

LAWYER IN THE WILDERNESS

by K. H. Digby



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by

K. H. Digby

with a Preface and Notes

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R. H. W. Reece

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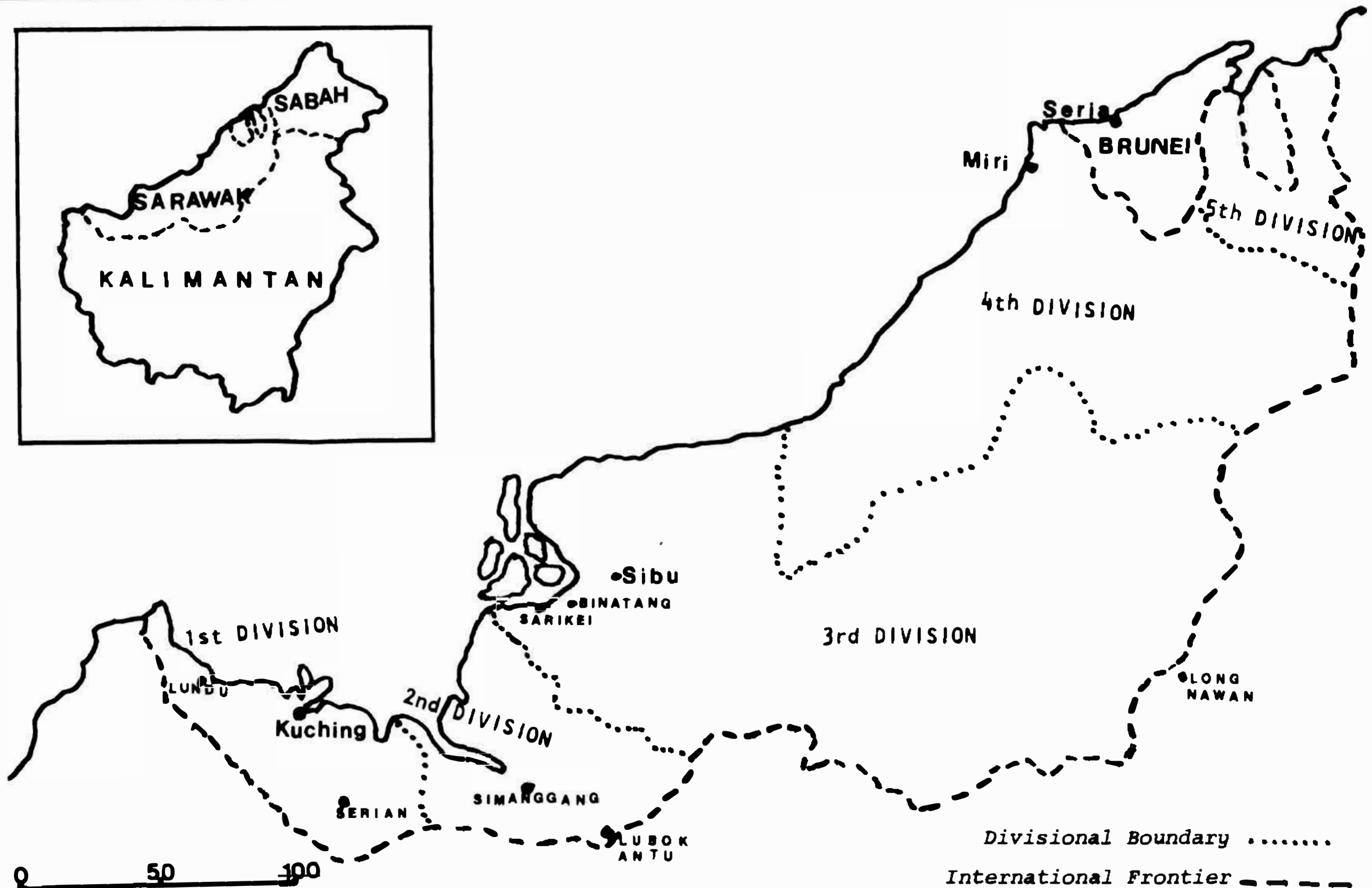
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Divisional Boundary
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SARAWAK

PREFACE

One of the ironies of Brooke history is that a great deal more is known about the first two "White Rajahs" and their rule than about the last. Vyner Brooke was an enigmatic figure who left little in the way of letters or journals to reflect his thinking. (Furthermore, most of the official records of the interwar period were destroyed during the Japanese occupation when an acute shortage of paper led to their use as wrappings in the Kuching bazaar.) Displaying little interest in the day-to-day business of government, Vyner allowed his senior officers to assume his powers. Thus it was that his Private Secretary, G. T. M. MacBryan, and his nephew, Anthony Brooke, ruled Sarawak for brief periods in the late 1920s and late 1930s respectively. And under the written constitution enacted on the centenary of Brooke rule in 1941, the Rajah virtually abdicated his authority in favour of a bureaucratic cabal known as the Committee of Administration.

Vyner must have been aware that his silence compared oddly with the prolific outpourings of James Brooke and the more sober and businesslike records of his own father, Charles Brooke. In his Foreword to Raneé Sylvia's *The Three White Rajahs* in 1939, he referred to his "hitherto unbroken rule not to appear in print":

I might be tempted to avail myself of this opportunity to give a dissertation on what I consider the proper method of 'Governing Natives', had I any settled convictions on the subject, but if forty years of administration have taught me anything, it is the danger of assuming that any hard-and-fast rules can be laid down and followed in this connection.

Brooke rule was essentially pragmatic and Vyner Brooke was the ultimate pragmatist, eschewing convictions of any kind beyond a belief in "live and let live."

The problem for the historian is that the reign of the third Rajah is poorly documented and only partly within the province of living testimony. And yet the period 1917-1941 was one of marked change for most of Sarawak's different ethnic communities. Largely due to the growth in rubber and pepper production by smallholders, Sarawak became increasingly involved in the world market and subject to its vagaries. It also came under increasing pressure from the Colonial Office to conform to "proper standards of administration."

This lacuna in the record of Brooke rule has been alleviated to some extent by the publication first of A. B. Ward's *Rajah's Servant** and now of K. H. Digby's *Lawyer in the Wilderness*. Ward had served under Charles Brooke and was appointed by him as the senior administrative officer. His resignation from the Sarawak Service in 1923 seems to have had something to do with his judgment of Vyner whom Charles had always regarded as irresponsible and superficial. Digby may have had his reservations about the third Rajah, but he was impressed by the genuine affection Vyner inspired among his subjects and officers--an attitude which contrasted with the awe in which Charles had been held. Detached from the issues of the day, Vyner could be seen, not as an irresponsible ruler but as one who had perfected the art of ruling by delegating most of his responsibilities.

* Cornell Southeast Asia Program Data Paper Number 61, November 1966.

Recruited in 1934 when conditions in Britain were forcing bright young men to look further afield for employment, Digby represented a new breed of university-educated officers who brought a level of professionalism to a service which had previously been the province of talented amateurs. And he arrived in Sarawak at a time when Brooke administration was undergoing a thorough re-examination by Cyril Le Gros Clark, the exceptionally able Secretary for Chinese Affairs who later became Chief Secretary. During the following years there was to be a bitter struggle between the bureaucratic centralizers of the Kuching Secretariat and the conservative Establishment of the Administrative Service--District Officers and Residents who believed that they were the custodians of Brooke rule.

Unlike Ward, Digby had a limited experience of "out-station" life, although his account of postings to Miri, Simanggang, and Serian provides some good insights into up-country conditions. His legal skills were soon appreciated by the Rajah and in 1940 he became Acting Legal Adviser to the government. This led to his being heavily involved in drafting the 1941 constitution, together with a supplementary treaty with the British government. Consequently he was well placed later to discuss such questions as the legal basis of the Raj and Sarawak's relations with Britain.

After his internment by the Japanese during the war and a brief recuperation in England, Digby returned to Sarawak to work for the new colonial administration. These were the years of the anti-cession campaign waged by the Sarawak Malay National Union, supported by Anthony Brooke who was refused permission to enter Sarawak in December 1946. Basing himself in Singapore, Anthony conducted a vigorous press campaign to repeal the cession, and Digby (who at that time was editing the government-controlled *Sarawak Gazette*) was given the task of preparing counter-blasts. At this stage Digby seems to have accepted the Rajah's view that Sarawak was "better off" under the Colonial Office, but by 1951 he had serious doubts. The organs of government had proliferated, "experts" flourished, and taxes increased without any notable advantages to the governed. Finally, the dispatch of Dayaks to Malaya to act as trackers and scouts against the Communist guerrillas brought him into conflict with the governor and no doubt resulted in the abolition of his post as puisne judge.

