THE TRANSFER OF THE STRAITS SETTLEMENTS: A REVISIONIST APPROACH TO THE STUDY OF COLONIAL LAW AND ADMINISTRATION

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[The Straits Settlements was a former British crown colony on the Strait of Malacca, comprising four trade centres, Penang, Singapore, Malacca, and Labuan, established or taken over by the British East India Company. The British settlement at Penang was founded in 1786, at Singapore in 1819; Malacca, occupied by the British during the Napoleonic Wars, was transferred to the East India Company in 1824. The three territories were established as a crown colony in 1867. Labuan, which became part of Singapore Settlement in 1907, was constituted a fourth separate settlement in 1912.

The Straits colony, occupied by the Japanese during World War II, was broken up in 1946, when Singapore became a separate crown colony. Singapore attained full internal self-government in 1959, became a part of Malaysia in 1963, and became an independent republic in 1963. Labuan was incorporated in North Borneo (later Sabah) in 1946, which in turn became a part of Malaysia in 1963. Penang and Malacca were included in the Malayan Union in 1946, the Federation of Malaya in 1948, and Malaysia in 1963.]

Introduction

The Straits Settlements were transferred in 18671 to the Colonial Office's administration due to the dissatisfaction of the European merchants with the Indian government's rule. Their grievances were cited in a petition in 1857, the most contentious of which cover complaints of the East India Company's (EIC) attempts to introduce measures damaging to trade, problems with piracy and convicts, and failure of the Indian government to build up an influence in the Malay peninsula.

However, a study of the history of the Straits Settlements shows evidence of a booming economy, many cases of intervention by the EIC in the affairs of the Malay states, and issues such as those concerning piracy, convicts and currency more or less resolved. Furthermore,
Turnbull, an established historian, equivocally suggests that the transfer was based on an inaccurate and unbalanced feedback of the community's feelings:

No dissenting voice was raised in London and Calcutta, and the colonial office naturally had the impression that the demand for transfer was based on general dissatisfaction with rule from India, with the entire merchant body clamouring for change. In fact, it had required years of agitation on the part of Read, Woods and a small minority of enthusiasts in Singapore to arouse interest in the transfer, and apart from the brief period of panic in 1857 in when the petition was framed, the majority even of European merchants in Singapore were not actively in favour of the change, while the Asian merchants showed almost no interest in the movement.²

In spite of these conflicting points, I hold that the transfer was needed as the problems raised in the Straits merchants' petition were material and bona fide enough to necessitate the transfer of the administration from Calcutta to London. However, my essay attempts a revisionist's approach to the transfer controversy, questioning its necessity and examining its legal significance through an orchestration of the pot-pourri of relevant issues, in the hope that this methodology may help to provide a clearer awareness and legal understanding into this much taken for granted transfer, thus according it the new angle of attention it deserves.

Background history of the Straits Settlements³

Singapore, Malacca and Penang were combined to form the Straits Settlements in 1826. The Straits Settlements became the forth presidency of India, and remained an Indian dependency until 1867. The EIC obtained possession of Penang in 1786, as a base to protect the company’s expanding China trade and a centre for the collection of Straits produce from the Malay peninsula and the eastern archipelago for shipment to China. When Singapore was founded in 1819,⁴ it was placed under the administration of Bencoolen (in Sumatra) where Raffles was lieutenant-governor. When he resigned and returned to England in 1823, Singapore was placed under the control of the Supreme Government of India. Singapore was ceded to the EIC in 1824 and
became British territory. Malacca was administered by the Dutch until
the signing of the Anglo-Dutch treaty in 1824, whereby it was ceded to
the British among other terms. Two years later, Singapore and Malacca
came under the Penang Presidency.

According to Turnbull, the Straits Settlements 'were the East India
Company's most incongruous offspring....The Straits Settlements formed
a scattered unit, which was difficult to administer efficiently.' In
legal terms, it included Western laws at constitutional level, and
local legal systems under the control of sultans.

Physical/geographical problems

Penang Island lay opposite Province Wellesley (a strip of land
about 30 miles long and three miles wide) which the EIC acquired
from the Sultan of Kedah in 1800. Malacca was about 260 miles to
the south of Penang. Singapore Island was a further 120 miles south,
at the tip of the Malay Peninsula.

There were problems of communication between these settlements,
being only by means of sea. Until 1861, the Straits government
possessed only two antiquated sailing gunboats and one steamer, used
mainly to ferry the governor, recorders and senior officials between
the three stations. Communications with the EIC's headquarters in
Calcutta were also poor, and until 1864, a monthly steamer service
between Calcutta and the Straits Settlements remained the only link
with the seat of government.

