect to its commercial terms, was a weak base for political policy. It deterred the Sultan from granting territory to foreigners only when reinforced by pressure from the British consul. Had a serious challenge to Britain's position in Borneo risen, reliance would have been placed upon naval intervention, not upon the restrictive clause of the treaty. Article X came close to being a dead letter.

During the 1870s changes in attitude toward colonial problems in Britain marked the beginning of a protection-annexation policy. It was aimed at territories unoccupied by any other European power. The policy was stimulated by the expansion of German and French commercial and colonial interests. In Borneo the change of attitude was reflected in Colonial Office support for Sarawak's expansionist tendencies, and by an attempt at the Foreign Office to define its Borneo policy—a policy which hitherto had been vague. The Foreign Office supported the Dent-von Overbeck project because of Spanish pressure in Sulu and North Borneo and because of suspicion of German intentions. Personal contacts between officials of the British North Borneo Company and the Foreign Office were mutually advantageous. Sir Julian

Pauncefote's formulation of Borneo policy at this time proved effective in increasing British hegemony in Borneo. Britain sponsored the British North Borneo Company. She agreed with Spain and Germany on a demarcation of territory between the Spanish Philippines and British Borneo. Finally, to stabilize the situation in Borneo and to leave no weak point exposed to the political intervention of another power, Britain assumed protectorates over Sarawak, Brunei and North Borneo.

APPENDICES

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APPENDIX I

Treaty of Friendship and Commerce between Her Majesty and the Sultan of Borneo, May 27th, 1847.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland being desirous to encourage commerce between Her Majesty's subjects and the subjects of the independent Princes of the Eastern Seas, and to put an end to piracies which have hitherto obstructed that commerce; and His Highness Omar Ali Saïfadeen, who sits upon the throne and rules the territories of Borneo, being animated by corresponding dispositions, and being desirous to co-operate in any measures which may be necessary for the attainment of the above-mentioned objects, Her said Britannic Majesty and the Sultan of Borneo have agreed to record their determination in these respects by a Convention containing the following Articles:-

ARTICLE I

Peace, friendship, and good understanding shall from henceforward and for ever subsist between Her Majesty the Queen of Great Britain and Ireland and His Highness Omar Ali Saïfadeen, Sultan of Borneo, and between Their respective heirs and successors, and subjects.

ARTICLE II

The subjects of Her Britannic Majesty shall have full liberty to enter into, reside in, trade with, and pass with their merchandize through all parts of the dominions of His Highness the Sultan of Borneo, and they shall enjoy therein all the privileges and advantages with respect to commerce, or otherwise, which are now or which may hereafter be granted to the subjects or citizens of the most favoured nation; and the subjects of His Highness the Sultan of Borneo shall in like manner be at liberty to enter into, reside in, trade with, and pass with their merchandize through all parts of Her Britannic Majesty's dominions in Europe and Asia as freely as the subjects of the most favoured nation, and they shall enjoy in those dominions all the privileges and advantages with respect to commerce or otherwise, which are now or which may hereafter be granted therein to the subjects or citizens of the most favoured nation.

ARTICLE III

British subjects shall be permitted to purchase, rent, or occupy, or in any other legal way to acquire, all kinds of property within the dominions of His Highness the Sultan of Borneo; and His Highness engages that such British subjects shall, as far as lies in his power within his dominions, enjoy full and complete protection and security for themselves and for any property which they may so acquire in future, or which they may have acquired already, before the date of the present Convention.

ARTICLE IV

No article whatever shall be prohibited from being imported into or exported from the territories of His Highness the Sultan of Borneo; but the trade between the dominions of Her Britannic Majesty and the dominions of His Highness shall be perfectly free, and shall be subject only to the customs duties which may hereafter be in force in regard to such trade.