Although the autobiography was commenced on the home voyage, it bears few signs of bitterness or rancor. Digby's liberal-left views had made him a dangerous radical in the conservative hot-house of the Colonial Administrative Service and he must have found his position increasingly untenable.

Apart from its amusing and enlightening vignettes of Brooke rule and of life in the Batu Lintang internment camp, *Lawyer in the Wilderness* offers a valuable commentary on the problems of applying European legal principles and forms in traditional Southeast Asian societies. Brooke rule had always taken the line of least resistance to indigenous custom, except for such dangerous habits as head-hunting. Indeed, the Raj may well have owed its continued existence to the role of the Rajah and his officers as arbiters in disputes which had gone beyond the bounds of mutual settlement. Appeal to the arbitrary authority of a European official provided a safety valve, an opportunity to air grievances which was valued as much as the judgment itself. It may well be significant that the term for Brooke government in Sarawak was *perintah* (law and order) rather than *kerajaan* (the formal hierarchy of government).

This system, if it can be thus termed, was first challenged in 1928 with the appointment of Thomas Stirling Boyd, a crusty Scots barrister, as Judicial Commissioner--a move which was designed to placate a British government anxious to regularize the administration of justice in Sarawak.

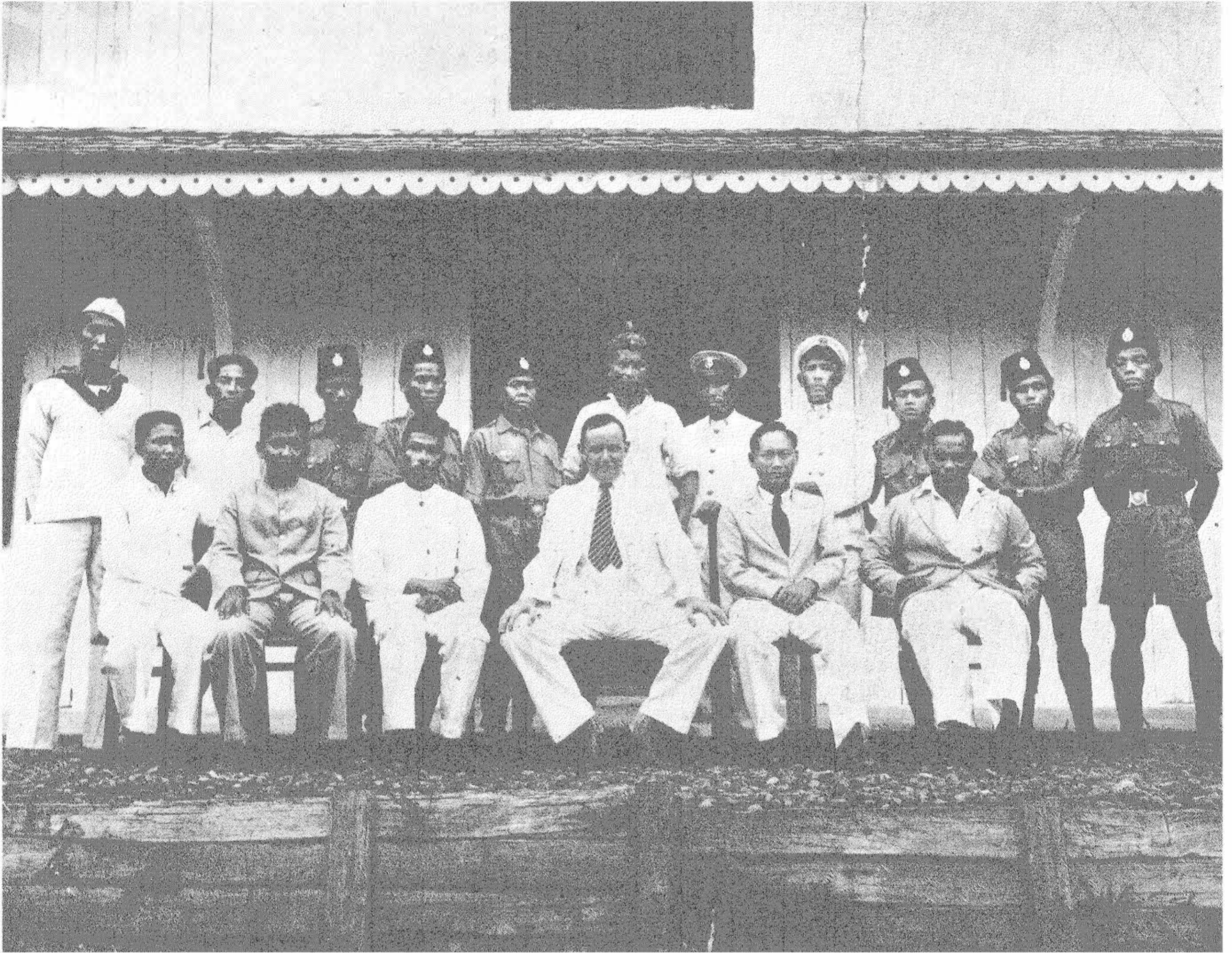
Boyd's work in codifying existing Sarawak law and adapting the Indian Penal Code and British law was appreciated by the officers of the Administrative Service, but they were infuriated by his determination to strengthen what he saw as the rule of law. This threatened the traditional informality of the District Officers' and Residents' Courts whose proceedings were seldom recorded in detail and whose decisions were seldom appealed to the Supreme Court. Lawyers had been effectively barred from practising in Sarawak and there was a strong distrust of legal forms. What Boyd saw as the "rule of caprice" was regarded by the out-station officers as a tried and tested method of preserving good order.

The increasing tension between the Kuching bureaucrats and the out-station officers over legal and other matters came to a head in early 1939 when Anthony Brooke, acting on his uncle's authority, forced the resignation of Boyd and other members of the Committee of Administration which had acted as the executive arm of government since 1934. And it was at this point that Anthony Brooke asserted what he regarded as traditional Brooke policy:

I should like to say that so long as I have any influence over the way the laws of Sarawak are to be applied I shall never recommend the application of those laws literally where I consider my own good judgment fits the circumstances better. . . .

Ultimately the question of legal administration could be reduced to the conflict between the "rule of man" and the "rule of law." Digby does not seem to have adopted a hard-and-fast position here. On the one hand he felt that British law was often absurdly inappropriate. On the other, he was not altogether happy about the discretion which the old system gave to individual officers. But he had no doubts about the status of the Sarawak judiciary under Colonial Office rule. From his own experience, he could confidently conclude that the much-vaunted "independence" of judges and civil servants only existed as long as their opinions conformed with "the broad outlines of foreign and imperial policy."

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K. H. DIGBY
with Office Staff and others
Serian
1937

FOREWORD

This brief tale of Sarawak, from the middle of 1934 to the end of 1951, was written in 1952 when events were comparatively fresh in memory. The present tense is used to describe the conditions which existed at the time of writing and must not be read as describing conditions today.

The period covered saw the decline and end of "Brooke rule," the trauma of the Japanese occupation, and the establishment of the authority of the Colonial Office. Much has changed since those days. Sarawak has become "independent" and a constituent part of the Federation of Malaysia. Issues which loomed large in their time, such as the restrictions on the sale of rubber and the disputes between factions in the internment camp, are long dead. Elections are held and many new buildings have transformed the principal towns. The "Serian Road," which once looked as if it would always terminate at the fortieth mile, has, I am told, now crossed the Sadong River and been extended through Simanggang and Sibuluan to the north of the country. A novel (*Lieutenant Takino* by Hugh Hickling) has been broadly based on the Long Nawang massacre.

On re-reading the manuscript after thirty years, I find that there is no statement of fact or expression of opinion which I would wish to change in substance, but some have lost whatever significance they once possessed. For example, the remarks on British imperialism and the role of the Colonial Service are now out of date and serve little purpose.

While I adhere to the views which I recorded in the first flush of my departure from Sarawak, I cannot look with the same equanimity on the language in which my views are expressed. There are too many sneers, too much hyperbole, and an excessive dependence on clichés. The persistent repetition of the first person singular may have been unavoidable by reason of the essentially personal nature of the memoir, but is nevertheless tedious.