Administration problems

According to Turnbull, 'Division of interest between the East
India Company and its eastern dependencies was even more formidable
than the geographical and physical problems of administration. The
sole value of the Straits Settlements to the East India Company was to
protect and stimulate the China trade. When [the EIC] lost its monopoly
of this trade in 1833 Calcutta was left with an unrewarding and
expensive burden. She could not abandon the Straits Settlements but
constantly begrudged the drain they made upon India's financial
resources and upon the time and attention of senior officials over the
next thirty years.'
In Calcutta’s eyes, the main duties of the governor of the Straits Settlements were to ‘balance his budget and to insulate the settlements from complications in the hinterland.’ This policy, as Turnbull puts it, was doomed to fail; instead it provided the background causes for the agitation of the European merchant community for the transfer of the Straits Settlements from the India office to the Colonial Office in London.

For example, as the settlements prospered, the European merchants demanded more expensive and sophisticated administration, an efficient judicial system, defence and security for their property and trade. However, due to Raffles’ free trade policy which was extended to all three settlements, and the failure of land and agriculture, there was insufficient revenue to fund these demands.

The activities of ambitious pioneers, mainly Chinese migrant workers, who were ‘lured by the wealth of the interior [of the Malay states], made it impossible for the Straits government to cut the settlements off from the affairs of the Malay states.’ ‘Calcutta maintained its policy of non-intervention to the end, but in practice every would-be final settlement the government of India authorized, merely provided the basis for further involvement.’

The petition of 1857, wherein the grievances of the Straits merchants were cited

In 1857, the Straits merchants sent a petition to the House of Commons, explaining their grievances with regard to the administration of the Straits Settlements under the EIC, and requesting for a transfer of control (by means of an Act of Parliament) from the EIC to the Colonial Office. However, some of the issues raised to the House of Commons appear to be questionable (that is, not all the issues were as serious as they were made out to be). This calls for an examination of the validity of these hazy “problems,” in order to assess the necessity of the transfer.

In the process I will also highlight the way in which constitutional and legal changes were introduced in the Straits Settlements. Legal changes emerged in response to the demands of the Straits society, that is, such changes were governed by a variety of factors. Hence, I will
also study how the English system of law was introduced into a largely Far Eastern society and the extent of its impact.

The nature of the Calcutta administration

Lackadaisical attitude

One of the most glaring problems in the Straits Settlements was the failure of the Indian authorities to establish an effective form of government. This was due to its distance and lack of accessibility which cultivated an indifferent or disinterested attitude on the part of the Indian officials. The Indian government was far more interested in its Indian territories than in its possessions in the Malay Peninsular. This led to the administrative problems in the Straits Settlements. Owing to this indifference, the men sent from India were young and inexperienced who knew nothing of the problems in the settlements but were only too eager to return to India to reap bigger rewards and promotion.

Lack of representation in Legislative Council

As the administration of the Straits Settlements was highly centralised in India, the governor of the Straits Settlements had very little authority and merely supervised administration. All important matters had to be referred to India for a decision and the governor had no executive or legislative power. All the legislation for the Straits Settlements was planned by the Indian government. As the Straits Settlements had no official representation in India, it could not block any legislation that could prove detrimental to the Straits Settlements.

Thus it can be established that the 'roots of the transfer movement lay in the constitutional rearrangement in the Straits Settlements of 1830 and the [Indian] Charter Act of 1833. The system of government was unsatisfactory both for the governor and the mercantile community.'

The petition of 1857: A critical evaluation of the complaints raised

The Currency Act 1855

The Currency Act is an example cited by the Straits merchants in
their petition. Even before 1826, the Spanish silver dollar and local copper cent had been used widely by the Straits merchants in their trade and commerce, (even though in theory, in 1835, the rupee was the currency of account for official purposes until 1867).

The directors of the EIC, considering only the Indian Empire’s interests,29 established a uniform rupee currency throughout its territories, which of course included the Straits Settlements. In 1854, a bill was introduced to the Indian legislative council ‘to improve the law relating to the copper currency in the Straits,’ which provided for a copper currency based on fractions of the rupee.30 According to the Currency Act, the Indian pice was to be made legal tender instead of the copper cent and the rupee was to be enforced as legal tender.31

This Act was fiercely objected to by the Straits merchants, and in response to the opposition, the directors ordered the act to be repealed in 1857. Mr Bailie (Secretary of the Board of Control of the EIC) argues that ‘it was very natural that the governor-general should desire to establish a uniform currency throughout the whole of the territories subject to his authority’32 and that after the complaints made at Singapore, this grievance was redressed,33 and that therefore the petitioners did not have a right to complain.34

The 1867 Act legalised a currency which was already assured,35 and by the time the transfer to the Colonial Office took place, the currency issue was virtually resolved.36 However, as it was a problem that could have been prevented instead of cured, I would accord little credit to the Indian government’s role in this issue.