ARTICLE V

No duty exceeding one dollar per registered ton shall be levied on British vessels entering the ports of His Highness the Sultan of Borneo, and this fixed duty of one dollar per ton to be levied on all British vessels shall be in lieu of all other charges or duties whatsoever. His Highness moreover engages that British trade and British goods shall be exempt from any internal duties, and also from any injurious regulations which may hereafter, from whatever causes, be adopted in the dominions of the Sultan of Borneo.

ARTICLE VI

His Highness the Sultan of Borneo agrees that no duty whatever shall be levied on the exportation from His Highness's dominions of any article the growth, produce, or manufacture of those dominions.

ARTICLE VII

His Highness the Sultan of Borneo engages to permit the ships of war of Her Britannic Majesty, and those of the East India Company, freely to enter into the ports, rivers, and creeks situated within his dominions, and to allow such ships to provide themselves,

at a fair and moderate price, with such supplies, stores, and provisions as they may from time to time stand in need of.

ARTICLE VIII

If any vessel under the British flag should be wrecked on the coast of the dominions of His Highness the Sultan of Borneo, His Highness engages to give all the assistance in his power to recover for, and to deliver over to, the owners thereof, all the property which can be saved from such vessels. His Highness further engages to extend to the officers and crew, and to all other persons on board such wrecked vessel, full protection both as to their persons and as to their property.

ARTICLE IX

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Sultan of Borneo hereby engage to use every means in their power for the suppression of piracy within the seas, straits, and rivers subject to their respective control or influence, and His Highness the Sultan of Borneo engages not to grant either asylum or protection to any persons or vessels engaged in piratical pursuits; and in no case will he permit ships, slaves, or merchandize captured by pirates to be introduced into his dominions, or to be exposed therein for sale. And Her Britannic Majesty claims, and His Highness the Sultan of Borneo concedes to Her Majesty, the right of investing Her officers and other duly-constituted authorities with the power of entering at all times with Her vessels of war, or other vessels duly empowered, the ports, river, and creeks within the dominions of His Highness the Sultan of Borneo, in order to capture all vessels engaged in piracy or slave-dealing, and to seize and to reserve for the judgment of the proper authorities all persons, offending against the two Contracting Powers in these respects.

ARTICLE X

It being desirable that British subjects should have some port where they may careen and refit their vessels, and where they may deposit such stores and merchandize as shall be necessary for the carrying on of their trade with the dominions of Borneo, His Highness the Sultan hereby confirms the cession already spontaneously made by him in 1845 of the Island of Labuan, situated on

the northwest coast of Borneo, together with the adjacent islets of Kuraman, Little Rusukan, Great Rusukan, Da-at, and Malankasan, and all the straits, islets, and seas situated half-way between the fore-mentioned islets and the mainland of Borneo. Likewise the distance of 10 geographical miles from the Island of Labuan to the westward and northward, and from the nearest point half-way between the islet of Malankasan and the mainland of Borneo in a line running north till it intersects a line extended from west to east from a point 10 miles to the northwards of the northern extremity of the Island of Labuan, to be possessed in perpetuity and in full sovereignty by Her Britannic Majesty and Her successors; and in order to avoid occasions of difference which might otherwise arise, His Highness the Sultan engages not to make any similar cession, either of an island or of any settlement on the mainland, in any part of his dominions, to any other nation, or to the subjects or citizens thereof, without the consent of Her Britannic Majesty.

ARTICLE XI

Her Britannic Majesty being greatly desirous of effecting the total abolition of the Trade in Slaves, His Highness the Sultan of Borneo, in compliance with Her Majesty's wish, engages to suppress all such traffic on the part of his subjects, and to prohibit all persons residing within his dominions, or subject to him, from countenancing or taking any share in such trade; and His Highness further consents that all subjects of His Highness who may be found to be engaged in the Slave Trade may, together with their vessels, be dealt with by the cruizers of Her Britannic Majesty as if such persons and their vessels had been engaged in a piratical undertaking.