With all its faults, this is a factual, although opinionated, account of events which occurred in a small corner of the world over a short period of time and which might otherwise be unrecorded.

K. H. Digby
Wellington, New Zealand
June 8, 1980

INTRODUCTION

Perhaps it is wrong to suggest that the attempt to impose British ideas of justice and legal procedure on the assorted Asian races who inhabit Sarawak has had more fantastic results in that territory than elsewhere in the dependent Empire. Primitive peoples face similar problems when taking what is good for them in whatever quarter of the globe they may dwell. If Sarawak has any claim to eccentricity, it must be attributed to the long tradition of suspicion of formal law, and distrust of lawyers, which characterized the rulers of that country in the days of "independence," and was in many instances deliberately fostered by their senior subordinates.

When I first arrived in Sarawak in 1934, the highest courts of first instance were the Residents' Courts. These were staffed entirely by laymen, but it was possible to appeal from their decisions to the Supreme Court, which was constituted by a barrister, whose title was at times "Judicial Commissioner" and at times "Chief Justice." He generally sat alone. Prior to 1928 the Supreme Court had been staffed by laymen, no qualified lawyer being employed by the Government in Sarawak at all. Beneath the Residents' Courts there was a hierarchy of subordinate courts, of which the most important, the District Court, was the backbone of the judicial system of the country, as indeed it is to-day. Inevitably the Chief Justice had little acquaintance with, or understanding of, the conditions prevailing outside the capital, Kuching, and this fact, combined with the lack of transport facilities throughout the State and the ignorance and illiteracy of the population, rendered his control over the Residents' Courts weaker than it might otherwise have been.

In addition to the courts which I have mentioned there was a system of "Native Courts," constituted by native headmen and administering native law and custom. In Sarawak law the word "native" has a technical meaning. It now signifies a British subject of any race which is considered to be indigenous to Sarawak. According to the Schedule to the Interpretation and General Clauses Ordinance there are twenty such races. It is true that some of these might be grouped together by a trained ethnologist, but it is equally true that most of them can be sub-divided into different sub-classes distinguished from one another by speech and custom. The law purports in sundry places to confer special rights on "natives" as distinct from "non-natives," most of the latter being Chinese. In practice, of course, the really privileged race is the European, but its members constitute only a small proportion of the community. The 1947 census classified the inhabitants of Sarawak as follows:

691 Europeans	42,195 Land Dayaks
97,469 Malays	29,867 Other Indigenous
35,560 Melanaus	145,158 Chinese
190,326 Sea Dayaks	5,119 Other Non-Indigenous Asiatics

Of these the Malays, Melanaus, Sea Dayaks, Land Dayaks, and Other Indigenous are "natives" whose customary laws are recognised as part of the law of Sarawak.

The jurisdiction of the Native Courts was based on established practice, no attempt being made to provide a statutory basis for these tribunals until 1940. A

general right of appeal to the District Court, and thence to the Resident's Court, and, for a really pertinacious litigant, the Supreme Court, was recognised, but in cases not originally decided by a Malay Native Officer the Petty Court, presided over by him, might hear the appeal in the first place. The customary laws were very undeveloped and unsophisticated. They were concerned largely with sexual and matrimonial matters, although they might in some instances include provisions controlling other activities of which the most important was *padi* farming. No clear distinction was drawn between civil and criminal matters, and most causes were part one and part the other. Fines were levied, and compensation to the injured party exacted, at one and the same trial for such offences as adultery, incest, and refusing to marry a girl who was pregnant by the accused, or as the purchase price for such relief as a divorce for which the petitioner could advance no satisfactory reason. Nowadays native customary law cannot be invoked in cases which fall within some provision of the general law. Thus the existence of the Penal Code excludes all serious criminal offences from the province of the Native Courts, with the single exception of incest, the law with respect to which differs widely as between the various native races.

The system which I have briefly described still exists today save that the Native Courts, as already mentioned, are now established by statute, and the superior courts have been thoroughly overhauled and reconstituted. In September 1948, two Circuit Courts were created to take the place of the five Residents' Courts, at least as far as all ordinary civil and criminal jurisdiction was concerned. Each of these was presided over by a single judge, who, however, was empowered to sit with the native chiefs whenever he saw fit so to do. The Circuit Courts were destined to have a short life, and in truth they were never intended to be anything more than a temporary solution. Together with the old Supreme Court of Sarawak they have recently been replaced by the new unified Supreme Court of British Borneo which extends its sway over the Colonies of Sarawak and North Borneo and the Protected State of Brunei.

Before the cession of Sarawak to the British Crown on July 1st, 1946, the theory of the rule of law was not so much ignored as regarded with varying degrees of hostility. One of the pre-war Residents used to quote with approval the alleged complaint of a thwarted Indian litigant in a Sarawak court. "*Apa macham ini negri? Ada justice tetapi tiada law.*" (What sort of a country is this? There's justice but no law.) Administrative officers were expected to use their discretion in applying the law in their Districts. There is undoubtedly a great deal to be said against the adoption of any universal code of law, applicable to all peoples in all areas, in a country which contains so many variations of race, language, culture, and economic development, but it is open to dispute whether the best way to meet this objection is not to promulgate different laws to suit different circumstances, rather than to lay down the law in general terms, leaving the extent and vigour of its application to the man charged with the duty of administering it.

The latter alternative brings a shudder to the conventional English lawyer, and in practice it is impossible to square it with English legal principles. Law loses its mandatory character and sets up instead as a signpost. It ceases to be an instrument of national policy and degenerates into a mere guide to local policy. The distinction between the law of the country and administrative instructions to departmental subordinates becomes so blurred that in time nobody but a trained lawyer can hope to trace it. Until very recently this sort of confusion had the result that it was a criminal offence in Sarawak either being a passenger in a launch, to put on a life-jacket back to front, or, being a clerk in the Land Office, to prepare certain documents otherwise than in black ink. It may be possible to build on this sort of foundation a judicial system in which the courts will administer

primitive conceptions of justice with adequate efficiency, although even this is doubtful because the safeguards provided by experience are either unknown or disregarded, but it is not possible, in such circumstances, to stick to English legal principles.

When we propose to flatter ourselves that "British Rule" has brought "British Justice" to dependent peoples, it is necessary to inquire whether we are going to refer to the British sense of justice or to the British system of justice. I do not think that any person with a close acquaintance with members of other races, and particularly with members of primitive races, can boast with reason that the British obviously possess a superior sense of justice. The British system of justice on the other hand, needs no defence from me, but its adaptability to the conditions and circumstances of other races is sometimes taken too much for granted. If it is an article for export then persons trained in its administration must be exported along with it. Once it is decided to impose it upon a dependent people it is essential that at least the highest court of first instance should be staffed by trained lawyers, that the magistracy should have some form of legal training and some inclination towards legal thought and analysis and that the rule of law should prevail.

Sarawak has thus, to some extent since the appointment of a qualified Chief Justice in 1928, but with an acceleration produced by the cession in 1946 and the creation of the post of Circuit Judge in 1948, been in the throes of a legal transition. This point was emphasised by a Malay friend of mine who came to consult me on some tricky matter shortly after the cession. "*Sekarang mesti jaga,*" he said, "*Sekarang ada law dalam ini negri.*" (Now one must look out; now there is law in this country.)

The lower courts however find it hard to adapt themselves to the new situation. At this stage it is not qualified magistrates that are required but full-time magistrates selected principally from those administrative officers who have shown an aptitude and liking for legal work. At the end of 1950 a barrister with substantial practical experience was appointed to the service as District Court Magistrate in Kuching but a year later he was promoted to the judicial bench. Subject to that solitary exception the lower courts have always been constituted by administrative officers, European and native, who have to fit their cases into gaps between performances of the manifold non-judicial duties appertaining to their offices. The standard of legal examinations which they are required to pass is inevitably much below that which ought to be required of trained magistrates. Furthermore, it cannot be denied that the man to whom the free and adventurous life of an administrative officer amongst a backward people naturally appeals is not usually a man who is prepared to submit himself to the mental discipline necessary for the due understanding and application of the law. There are of course exceptions, but on the whole the administrative officer may be expected to take a particular and largely unwarranted pride in his sense of justice but to deplore and even resist the application of the very system which is supposed to be one of our national glories.