Piracy and western laws

This was another arguable “problem” that was cited in the petition, and used as an example of the Indian government’s inefficiency. Piracy was widespread in the Straits until the mid-19th century, and was a threat to the property and commerce of the merchants. The pirates that predominated in the 1830s and 1840s were pirates of the Sulu archipelago, Ilanun pirates from Mindanao and Dyaks from North Borneo. Complaints were that ‘no systematic measures of protection have ever been adopted or carried out by the EIC, who have been content to leave the service to be performed by the Royal Navy.’37
However, in response to a petition by European merchants in 1835 to the EIC against piracy, some action on the part of the Indian government was taken, through the use of steam warships (for example, the Diana and HMS Wolf). These ships were effective in fighting piracy, and according to LA Mills, ‘piracy in the Straits greatly decreased for several years... Conditions never became as serious as they were before 1836.’

However, Turnbull says that these measures only gave temporary relief and that, within a few years, the position deteriorated. Moreover, in the 1850s, a new breed of pirates began to haunt the merchants’ commerce. They came from China, and the Chinese imperial government was too weak to suppress them. ‘The main theatre of Chinese operations was the Gulf of Siam, although many vessels were captured near Singapore.’

The Indian government did not pay much attention to the problem as it was involved in the second Anglo-Burman war at that time, and as Calcutta had passed no laws to detain suspicious vessels, there were no legal means to curb piracy. In 1857, the Indian legislative council had passed an inadequate law which permitted the right of search, but did not solve the problem of proving intent. No improvement was made to the naval force in the Straits Settlements in the last ten years of Indian rule, which consisted of only three gunboats, (a ‘lilliputian fleet’).

Eventually the Chinese pirates were gradually eliminated from the Straits waters as a result of a series of treaties and agreements between China and other western powers, (such as with Prussia 1861, Denmark, 1863, the Netherlands, 1863, Spain, 1864, Belgium, 1865, Italy, 1866, and Austria-Hungary, 1869), the contents of which included co-operative measures to wipe out piracy. The Hong Kong Ordinance for the suppression of piracy was the first real blow delivered against Chinese piracy.

The Indian government played a minimal role with regards to the combat of piracy in the Straits. The problem was brought under control through a list of other factors, including foreign treaties and ordinances, and hence, the merchants’ complaints were not without reason, as little credit can be attributed to the Indian administration in this respect.
The EIC and relations with the Malay states

In the merchants' own words, 'The Supreme Government of India had uniformly discouraged the local Government at Singapore from interfering with matters beyond the limits of the Island. The cultivation of friendly relations with Native States and Chiefs has been neglected.' In this section, I will examine the merchants' reasons for this complaint, and also assess the accuracy of their claim. Rupert Emerson, a historian, calls the period during the Indian government's administration of the Straits Settlements 'a half-century of inactivity.' This is arguably the truth but not the whole truth, because DGE Hall, another historian, tends to disagree with Emerson's assertion. He says that 'one only has to glance through the many volumes of records relating to the period to realise that even if there was little or no spectacular achievement there was plenty of activity.' Even if by inactivity is meant the pursuit of non-intervention policy in native affairs, the term is misleading.

The Calcutta administration, wherever possible, adhered to a policy of strict non-intervention in the affairs of the Malay States. This policy had its roots in Pitt's India Act of 1784, which stipulated that the EIC's aim was peace, not interference in local politics or extension of the company's territories. The main reason for this policy was to avoid any form of entanglement in the internal troubles or wars of the Peninsular which could incur unnecessary expenses for the EIC. As it was, the EIC had lost of its monopoly over the China trade in 1833 and, with this, the Straits Settlements ceased to be a source of direct profits, and were maintained at an annual loss.

Yet despite the law on non-intervention, there was evidence that in some cases concerning threats to British interests, whether commercial, political or involving prestige, local administrators often found it necessary to intervene. In such cases, the actions were often condoned by the Supreme Government. Thus, there was a violation of Pitt's India Act (which eventually did lead to the change in British policy of non-intervention to intervention in 1874).

Thio summarises the politico-legal scenario thus: '...when responsibility for the Straits was transferred from the Government of India to the Colonial Office in 1867, the British were already bound by treaties with four of the five states south of Kedah, two of whom they
were pledged to protect and three over whose external relations they had a right of control.\textsuperscript{55} Hall strongly claims that, 'the Malay States were in a state of chronic unrest, external and internal,\textsuperscript{56} and had become completely incapable of putting their house in order. Intervention, therefore, could not be avoided. There was indeed constant intervention, notwithstanding all the rules to the contrary and all the thunders of Calcutta and the East India House.'\textsuperscript{57}

However, in spite of Thio's and Hall's assertions, the truth of the merchants' complaint is not invalidated, because between 1824 and 1873, British rule in Malaya was indeed 'inactive,'\textsuperscript{58} as their official policy was still in accordance with Pitt's India Act. In several cases, the actions of the Straits Settlements government implied some form of intervention, or at least limited interference in the affairs of the Malay States, when they violated the policy of non-intervention; but even then, nothing more elaborate was undertaken than the occasional punitive expedition,\textsuperscript{59} which was not enough, in 'the interests of British commerce.'\textsuperscript{60} Insofar as this was concerned, it would appear that the Straits merchants did have a legitimate complaint to the House of Lords, because their statement would appear to have been bona fide and to hold a substantial amount of evidential truth. The influence of Pitt's India Act (that is, EIC non-intervention) remained until 1874, when a new law was passed, and the British took on an active, intervening role in the Malay states.

