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Introduction

James Wheeler Woodford Birch was the first British Resident appointed to Perak under the Pangkor Engagement of 1874. On 2 November 1875, only twelve months after he had taken up his post, he was assassinated. His death was followed by the Perak War — the pacification of Perak — the arrest, trial and execution of those held directly responsible for his murder, and the exile of Perak chiefs thought to have been implicated in the Resident's death. He was buried at Bandar Bahru where he had planned to build his Residency and later a memorial was erected at Pasir Salak on the Perak River where he died. The Daily Telegraph referred to it as a 'costly and troublesome Incident, a little war', one in which Britain 'began badly' but where 'our gallant countrymen have since made short work of the barbarians'. However, the incident did not end there. The Resident's death represented a disastrous setback to the policy of the new Governor of the Straits Settlements, Sir William Jervois. He had attempted to go beyond his predecessor's initiative and govern Perak through British officers in the Sultan's name. As he took this step without the prior approval of the Colonial Office, he immediately began an investigation which he hoped would throw light on the circumstances of Birch's death and perhaps make clearer to the Secretary of State the necessity of his policy in Perak. Thus, Birch's death and Britain's Malayan policy were inextricably bound together, giving the assassination of the Resident a prominence in Malaya's modern history which otherwise it might not have had.

This point is illustrated when a number of questions are considered. Was Birch's death the result of Jervois' attempt to foist direct British rule on Perak? Or can it be traced back to the earlier decision taken by Jervois' predecessor, Sir Andrew Clarke, to interfere in the internal affairs of Perak? In other words, did the Perak chiefs think that in Birch's death they would remove the threat of alien rule? And what of the man himself; were his proposals for the 'better government' of Perak sufficient provocation for the rajas and datos to kill him? Did Birch engender a personal animosity which turned potentially co-operative Malay chiefs into enemies? And there is the problem of whether his death resulted from a conspiracy among the chiefs, or was an isolated, spontaneous act.

Some or all of these questions have been discussed in the considerable body of literature which exists on this period. There is the report of the inquiry initiated by Jervois; there are accounts by his contemporaries such as C. M. Plunket, Commissioner of Police in the Straits Settlements and a report of his findings was published under his name, entitled Enquiry as to Complicity of Chiefs in the Perak Outrages: Précis of Evidence and Abridgement of Evidence (Singapore, 1876).
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as Sir Peter Benson Maxwell and Sir Frank Swettenham;¹ and there is the work of historians such as Professors C. D. Cowan and C. N. Parkinson and Sir Richard Winstedt.² Yet in spite of this attention, the problems about the origins of British political control in the Malay States and the death of Birch continue to invite comment.³ The publication of these journals (and those of Sir Frank Swettenham⁴) may not abate the controversy over Birch's death, but they do throw considerable light on his daily activities as Resident and extend our knowledge of conditions in Perak at the time of British intervention.

(i)

The change in British policy towards the Malay States which eventually led to the appointment of a Resident to Perak was made in 1873. From 1867, when the Straits Settlements became a Crown Colony, the Colonial Office had followed the Indian Government in discouraging Straits officials from drawing Britain into the affairs of the Malay Peninsula. In spite of this sanction, local officials had from time to time taken steps to protect what they believed to be the interests of the Straits Settlements. In particular they acted to maintain the political integrity of the Malay States south of Kedah, a dependency of Siam, to protect the security of their immediate hinterland, and to preserve British control of the Straits of Malacca, Britain's principal trade route to the Far East.⁵

The British possessions in the Straits of Malacca were important centres of trade and commerce in South East Asia. However, as the Straits' merchants began to diversify their investments the Straits Settlements gradually became involved in the economy of the Peninsula. At first this development was linked with the growth of commercial agriculture, especially in gambier