Another reform which is long overdue is the making of some attempt to associate the common people, in particular the Chinese as distinct from the native aristocracy with the administration of justice. These Chinese, even those who are British subjects are excluded as a matter of practice though not of law from magisterial offices but this may be remedied to some extent in the near future. It should not be difficult to break down the racial barriers although some opposition may be expected from the less enlightened Malays. The major problem is more troublesome. The gulf which looms between the courts, on the one hand, and the

potential objects of their jurisdiction; on the other; is not peculiar to Sarawak. In some measure it must be a characteristic of all British territories; and it is not adequately bridged by the institution of a jury system based on a property qualification. It is suggested that consideration might be given to the possibility of constituting the lower courts by some form of popular election. This is, of course, a startling idea according to conventional British notions and no useful purpose would be served by attempting to work out the details here. It does appear to me to be essential that some step should be taken; however radical; to create the impression that the courts are the servants and not the masters of the public. It is orthodox to lay stress on the former relationship when discussing the place of the police and even important Government departments, in public life; but it is seldom pointed out that the same principle should apply to the judiciary. In that particular sphere the anachronistic theory that the first loyalty is owing to the Crown is more than usually pernicious. It stands in the way of a realistic and democratic approach to the principles which should control the execution of public duties.

Under the "constitution" of 1941¹ a member of the Supreme Council of Sarawak took the following oath on first appointment:

I swear that I will well and truly serve His Highness the Rajah and the people of Sarawak as a member of the Supreme Council; that I will faithfully and truly declare my Mind and Opinion according to my Heart and Conscience; that I will uphold and ever be guided by those principles of Brooke Rule set out in the preamble to the constitution of the State of Sarawak; and that in all things I shall be a true and faithful servant of His Highness the Rajah and of His Highness's people.

After the cession the ordinary oath of allegiance was substituted. This ran as follows:

I do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth; His Heirs and Successors; according to Law. So help me God.

The replacement of the former oath by the latter one appears to me to be typical of the dead hand which administers our Colonial Empire. It reveals an entire lack of imagination and a failure to appreciate the importance of emphasizing to the ruled that they must eventually become the rulers. It is an example of the handicaps with which the reformer; attempting to humanize the law and bring it into some conformity with the everyday needs and desires of the subject peoples, has to contend.

1. In September 1941; the centenary of Brooke rule; the Supreme Council enacted a formal constitution which substantially reduced the Rajah's prerogatives and established the Committee of Administration as the effective government of the state.

PART I

STATE OF SARAWAK

(1)

At Colombo, in the middle of July 1934, we received letters telling us of our immediate destinies. We were three young administrative cadets recently appointed to the service of the Government of the State of Sarawak, a country known to the outside world almost solely by reason of the fact that it was ruled by a White Rajah. Snelus who had come down from Cambridge the previous year and who had been called to the bar on the same day as myself less than a fortnight before we sailed, was to do duty in the capital, Kuching. Griffin, who had also come down from Cambridge the previous year but who had spent the intervening period rather more practically by working in a brewery, was to go to Simanggang, and I, the only Oxonian was to go to Miri the flourishing oilfield in the northeast corner of the State. On July 24th we parted at Pending, the anchorage five miles from Kuching. It was to be eighteen months before I saw Griffin again, and four years before I saw Snelus. That was and is, by no means an uncommon interval although the Sarawak Civil Service contained only about ninety Europeans. Those attached to the various departments would generally be stationed in one of the five Divisional headquarters and might meet each other fairly frequently. The paths of the administrative officers however might not cross for years at a stretch, but when they did it seemed as if they had parted only yesterday.

On the next morning I disembarked at Miri a place virtually owned and run by Sarawak Oilfields Limited a subsidiary of the Shell group. In those days the new oilfield at Seria, in the State of Brunei, was in its infancy, and was administered from Miri. Today the position has changed. Seria has developed enormously while Miri is drying up and the headquarters of the local industry have in consequence shifted from Sarawak to Brunei.

On the whole the oil company management and the six Europeans who were the principal representatives of the Government in Miri worked in fairly close cooperation. Tension was, of course, inevitable from time to time in a place where every shop and every piece of land except small portions reserved for the needs of the Government were held at the will of "the Company"; where the roads were made and maintained by "the Company"; where the European Club was owned and managed by "the Company"; and where "the Company" supplied much of the transport, most of the engineering skill, and all the cold storage. It is indeed surprising that quarrels were not more frequent. Their absence was due partly to the goodwill and good sense of the men responsible for running "the Company" at that time; and partly to the fact that "the Company" was well aware that it held a concession on ludicrously favourable terms that the Rajah was in theory at any rate an independent sovereign omnipotent in his own domain and that should he become exasperated by continual strife and purport to cancel the "rights" of "the Company," there might be little redress beyond an abortive question or two in the House of Commons. Some of the minor European employees of "the Company" openly resented the authority of the Government. In particular they objected to any

police control over the driving of "Company vehicles" on "Company roads," which were roads built by "the Company" but used by the public. Sometimes these arguments were conducted on such lines that they led to the logical conclusion that the police were impotent to take any action if they found one "Company man" cutting the throat of another "Company man" on "Company property."

Questions of precedence occasionally caused difficulty. It was generally acknowledged that the principal person in the place was the Resident, and that the second principal person was the General Manager. Thereafter doubts arose. When six of us went to dinner on a visiting Japanese battleship our party included one "Government wife" and one "Company wife." During the cocktails on the quarter-deck the Japanese admiral determined to seat his guests in accordance with the established European conventions, drew up his chair to mine and whispered hoarsely in my ear, "Tell me, tell me, which is my right hand woman?"

In those days the opprobrious epithet "bolshy" was used in Sarawak to denote a person who wished to see the Union Jack supplant the Sarawak flag and the State of Sarawak ceded to the Crown. "Bolshies" made offensive remarks concerning the efficiency of the Government, refused at public dinners to drink the toast of His Highness the Rajah before that of His Majesty the King, and otherwise conducted themselves in a manner more befitting a denizen of Singapore than a guest of an independent State. There were naturally a larger proportion of "bolshies" among the employees of the oil company than in the civil service. Nevertheless they were never wanting in respect to the Rajah during his rare visits to Miri. The heads of the various departments would be drawn up on the landing-stage, and each would be introduced to the Rajah by the General Manager. On one occasion the row included an American driller. He was stationed at about the sixth place in the line, and stood strictly to attention, staring in front of him while His Highness shook hands with the first five of his colleagues. When eventually the Rajah came opposite him, he started back in surprise, clasped his hand to his brow, and ejaculated: "Gawd Rajah! Gee, I always thort you were a blaak bairsted."

In these conditions I began my apprenticeship. My first jobs were signing vouchers and checking books. The tedium was relieved a little a few days after my arrival by the appearance of a displaced Austrian named Ruttner. He had been put in a Government house, and supplied with rations and two Sikh policemen to make sure that he stayed there. He contrived to escape one night by the simple expedient of making a din at the front of the house so that the two policemen rushed round there and then walking out of the back door. After an enormous row between the Resident and the European police officer Ruttner walked back next morning. He had several papers in German in his possession and I was allotted the task of translating these. They were for the most part of a left-wing political character but there was little to which even the most fervent imperialist could object. I reported that he appeared to be a Social-Democrat of a fairly mild brand, and received my first intimation of the ignorance of the great world outside, which at that time was so prevalent in Sarawak, when the Resident asked me what a Social-Democrat was.

I was not appointed a magistrate for three months, but the appointment was too early when it came, as all cases had to be heard in the Malay language and it was a long time before I became proficient in that tongue. I understood very little of the evidence in the first two or three dozen cases that I tried. Criminal cases were easy. I knew my numerals up to ten and, as the limit of my powers was six months imprisonment, it was a comparatively simple matter to seek, obtain, and act on the advice of the experienced Malay Native Officer who sat with me in court. When I first arrived in Miri I myself, in order to learn the job, sat in court with

the District Officer. The first case which I attended was the prosecution of a prison warder for allowing two convicts to escape. The principal witness was a Chinese who had seen the incident and was examined by the magistrate through the interpreter as follows:

"Where were you at the time?"

"In the wood."

"What were you doing?"

"Cutting firewood."

"Have you a licence?"

"No."

"Then you are fined ten dollars."