Judicial system\textsuperscript{61}

The main complaints of the merchants were that the Law was administered by unprofessional persons, that is, the administration of justice was in the hands of local officers of government, civil or military servants of the EIC, and the 'impractical schemes [that] were propounded' (for example, the Currency Act, port dues and stamp duties). LA Mills renders a counter attack to this point; he argues that although there were delays in dealing with problems which caused the Straits Settlements to suffer at times, on the whole the results were not serious. Of the problems which arose between 1826 and 1867, very few were of importance, so that injury caused in the delay in settling them was not great.\textsuperscript{62} The population was small and generally law-abiding.\textsuperscript{63} The Straits Settlements had practically no foreign relations (the main task of the government was to watch Siam and Holland,
However, I am more inclined to take the view that the Calcutta government was not efficient in administering the Straits Settlements, in spite of the mitigating factors. Problems were still prevalent, albeit small or insignificant as Mills makes them out to be. In this regard, the Straits Settlements were better off being under the Colonial Office, and concluding thus, the “problems” were justified ones.

At this point, I wish to draw attention to the different systems of law existing simultaneously in the Straits Settlements. There were the Indian laws (passed by Calcutta, modelled on English law) which were either unsuitable to the Straits Settlements or did not cover “illegality” in many cases, as we have seen. Then there were the English laws which were more predominant after the transfer but even before 1867 were still the official laws to be applied insofar as the public sphere was concerned. Matters were a little more complicated in the private sphere, as in the case of the local laws under the Sultans, for example, pertaining to Malay customs and religion, discussion of which is beyond the intended scope of this essay.

**Chinese secret societies**

A wealth of material can be obtained on this issue which has been well-researched by many scholars. However, with regards to the petition and the transfer, all that need be said (despite the topic’s complexity) is that the merchants had a legitimate cause for complaint because the Chinese secret societies were dangerous and caused problems; for example ‘rivalries of hostile societies and clans gave rise to disturbances and outrages, often of a very grave nature.’ This was a real problem, and not a questionable or hazy one, and the Indian government paid little attention to the situation.

After the transfer, measures were undertaken by the Colonial Office to deal with the problem. ‘The Straits Settlements government was now empowered to legislate fully for the requirements of the Colony and to adopt a more determined policy towards secret societies,’ for example, Act XX of 1867 legalised the 1863 practice of apprehending headmen of belligerent societies to do duty as special constables during riots; 1869 Ordinance XIX to provide for ‘the suppression of dangerous
societies; William Pickering was appointed as Chinese Interpreter in 1873, and as Chinese Protector in 1877. These examples also illustrate the gradual introduction of the English system of laws (an alien system) being drawn into and manipulated to serve the purposes of an Eastern society.

However, although the problem was reduced, it still exists until the present day. Nevertheless, the Colonial Office did try to improve the situation; a beginning was made, and hence, it could be deduced that the transfer meant a positive step in this area. In this sense, the grounds of the petition were justified.

Further to the last paragraph of the preceding section, I note again that there were several systems of law regulating the society of the Straits Settlements. In addition to the laws passed by the Indian regime, there was also the intervention of the British Parliament from time to time; and there were the Chinese secret societies which had their own courts of justice, which provides an example of an alternative system for settling disputes. Thus, amidst radical change in the mainstream administration of justice, there was also continuity in the Chinese system, and it did not die out after the transfer, but instead became a subterranean practice which still continues to exist.

Indian convicts

This was the last of the problems cited in the petition, and also another hazy issue. Although the merchants complained of the fact that the "felons sent here [were] being those whose crimes are those of the deepest dye" and that many were sent to the Straits Settlements on a permanent basis, analysis shows that in actual fact the convicts were not as dangerous nor as disadvantageous as they were made out to be.

The convicts were a source of cheap labour, and hence economically viable. Furthermore, even though they were loosely guarded, very few ever tried to escape. There were occasional violent incidents but these were few and far between, and convicts rarely rebelled against authority. Many of them settled down in the Straits Settlements after serving their prison sentences, as no provision had been made on the Indian government's part, before 1859, to repatriate
them. These ex-convicts married local wives, and some even rose in prominence. The European merchants complained mainly about the high cost of keeping the convicts (for example, as early as 1841, they grumbled about the costly body of troops to be maintained in the Straits Settlements mainly because they were penal stations).