ARTICLE XII

This Treaty shall be ratified, and the ratifications thereof shall be exchanged at Bruni within twelve months after this date.

This 27th day of May, 1847.

(L.S.) JAMES BROOKE.

(The Seal of the Sultan)

• • •

ADDITIONAL ARTICLE

His Highness the Sultan of Borneo agrees that in all cases when a British subject shall be accused of any crime committed in any part of His Highness's dominions, the person so accused shall be exclusively tried and adjudged by the English Consul-General, or other officer duly appointed for that purpose by Her Britannic Majesty; and in all cases where disputes or differences shall arise between British subjects, or between British subjects and the subjects of His Highness, or between British subjects and the subjects of any other foreign Power within the dominions of the Sultan of Borneo, Her Britannic Majesty's Consul-General or other duly-appointed officer shall have power to hear and decide the same, without any interference, molestation, or hindrance on the part of any authority of Borneo, either before, during, or after the litigation.

This 27th day of May, 1847.

(L.S.) JAMES BROOKE.
(The Seal of the Sultan)

APPENDIX II

Protocol Agreement of 1885 between Germany, Great Britain and Spain

The undersigned, Sir Robert B. D. Morier, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty, his Excellency Don Jose Elduayen, Marquis del Pazo de la Merced, Minister of State of his Majesty the King of Spain, and Count Soloms Sonnenwale, Envoy Extraordinary and Minister Plenipotentiary of his Majesty the German Emperor, duly authorised to bring to a close the negotiations conducted in London and at Berlin during the years 1881–82 by the Representatives of his Majesty the King of Spain at the Courts of Great Britain and Germany, for the purpose of obtaining from these two Powers the formal recognition of the sovereignty of Spain over the Archipelago of Sulu (Jolo), have agreed upon the following Articles:-

ARTICLE I

The Governments of Great Britain and of Germany recognise the sovereignty of Spain over the places effectively occupied, as well as over those places not yet occupied, of the Archipelago of Sulu (Jolo), of which the limits are laid down in Article II.

ARTICLE II

The Archipelago of Sulu (Jolo), conformably to the definition contained in Article I of the treaty signed September 23rd, 1836, between the Spanish Government and the Sultan of Sulu (Jolo), comprises all the islands which are found between the western extremity of the island of Mindanao on the one side, and the continent of Borneo and the Island of Paragua on the other side, with the exception of those which are indicated in Article III.

It is understood that the Islands of Balabac and of Cagayan-Jolo form part of the archipelago.

ARTICLE III

The Spanish Government renounces, as far as regards the British Government, all claims of sovereignty over the territories of the Continent of Borneo, which belong, or which have belonged in the past to the Sultan of Sulu (Jolo), and which comprise the neighbouring island of Balambangan, Banguey, and Malawali, as well as all those comprised within a zone of three maritime leagues from the coast, and which form part of the territories administered by the company styled the "British North Borneo Company."

ARTICLE IV

The Spanish Government engages to carry out, in the Archipelago of Sulu (Jolo), the stipulations contained in Articles I, II, and III of the Protocol signed at Madrid, March 11th, 1877, that is to say:—"(1) The commerce and the direct traffic of vessels and subjects of Great Britain, Germany, and the other powers, with the Archipelago of Sulu (Jolo), and in all parts thereof, are declared to be, and shall be, absolutely free; as well as the right of fishing, without prejudice to the rights of Spain recognised by the present Procotol, conformably to the following declarations. (2) The Spanish authorities shall not be able to require in future that vessels

