
UNIVERSITI SAINS MALAYSIA

Peperiksaan Semester Pertama
Sidang Akademik 2005/2006

November 2005

HSM 313 – Dokumen-Dokumen Dalam Sejarah Malaysia I

Masa : 3 jam

Sila pastikan bahawa kertas peperiksaan ini mengandungi TIGA PULUH muka surat yang bercetak sebelum anda memulakan peperiksaan ini.

Jawab EMPAT soalan sahaja.

...2/-

1. "Ahli sejarah mementingkan dan lebih menggunakan dokumen-dokumen rasmi seperti surat, laporan, memoranda yang dikeluarkan oleh pihak kerajaan sebagai sumber bahan daripada lain jenis bahan sumber." Bincangkan.
2. Sejauh manakah "Life in the Malay Peninsula: As It Was and Is" (LAMPIRAN A) hasil ucapan Hugh Clifford menambahkan pengetahuan tentang masyarakat Melayu pada penghujung abad ke-19?
3. Perjanjian bertajuk "Engagement entered into by the chiefs of Perak at Pulo Pangkor", 20 January 1874" (LAMPIRAN B) atau "Pangkor Engagement" hanya mempunyai implikasi buruk bagi Tanah Melayu. Sejauh manakah anda bersetuju dengan pandangan ini?
4. Undang-undang "Order No. XXV, 1910: Sale of Rubber Tree Plantations" (LAMPIRAN C) dan surat peribadi "Rajah Charles Brooke to Harry Brooke. Chesterton, 5 March 1910" (LAMPIRAN D) mempamerkan dasar anti-getah kerajaan Brooke di Sarawak. Hubungkan dokumen-dokumen tersebut dengan pelaksanaan dasar ini.
5. Berdasarkan kepada "Peta: Perkembangan Sistem Keretapi Tanah Melayu, 1885-1935" (DOKUMEN E) kenalpasti penentu utama yang mempengaruhi corak dan pola sistem keretapi di Tanah Melayu. Nilai sumbangan sistem keretapi kepada kemajuan ekonomi Tanah Melayu pada zaman penjajahan British.
6. Tunku Abdul Rahman Putra al-Haj mengisahkan pengalamannya semasa zaman perang dan pendudukan Jepun dalam karya tulisan "The War Years" (LAMPIRAN F). Nilai sumbangan karya tersebut kepada sejarah Malaysia.
7. Tidak dinafikan bahawa dokumen bercorak surat-menyurat peribadi mempunyai kelemahan-kelemahan tertentu sebagai bahan sumber untuk penulisan sejarah. Namun demikian, surat-menyurat peribadi masih digunakan oleh ahli sejarah. Bahaskan.

...Lampiran A/-

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Life in the Malay Peninsula:
As it was and is

Hugh Clifford

20 June 1899

Chairman: Sir Cecil Clementi Smith

EIGHT years ago the late Sir William Maxwell read at a meeting of the Royal Colonial Institute a paper on "The Malay Peninsula: its Resources and Prospects."* Five years later another paper dealing with the same part of the world was read in this place by Sir Frank Swettenham, its subject being "British Rule in Malaya."† These two lectures cover together a great deal of ground, Sir William Maxwell having begun by tracing the history of British connection with the Malays from the days of the East India Company, and Sir Frank Swettenham having carried on the record up to the time of the Federation of the Protected States of the Peninsula which was successfully effected, mainly by his influence, three years ago. The Council of the Institute has now done me the honour to ask me to read a paper to you to-night, the theme of which is once again the Peninsula and its peoples and the record of the work which Great Britain has performed in that remote country since first interference with the old native *régime* was thrust upon us. In complying with the request of the Council I have found myself in the position of the feeble gleaner, who, following in the footsteps of the more sturdy reapers, gathers up such ears of grain as they have missed, or have passed over as of little worth. None the less, since it has been my lot during the past sixteen years to be brought into intimate contact with a Malayan State in all the stages of its evolution, from independence and misrule to protection, prosperity, and good government, and as, moreover, this is an experience which few have shared with me to quite the same extent, it has occurred to me that much of which I

**Proceedings Royal Colonial Institute*, vol. xxiii, p. 3.

†*ibid.*, vol. xxvii, p. 273.

have to tell may prove to be new to my hearers, and, further, may aid some to realise more fully the exact nature of the work which Great Britain is to-day carrying out in half-a-hundred obscure localities, with the aid of those who

Wait in heavy harness
On fluttered folk and wild,
Our new-caught, sullen peoples,
Half devil and half child.