There were some disturbing facts about the Indian convicts pertaining to the growth of Indian-type secret societies, and to the spread of criminal activities among present and ex-convicts. There are no statistics to prove how far these groups were involved in crime, but there were nevertheless a few notorious incidents.

On the whole, the convict “problem” was not really a problem. The Indian government did make some attempts to improve the situation. However, this only took place after the petition of 1857 to the House of Commons. Thus, even though most defects of the system were remedied by the time of the transfer to the Colonial Office, little credit can be given to the Indian government in this issue. Taking into account the context in which the convict problem was cited in the 1857 petition, it is not difficult to sympathise with the European merchants, and hence, this “problem” in my opinion, was a bona fide one.

Conclusion

The transfer was governed by a series of factors. The overall argument has been broached with a revisionist’s method of assessment. However, the conclusion is nonetheless an orthodox one in that having clarified the “problems,” most would appear to have been bona fide and convincing enough to necessitate a liberation from the Indian government’s rule. In this respect, the transfer was a necessary, and hence, a justified move. The act that was eventually passed by Parliament, to change the government of the Straits Settlements from the India Office to the Colonial Office, was the result of a complex variety of causes, which also explains how legal changes were brought about, not in isolation, but in the context of and in accordance with the Straits society’s requirements. The regulations of the Straits Settlements were made subject to London’s control, and this is a confirmation of the primacy of the English legal system in which was entrenched the rule of law in the Straits Settlements.
NOTES

Abbreviations:

CO Colonial Office
JIA Journal of the Indian Archipelago and Eastern Asia
JMBRAS Journal of the Malayan Branch, Royal Asiatic Society
JSEAH Journal of Southeast Asian History
SFP Singapore Free Press
SSR Straits Settlements Records

1 The Government of the Straits Settlements Act, 1866. 29 & 30 Vic c 115 - An Act to provide for the Government of the "Straits Settlements".


3 Among the various historians on Malayan history, Mary C Turnbull's comments on the Straits Settlements prior to the Transfer in 1867 are, by far, the most balanced and comprehensive, and her views on this area are invaluable. While the following facts were gathered from several historians' works, I have been influenced strongly by Turnbull's analysis. I have attempted to summarize in the following 3 sections Turnbull's views based closely on her Introduction to The Straits Settlements 1826 - 67 Indian Presidency to Crown Colony.

4 cf. Treaty of 6 February 1819 (Johore 1819) (Treaties with Native States Part III)

5 Treaty of Friendship and Alliance between the EIC and the Sultan of Johore in 1824, cf. Treaties with Native States p 16 Part III

6 cf. Article 10 of the treaty

7 Turnbull, The Straits Settlements 1826 - 67 Indian Presidency to Crown Colony, Introduction p 3
ref. to the map of the Malay Peninsula

under the Treaty of Peace, Friendship and Alliance of 1800

(Malacca's land area included the town and hinterland about 40 miles long, 25 miles wide)

Turnbull, Ibid, p 3 cf. SSR, S 32, Items 105, 204; SSR, R 45, pp 246 - 7

under the Charter Act of 1833; cf. Hansard Parliamentary Debates 3rd series vol. cxlx p 988

Turnbull, Ibid, p 3

Turnbull, Ibid, p 4

Turnbull, Ibid, p 4

Turnbull, Ibid, p 4

Turnbull, Ibid, p 4

Turnbull, Ibid, p 4; Thio Eunice British Policy in the Malay Peninsula 1880 - 1910 Vol. 1 Introduction pp xvi - xvii

Parliamentary Papers, 1862, xl (House of Commons) 259, pp 585 - 8; Straits Times and Singapore Journal of Commerce, 13 Oct 1857; Buckley C, An Anecdotal History of Old Time in Singapore

cf. Hansard Parliamentary Debates 3rd ser. cxlx, 986 - 90

Buckley C, Ibid p 755

Turnbull, The Straits Settlements 1826 - 67 Chap 2 p 59

Mills L A, British Malaya 1824 - 1867 Chap 5 p 96 - 97; Jones S W, Public Administration in Malaya, Chap 1 p 13; Parliamentary Papers, House of Commons No 259 of 1862, 13 (Vol. xl)