and subjects of Great Britain, Germany, and the other Powers, freely repairing to the Archipelago of Sulu, or from one point of it to another indiscriminately, or thence to any other part of the world, shall be under the necessity of touching, before or after, at a point indicated in the archipelago or elsewhere; or of paying any dues whatsoever; or of procuring permission from the said authorities; who, on their side, shall abstain from all obstruction and all intervention in the above-named traffic. It is well understood that the Spanish authorities shall not hinder in any manner, or under any pretext, the free importation and exportation of all kinds of merchandise without exception, save at such places as are occupied, and conformably to Declaration III; and that in all the places not effectively occupied by Spain, neither the vessels, nor the subjects above-mentioned, nor their merchandise, shall be submitted to any tax or duty or payment whatever, nor to any regulation, sanitary or otherwise. (3) In those places in the Archipelago of Sulu, which are occupied by Spain, the Spanish Government shall be able to establish taxes and regulations, sanitary or otherwise, during the effective occupation of the places indicated. But Spain, on its side, engages to maintain in those places the establishment and employes necessary for the needs of commerce, and for the applicaton of the said regulations.

"It is, nevertheless, expressly understood, and the Spanish Government being resolved on its side not to apply restrictive regulations to the places occupied, undertakes the engagement willingly, that it shall not introduce in the said places any taxes or duties greater than those fixed by the Spanish tariffs, or by the Treaties or Conventions between Spain and any other Power. It shall not, moreover, put into force exceptional regulations applicable to the commerce or to the subjects of Great Britain, Germany, or the other Powers.

"In case Spain shall effectively occupy other places in the Archipelago of Sulu, maintaining there the establishments and employes necessary for the needs of commerce, the Governments of Great Britain and of Germany shall make no objection to the application of the same rules agreed upon for the places already occupied. But in order to prevent new cases of claims which might arise from the uncertainty as to trade with places which are occupied and which are subject to regulations and tariffs, the Spanish Government shall communicate in each case the effective occupation

of a place in the Archipelago of Sulu to the Governments of Great Britain and of Germany, and shall, at the same time, inform the trading interest concerned by a suitable notification published in the official journals of Madrid and Manila. As regards the tariffs and regulations for commerce agreed upon for the places actually occupied, they shall not be applicable to the places subsequently occupied by Spain until after a period of six months, dating from the said publication in the official journal of Madrid. It is agreed, however, that no vessel or subject of Great Britain, of Germany, or of other Powers shall be obliged to touch at one of the places occupied, either in going or returning from a place not occupied by Spain, and that no prejudice will be caused to them on this account, nor in respect of any kind of merchandise destined for a place in the archipelago which is not occupied."

ARTICLE V

The Government of Her Britannic Majesty engages to see that there is entire freedom of commerce and navigation, without distinction of flag, in the territory of North Borneo administered by the company styled "British North Borneo Company."

ARTICLE VI

If the Governments of Great Britain and of Germany have not refused their adhesion to the present Protocol within a period of fifteen days from this date or if they notify their adhesion before the expiration of this period through their undersigned representatives, the present declarations shall immediately come into force.

Done at Madrid, March 7th, 1885.

(L.S.) R. B. D. MORIER.
(L.S.) J. ELDUAYEN.
(L.S.) P. C. SOLOMS.

APPENDIX III

Protectorate Agreement with the Sultan of Brunei, September 17th, 1888.•

Whereas, Sultan Hashim Jalilul Alam Akamadin, Sultan and lawful Ruler of the State of Brunei, in the Island of Borneo, has represented to Her Britannic Majesty's Government the desire of that State to be placed under the protection of Her Majesty the Queen, under the conditions hereinafter mentioned; it is hereby agreed and declared as follows:

ARTICLE I

The State of Brunei shall continue to be governed and administered by the said Sultan Hashim Jalilul Alam Akamadin and his successors as an independent State, under the protection of Great Britain; but such protection shall confer no right on Her Majesty's Government to interfere with the internal administration of that State further than is herein provided.

ARTICLE II

In case any question should hereafter arise respecting the right of succession to the present or any future Ruler of Brunei, such question shall be referred to Her Majesty's Government for decision.