In January 1887 I was sent by Sir Frederick Weld on a special mission to the Court of the Sultan of Pahang, who at that time was a native ruler absolutely independent of both Great Britain and of Siam. For some months I remained in Pahang carrying on the protracted negotiations which preceded the signing of the first treaty whereby the British Government was empowered to appoint a political agent to the Sultan's Court. After the treaty had been concluded my kind friend Sir Cecil Clementi Smith, who has done me the honour to take the chair to-night, retained me as his agent in Pahang until a Resident was appointed to aid the Sultan in the administration of his country during the last months of 1888. It was, therefore, my lot to live in a Malayan State under native rule for a period of nearly two years.

It will perhaps be conceded that this was an experience which is somewhat unusual, and that the opportunities which were thus given to me to study and observe native life and society in its natural conditions were such as very few other white men have had presented to them. But the peculiarity of my position was even greater than a narration of the above circumstances would lead you to suppose, for I was, for a variety of reasons, permitted to see native life as it exists when no white men are at hand to watch and take note of its peculiarities—native life naked and unashamed.

In all that follows I am speaking of things observed at first hand; of a native system of administration—if anything so fortuitous may be termed a "system"—into the every-day working of which I have been permitted to pry; of native institutions which I have seen in actual operation for extended periods of time; and of some phases of Oriental life which went on undisturbed around me, while I myself played among them an insignificant and unconsidered part.

The States, which I have known most intimately during the time of their independence are Pahang, which is now a portion of the

Federated Malay States, and Trengganu, and Kelantan, which are still independent. All these States are situated on the east coast of the Peninsula, and thus occupy one of the most sheltered and rarely-visited nooks still remaining in this age of restless exploration. Their geographical position accounts for their isolation, for not only do they lie in a locality far removed from any recognised trade route, but the north-east monsoon, which whips down the China Sea for four months in every year, is hedged in and straitened by the Philippines and Borneo on the one hand, and by the mainland of French Indo-China and Siam on the other, in such fashion that it breaks with all its fury upon the shores of the Malay Peninsula. When I first went to reside in Pahang twelve years ago all communication with the outside world ceased abruptly in October and was not resumed until March had come again. During those months no fishing-boats put out to sea; no junks came in from Singapore, China, or Siam; to me, living alone among the people of an alien race, the world seemed of a sudden to have become narrowed down to some 15,000 square miles of forest country, through which certain mighty rivers—our only highways—ran ceaselessly, monotonously past the scattered villages in which dwelt the sparse population of the land. The only events which occupied our thoughts were the trivial, yet to us vastly important, happenings which made up the politics of the remote and isolated kingdom in which we lived. The great world beyond our borders might in truth have been a portion of some other planet or a mere figment of my own imagination, as I was sometimes tempted to believe. An occasional whisper of unreliable news was borne to us, having been brought across the mountains of the main range of the Peninsula by the sweating villagers, who trudged on foot up the difficult ascents which were at that time the only means by which the hills could be crossed. But even such rumours as these, scraps of imperfectly-understood gossip heard in the bazaars by folk whose ignorance of all things was phenomenal, had to filter down stream to us at the Sultan's Court, a distance of more than 200 miles, being passed from man to man by word of mouth, and, as was natural, becoming so much altered in the process that by the time they reached us they retained as little of their original aspect as does the habit of a Cistersian monk after it has undergone the patching of more than half a century. All this isolation, this almost complete severance from the world without, had had its inevitable effects upon the rulers and the peoples of the Malayan States on the eastern seaboard of the Peninsula. The native

kingdoms situated upon the Straits of Malacca had all been more or less subjected to foreign influences from very early times, and in spite of the robust conservatism of the people some changes have been affected thereby in their natural condition. But the Malays as a race detest change. "Let our children die rather than our customs" is a familiar proverbial saying, and it expresses the popular sentiment in regard to innovation in a form which has in it but little of exaggeration. Thus the natives of the more remote States of the Peninsula adhered faithfully to their old manner of life with an extraordinary tenacity, and escaped even such measure of influence from without as had had its share in the forming of the peoples of the western seaboard. This is why a study of the organisation of a State on the east coast of the Peninsula reveals to us more completely the whole theory of Malayan government than any examination of the history of the States of Pêrak and Sêlângor can be supposed to do.