Ibid, Chap 5 p 89
25 Ibid, Chap 5
26 Ibid, pp 755 - 6; Hansard, 3rd series, vol cxlix, p 989
27 Turnbull, supra p 350
29 Tan D E, A Portrait of Malaysia and Singapore, p 70
30 Turnbull, supra, p 207
31 Tan D E, supra, p 70
32 Buckley, supra, p 760; Hansard, 3rd series, vol. cxlix, p 990
33 for example, when an act was passed in 1862 to regulate coinage in India, special provision was made by the Legislative Council for the Straits Settlements, and between 1862 and 1867, copper cents for the first time bore the name 'Straits Settlements' (Turnbull, supra, p 208; Hansard, 3rd series, vol. cxlix, p 990)
34 Ibid, p 760
35 1867 Act to Provide for the Government of the Straits Settlements, para 4
36 Turnbull, supra, p 209
37 Buckley, supra, p 756
38 Mills, supra, p 241
39 Turnbull, supra, p 247
40 Mills, supra, p 243
41 Cameron J, Our Tropical Possessions in Malayan India pp 251 - 2
42 cf Treaty of Tientsin Art. LIII; Prussian Treaty Art. XXXIII; Danish Treaty Art.
XIX, Belgian Treaty Art. XLIV; Spanish Treaty Art. XVI; Italian Treaty Art. XIX, quoted from Fox, British Admirals and Chinese Pirates 1832–1869

43 Turnbull, supra, p 255


45 Emerson Rupert, Malaysia – A Study in Direct and Indirect Rule, Chap 2 p 91

46 Hall DGE, A History of South East Asia, p 511

47 Ibid, p 511

48 Mills L A, British Malaya 1824–1867 p 174

49 Act 24th George III Cap 25;

NB: This act was retained until 1858, when England assumed full control of India. However, the policy of non-intervention in the Malay States still continued until 1874.

50 Philips, The East India Company 1784–1834, Chap 2, p 32

51 Purcell, Malaya, Outline of a Colony, Chap 6 p 70; Jones, Public Administration in Malaya, Chap 1 p 8

52 Mills, supra, p 174

53 Tan D E, A Portrait of Malaysia and Singapore, Chap 9 p 119

54 However, it should be made clear that in the pre-1874 era, the nature of intervention was limited. Though there were cases of British intervention in the Malay States, their actions were “inactive” or passive. The governors were often reminded of the official non-intervention policy, and this policy remained unchanged until 1874, when a new law (the Pangkor Engagement) was observed.

Cases of non-intervention

The EIC’s non-intervention policy started from the earliest years of British rule.
in the Straits, for example in negotiation for the settlement of Penang Island in 1786 where the Supreme Government remained steadfast in refusing to promise military aid to the Sultan of Kedah. Thus, in a Siamese invasion in 1821, the Penang Government did not offer military aid to the Sultan, but only political asylum and mediation. Indeed the whole history of Anglo-Siamese relations in the Malay Peninsular shows evidence that the non-intervention policy was adhered to as much as possible. (cf. Mills, supra. Chap 8 (Anglo-Siamese relations)) For the obvious political and economic reasons the British did not want to antagonise the Siamese (cf. Tarling. Anglo-Dutch Rivalry in the Malay World, 1760-1824) by interfering in the affairs of the Malay States (such as Kedah, Kelantan and Trengganu,) which were within the Siamese sphere of influence.

Severe censures were passed upon Captain Low for his treaty with Perak in 1826; and the treaty between James Low and Perak and Selangor in 1826, received strong criticism from the Supreme Government and resulted in Low’s being suspended from his duties. (Tan D E, Supra, p 119) The Indian Government only relented when Governor Fullerton managed to convince it of the necessity of protecting British interests, a clear instance of the Indian Government’s unwillingness to intervene in any of the Malay States. This was further proven when appeals of Perak and Trengannu for defensive purposes were likewise rejected. In the Naning War of 1831-2, Governor Ibbetson was told that the extension of territory was not desired. (Ibid. p 119)

An even more striking instance occurred in 1833, when the boundary between the Malacca Territory and the tiny state of Johol was debated over. Between the two lay a debatable piece of land which had formerly been claimed by both states, containing rich mines of tin and gold. Governor Ibbetson regarded the frontier delimitation as an excellent opportunity for showing ‘that accessions of territory and encroachments upon their rights is the furthest from our views and intentions’ (Mills, supra, p 177), thus resigning any claims that the British might have to it, and even included it within the area of Johol.

Through the above examples, I would say that the British were pursuing a policy of non-intervention in the Malay States between 1824-73. They upheld this policy whenever possible, though in some cases intervention was unavoidable. And it is significant that sometimes even in instances where British merchants’ interests were threatened (for example in Negri Sembilan), the policy of non-intervention was still observed.
However, there were also cases where the British did intervene in the Malay states during the period 1824 - 73. It is evident that, to a certain extent, the British were inconsistent with their policy of non-intervention, but compared to the period after 1874, when the policy was reversed, these interventions were limited and they only occurred where unavoidable (Ibid, p 179). In this respect, I would argue that the merchants had valid grounds for their petition of complaint to the House of Commons.