ARTICLE III

The relations between the State of Brunei and all foreign States, including the States of Sarawak and North Borneo shall be conducted by Her Majesty's Government and all communications shall be carried on exclusively through Her Majesty's Government, or in accordance with its directions; and if any difference should arise between the Sultan of Brunei and the Government of any other State, the Sultan of Brunei agrees to abide by the decision of Her Majesty's Government, and to take all necessary measures to give effect thereto.

• The protectorate agreements with North Borneo and Sarawak are almost identical.

ARTICLE IV

Her Majesty's Government shall have the right to establish British Consular Officers in any part of the State of Brunei, who shall receive exequaturs in the name of the Sultan of Brunei. They shall enjoy whatever privileges are usually granted to Consular Officers, and they shall be entitled to hoist the British Flag over their residences and public offices.

ARTICLE V

British subjects, commerce, and shipping shall, in addition to the rights, privileges, and advantages now secured to them by Treaty, be entitled to participate in any other rights, privileges and advantages, which may be enjoyed by the subjects, commerce, and shipping of the State of Brunei.

ARTICLE VI

No cession or other alienation of any part of the territory of the State of Brunei shall be made by the Sultan to any foreign state, or the subjects or citizens thereof, without the consent of Her Majesty's Government, but this restriction shall not apply to ordinary grants or leases of lands or houses to private individuals for purposes of residence, agriculture, commerce or other business.

ARTICLE VII

It is agreed that full and exclusive jurisdiction, civil and criminal, over British subjects and their property in the State of Brunei, is reserved to Her Britannic Majesty, to be exercised by such Consular or other officers as Her Majesty shall appoint for that purpose.

The same jurisdiction is likewise reserved to Her Majesty in the State of Brunei over foreign subjects enjoying British protection; and the said jurisdiction may likewise be exercised in cases between British or British-protected subjects and the subjects of a third power, with the consent of their respective Governments.

In mixed civil cases arising between British and British-protected subjects and the subjects of the Sultan, the trial shall take place in the court of the defendant's nationality; but an officer appointed by the Government of the plaintiff's nationality shall be entitled to be present at, and to take part in, the proceedings, but shall have no voice in the decision.

ARTICLE VIII

All the provisions of existing Treaties, Conventions, and Declarations between Her Majesty the Queen and the Sultan of Brunei are hereby confirmed and maintained except in so far as any of them may conflict with the present Agreement.

In witness whereof, His Highness the said Sultan of Brunei hath hereunto attached his seal at the Palace, in the city of Brunei, on the 17th day of September, in the year of Our Lord 1888, being the 11th day of the month of Moharram, in the year 1306 of the Mohammedan era; and Sir Hugh Low, K.C.M.G., British Resident at Perak, in charge of a special Mission to His Highness the Sultan, hath, on the part of Her Majesty's Government, signed this Agreement in the presence of witnesses.

(Seal of His Highness the Sultan of Brunei)

HUGH LOW.

Witness to the seal of His Highness the Sultan of Brunei,
(Signed in Chinese by the Datoh Temenggong Kim Swee).

Witness to the signature of Sir Hugh Low, K.C.M.G.

L. H. WISE.

September 17th, 1888.

