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BACKGROUND TO THE BRITISH FORWARD MOVEMENT IN MALAYA

For nearly half a century after the Anglo-Dutch treaty of 1824, which removed commercial rivalry between the British and the Dutch and defined their respective spheres of influence in the Malay Archipelago, the British followed a course of strict non-intervention in their relations with the Malay Peninsula. This was the period of the Liberal philosophy of *laissez-faire* which influenced not only Britain's foreign policy but also her domestic affairs. Liberals contended that an imperial expansion of territory must necessarily entangle England with the affairs of foreign states and that there would be complications and commitments from which she would never escape. British foreign policy had long been based on non-commitment, and Liberals urged that this policy should continue in the interests of Britain.\(^1\) Thus under the Liberal policy of free trade the Straits Settlements, particularly Singapore, progressed steadily and uneventfully. But from the 1860's and early 1870's there was a general forward movement by the Dutch in Indonesia and the French in Indo-China, a movement which was 'symptomatic of the new imperialist spirit which was beginning to be felt at the time'.\(^2\) Several forces were at work, both in South-East Asia and in Britain itself, to bring about a change in British foreign policy.

In Britain was growing the imperial idea which was the very antithesis of the Liberal doctrine of *laissez-faire*. It became a faith to believe wholeheartedly that it was the role of the British empire to lead the world in the arts
of civilization, to bring light to the dark places, to teach the true political method, to nourish and to protect the liberal tradition. It was to act as trustee for the weak, and bring arrogance low. It was to represent in itself the highest aims of human society. It was to command, and deserve, a status and prestige shared by no other. It was to captivate the imagination and hold fast the allegiance of the million by the propagation of peculiar myths—one among which was the figure of Queen Victoria herself... the idea of the Great White Queen. While encouraging and making profit from the spirit of adventure, it was nevertheless to promote the interests of peace and commerce. While it was to gain its greatest trophies in war, it was to find its main task in serving the ends of justice, law and order. It was an idea that moved, an idea that expanded, an idea that had to continue to move and to expand in order to retain its vitality and its virtue.

It was against this background of ideas in the home country that the British policy of non-intervention was reversed and British rule and the Pax Britannica were introduced into the Malay States.

French expansionist activity in Indo-China quickened the change in British policy towards the Malay States. These were the years of intense Anglo-French rivalry which more than once led the two countries to the brink of war. With Indo-China falling under French influence, it looked as if Siam too would suffer the same fate, and the Malay States would then be in a vulnerable position. The authorities in Singapore were fully aware of the commercial possibilities of the Malay peninsula and of the danger of France or Germany moving into the political vacuum in the Malay States before the British. There was also the danger from Siam, who exercised some vague suzerain rights over Trengganu, Kelantan and Kedah, and who, in 1873, was actually making overtures to Perak to go under her protection. Ultimately it was not Siam herself but the fall of that country under French aggression that was feared. British policy in the Malay States had this in common with that in Burma: it aimed at avoiding a common frontier with the French. If Siam was annexed by the French, then her Malay territories would automatically be taken by France. If this happened the stage would be set for a first class Anglo-French struggle for supremacy. This eventuality the British Government was anxious to avoid.
How much did these events influence the British in the decision to intervene in the Malay States? The answer is debatable, but undoubtedly one strong motive for a forward policy was the economic one. Capital accumulated in the Straits was looking for fresh and wider fields of investment, and the Straits for decades had had important trade connexions with the Malay States. Chinese enterprise in the tin mines in the Larut district of Perak and Kuala Lumpur was largely financed by Straits traders.

The immediate and most important cause for British intervention was the internal condition of the Malay States which, by all accounts, were in the final stages of decay and disintegration. Royal family quarrels, petty wars amongst minor chiefs, further complicated by clan warfare between rival Chinese groups in the tin mines, brought chaos to the country. The breakdown of law and order encouraged piracy in the Straits of Malacca. It became a menace not only to the commerce but also the peace of the Straits Settlements. But as late as 1872 the British Government made it quite clear that it was their policy not to interfere in the affairs of the Malay States except where it became necessary to suppress piracy or to punish any aggression upon British subjects and territories. In reply to a group of Straits traders appealing for the protection of their commercial interests in Selangor, the British Government warned the traders that if they chose to run the risk of placing their persons and property in the jeopardy that they were aware attended them in the unsettled conditions of the Malay States, it was 'impossible for the Government to be answerable for their protection or that of their property'.