Students of European history may note with interest the slow evolution of existing systems of government in our various countries from beginnings which, speaking broadly, are singularly alike. Throughout the Europe of the Middle Ages the feudal system embodied the principal theory upon which all governments were based, and the history of the white nations is merely the record of the changes and developments effected in this system which, after many centuries, have resulted in the various methods of government which we find extant in the European countries of to-day. The feudal system, in some form or another, would appear to be one of the inevitable phases through which the government of every civilised country must pass in the process of its evolution from more primitive beginnings to methods of administration based upon wider, nobler conceptions of the duty of the State to those whom it rules yet serves; and an examination of the modern history of the Malayan States of which I am speaking, shows us with great distinctness that the Malays, in common with other more civilised folk, had worked out for themselves unaided a theory of government on feudal lines which bears a startling resemblance to the European models of a long-passed epoch. But here they had halted. To live in independent Malaya is to live in the Europe of the thirteenth century.

Thus in the Malayan States, as we found them when first we began to set about the task of moulding their history for ourselves, the Sultan was theoretically the owner of the whole country and everything that it contained, all others holding their possessions in

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fief from him, or from his vassals on his behalf. The country was divided up into a number of districts, each of which was held in fief from the Sultan by an Orang Bĕsar, or great Baron. The power which each of these men held in his own district was practically unlimited. Thus in Pahang a dozen years ago each of the great chiefs, of whom there were four, had the power of life and death over all the people residing in his territories. But the unwritten law or custom went further than this, for it defined the exact manner in which each of these chiefs must carry out the executions which he might order. Thus the Dato' Bandar, who owned the coast district, was empowered to inflict death by causing his victim to be stabbed with a *kris*, or dagger, through the hollow in the left shoulder above the collar-bone, and thence through the heart. The Orang Kĕya Pah-lĕwan of Chenor fastened his offenders to a tree, and caused spears to be thrown at them at short range until such time as death saw fit to end their sufferings. The Orang Kĕya of Tĕmĕrloh lashed his criminals to a ducking stool, and drowned them slowly, but with elaborate care. The Maharĕja Pĕrba of Jelai, the great chieftain who ruled over the interior of Pahang, executed his victims by cutting their heads from their shoulders with a sharp sword. The formalities which preceded this latter method of execution are of so curious a nature, and are withal so characteristic of the Malays, that I cannot refrain from sparing them a few words of description. The criminal was first approached by the executioner, who, taking his victim's hands between both of his and looking into his eyes, said simply "Maĕf!"—"Pardon!"—an expression equivalent to our phrase "Excuse me." To this the man about to die replied invariably "Ta' ĕpa!" which means "It does not signify!" He was then ordered to seat himself, and in some instances a bandage was bound over his eyes. The executioner then passed behind him and, after making obeisance to the presiding chief, began an elaborate sword-dance, every evolution in which was watched with the most critical interest by all the spectators. To and fro he danced, posturing, turning and wheeling, now skipping lightly to within a few feet of his victim, his sword poised above his head performing passes innumerable, now leaping back again to the other end of the open space allotted to him, to dance up once more to the miserable creature who sat so patiently awaiting the death which still held its hand so cruelly. If only one man was to be executed, the grisly dance would last for perhaps a quarter of an hour before the sword fell in one flashing swoop and sheared the head from the trunk. If there were many victims, more than an hour

might elapse between the time when the first and the last of the poor wretches yielded up the life that was in him, and in such cases the torture of uncertainty was horribly increased, for the executioner followed no order in the selection of his victims save that which his caprice dictated, and no man knew when his own turn would come, while his nerves were strained to a higher pitch of intense anguish by the sight and the sound of the still writhing bodies which floundered so aimlessly around him.

But to return to my subject, from which I have been led into a digression because this account of a Malay execution presented me with an opportunity of showing to those of my hearers who are unacquainted with the people something of the callousness to human suffering, and the inability to place oneself in others' shoes, which mark the methods of native administration, even when its officers are engaged in carrying out what they regard as an act of justice.