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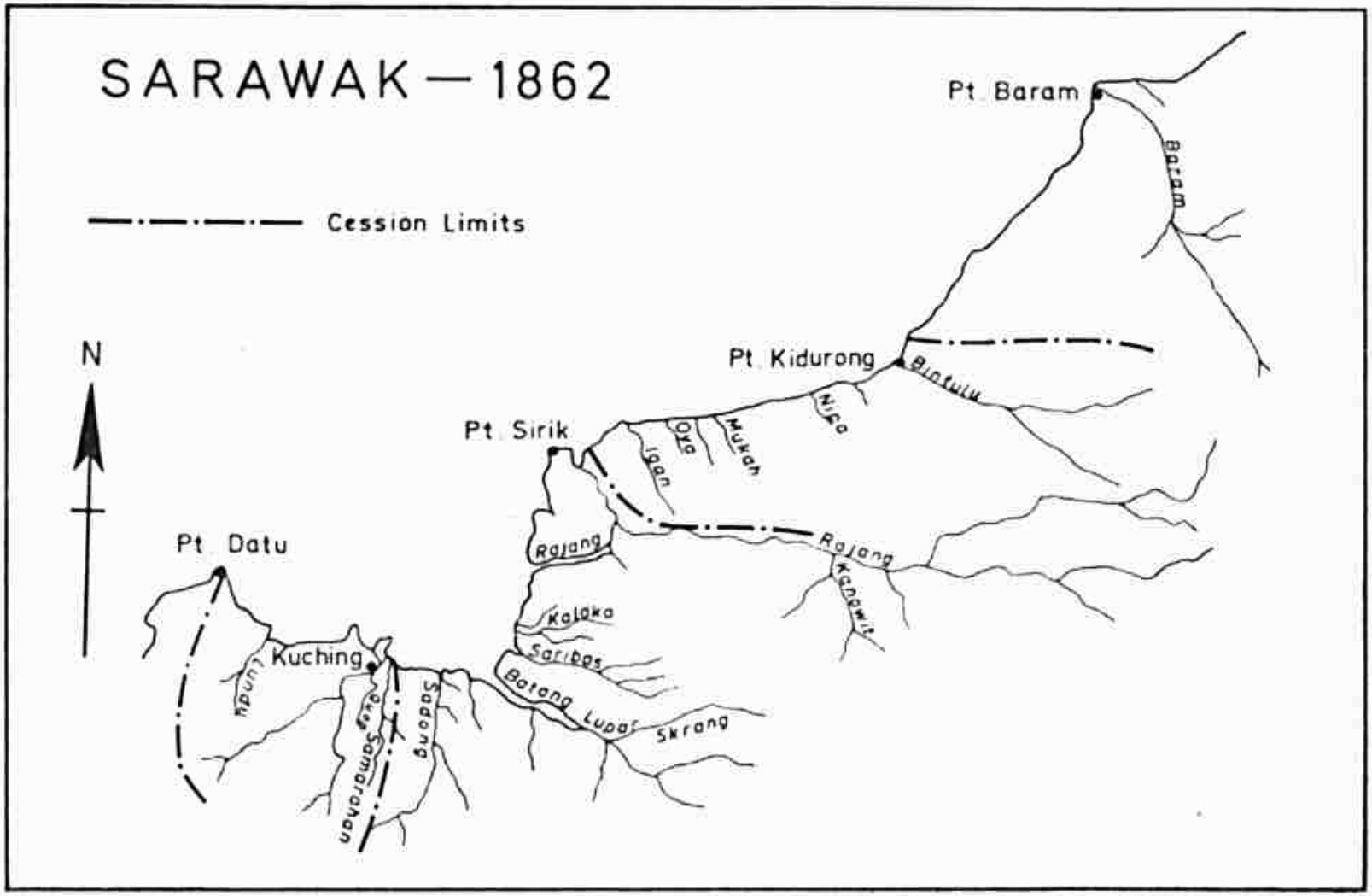
SARAWAK — 1862
Cession Limits
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Pt Baram
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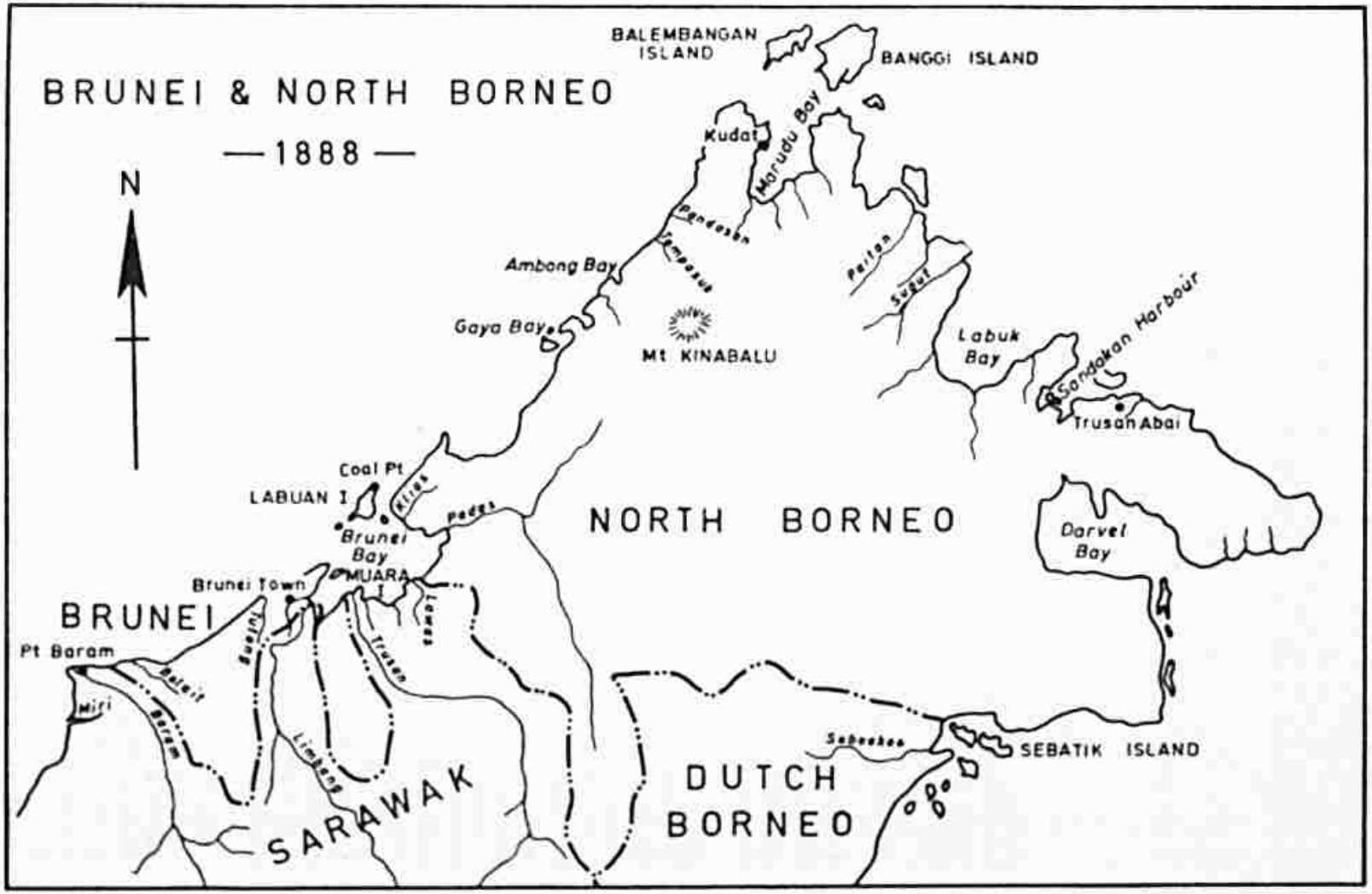
BRUNEI & NORTH BORNEO
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BALEMBANGAN ISLAND
BANGGI ISLAND
Kudat
Marudu Bay
Pandasan
Tempasuk
Ambong Bay
Gaya Bay
Mt KINABALU
Paitan
Sugut
Labuk Bay
Sandakan Harbour
Trusan Abai
Darvel Bay
NORTH BORNEO
Coal Pt
LABUAN I
Klias
Padas
Brunei Bay
MUARA
Brunei Town
BRUNEI
Pt Baram
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