Needless to say this procedure was not authorized by law, but I was soon to learn that it amounted only to a comparatively minor irregularity according to the practice of the Sarawak courts. No real injustice was done, and, even green as I was from my call to the bar, I was more surprised than horrified.

The language question was and remained my chief difficulty. It was a considerable time before I could pass the prescribed examinations, but in the end all administrative cadets became fairly proficient in spite of themselves, because in a real Sarawak out-station the bulk of their conversation was carried out in Malay or in Sea Dayak. I think that the biggest linguistic howler, which I committed in those early days, arose out of my method of dealing with judgement summonses. Miri was full of small debtors who continually professed inability to pay the instalments required to satisfy judgements. I got into the habit of telling them to go away for a week to think the matter over and then come back to make their best offer. The Malay word for "day" is *hari* and the Malay word for "week" is *minggo*. Accordingly I jumped to the conclusion that *hari minggo* was an appropriate translation of "This day week." I discovered that in fact it meant "Sunday," when the District Officer and I happened to pass a queue of judgement debtors one sunny Sunday morning, and he not unnaturally stopped to inquire what they thought they were doing there at that unseasonable hour. In a kindly effort to cover my embarrassment he informed me that in his own days of inexperience he had perpetrated a worse blunder. Intending to require a gang of female prisoners to "weed here" (*berumput sini*) he had said "*berambut sini*," which means "copulate here."

If you were stationed at Miri you only saw "the real Sarawak" on rare visits to the sub-stations, Sibuti and Niah. I went to the former for the first time six weeks after my arrival. All the shops in the Sibuti bazaar had been burnt down and I was deputed to hold an inquiry. I bicycled for about twelve miles along the beach to a point where I was met by a guide with whom I walked inland for an hour and a half. All that I remember about my inquiry is that I informed the infuriated shop-keepers in my halting Malay that the person, who, by reason of his carelessness with a cigarette, had been responsible for the disaster, would not be prosecuted on this occasion but he would be prosecuted if he did it again. I am sure that I must have meant to say something more sensible than that but I cannot remember what it was. The bitter laughter of the victims still rings in my ears. On the next day my bicycle broke down half-way to Miri, and I walked the remaining distance on the sandy beach in the blazing mid-day sun. No doubt that produced a more cheerful laugh amongst the ruins of Sibuti.

Generally speaking, one's work in these sub-stations consisted of checking books and the cash, trying cases, and listening to complaints and representations. On one of my visits I had a glimpse of the trouble which the slowly-growing importance of the written law was causing to clerks brought up in the old free and easy tradition. An unmarried Malay girl was pregnant and her father was alleged to be responsible for her condition. This case was too serious for me to try. It was my duty to collect the papers, parties, and witnesses, and to take them back to Miri for trial in the District Court. The Sibuti clerk was busy attempting to frame the charge, and was searching for the appropriate section in the Penal Code. Incest between Malays was not in fact triable under the Penal Code but under Malay customary law. This did not, however, deter the clerk, who finally came to my table with eyes shining with success and said "This is right, isn't it, sir? Section 362, wrongful confinement in secret."

It was in Sibuti and Niah that I first met Dayaks in their natural state. At that time the last Dayak rebellion was petering out, and what had once been almost a civil war had become a series of sporadic police operations designed to effect the capture of approximately a dozen "outlaws," who still roamed the jungle. All Dayaks were required by a regulation of very dubious legality to obtain passes if they wished to travel from one District to another within Sarawak. I had met many of these wanderers in Miri and duly endorsed their passes. I remember in particular one who travelled with three children, whose names appeared in his pass as "Britten," "Empress," and "Wiski." No doubt if this had occurred in the year following the cession it would have been hailed as yet another demonstration of the Dayaks' intense affection for British rule. Nevertheless these names were not especially remarkable when compared with some of the names adopted by, or bestowed upon, Asians of all races when being received into the Christian religion. I have never really understood the popularity in Sarawak of such names as Aloysius and Ignatius, which, when connected with the patronymic by the Dayak word *anak*, meaning "child of," can sometimes produce a peculiar ring. Towards the end of my service in Sarawak a witness, called in my court, gave his name as Joshua anak John.

The Dayaks of the Niah and Sibuti rivers were less sophisticated in their nomenclature and their way of life. The only serious problem which they raised during my time in Miri was whether a Sibuti Dayak was liable to be fined for borrowing a human skull from a Niah Dayak without disclosing that he intended to use it in the final ceremonies of mourning for his deceased wife. My infrequent contacts with these people were a useful prelude to my first up-river trip. In January 1935, I was sent to Limbang, now the headquarters of the Fifth Division but then only part of the Fourth Division, in order to assist the District Officer there. Four Dayak long-houses had recently moved into the Limbang river from the Third Division, and I was directed to visit them, accompanied, I am glad to say, by an experienced Native Officer, in order to see that they were not making a nuisance of themselves to the local inhabitants, the Muruts, and Kelabits, and the Bisayas.

These up-river trips form a very important part of the work of a District Officer in Sarawak. They are the principal means whereby that close personal contact between the governors and the governed, which was the foundation of the system of "Brooke Rule," was established and maintained. In later years I was to make many more excursions of this kind, and no doubt this one sticks in my memory only

2. The last Dayak challenge to Brooke authority had begun in 1929 under former *penghulu* Asun from the upper Kanowit district of the Second Division.

because it was my first. We were away for a fortnight, sleeping and eating in the long-houses as is the invariable practice. For the first and only time in my life I sampled the Murut custom of communal drinking. A liquor made from fermented rice, known as arrack, tuak, and other names dependent on the particular race, is common, I think, to all the pagan peoples of Sarawak, although no doubt its ingredients, and method of preparation, vary a little from place to place and from tribe to tribe. The Muruts sit with their guest on the floor of the long-house round a large bowl of substantial depth containing the spirit. In the bowl is a straw through which the drink is imbibed by each member of the party in turn, and a stick, with a cork at the bottom end and a movable cross-piece, long enough to rest on the top of the bowl, higher up. Before each person commences to drink the cross-piece is adjusted to a place about one inch above the top of the bowl, or, if the guest is an inexperienced Government cadet, about two inches. The drinker is then in honour bound to continue sucking at the straw until the level of the liquor has sunk to such a point that the cross-piece is fixed firmly across the top of the bowl. In later days I would either have lowered the cross-piece to a suitable position before placing my lips to the straw or allowed my turn to pass from time to time. As it was, however, imbued, I suppose, with the dangerous theory that it was essential for the prestige of the ruling caste that the native should be shown that there was nothing he could do which a white man could not do better, I rashly accepted the challenge every time the bowl appeared before me, with the result that I made a drunken pig of myself on five consecutive evenings until I learnt better. I am entirely unable to say how these incidents affected my prestige in particular or the prestige of Europeans in general. On the whole I think that they were sufficiently prone to intoxication themselves to consider me a jolly good fellow.

It was during this trip that I first tried a case in a long-house under native customary law. Clad in a sarong I sat on a mat on the *ruai*, the long communal verandah, with the Native Officer and the *penghulu* (the Sea Dayak chief)³ on either side of me, and the hundred or so inhabitants of the long-house gathered around us. The case was concerned with a complaint of a married woman that a man had committed *butang rangkai* (literally "dry adultery") with her. Her story was that, during the absence of her husband, the accused had entered her mosquito-net, but had been virtuously and successfully repulsed by her before any damage had been done. The accused hotly denied this allegation. He admitted that he had formed the intention of having intercourse with the complainant and that he had entered her mosquito-net in pursuance of this intention. He denied, however, that he had been robbed of the fruits of his enterprise. On the contrary, he said, the woman had welcomed him and he had entirely achieved his purpose. This case had been brought only because the woman's husband had come to hear about the incident. The Sea Dayak fine for *butang* (adultery) was fifteen dollars, while for *butang rangkai* the fine was only twelve dollars. Gathering together all the shreds of my English legal training I informed the accused that, since his defence amounted to a confession of the completed offence and since every wilful act must include an attempt to commit the act, he could have no reasonable objection to being convicted in accordance with the complainant's allegations, and required to pay twelve dollars instead of the fifteen for which, according to his own story, he was really liable. I was surprised at the fuss which he made. I turned for enlightenment to the Native Officer, who explained to me that the accused did not mind paying the extra three dollars, but he did object very

3. The office of *penghulu*, introduced into Sarawak by the Brookes, had no basis in Dayak tradition.

strongly to the suggestion that, having made advances to the woman, he had been rejected by her. If this allegation received the stamp of truth from the court it might be a considerable time before the accused managed to live it down.