Under the four great chiefs, or barons, there were the chiefs of the Council of Eight. These men were related to the greater barons in precisely the same manner as the latter were related to their Sultan—that is to say, that they owed them fealty, and were bound to follow them in time of war.

Under the eight chiefs, each of whom had his sub-district, the boundaries of which were clearly defined by his letter of authority, were the chiefs of the Council of Sixteen—squires who owned a few clusters of villages, holding them in fief from one or another of the Council of Eight. Under them again were the Thirty-Two and the Sixty-Four, who existed more in theory than in reality, for no man in all the country knew its internal economy with sufficient intimacy to be able to name more than a few of them, and the little village headmen who claimed to belong to one Council or another were probably not sufficiently numerous to make up the required total of Ninety-Six.

Under the village headmen, the Ka-tĕa-an, or elders, as they were usually termed, were the free Raayat, or villagers. These men held land of their own, upon which their houses stood. They also had a traditional right to select such forest land from time to time as they might require for the planting of temporary crops, and most of them cherished some legendary claims to certain plots of uncultivated land which were supposed to have once been occupied by some of their ancestors, and were perennial sources of dispute and contention. All this land, however, was only in a sense the property of its owner. No man disputed the right of a villager to take up jungle and transform it

into arable ground; no man denied his right to sell it; no one questioned the right of his children to inherit it when his day was done; but the owner held no title for it, and if a stronger than he coveted it and elected to dispossess him he had no redress. He paid no rent for his land; he was under no obligations as to its cultivation; but, by an unwritten law, he was bound to follow his headman or his chief to the seat of war in the event of his presence being required; he was forced to pay a number of taxes, regular and irregular, such as we Europeans are wont to term "squeezes"; and he was further bound to give his labour to any of his superiors who might need it free of charge, and to follow his chief when he went to Court in order to swell the number of the mob of adherents which the noble's dignity found necessary for its support.

Beneath the free *raāyat* were the slave-debtors, concerning whom I shall have more to say hereafter, and below them again were the bought slaves and their descendants, who formed the lowest class of Malayan society.

Having now given you a broad idea of the theory of the organisation of a Malay State, I think that it may be both instructive and interesting to you to look behind the scenes and watch how matters worked out in actual practice.

In the first place, it must be fully realised that the Sultan was the main pivot upon which all things in his country turned. He was the source from which all blessing flowed; he was the person who held in his hand rewards and punishments; it was his whims—things often strange and unaccountable—which could make or mar a man. His lightest word brought death, swift and inevitable, which most often was not preceded by any such tedious formalities as a trial or examination of the accused. He was the principal trader, the richest man, the banker and advancer of capital to his people. He was also a law to himself, and whatsoever he might elect to do, those about him would be certain to approve with loud-mouthed cordiality such as princes love.

The training through which he had passed before he attained to the throne was of a kind which would most certainly ruin the strongest European character of which I have any experience. From the time that he was first suffered to set foot upon Mother Earth with little shoes of beaten gold upon his tiny brown feet—the which event was marked by feastings and public rejoicings—the young *rāja* found himself hedged about by sycophants and courtiers whose sole desire was to please him and to win his favour. Even in their daily speech

THE RULERS AND THE RULED

(all photographs courtesy Arkib Negara)