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and pepper and to a lesser extent sugar, but later it was associated with the growth of the tin industry in the Malay States.\(^1\) Tin had been produced in the Malay States for centuries, but its production grew rapidly in the nineteenth century as demand for it increased in England following the reduction of import tariffs on the metal in the 1840s and their near abolition in 1853.\(^2\) Old tin fields gave way to new ones. In Selangor the mines at Lukut and Ulu Langat were superseded by new and richer workings in the interior, at Kanching and Ampang near where the small mining town of Kuala Lumpur grew up. There were rich deposits close to Kapayang, not far from Rasah on the Linggi River. In Perak the older workings in ulu Perak and the Kinta valley were eclipsed by the rapid development of Larut on the north-western coast. The traditional method of working the mines periodically—when labour, drawn from the Malay peasantry, was available gave way to more intensive methods with Chinese labour recruited from China through the Straits Settlements. Likewise the capital for these larger mining operations came from Straits merchants, both European and Chinese. The Chinese merchants also provided the organizational element; the recruitment of labour, the management of the mines, the smelting and export of the metal, all came very quickly to be controlled by Chinese in the Straits Settlements. Clan and other ethnic associations, especially secret societies, provided the means of organizing manpower and controlling this old industry which had assumed a new form.

These developments had far reaching consequences for the internal stability of the three tin-producing states of Perak, Selangor and Sungai Ujong. They were riverine states whose Malay population lived in small villages (kampongs) and were engaged in a largely subsistence economy cultivating padi and fruit orchards, and fishing. The social order was simply structured into two classes, peasantry (ra'ayat) and members and descendants of royal families. Constitutional theory suggested a highly centralized political system with the Sultan at the apex of a line of authority, which extended down through the district chief (dato') to the village headmen (penghulu) who held their offices at the ruler's pleasure under his written authority (surat kuasa). In Selangor, where the recently established Bugis dominated the sultanate, the district chiefs were held by rajas of the waris negri. In Perak, however, the territorial chiefs (waris jajahan or waris da'erah) were non-royal, though not infrequently with royal connections, and while individuals could be removed by the Sultan their offices usually remained within one family for several generations. The great offices of state, like the theoretical structure of the state, were derived from the Malacca Empire, but by the nineteenth century their holders had assumed many of the powers of territorial chiefs. Together with the other datos they were integrated into a formal four tiered hierarchy of four,

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1 An account of the growth of Singapore as an entrepôt is given in Wong Lin Ken, 'The Trade of Singapore, 1819–69', JMBRAS, XXXIII, iv (Dec. 1960); and on the development of commercial agriculture, J. C. Jackson, Planters and Speculators (Kuala Lumpur, 1968).

2 For a history of the tin industry during this period see Wong Lin Ken, The Malayan Tin Industry to 1914 (Tucson, 1965).
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eight, sixteen and thirty-two chiefs, an arrangement which did less to reflect the actual power of the office holder than to provide a system of status which gave the sultanate a degree of cohesion. The wealth and power of the chief turned on his ability to control the resources of his district. The peasantry provided the manpower by corvée (kerah) to work his fields and mines and to defend the district, while others as debt-slaves and followers met his requirements for servants, bodyguards and agents. To maintain himself, his family and followers, the dato’ raised revenue on the produce of the district, especially on imported goods and exportable commodities such as tin. However, the chief’s control of these resources meant that the authority of the Sultan bore a direct relationship to the power of the datos. The Sultan’s power turned on his success in building and maintaining political alliances with district chiefs.

The growth of the tin industry threatened the stability of the state by enhancing the value of the tin-rich districts and making the dato wealthy and powerful. It also heightened rivalries between Malays for the control of richer districts and of adjacent areas that would enable them to raise revenue on river traffic serving the mines. It brought the Chinese miners into conflict as factions among them, led by secret societies, tried to seize control of the industry. Malays and Chinese joined to fight other Malays and Chinese in the three tin producing states. Thus, in Larut fighting which had begun as early as 1861 was by the 1870s spilling over into the nearby settlement of Penang where the headmen of the Chinese factions lived. In Selangor a civil war over the control of the Klang River which began in 1866, at times closed down the mines and drew various factions of Chinese and Malays into the struggle throughout the state. And the success of the mining industry in Sungai Ujong encouraged opportunists in the adjacent states of Selangor, Rembau and Malacca to try to levy duties on the traffic from the mines moving along the Linggi River.