I gave it up and told the Native Officer that I would abide by his advice. He said that the best course would be to order the woman to appear in Limbang to swear solemnly to the truth of her assertions, and to fix so early a date for such appearance that she could not reasonably be expected to comply with the order. I thereupon told the complainant that if she wished to succeed in her case she must swear an oath in Limbang. She assented. I said that the oath must be taken within three days. She asked if she could accompany us in our launch. "No," said the Native Officer. "No," said I. The party broke up, and, as the Native Officer had foretold, for the first and almost the last time in my judicial experience everybody was satisfied with the result of the trial.

Towards the end of February 1935, I returned to Miri. Shortly after my arrival there it fell to my lot, in the temporary absence of the District Officer, to perform a civil marriage between two Indians. The prospective husband, with some such name as Govindasamy, was employed as a clerk in Seria by the oil company. The prospective bride, Naomal, hailed from some unpronounceable village in India. Strange though it may seem this was the first wedding which I had ever attended and I was naturally a little confused and embarrassed. Influenced, I suppose, by the fact that Seria is obviously a more appropriate name for a girl than Naomal, I misread the form in front of me by assuming that the names of the parties followed one another horizontally instead of vertically. Consequently I married the bridegroom to the town in which he lived instead of to his bride. It was as if a registrar in England had said, "I declare you a Horatio Pifflington, and you, Stow-in-the-Wold, man and wife together." The mistake was pointed out to me after the ceremony was over. The marriage certificate did not repeat the error and I hope that it has continued to sanctify a union no nearly marred at its birth by a blunder of officialdom.

One of my jobs was to act as a film censor. The Resident-appointed, but wholly extra-legal "board," consisted of three Government Europeans and three oil company Europeans. Every week one representative of each party sat together for two or three hours through a free preview. It always seemed to me that the approved policy was to let through the films which should have been banned and to ban the films which it was an education to see, and invariably to give the wrong reasons for the decisions arrived at. White men and women could be shown with impunity in cheap and tawdry surroundings behaving in a cheap and tawdry way, but on no account must a coloured man be shown getting one over them. After my colleague from the oil company and I had passed the film "Eskimo," and it was in the middle of its first public performance, the Resident turned round and asked me, "Does it end up all right from a moral point of view, or does the white man turn out to be all wrong?" After the showing he complained that it was "just the wrong way round."

There was only one cinema in Miri and that was run by a Chinese gentleman possessing the peculiar name of Yu Ford. At one stage the structure of the building was revealing defects, and the oil company forbade its employees to attend the performances until the repairs were completed. Yu Ford was continually persuading the District Officer to inform the management of the oil company that everything was all right now, and was continually being repulsed. One Saturday morning, just as the office was about to close he bustled in on his customary errand and sat down opposite the District Officer. The rest of us looked and listened expectantly. The D.O.'s patience was exhausted. "Look here, Yu Ford,"

he said, "if that roof falls down the Government is responsible for the safety of every person in the building, and it will fall down one day too." Yu Ford smiled blandly and soothingly replied: "Sure, sir. All men die; all roofs fall down."

Miri had one of the last recognized brothels in the British Empire. This survival was defended as essential for the needs of the hundreds of unmarried Chinese immigrants employed by the oil company. The girls each had an identity book and went to the company hospital to be medically examined once a week. If a girl was found to be diseased, she was detained in hospital and her identity book taken away from her, until she recovered. A year or so after I had left Miri this establishment had to be wound up, or at any rate it lost its official recognition. Immigration into Sarawak was controlled through a system of "immigrant landing permits," which were issued only on receipt of a "guarantee" that the holder would be repatriated at private expense should he look like becoming a charge on the State or otherwise misbehave himself. The name of the "guarantor" appeared on the permit. A new District Officer, with more honesty than sense, caused a rubber stamp to be manufactured bearing the legend, "Guaranteed by the Kwan Lok brothel." This was duly applied to the permits issued for all the new girls who were imported from time to time for the purposes of the establishment, and such a row was raised in Singapore, when the permits were produced there, that the whole scheme had to be hastily dropped and enterprising Miri forced back between the shafts with its eyes henceforth shielded by conventional British blinkers.

I was the secretary of the Miri regatta which took place in September 1935. A regatta in Sarawak consists of a large number of paddling races for boats containing six, fifteen, thirty, or even sixty men. Occasionally a race is included for such craft as Chinese barges, and, nowadays, outboards. There are prizes, totalizers, and sideshows, and the river bank and bazaar streets are gay with the bright clothes of many Eastern races. At Miri we rounded off the festivities with an open-air entertainment in the evening. This included a boxing contest between the ex-fly-weight champion of Singapore and a local worthy, an outsize Indian ferryman who was hopelessly outclassed, and various turns by school-children. Shortly before the day of the regatta I received a shock in the form of a letter from one of the Chinese headmasters which said, "Dear Sir, you will be delighted to hear that the name of our girls' dance has been changed from 'Leaping and Singing' to 'Hopping and Singing.'"

Miri was a very pleasant place for a young man. There was plenty of opportunity for cricket, soccer, hockey, and tennis, and the club boasted a magnificent open-air swimming-pool. Across the river was a nine-hole golf-course, where the Miri Rowing Club also had its headquarters. Some administrative officers never got tired of pointing out to me that Miri was not "the real Sarawak," and that short visits to Sibuti, Niah, and the Limbang river did not compensate me for the degrading effect of the flesh-pots. There was a horrible old saying that a man did not become "a real Sarawakian" until he had "had clap twice and been sick in his soup three times." That, of course, was a fantastic exaggeration of the attitude adopted by some of the older officers, but it cannot be disputed that that attitude, to a substantial degree, not only condoned but encouraged hard drinking and other minor vices, and, to some extent, despised the appearance in Sarawak of amenities imported from Europe. In particular, a bachelor officer was considered to be a little queer if he did not "keep" a native or Chinese mistress, but the critics were honest enough to admit that this omission was more excusable in Miri than in the lonelier out-stations. A cadet, on his first arrival in Kuching, was interviewed by a doctor, who gave him a lecture on "tropical hygiene" and presented him with a little box labelled "Outfit B," the contents of which were designed to protect the user against incurring venereal disease.

The general and not wholly unreasonable view of the senior officers was that cadets were nearly always too bumptious anyway, that a cadet with a university degree and a professional qualification could not help being almost insufferable, and that, when close association with the bright young sparks of the oil company was added to these shortcomings, the situation could no longer be decently endured. I am not suggesting that disputes occurred between my seniors and myself. On the contrary they helped me in every way, and were polite and friendly both in public and private, but I formed the opinion at the time that they thought that I was a great deal too big for my boots, and I confirmed this impression two years later, when employment in the Secretariat⁴ gave me the opportunity of scrutinizing my personal file.

I was by no means an isolated case. In my experience the same sort of complaint was levelled against practically every new cadet who arrived in the country. The position was a little different after the war, when new officers were being recruited from ex-majors and ex-captains who had already had most of their natural impudence washed off them in an even harder school, but when young men, almost straight from the universities and without any real experience of the world, are sent out from England to the unfamiliar environment of a tropical dependency, it is to be expected that they should feel an urge to exert their personalities to a greater extent than those personalities warrant, and it is equally to be expected that their seniors should resent such assertion.

Sarawak added to the normal dislike of exuberant youth an equally strong dislike of the newcomer as such. A Scotch friend of mine^e who had been employed in China for many years and joined the Sarawak Customs Department in his middle thirties, was keenly interested in association football, at which game he had formerly excelled. After he had been in Kuching for a few weeks the opportunity occurred of watching a local football match, and he eagerly took it. During the game he witnessed a manoeuvre which he regarded as very neat. He went so far as to clap his hands and say, "Well played! Well played!" immediately he felt a steely eye fall upon him. He turned and faced its owner who growled, "What the hell do you know about it? You've only been in the country a fortnight.^e"

Of the three of us who had arrived together in July 1934, Griffin probably proved the least offensive to the older generation. I had not been in Miri a month before a dreadful rumour began to circulate concerning Snelus. It was whispered that on his first night in Kuching a friend had taken him to the club for a game of billiards, and that this new cadet had so far forgotten himself as to whistle in the billiard-room. He was speedily whisked off to an out-station to learn better manners. On the whole it is surprising that I was allowed to spend fifteen months in Miri and Limbang. In October 1935, His Highness the Rajah paid us an official visit, and I think that he was informed, or that he concluded on his own initiative, that I had had more than enough of the place to be good for me. In November I was called to Kuching to undergo, thus belatedly, my initiation into the mysteries of "the real Sarawak.^e"

4. The Government Secretariat in Kuching was established by the first Chief Secretary, J. C. Moulton, in 1923 in an effort to centralize the system of administration.