1a European planters

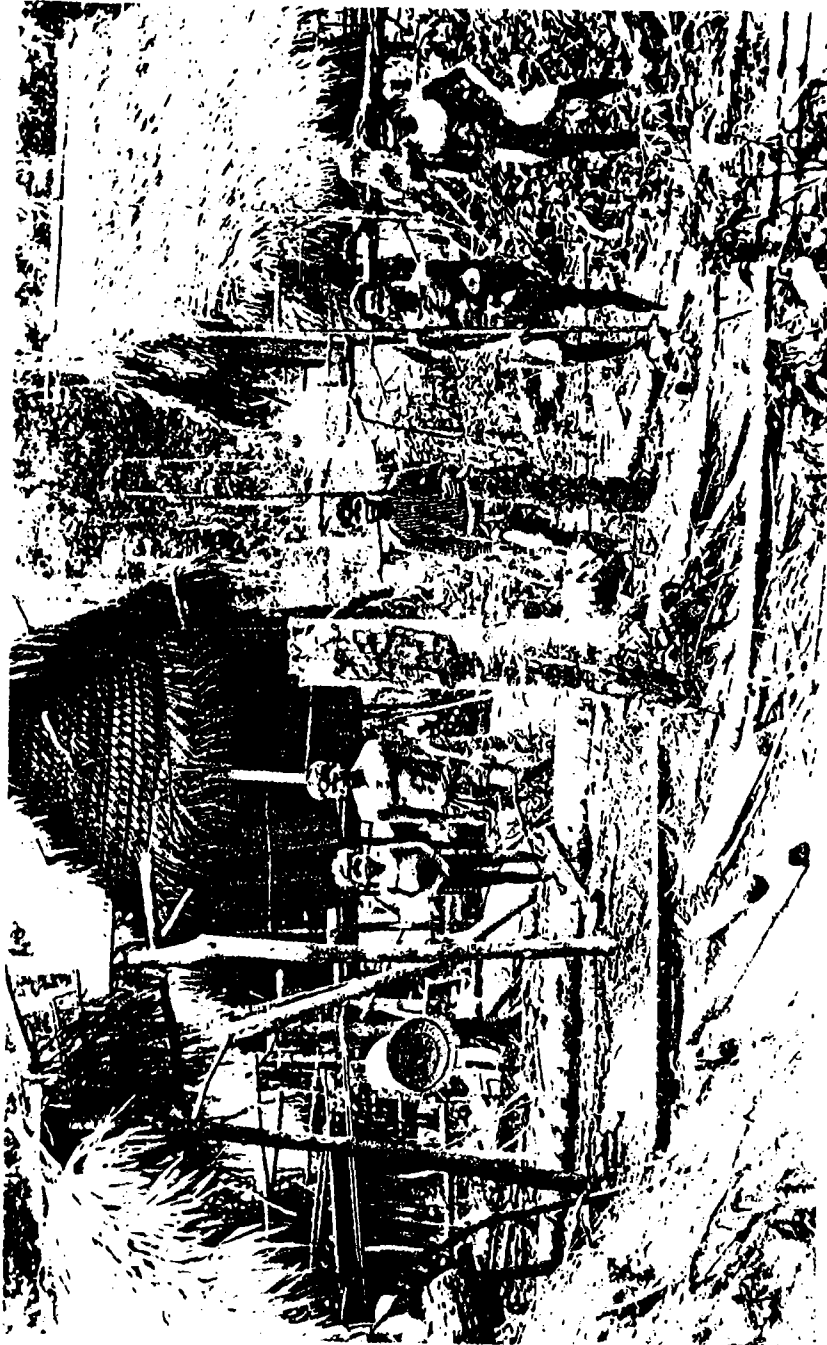


1b Tamil water-carriers

they did him homage. All who addressed him spoke of themselves humbly as his slaves; they termed him "Beneath the sandal's sole," to signify that that was the position which they and all the world occupied in relation to his tiny omnipotence; when they spoke of his sleep they used a special word, not to be applied to ordinary mortals, to denote the sublime nature of his baby slumbers; when they ate they told him that they "guzzled"; when he took his meals they spoke of them with reverence, saying that he made a refection. As he grew older the women who crammed the dirty little native Court vied with one another to lead the child astray; the youths flattered him, praising his poor skill in field sports, encouraging him in every act of brutality which he might be tempted to commit, and lauding him to the skies for his cruelty and injustice. Never in all his life did he see aught in the possession of another, were it inanimate object, beast of burden, or comely wife or daughter, but his followers urged him to seize it for his own. He was taught from his cradle that his whim, his lightest fancy, was more important than the whole life-happiness of any meaner soul; that his passions were one and all given to him to satisfy to the full, not to curb or restrain; that throughout he and no other person on all God's earth was worthy of consideration. Can there be room for wonder that with such an up-bringing the young *raja* developed into something not unlike a Nero?—a Nero whose capacity for harm was fortunately much straitened and limited, but none the less a pitiful Nero, squalid and insignificant, lacking even importance in the world's history to save him from oblivion, wanting even a love of art to weave a certain halo of romance about his vices and his cruelty.