It was a pattern of violence which seemed to threaten the security of the Straits Settlements themselves. Merchants in the Colony who had invested directly in the mining ventures or speculatively on the outcome of dynastic disputes were adversely affected by the continuous fighting. The Colonial Office resisted their appeals to intervene until 1878 when the appointment of a new Governor Sir Andrew Clarke offered an opportunity to investigate

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1 See Appendix I.
3 The best study on secret societies and their role in the political events of this period may be found in Wilfred Blythe, The Impact of Chinese Secret Societies in Malaya (London, 1969).
4 Lt.-Gen. Sir Andrew Clarke, C.G.M.G., C.B., C.I.E. (1824–1902) trained at the Royal Military Academy, Woolwich, received a commission in the Royal Engineers in 1844 and served successively in Ireland, Tasmania, New Zealand and Australia. In 1853 he became Surveyor-General for Victoria and two years later was elected to a seat in the Legislative Council and was Minister for Public Lands. He returned to England in 1857 and commanded the Royal Engineers in the Eastern and Midland Districts until 1864 when he became Director of Public Works in the Admiralty. From 4 November 1873 to 10 May 1875 he served as Governor of the Straits Settlements. He then joined the Indian govern-
ways of bringing order to the Colony's frontier. Clarke was instructed to 'report' on conditions in the Malay States and make recommendations for 'the restoration of peace and order' and 'the protection of trade and commerce'. He chose to act instead. On 20 January 1874 he persuaded a number of Perak chiefs to sign a treaty, the Pangkor Engagement, creating a new Sultan and appointing a British 'Resident' to reside at his court. At the same time he negotiated a settlement for the principal Chinese headmen to stop fighting in Larut. Shortly afterwards, in February, he visited Selangor where Tengku Zia’u’d-din, the 'Viceroy' (wakil mutlak), and the Kapitan China at Kuala Lumpur, Yap Ah Loi, had recently won control of the Klang and Selangor Rivers. He went to Langat, the Sultan's residence, instead of Klang, because it was believed that Tengku Zia’u’d-din's enemies were being given protection by the ruler and that persons involved in a recent piracy had taken refuge there. Sultan 'Abdu'l-Samad agreed to the destruction of stockades at the entrance of the Langat River, and the trial and execution of the pirates. In August, after the Colonial Office had approved of Clarke's actions at Pangkor and Langat, the Sultan was prevailed upon to allow Frank Swettenham to live at Langat. Next Clarke turned his attention


2 The English version is given in W. G. Maxwell and W. S. Gibson, Treaties and the Engagements affecting the Malay States and Borneo (London, 1924), pp. 28-30; and Appendix below, pp. 375-7.

3 The agreements between the Chinese were made on 16 and 20 January 1874 (C.1111, pp. 74-5 and 83-4 respectively).

4 Tengku Zia’u’d-din ibni Al-Marhom Sultan Zainal Abidin Halim Shah of Kedah was a son-in-law of Sultan 'Abdu'l-Samad of Selangor. On his marriage in 1867 he was given Langat to administer, but later given the responsibility of preventing Raja Mahdi from seizing Kuala Klang. The Klang War was eventually resolved in the Tengku's favour with assistance from European merchants in the Straits Settlements and the influence of the Colony's officials who insisted in 1871 that he be made wakil mutlak with responsibility for the government of Selangor (Khoo Kay Kim, The Western Malay States 1850-1873 (Kuala Lumpur, 1972), pp. 154-9; and Cowan, Nineteenth-Century Malaya, pp. 70-7 and 88-91.)