(2)

Kuching was as surfeited with bureaucracy as Miri was with the oil industry. The younger civil servants did not like being stationed in the capital which in their opinion was too full of "brass-hats." I soon discovered that I was not to suffer from such proximity. Just before the slump, which hit America and Europe in 1929, had begun to affect Sarawak, the Government had embarked on the project of building a road from Kuching the headquarters of the First Division to Simanggang, the headquarters of the Second Division. This plan was inspired partly by a desire to improve communications in the country and partly by a desire to render more land available for Chinese settlers. By 1934 forty miles of the road had been completed. It came to a dead-stop at a place called Serian on the banks of the Sadong river. It did not appear likely that it would be possible to continue the road for some years to come, and it had not been continued by the time I left Sarawak in 1951, although plans had once more been set on foot to revive a new version of the original scheme.

The road had run from Kuching to the tenth mile for many years, and the surrounding land in that area had been alienated. In the early thirties a half-mile reserve was established on either side of the road, from the tenth to the fortieth mile. The Land Dayaks were compensated for their loss of farming rights and persons prepared to take up agricultural land at a nominal rent were granted titles to lots within the reserve. New bazaar sites were surveyed and delineated at three places along the road and plans were made to move the headquarters of the District from Simunjan, where there had once been a coal-mine to Serian. Then a difference of opinion arose in the higher ranks of the bureaucratic hierarchy. The old guard argued that the road was all a mistake roads were not needed in Sarawak at all, and it was time to abandon the project altogether. An influential section, on the other hand, considered that this would be not only a reactionary step but a fraud on the settlers who had been induced to take up land in the half-mile reserve. A "fact-finding commission" was obviously necessary. It was my job to count the persons resident in the half-mile reserve on either side of the road from the fortieth to the tenth miles, and to classify the acreage according to the crops planted, rice, rubber, pepper, bananas, coconuts, vegetables, coffee, etc.

It was told that the work would take about two months which proved in the event to be a slight overestimate, even allowing for a festive Christmas in Kuching. We went to Serian in a lorry, the forty-mile trip taking us over four hours. I moved my camp only four times during the census so that on occasions we had to walk a substantial distance along the road before commencing our work for the day, and a further distance back again at the end of it. My party consisted of myself, a surveyor-cum-interpreter, two Malay carriers, and the cook, who was the only one who did not come out on the daily round. I remember that I counted in all over 3,000 people. The result of my investigations was a decision that the road should be maintained. It was in a pretty bad state of repair during the days in which I was tramping its stony, be-puddled, and uneven surface, but it deteriorated still more later on. About a year after my report was submitted a large hole appeared in the road near the twenty-fourth mile and the owners of "mosquito buses" had to run a relay service. The Kuching buses deposited their passengers at the hole, the passengers duly jumped across, and then waited patiently on the other side for a bus from Serian. By 1950, however, it had become possible to drive a private car all the way from Kuching to Serian without facing the certainty of breaking a spring.

A few incidents of that census remain in my memory. There was a Land Dayak employee of a mission who, in response to my inquiry of how many teachers,

including himself were resident at the mission station exclaimed in shocked tones, "Oh, sir, I'm not a teacher; I'm an evangelist." There was the answer which the interpreter gave me on his own initiative and without interpreting my question when I attempted to ask a Chinese father, who reported six boys and no girls what he had done with his daughters: "Sold them; I bought one myself, but as I didn't really want it I gave it away to a policeman." Lastly there was the other Chinese father, who, strangely enough, reported five daughters, and then chased me across ten acres to inform me that since my departure from his house he had lined the girls up and re-counted them and now made the total six.

Unlike more formal, detailed, and national censuses taken officially in later days my little census was supported by no legal authority whatsoever other than the verbal order of the Rajah. I often wondered what would happen if somebody refused to answer my questions or threw me out of his house. Even nowadays, people are summoned to some Government offices without any legal sanction to support the practice, and duly appear, either because they are ignorant of the absence of authority or because they do not think it worth risking a conflict with those in the seats of power. They remember the *adat lama* (old custom) when a Government officer's word was only slightly less law than a pronouncement from the Rajah himself, and when an administrative officer, of even the most junior variety provided that he had sufficient self-confidence and indifference to legal forms, could make himself very unpleasant indeed to any intrepid Asian who ventured to thwart him, and not infrequently did so. That being the situation at the present time, there is no cause for surprise that my exercise in simple addition sixteen years ago passed off as quietly as it did. The utmost obstruction that I encountered was the locking of doors and sudden flight of a few families who had heard a rumour that someone was coming along to collect a road tax.

This work was, indeed, much less exacting than I had feared when I had first been told about it. We rose about 5.30 a.m. and at about 7 a.m. set off in the fresh morning air. We visited as far as I can remember about a dozen houses a day. In one we might be regaled with coconut-milk, in another with bananas, in another with sugar-cane and so on. Naturally few householders considered themselves under an obligation to give us food and drink, but this kind of generosity was sufficiently common to demonstrate to me, for the first time in my career the variety and quantity of the local produce. Rubber latex and pepper could hardly be prepared for our consumption, but on one occasion I had a cup of home-grown coffee. I think that I must have learned more about "the real Sarawak" during my six weeks on the so-called Simanggang Road than I did during my fifteen months in Miri.

There was, however, a lot of lost time to be made up, and my education progressed rapidly. I spent my last night of the census sleeping under the table in the office at the tenth mile police-station. The corporal in charge rang up the exchange and instructed the operators on no account to connect any call through to the tenth mile before dawn because there was a *tuan* sleeping underneath the telephone. Next morning I returned to Kuching, where I spent one week in hospital with a poisoned knee and another with malaria. On my recovery I was dispatched to Bau for the purpose of conducting an inquiry into the methods whereby the various gold-mining enterprises were financed. Bau is, next to Kuching the most important station in the First Division. The Bau District, which grew up and flourished on the gold-mining industry, includes about half-a-dozen substantial Chinese bazaars. In some ways it has been regarded as the principal centre of Chinese business in Sarawak, always excluding Kuching, but nowadays it had undoubtedly given place to Sibun the headquarters of the Third Division and probably to the growing towns of Sarikei and Binatang some hours down river from Sibun. The

gold-mines, which are almost entirely in the hands of the Chinese, are not what they were, but the district continues to wax prosperous, largely on overland trade with Indonesian Borneo. The job which I was given to do in Bau early in 1936 is of interest only in showing the difficulty of fitting the round pegs of Chinese business customs into the square holes of English legal principles.

Every Chinese business man has his "chop" in addition to his personal name, or, more often, personal names. He may be the sole proprietor of the "chop" or he may own it merely in partnership with others. In many ways the "chop" in Chinese eyes resembles the English "corporation." It is an entity separate and distinct from the individual personalities of its proprietors. When a "chop" is transferred, the assets of the firm, including the goodwill, the stock-in-trade, the firm name, and even the tenancy of the premises occupied by the firm, are assumed to be transferred along with it. (It should be understood, of course, that I am speaking only of Chinese business practices and ideas as they are manifested in Sarawak.) The result of this reverence for the "chop" is that no distinction is drawn between a legal corporation and an unincorporated association. The local Sarawak law, fashioned on the English company law of many decades ago, which requires every business partnership of more than twenty persons to be registered as an incorporated company, means little to the unanglicized Chinese. They are bewildered by the refusal of the courts to treat a "chop" as a corporate personality in its own right. The result is that many businesses are run with about half-a-dozen nominal partners, but possessing in reality a number of partners amounting to tens, and sometimes to hundreds. I am not clear whether this practice is an importation from China or whether it has grown up in order to circumvent the troublesome requirements of the law relating to registered companies. If the apparent breach of the law came to the notice of the authorities, and awkward questions began to be asked, it was blandly and innocently explained that those "shareholders," whose names did not appear amongst those of the nominal partners of the firm, did not hold shares in the firm at all. All that they had was shares in the shares of one of the nominal partners.