The EIC's non-intervention policy reflected realism and flexibility. They took the stance of non-intervention wherever their commercial interests and political prestige were not threatened, but their policy changed according to the dictates of time, thus in reality, causing them to play dual roles of non-activity and intervention in accordance to the change of times. Whilst the period 1824 -73 was not marked by any 'spectacular action or further territorial advances' it can neither be described as being inactive, because as Tan observes, '[c]ases of intervention were...more in evidence than cases of non-intervention' (Tan D E, supra, p 120), and I will highlight some of the more important and interesting ones. From its footholds in the Straits Settlements, the EIC gradually extended its influence over the independent Malay States chiefly through trade and treaties. (Thio E, British Policy in The Malay Peninsular 1880 - 1910 Vol 1 - Introduction pg xvi - xvii)

The following examples could be used as evidence to challenge the truth of the merchants statement of complaint, although in the final analysis, their complaint was a bona fide one.

**Cases of Intervention**

After 1826 the Malay states tended to look to the EIC as the arbiter of local politics to whom they reported the ascension of new rulers, and appealed for help in settling internal disputes and quarrels with their neighbours. (Thio, Ibid. p xvi - xvii) For example, the proximity of thriving Singapore to Johore led the British to intervene in the affairs of Johore. When Sultan Hussein died in 1835, Governor Murchison refused to acknowledge Hussein's son, Ali, as the Sultan. It was only in 1852 that Acting-Governor Blundell persuaded the Supreme Government to recognise Ali, as the rightful Sultan. Later compromise was reached when Ali accepted an empty title of Sultan and Temenggong Ibrahim retained control over Johore in 1855. Thus, a new royal dynasty was established in Johore, with British intervention. This case clearly illustrates a deviation
from Pitt's India Act. The EIC accordingly found itself guaranteeing some states protection from attacks, or pledging to uphold boundary settlements. (Thio, supra, p xvi - xvii)

There were cases of intervention for example, in Kedah, Perak and Selangor, brought about by Robert Fullerton, Burney, Anderson and James Low:

When Robert Fullerton was governor of the Straits Settlements in 1824, he completely reversed the earlier British attitude of giving in to the claims of Siam, thus embarking on protection and expansion of British interests in the Malay Peninsula by checking Siamese attempts at extending their influence over the northern Malay states. Thus, when Ligor prepared to invade Perak and Selangor in 1825, he sent a Penang squadron to patrol the river mouths to prevent any attacks. (Mills L A, British Malaya 1824 - 1867, Chap 8 p 141; other examples of intervention included the following: Burney's Preliminary Treaty with Ligor in 1825. (Mills, Ibid, Chap 8 p 143 - 146); the Anderson Treaty (involving Selangor and Perak) in 1825. (Mills, Ibid, Chap 8, p 145 - 146; Purcell, supra, Chap 6, p 70)

The Burney Treaty of 1826 saw British attempts to secure independence for Selangor and Perak (Newbold, British Settlements in the Straits of Malacca Vol. 2 p 26); and later, the Low Treaty of 1826 promised British assistance in maintaining Perak's independence. These two treaties had more effect on the Malay States than any other treaties, the greatest consequence being a marked ending of Siamese southward ambitions, and thus securing the British position in expanding further into the Malay States at a later stage. However, signing these treaties showed non-compliance with Pitt's India Act. Thus, where Low's Treaty was concerned, the Supreme Government continued for some time to condemn it as unauthorised and never really ratified it. In effect, the intervention in the Malay States was still somewhat restricted by the Government's policy. (Mills, Op Cit. Chap 8 p 162) Other examples include Fullerton's challenge of Ligor's claim to the Kurau District in 1826, and the Burney Treaty of 1826 after which the British ceased to intervene in Kedah. (Mills, Ibid. Chap 8 pp 160-161)

Other examples of intervention included those in Naning and Sungei Ujong: The British fought the Naning War in 1831-2 to establish British right to collection of revenue in Naning. In Sungei Ujong, the British squadron was called in 1857 to destroy the village of Pengkalan Kempas, in order to punish the chiefs who had been extorting British subjects. And again in 1860, Governor Cavenagh
intervened to prevent the chiefs of Rembau and Sungei Ujong from levying illegal duties on British merchants. However, these cases of intervention were brought about by individuals such as Governor Cavenagh who deviated from the Government's non-intervention policy. In cases like the Naning War for instance, the Supreme Government did express their unwillingness to extend territory. (Mills, supra, Chap 7 p 127) Thus the Calcutta Government did play an inactive role in these cases which they disapproved of, and from these examples, it could be argued that the merchants had reasonable grounds for their complaint to the House of Commons. Further examples would include the British intervention in Pahang where a civil war had broken out between Wan Ahmad and Wan Mutahir. The Siamese intervened and later it was followed by Trengganu's involvement. This greatly disrupted the trade of British merchants there. Thus, this led to the bombardment of Trengganu by the British in 1862. The motives were partly to protect British trade, but the main reason was to check Siamese aggression. Even then the British bombardment was a violation of the Burney Treaty and the governor's action was highly condemned. (Mills, supra, pp 167 - 173)