5 See p. 48, fn. 2.

6 Frank Athelstane Swettenham (1850-1946), whose company Birch enjoyed so much, appears frequently in these journals. He joined the Straits civil service as a Cadet in 1870, completed his formal studies in Malay two years later when he became Collector of Revenue, Penang and Province Wellesley. In May 1874 he was appointed Magistrate and Commissioner, Court of Requests, Penang, but spent most of that year and the next two in the Malay States travelling with the Governor, or on his behalf, and from the middle of August 1874 living periodically at Langat, a position formally created as Assistant Resident in December 1874. He later became Assistant Colonial Secretary for Native States in 1876; Resident in Selangor, 1882-9, and in Perak, 1889-95; Resident-General, Federated Malay States, 1896; and Governor of the Straits Settlements, 1901-4. He
to the Linggi river which served the tin fields in Sungai Ujong. An attempt
to bring the chiefs of Rembau and Sungai Ujong together to secure access to
Sungai Ujong, particularly at Bukit Tiga where Rembau chiefs were levying
duties on the river traffic, only brought forth the Dato’ Klana and Dato’
Muda of Sungai Ujong. Nevertheless, he entered into a treaty with these two
chiefs to try and keep the river open.1 It failed to secure the desired end, but
it linked British fortunes with the Dato’ Klana who, although de jure head of
Sungai Ujong, was by convention bound to rule with the advice of the
wealthy and infinitely more powerful Dato’ Shahbandar (commonly
referred to as Dato’ Bandar). It was a commitment which led Clarke, late in
1874, to send a small detachment of troops to Sungai Ujong to protect their
man and destroy the power of the Dato’ Shahbandar; this done, a British
officer was left in charge of the country’s administration.2 Thus, by the end
of 1874 Clarke by the Pangkor Engagement had established a Resident and
Assistant Resident in Perak and by executive order he had introduced
British officers into Selangor and Sungai Ujong.

A delay of nearly nine months followed the signing of the Pangkor
Engagement and the appointment of a Resident to Perak. In the meantime,
to assert a British presence Clarke provisionally appointed an Assistant
Resident, Captain Speedy who,3 up to the signing of the Pangkor Engage­
ment, had been employed by the Mantri of Perak. Speedy, however,
confined his activities to Larut and did not venture into Perak besar.4

Clarke rightly had to delay the appointment of a Resident5 in order to give

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1 The text of the treaty is in Maxwell and Gibson, Treaties, pp. 97–8.
2 Detailed accounts of these events may be found in W.A. Pickering, Journal of a visit to
Sungei Ujong, 4 October–29 November, 1874; R. O. Winstedt, ‘Negri Sembilan’,
JMBRAS, XII, iii (1934) and J. M. Gullick, ‘Sungei Ujong’, JMBRAS, XXII, ii
(1949).
3 Tristam Charles Sawyer Speedy (1836–1910) was born in India where he followed his
father into the Indian army in 1854. He later served as a British agent in Abyssinia, and
as a District Superintendent of Police at Oudh in India (1869–71) before coming to the
Straits Settlements as Deputy Commissioner of Police in 1872. In July the following year
he gave up this post to join the Mantri of Perak, first recruiting soldiers in India, then
relieving the Mantri’s Chinese allies, the Hai San, in Larut at the end of 1873. For his
income he was to receive one-third of the revenues of the district. He remained Assistant
Resident until 1877 when for his poor performance as an administrator he was forced to
resign. (DJPS, 15 July 1875 and J. M. Gullick, ‘Captain Speedy of Larut’, JMBRAS,
XXVI, iii (Nov. 1955).)
4 According to one account Speedy was temporarily responsible for all of Perak. (DJPS,
5 Nov. 1875.) This is supported by Clarke’s comment in a letter that in appointing
Speedy he had exceeded his instructions, but that he had to leave ‘someone in the country
to see the engagement carried out and a proper policy organised.’ (Cited in Vetch,
Clarke, p. 154.)
5 Clarke informed the Colonial Office of his activities in Perak by telegram on 23 Jan. 1874
and received a reply dated 27 Jan. asking him not to appoint any Residents until more
information had been sent to London (CO 278/75). Two despatches on 26 Jan. and one on
24 Feb. 1874 provided this information (C. 1111, pp. 70–86 and 108–81), and in April he
was informed by a private letter that his initiative was generally approved (Clarke to
Anson, 7 April, 1874, Clarke Correspondence). On 29 May he was given permission to
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the Colonial Office an opportunity to approve his actions at Pangkor. It was a delay he probably welcomed because he apparently had difficulty in finding a suitable candidate for the post.