Conditions in the Malay States, however, continued to deteriorate. Civil unrest in Sungei Ujong, Selangor and Perak was widespread. The war amongst the Chinese miners in Larut had spread to the Perak coast, and the British authorities in Penang were forced to deal with a case of piracy there. The situation demanded some positive action. From September 1873 the British policy of non-intervention was dramatically reversed. In a dispatch to the Governor-designate, Sir Andrew Clarke, the Secretary of State, Lord Kimberley, declared:

Her Majesty's Government have, it need hardly be said, no desire
to interfere in the internal affairs of the Malay States; but, looking to the long and intimate connection between them and the British Government... Her Majesty's Government find it incumbent to employ such influence as they possess with the native princes to rescue, if possible, these fertile and productive countries from the ruin which must befall them if the present disorders continue unchecked.

I have to request that you will carefully ascertain as far as you are able, the actual condition of affairs in each State, and that you will report to me whether there are, in your opinion, any steps which can properly be taken by the Colonial Government to promote the restoration of peace and order, and to secure protection to trade and commerce with the native territories. I should wish you specially to consider whether it would be advisable to appoint a British Officer to reside in any of these States. Such an appointment could, of course, only be made with the full consent of the Native Government and the expenses connected with it would have to be defrayed by the Government of the Straits Settlements.

This mandate for the Governor to intervene in the internal affairs of the Malay States was the turning point in the history of the country; it plunged Britain into a course of action which, although disastrous at first, proved eventually a triumph of the imperial ideal. The decision to intervene, however, was not followed by any detailed plans as to how a British Officer was to act. Although the Governor was expected to exercise his discretion, British Officers were placed in the Malay States to supervise and administer the Government without any specific instructions as to how they were to do it. Eventually the combination of personalities and circumstances produced something of a method of administration in the State of Perak which proved to be decisive in the evolution of the Residential system in Malaya.

THE DEVELOPMENT OF THE RESIDENTIAL SYSTEM

From the middle of the nineteenth century the rich tin fields of Larut in Perak had attracted large numbers of Chinese into the State. The sole concession rights and authority in this area had been delegated by the Sultan of Perak to a minor Malay chief, Che Long Jaffar, and later to the latter's son, Ngah
Ibrahim, who became known as the Mantri of Larut. The Mantri in time became rich and powerful and was one of the key figures in the struggle against British intervention. The Chinese miners, divided into two camps which were controlled by the rival Ghee Hin and Hai San secret societies, were in open conflict for the control of the tin fields in Larut from 1862 till the Pangkor Engagement in 1874. In the course of their struggle, in which the Mantri frequently changed sides, they became involved in local Malay politics and were, therefore, in part responsible for bringing about British intervention.

The death of the Sultan of Perak in 1871 touched off a dispute over the succession. By custom the Raja Muda, or heir-presumptive, was required, together with all the territorial chiefs, to attend the obsequies of the late Sultan, whose burial could not take place until a successor had been formally proclaimed. On this occasion Abdullah, the Raja Muda, for various reasons failed to turn up for the funeral. After waiting forty days with their late Sultan still unburied, the Perak chiefs lost patience and installed Ismail, the Raja Bendahara, who was a commoner with no immediate succession rights to the sultanate but who was supported by all the chiefs of Upper Perak. Thus Perak in 1873 presented the spectacle of a Sultan living in Upper Perak, the Pretender Abdullah in Lower Perak, and a third claimant, Raja Yusuf, whose unpopularity with the territorial chiefs twice cost him the right of succession.