The only check which was ever exercised upon a young *râja* during his early years was that applied by his father; but so long as the child did not come into direct opposition to his sire upon some matter connected with the latter's intimate pleasures, the royal parent was usually content to let the boy go his own way, and even smiled with indulgent pride at his precocious villainies. Also a *râja* of the old school knew so thoroughly how much his son's life and happiness might rest upon the fact that he was feared before he was loved, that in several instances which I might cite the youths of the royal stock were encouraged by their parents to take a life or two with their own hands, so that all men might go abroad in fear of them.

When a man, such as the system of education which I have described could not fail to produce, held the fate of a kingdom and of



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a people in the hollow of his hand, it may readily be imagined that life assumed aspects more unlovely than is common even under the most oppressive governments. The Sultan's jealousy of the power of his great barons, who alone could attempt to offer him defiance, led him to constantly intrigue against them, to set one or another of them fighting against his fellows until such time as, all being weakened by the conflict, the Sultan might step in and make his own terms with them. Thus a number of little civil wars were constantly raging, and the unfortunate peasants bore the brunt of them as of all the other heavy burdens of the distracted land.

Theoretically the Sultan was the supreme judge, and it was to his *balai*, or reception-hall, that all complaints were made, and there that all disputes were heard, and all judgments given. Some of the more vigorous of the old Sultans actually performed this duty; but for the most part the Malayan rulers were too supine and too callous to bother themselves about such affairs. Therefore the right to judge was generally deputed to more or less incompetent persons, most often selected from among the number of the royal favourites, the upstarts of no family, hated by the hereditary chiefs, by whom the Sultan was always surrounded. These posts, naturally, were much sought after, for in the hands of Asiatics the administration of justice, so called, is always made to be a fairly lucrative business. All who came to the judges brought gifts—which may be taken as being roughly equivalent to our fees of court—but here the resemblance to all our methods of administration ceased, for the bringer of a handsome present could usually obtain any judgment which he required without further question, his *ex parte* statement being accepted as sufficient grounds for immediate action, and the judgment, no matter how unjust, being upheld to the last, unless the other party in the suit put in an appearance and made reconsideration worth the judges' while for the sake of their well-loved money-bags. It would be easy for me to compile a long list of strange judgments which I have known given by native courts of justice, but a recital of such things would probably weary you, and I propose, therefore, to narrate only a few, which I would ask you to believe are taken at haphazard from my notes or my memory, and are by no means as awful or as ridiculous as others which I might cite.

I remember one case in which two native children, little naked brown things, aged respectively six and seven years, had a squabble in the street of a native town within a couple of hundred yards of the Sultan's palace. The dispute, I believe, concerned the decision of a

complicated case which had arisen in a game of marbles. They used their little tongues lustily, got hotter with their words, and at length came to blows. Neither of them was strong enough to inflict so much as a black eye upon the other, and some of their relatives, who chanced to be at hand, separated them, and thought no more about the matter. The incident, however, chanced to come to the ears of one of the local judges, and this worthy, without calling any of the people concerned before him, or making any inquiry, straightway sentenced a distant cousin of the younger boy to pay a fine of 250 dollars—a sum which at that time was equivalent to as many pounds, when the relative poverty of the natives was taken into consideration. I happened to be in the place at the time, though I was not officially connected with it, and I own that I was astonished at what seemed to me to be as charming a piece of perverse inconsequence as ever the fertile brain of a Gilbert or a Lewis Carrol could devise. Had the child no parents or nearer relations? I asked. Yes, I was informed, he had many nearer relatives. Then why had this distant cousin been selected for punishment? Well, he had recently made a considerable sum of money, it was reported, in a lucky trading speculation. But was that a crime? No, my informants replied, not really a crime, but it had marked him out as a person worth punishing. The child was declared to have been guilty of *lèse majesté* in that he had fought within a measurable distance of the royal precincts, and the opportunity for inflicting a fine upon his unfortunate cousin had been too good to be missed. The other child, having friends at Court, and no rich relative inviting profitable plundering, had been suffered to escape all penalty.

I remember another instance of a far more serious nature, in which the son of a chief having brutally murdered a peasant in cold blood, was allowed to come and go at Court after the deed as though nothing of any moment had happened, simply because the Sultan did not wish to irritate his father.