Birch established himself as a leading candidate soon after the signing of the Pangkor Engagement. In many ways he was an obvious choice for as he wrote to Clarke in February, 'My whole life has been spent in opening up new country and in improving and enriching a country, and in teaching the native chiefs good government.' Most of this activity had taken place in Ceylon, where after a brief spell in the Royal Navy he joined the Roads Department in 1846. His success in this post and his ability as a 'linguist' led to his appointment as a Writer in the Colony's civil service in 1852. In the following years he went on to hold executive and judicial appointments in several districts and earned a reputation for his irrigation work, doing much to restore and extend the canals and reservoirs in Batticaloa District. By the standards of the colonial service he was regarded as a highly valued officer, possessed of 'zeal, activity and ability'.

His appointment as Colonial Secretary to the Straits Settlements in May 1870 was a good promotion for an able officer, a very 'clear headed' one Governor Sir Harry Ord decided shortly after Birch had assumed his duties, adding that Birch 'appears determined to "sweep very clean"'. He proved a

appoint Residents, 'able and safe men', (Tel., Secret CO537/45) provisionally and on 9 Oct. Clarke received the Secretary of State's despatch of 4 Sept. 1874 (C. 1111, p. 241) 'approving everything so far' (Clarke to Anson, 4 Oct. 1874, Clarke Correspondence).

Vetch, Clarke, p. 174. He also applied for the post through Charles Cox at the Colonial Office. (Cox minute, 7 April, in Gov. to Sec. State, 24 Feb. 1874, CO273/75.)

Gov. to Sec. State, 9 June 1852 and 21 Jan. 1853, CO 54/298. Born on 3 April 1826, the son of a clergyman Rev. J. W. Birch, nothing is known of his early education. Nor is it clear when he went to sea, but at least two writers refer to his career in the Royal Navy; P. M. Bingham (ed.), History of the Public Works Department, Ceylon, 1796 to 1913 (Colombo, 1921–3) II, p. 164 and F. A. Swettenham, Footprints in Malaya (London, 1942), p. 54.

After a year as a Writer he was appointed Commissioner of Requests and Police Magistrate of Mallagam. In 1853 he was made Joint Commissioner of Requests and Police Magistrate, Jaffna and successively the same posts at Galle, Mallagam, Changanachery until 1854 when he became Assistant Government Agent, Trincomalee. In 1856 he became District Judge of Batticaloa, a post he held until 1894 except for a period of four years as acting Assistant Government Agent. He acted as the Assistant Government Agent in Raterapoora, for a year before being promoted to District Judge of Kurunegala. Then after a year as a Assistant Government Agent, Hambantota in the Southern Province he became the Government Agent for the Eastern Province, a post he held until his promotion to Colonial Secretary in Singapore in May 1870. (CO List, 1875.) P. M. Bingham, op. cit. II, pp. 126–7, 164–5; and S. O. Cangaratam, Monograph of the Batticaloa District of the Eastern Province, Ceylon (Colombo, 1921). In 1870 when Birch was due to leave for the Straits Settlements, he was detained at the request of the Governor of Ceylon until after the Duke of Edinburgh's visit so he could conduct him around the irrigation works of the Eastern Province. (Gov. to Sec. State, 7 Mar. 1870, CO 54/454.)

Minute, 24 Nov. 1869, in Gov. to Sec. State, 16 Oct. 1869, CO 54/447.