Sir Harry Ord, the Governor of the Straits Settlements, not only recognized Ismail as Sultan but also in September 1873 confirmed Ngah Ibrahim as an independent ruler of Larut. This was specially galling to Abdullah who now saw that the whole weight of British support was thrown on the side of his rival Ismail and of the Mantri who was strongly backing up the ageing Ismail. As Abdullah was getting more impecunious, it was imperative that he should succeed to the sultanate which would give him an enlarged income, if not the actual control of the Larut tin fields. To enlist support for his cause he travelled, in November 1873, to Singapore where he called on a friend of his, a wealthy and influential Chinese merchant named Tan Kim Cheng, and Tan introduced Abdullah to W.H. Read, a member of the Legislative Council. Read was persuaded to take up Abdullah's case. Probably under the guidance of Tan and Read,
no evidence to show that Sir Andrew Clarke carefully ascertained the actual condition of affairs in the State of Perak before he acted. Since Lord Kimberley's instructions had stated that the appointment of a British officer 'could, of course, only be made with the full consent of the Native Government', Sir Andrew Clarke, in his determination to get a foothold in the Malay States, had to find the head of the Native Government; Abdullah was most willing to receive a British officer, but as he was not the de facto ruler, the obvious thing was to make him Sultan. The Governor was careful to see that his intervention in the affairs of Perak had the sanction of British law; it mattered nothing if British law was neither understood nor respected by the Malays. In the clause referring to 'advice' neither Sir William Jervois, who succeeded Clarke, nor J.W.W. Birch, the Resident, ever intended to follow the letter of the Engagement: advice by their interpretation meant control. The British at the time did not appear to have understood how intimately related were the Malays' religion and custom, their concept of justice, their system of taxation, their practice of holding land and slaves, for if they did, they were determined, at one stroke of the pen, to separate Mosque and State, so to speak. This failure to understand what was and was not part of Malay custom, and thus to make safeguards in the Engagement, was the root cause of all the trouble in Perak.

The British regarded one of their primary duties to be that of maintaining law and order, which meant British law and justice. Once they accepted this responsibility they were bound to come into conflict with Malay custom and law, and the test case was debt-slavery. Although the Minangkabau laws in the matriarchal states of the Negri Sembilan were relatively humane, the British found the criminal law in the patriarchal state of Perak 'a tissue of barbarities, inconsistencies and class favouritism, three of the most damning flaws in the administration of justice'. From a background of nineteenth-century Christian morality and the Liberal tradition, British administrators felt it their mission to deliver the Malays from the thraldom of anarchy and the oppression of misgovernment by their own rulers, and to introduce British law with its impartiality and comparative humanity. This attitude finds a parallel in European impressions of Africa which was seen as a country of 'complete and anarchic savagery'.
Such impressions, says Margery Perham, were responsible for fixing 'an uncritical and generalized attitude of superiority' towards Africans, an attitude which acted 'not only as a justification of European annexation and government...but as an excuse for the less defensible activities of imperialism'. This judgment, to some extent, holds true of the British in India and Malaya, but the truth of Winstedt's conclusions vis-a-vis Malay criminal law is incontestible. It was precisely because administrators like Hugh Low, Swettenham, Clifford and others were champions of the Malays that they so fervently worked to root out what they believed to be a cancer in their system: debt-slavery. In Perak, as in the other patriarchal Malay States, the common people had no civil rights of any kind; the feudal chiefs were free to grind the faces of the poor with indiscriminate taxation and a pernicious system of slavery. At a time when the English public conscience was revolted by missionary reports of slavery in Africa, the British in Malaya could not be expected to condone a local practice which degraded and demoralized the Malays. If their mission was to bring light into the dark places, they could not tolerate the 3,000 slaves and debt-bondsmen (roughly one-sixteenth of the entire Malay population) estimated to have been in existence in Perak in 1874.

The obligations of any power concerned with the protection of Malaya's brawling and lawless states were clear. Great Britain had to ensure peace and order and to build up communications that would consolidate isolated districts into homogeneous states. It had to contrive that rulers in theory constitutional should be so in practice. It had to enlarge the government to represent the rights and interests of immigrants who according to Muslim medieval theory had as pagans no rights at all. It had to arrange for public revenues to be spent for public welfare. It had to transfer administration from the hands of interested amateurs to the hands of disinterested specialists...

Subsequently when the Malay Rulers were convinced that their criminal law was outmoded and that their Muslim law of evidence was impracticable and a contradiction of the Malay acceptance of circumstantial evidence, they were 'glad to follow in the footsteps of Turkey and Egypt and to adopt the Indian Penal Code and a law of evidence that was a compromise between