As late as last November, in an independent native State within twenty miles of our boundaries, a party of Borneo Dyaks brutally put a man to death in cold blood, after discussing his fate in their wretched victim's presence for more than an hour, because he had stolen some money from one of them, and though they took his head as a trophy, and bore it defiantly to the principal chief of the place, that worthy and excellent official did not consider the matter to be one of sufficient moment to warrant further inquiry.

As I have already said, I might multiply such instances of the

strange blindness of vision that habitually obstructs the sight of the Malay goddess of Justice, but sufficient has been said, I do not doubt, to show you that the misdeeds of the native magistrates are carried to lamentable lengths. In civil proceedings things are no better. One half of the debt sued for is claimed by most courts of requests, and that is the best that the suitor can hope for. If the man from whom he seeks to recover money be wealthy or powerful, far worse things than that are liable to befall the imprudent creditor; and cases are not few in which a man who was not content to submit to the loss of his property in peace and quietness has ended by being robbed of his life into the bargain.

The inefficiency and corruption which is noticeable among the magistrates of a Malayan State in those parts of the country which are not so remote as to be suffered by their rulers to jog on as best they may without even a semblance of administration, is found in every department of the Government, if anything so inchoate can be described as being divided into departments. The policing of the Sultan's capital and of the more populous portions of the country is conducted by means of a body of men who bear the generic name of the *Bûdak Râja*, or "King's Youths." These men are in effect the Sultan's bodyguard. They are drawn from the noble and well-to-do-classes, are sent to live at the Court while they are still very young, and are thus taught to inhale the poisonous atmosphere of the palace at a most impressionable age. They receive no regular pay, though the Sultan usually gives them a few dollars now and again when his caprice moves him to do so. They dress magnificently in brilliant coloured silks, with the delightful blendings of bright hues which the Malays love by instinct; they are armed with dagger, and sword, and spear, all beautifully kept and very handsome in appearance; and they pass most of their time in making love and in playing games of chance. Their duties are numerous, but by no means heavy. They follow at the heels of the Sultan when he takes his walks abroad to guard him from harm, and to give a finishing touch to his magnificence; they row his boat, hunt game, and snare turtle-doves in his company; join with enthusiasm in any sport which for the time the Sultan is pleased to favour, such as kite-flying or peg-top; carry the Sultan's messages, levy fines, murder those who have offended their master, seize property which he covets, abduct women, spy upon the chiefs; bring word to the Sultan of all that it behoves him to know, and never miss an opportunity of winning his favour by satisfying his desires. Men such as these, who from their youth are

taught to be unscrupulous, and to live expensively upon no settled income, quickly discover means whereby money may be obtained. When duty sends them into the more remote portions of the country they plunder the unhappy villagers without mercy. When dealing with the more sophisticated folk of the capital greater caution is needed; but by threatening to inform against those who have committed some crime, by declaring their intention of accusing wholly innocent people, and by other similar methods the King's Youths manage to obtain enough money to enable them to live in the style which they consider necessary for their comfort. You must remember that this rabble is the only force by which the country is policed; that its members are the only executive officers which the native administrations boast; that no man in authority desires to check their excesses so long as they do not injure him or his relatives; and that there is accordingly no redress for those whom they oppress. When anyone has committed an act which has aroused the anger of the Sultan, the word is passed to the Chief of the *Budak Raja*. The offender is sought out and stabbed to death, often in the public street, and no Malayan *raja* has to ask twice, "Will nobody rid me of this turbulent priest?" A few formal executions have been carried out within my experience in independent States, and have usually been accompanied by the most atrocious tortures; but far the greater number of lives are taken by the rulers of the land in the rough and ready manner which I have described above.

For the performance of executions and other acts of corporal punishment, one or more of the King's Youths are specially set apart. These men are called the *Per-tanda*, or executioners, and they are generally chosen for their great physical strength and for a callousness to human suffering which is unusual in so complete a degree even among the unimaginative Malays. The laws which are administered by the native courts, and are carried out by these men, are a strange medley of the legislation of Muhammad and of the Law of Custom, the traditional code of the Malays. By the Law of Muhammad many barbarities are permitted such as no European Government could countenance, but these are by no means repugnant to the Malays. Thus, for theft the prescribed punishment is the lopping off of a hand, and in *Kêlantán* to-day the execution of this sentence is a very frequent occurrence. A tale is told, I know not with how much truth, of a man of this State who lost first his left and next his right hand on account of his thievish propensities, and who yet made shift to steal with his prehensile toes, after which it was decided to put an