Ord to Anson, 10 June 1870, Ord Correspondence. Major-General Sir Harry St. George Ord (1819–85), R.E., C.B., G.C.M.G., was educated at the Royal Military Academy, Woolwich. He served with the Royal Engineers in Ireland, the West Indies, West Africa and the Baltic, between 1839–55. He began his colonial service in 1855–6 as Commissioner to the Gold Coast and during 1856–7 and 1860 assisted a British mission in Holland and France in negotiations about the colonial possessions of these countries in West Africa. In
good administrator and as the Governor's immediate deputy, an able defender of the government's policy, no mean task at a time when Ord was extremely unpopular among the 'Unofficial' community. A particularly bitter quarrel raged between the Governor and the Chief Justice, Sir Peter Benson Maxwell until the latter retired in 1871. Birch evidently handled his role as an intermediary between his unpopular Governor and the influential and articulate European community with skill. This was perhaps more the result of his forcefulness and energy than of a conciliatory manner, a characteristic which saw him dominate the daily administration of the Colony when Sir Archibald Anson, Lieutenant Governor of Penang, took charge of the Colony in Ord's absence in 1871.

In October 1870 six months after his arrival in the Colony his life took a tragic turn when his wife died in England. It meant that at the age of forty-four he was a widower with four young children. The arrangements which he made on his children’s behalf, together with the apparent financial burden of his office, drew him heavily into debt with some of the Colony’s Chinese merchants, one of whom held the Singapore opium farm. His financial difficulties became linked with a case involving the Attorney-General, T. Braddell, who had accepted a retainer from the same opium farmers and received a good deal of public attention towards the end of 1873. An official inquiry cleared Birch of any impropriety, but as the report was not made until December 1874 it delayed his nomination as Resident to Perak.

1957 he became Governor of Dominica, 1861 of Bermuda, 1864 Special Commissioner to West Africa and 1867 Governor of the Straits Settlements, an appointment he held until 1873. From Malay he went to Western Australia where he was Governor from 1877-9. (DNB; various CO Lists.)

1 See for instance Parkinson, British Intervention in Malaya, p. 18.
2 Singapore Daily Times, 3 Dec. 1875 and Straits Times, 27 Dec. 1886, in In Memoriam compiled by Sir Ernest Birch. Ord wrote to Anson on at least three occasions during his leave objecting to the way Anson allowed Birch to dominate him: ‘I hear so much from all sides of the authority which J. W. Birch exercises (of course in your name) and indeed the papers and reports of council meetings show the extent to which he does . . .’. (Ord to Anson, 7 Sept. 1871, Ord Correspondence.)

Lieut-Colonel Archibald Edward Harbord Anson (1826-1925) R.A., K.C.M.G., later Major-General, was a contemporary of Clarke and Jervois at Woolwich. He served in the Crimean War and was Inspector-General of Police, Mauritius, 1858-67. When the Straits Settlements became a Crown Colony Anson became the first Lieut.-Governor of Penang, 1867, a post he held until he retired in 1883. He was Administrator of the Colony on three occasions, 1871, 1877 and 1879-80. His autobiography is interesting on this period; About Others and Myself, 1745-1920 (London, 1920).

4 These children were Ernest Charles James Woodford Birch, 14 years, who was later to crown his own career in Malaya by becoming British Resident, Perak (1904–11); Florence Emily Sophia 13; Arthur 10; and Constance Alice 5. Of Birch’s two older brothers only one, a clergyman, was alive at this time, but he died four years later. (W. I. Sendall to CO, 8 Nov. 1875, CO273/82.)

5 Toward the end of 1873 questions were raised in the Straits Times about the granting of the opium farms at Singapore without calling for tenders. It was noted that the Attorney-General, Thomas Braddell, held a retainer from the successful farmers. The matter was raised in Parliament by Lord Stanley of Alderley in May the following year and a Singapore lawyer, J. S. Atchinson wrote a letter to The Times of London which was passed on to Lord Stanley unpublished. In it Atchinson charged Birch and other junior officials as well as Braddell with having ‘improper obligations’ to persons doing business with the