53 Thio, supra, p xvi - xvii

54 for example, the disturbance of the Larut wars which continued into the 1870s and was further complicated with the succession disputes there. (Mills, supra, Chap 9, p 180)

57 Hall, supra, p 512

58 as compared to the period after 1874

59 In Selangor, the disturbances of the Klang war and frequent piracy along the coast led to British intervention in 1871. These cases of piracy later served as an excuse for the British to intervene officially in Selangor in 1874. (Mills, Ibid, p 241 - 242)

60 The Straits Times and Singapore Journal of Commerce, supra; Buckley, supra, p 756

51 this point should be read in the context of the chapter as a whole, because the problems discussed are associated heavily with this issue

62 Mills, supra, p 90
infra para. on Chinese secret societies and Indian convicts, for a more balanced understanding of the population behaviour at that time

Indian Charter Act of 1833


cf. Thio Eunice, 'The Singapore Chinese Protectorate and Events and Conditions Leading to Its Establishment, 1823 - 1877' Journal of the South Seas Society xvi (1960); Tan D E, supra, Chap 6

Hansard, 3rd series, vol cxlix, p 995

Thio, supra, p 47 - examples include gang robberies, collection of "protection" money from shopkeepers, or contributions in the nature of blackmail; Chiefs of secrets societies were also known to hold their own Courts of Justice to settle disputes between members, even for serious crimes eg sometimes mutilated trunks of victims were found in the jungle or elsewhere, usually with the right or left hand chopped up into a certain number of parts and left hanging together by the skin

Thio, supra, p 51, 52; Buckley, supra, p 757 - in the petition, the European merchants had made suggestions to the Indian government on how to improve the situation but the EIC responded 'with indifference' and 'sometimes without even the slightest acknowledgment of their having been made'

Thio, supra, p 52

Thio, supra, p 53

Thio, supra, p 54

Thio, supra, p 77; Tan D E, supra, Chap 6 p 72, 73

(for example, the Currency Act 1855)

(for example, 1837 admiralty jurisdiction, 1848 insolvency jurisdiction, 1855 Charter of Justice etc.)
76 Gullick, Malaya, Chap 4, p 43

77 the petition 1857 to House of Commons (cf. Buckley, supra, p 758); *Hansard* 3rd series, vol cxlix, p 988

78 *Hansard*, 3rd series, vol cxlix, p 990 - 991;


P 98 - McNair, the Superintendent of convicts in Singapore, remarked in his report for 1858/59 how well the convicts worked at brickmaking and roadbuilding, which made them 'still a positive advantage to this colony'

- Blundell, in his Annual Report for 1858/59, pointed out that Singapore owed all its roads, canals and public works to convict labour

79 Turnbull, Ibid, p 89 - Indian convicts were allowed a freedom that astonished outside visitors (for example, Lord Elgin in 1857 cf. Walrond T, *Letters and Journals of James 8th Earl of Elgin*, p 189) They often worked on roads and buildings without guards, sometimes they were employed as domestic servants or in government offices, and they could earn and keep wages

79 Turnbull, Ibid, p 90 - those who did abscond were invariably given up by Chinese and Malays to claim the rewards on their heads

81 Turnbull, Ibid, p 91 - In 1833, a European overseer was murdered by a convict; in 1852, there were two clashes between police and convicts in Penang; in 1853, a group of Sikh prisoners attacked their peons in Singapore

82 *Hansard*, 3rd series, vol cxlix, p 991; for example a Ceylonese convict, Tickery Bandah, who was released in 1864, settled down in Malacca as a shopkeeper, writer and amateur lawyer. He even kept up a correspondence with the King of Siam (cf. Cameron, supra pg 376; Turnbull, supra (on convicts), p 91)

83 *Hansard*, 3rd series, vol cxlix, p 988

84 Turnbull, supra (on convicts), p 91

85 Their origins are obscure.
they were considered a bad influence by Sir Richard McCausland, Recorder of Singapore 1856-66, and merchants and Grand Juries made “vague accusations from time to time” (Turnbull, supra (on convicts), p 99)

for example, between 1830 and 1850, more than 1500 Thugs were sent to Singapore and Penang, and they played a prominent part in the Dusserah and Muharram festivals, turning them into ‘the rowdy display of hooliganism they became by the middle of the century.’ (Turnbull, supra (on convicts), p 100)

for example, transportation of convicts to the Straits Settlements were put to an end in 1860 (Annual retrospect for 1860 in SFP 10 Jan 1861)

for example, Governor Cavenagh took a personal interest in the convict administration, the health of the convicts improved, death rates fell with more attention paid to their diet; better supervision, incentive bonuses enhanced their efficiency

1857 riots

albeit that their fears were groundless in most instances

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