abrupt end to his career of crime by cutting off his head. In other parts of the Peninsula mutilation as a punishment for theft was less common, a fine being more often inflicted upon the relatives of the criminal, but in some instances the old customary penalty for theft was resorted to. The thief having been caught, and the stolen property having been recovered, the latter was bound about his neck. The criminal was next smeared with soot and turmeric, was placed astride upon a buffalo with his face to the beast's tail, and, with a dish-cover for a sun-shade, was paraded in derision through the streets of the native town by a crowd of the King's Youths, to the beating of gongs, his crime being publicly proclaimed at all the cross-roads. I have heard old men say that this punishment was far more dreaded by Malay thieves than fine or mutilation, and I can well believe that this was the case, for a fear of open shame and a fierce self-respect are two of the strongest feelings in the breast of the average Malay in his natural condition.

Murder was supposed to be punished either with death, or with the payment of *diat* or blood-money. But, as I have already said, circumstances altered everything, and in many cases murder might be done with complete impunity.

For the rest, the most usual crimes were those connected with women. The Sultan's palace held hundreds of girls, who were mostly mere menials, hewers of wood and drawers of water, but all of whom, as members of the Sultan's household, were not suffered to marry at will, and were jealously guarded. The Malay proverb says that "the cat and the roast, the tinder and the spark, and a man and a maid are ill to keep asunder," and since the King's Youths were mostly bachelors, and the young men of the whole State were drawn irresistibly to the capital, there was always trouble afoot by reason of the indiscretions of the palace women. Hundreds of lives must have been lost in the space of a few years on this account, and within my own knowledge the most blood-curdling and indescribable tortures have been meted out to those who sinned against the Sultan in this manner. The subject is not a savoury one, and I would wish to pass over it as lightly as possible; but no one can understand the atmosphere of a Malayan Court unless he realises the net-work of love intrigues in which great and small were eternally enmeshed. The wooing of the palace maidens was the most perilous of undertakings: a man who engaged in it carried his life in his hand; but this fact, strangely enough, far from deterring men and women from vice, appeared to give a double zest to their intrigues, and the more

punishment was inflicted, the more the evil seemed to flourish and increase.

Throughout the State in matters connected with betrothal, marriage, and divorce, the which touch all Muhammadans very closely, the Law of the Prophet was administered by the Kathis and priests; and on the whole these men did their work well, for many of them had the fear of God before their eyes, and they hesitated to tamper with His law even for the sake of worldly profit. They often meted out punishments with brutality; they often applied the law with a too narrow regard for its letter rather than for its spirit; but they acted for the most part, I am inclined to think, honestly, though they stood in far too great awe of the Sultan to dare to admonish him or even to preach against the most unholy of his practices.

I have referred on several occasions in this paper to the custom of fining people for offences real or imaginary, and I have also mentioned that the cross-eyed vision of Malayan justice sees nothing inconsequent in inflicting a money penalty upon wholly innocent persons for the crimes committed by their relations. In some cases, however, it occurred that a man was fined who had not the wherewithal to pay, and he then attempted to raise the required sum from some more wealthy person, selling himself into slavery in exchange for the ready money. Occasionally it occurred that no one was prepared to advance money upon such terms, and then the wretched man was usually condemned to confinement in the gaol-cages. Sometimes such condemnation was passed without the victim being given the option of a fine, and now and again a chief or noble would issue an order—a sort of *lettre de cachet*—for the incarceration of someone who had chanced to offend him.

In another place I have described with sufficient detail the horrors inseparable from these gaol-cages, and I will not enter into unnecessary particulars here.¹ I must, however, enable you to realise what such imprisonment entails in misery and suffering upon those who endure it, by telling you that the prisoners are thrust into cages which are just large enough to hold them, but not high enough for them to stand erect, nor long enough for them to fully extend their limbs; that there are no sanitary appliances of any kind whatsoever; that no one ever cleans out the cages, and this in the fierce heat of the tropics; and that often sufficient food to sustain life is not provided. Also, the men and women who are thus imprisoned have not even the comfort of looking forward to some certain date of release. When they are imprisoned no period during which their sufferings