This practice was and is so widespread, that, during my last days in Kuching in 1951, I heard a case in which the manager of an incorporated Chinese bank testified that he did not know whether all the partners in the unincorporated predecessor of the bank had signed the material instrument of assignment. As far as he could remember, he said, there were many more partners in the firm than those whose signatures were appended to the deed, but he forgot who they were or what interests they held. This honesty naturally resulted in the bank failing on the issue which was based on the assignment, a very typical illustration of the troubles that arise when Chinese business men submit their customs to the arbitrament of English law.

The Bau gold-mining enterprises had perfected the practice, which I have described, to such an extent that the nominal partners in many of the concerns held "share certificates" specifying their own shares, and also other "share certificates," which they were at liberty to dispose of to such members of the public as would buy them, representing shares in their shares. The question arose whether these latter certificates amounted to an infringement of the law. It was my duty to detect and report their existence as far as I was able. It was well known that a great many of these certificates were in circulation, but extensive advertisement resulted in the production of two only. Firm after firm came to my office and assured me that their partners were those who appeared in the Register of Business Names. I was informed later that the word had gone out to all subsidiary and secondary shareholders that, if they produced their certificates to the youthful civil servant who was now nosing into affairs with which he had no legitimate

concern, they would be told that the certificates were valueless and they would lose them, which was true enough. If, on the other hand, they kept quiet and retained their certificates they would continue to be dealt with by the principal partners as fairly in the future as they had been in the past.

I gave it up, returned to Kuching, and wrote my report. Then I was informed that I was to relieve Griffin at Simanggang. This was an unpleasant surprise. After doing such important work at Miri, on the Simanggang Road, and at Bau, I was to be relegated to a job with which Griffin had been entrusted when he arrived as a new and green cadet, and without, mark you, legal qualifications, nearly eighteen months before. I have now no doubt that this blow to my self-esteem was very beneficial. At the time I felt that it was little more than a calculated insult, but I was mollified when I discovered in later years that such postings seemed to be made entirely capriciously according to the "exigencies of the service," which means without reference to an officer's merits or experience. Indeed it sometimes appeared that the principal motive behind the transfer of any officer was a determination that he should not remain in any District after he had got to know the people and understand their needs, and was beginning to prove himself as useful to the inhabitants as he was to the Government.

(3)

Accordingly I went to Simanggang, and I soon discovered that my months in Miri had placed me a long way behind Griffin and Snelus in capacity for the job which we had been appointed to do. My transfer to Simanggang had not been a degradation after all, but an indispensable first step in my training as an administrative officer in "the real Sarawak." Even the smattering of Malay which I had acquired was of little use to me, because in Simanggang the lingua franca was in effect Sea Dayak. For instance the Chinese in the bazaar spoke Sea Dayak in preference to Malay, and nearly all court cases were heard in the former language.

At that time the European population of Simanggang consisted of five bachelor civil servants, namely, the Resident, the District Officer, the Assistant Treasurer, the Superintendent of Lands and Surveys, and the cadet. I filled the last position. Theoretically I was supposed to assist the District Officer, but in practice I was in charge of the police, the prison, and the Government stores. Occasionally I sat in court, and, when the District Officer was absent from Simanggang, I occupied his chair, but my own office was in the old fort,⁵ which included the police-station, the prison, and the store, and I rarely emerged therefrom during office hours. I liked this job least of all the various posts in which I was employed during my fifteen years, more or less, of resident service in Sarawak. I have always been of a non-military turn of mind so that I was ill-equipped to command the smallest detachment of an armed constabulary. The police were primarily a semi-military body. They were taught little of court work or of criminal investigation, but they excelled at arms drill, marching, and saluting. I discovered that I was expected to attend their early morning parades and correct their errors, but, as I had long since forgotten the little I had learnt in the "Officers Training Corps" of my public school, I refrained from carrying out this duty. In my opinion the requirements of military discipline are inimical to police efficiency. One can seldom obtain intelligent initiative, or a sensible answer from a person who is first and foremost con-

5. Fort Alice, named after the wife of the second Rajah, had been built in 1864.

cerned with adopting and maintaining the correct position of his feet and hands. It was most unfortunate that previous military experience was considered an important qualification for the higher ranks of the force. An old story, often told in Sarawak, illustrates the principles on which the police were brought up.

Once upon a time a senior administrative officer had instructed his police sergeant to make a certain arrest. The latter returned without his quarry. He explained that the man had given a reasonable explanation of the alleged misdemeanour, and in the circumstances the sergeant had thought it better not to carry out his orders. It was emphasized to him, in language which he would not forget, that he was not paid to think; he was paid to do what he was told. Some weeks later a cholera epidemic broke out in the bazaar. When one member of the family was stricken down, all the other occupants of the shop-house took refuge with neighbours and left the victim to his fate. Ultimately old Chan Swee Tong, the headman, was afflicted with the disease. In accordance with precedent his friends and relatives deserted him, and three days passed. Then a little deputation wended its way up the hill to interview the senior administrative officer. Chan Swee Tong, they said, had contracted cholera. They had waited sufficient time for him to die and now requested that he be given a decent burial. The police sergeant was called up, directed to take six prisoners, collect Chan Swee Tong, convey him across the river, and bury him. The sergeant saluted and left. An hour later he returned.

"Well, did you bury old Chan?" inquired the senior administrative officer.

"Yes, we buried him all right," replied the sergeant, "but he fought like a devil going across the river."

I had no such extreme experience, but I sometimes felt, even more in Simanggang than elsewhere in Sarawak, that I was assisting in the performance of a Savoy operan. The District Officer attached great importance to the proper execution of guard duties. Every night an armed sentry was stationed outside the Government office, and I was supposed to pay him a clandestine visit two or three times a week. Fortunately he was almost invariably asleep, so that, after purloining his cap and his rifle as concrete evidence of his errors, one could retire to bed with one's nervous system unimpaired. Most of the police in Simanggang were Sea Dayaks, and, on the rare occasions on which the sentry happened to be awake, he would dash at the intruder with bloodcurdling yells, intended presumably to be a formal challenge, at what appeared to be the pace of a Derby winner, and with fixed bayonet stuck out in front of him in a most menacing and intimidating manner. In these circumstances there was nothing to do but to attempt to identify oneself by bawling "*Tuan! Tuan! Tuan!*" in petrified protest, and to retreat backwards at the double and tumble precipitately down the bank to the solace of a stiff whisky in the comparative safety of one's own abode.

Those who had been caught sleeping, either by myself or some other officer, were marched before me on the following afternoon, with all the formality and incomprehensible incantations of a military orderly-room, and usually fined two dollars. The work in Simanggang was not sufficient to employ three officers on whole-time duty, and I was sometimes hard put to it to keep myself occupied throughout the long office hours. I remember being very annoyed when I was rudely awakened from my afternoon snooze by the raucous voice of the Dayak inspector instructing one of our somnolent sentries to "left turn" in front of my desk, preparatory to being charged with the heinous offence of sleeping on his watch.

My house stood on the side of the hill, overlooking the river, just below the old fort. I was therefore placed in a specially favourable position to see that the

guard was properly changed at eight o'clock every morning. The "new guard" were paraded outside the fort marched down the hill across the road and up the hill on the other side to the Government offices, where they met the "old guard" and the handing-over ceremony took place. The hours of the day were published in Simanggang by a police officer in the old fort striking a large gong, but early in my service there I learnt that little reliance was to be placed on this time-piece. One morning my usually accurate watch recorded that it was six minutes past eight but I still had not heard the customary sounds of guard-changing. I began to take an intelligent interest and I soon heard very hasty words of command indeed. They were accompanied by the banging of rifles and the scurrying of feet and looking out of my window I saw the "new guard" trotting down the hill in hope-skip and jump fashion. Across the road and up the hill on the other side they went and again I heard hasty words of command rifle-banging, and feet-shuffling. Then a voice called from the old fort in Malay, "Are you ready?" "Ready," replied the corporal from the Government office. And thereupon the gong clanged eight times.

One of the most attractive things about Simanggang was the maintenance of an old tradition which sprang from the days when the only European officer in the station lived in the fort. The Residents were very insistent that this tradition should be observed and it was one of my duties to rebuke any policeman who defaulted in it, either by reason of forgetfulness or by a failure to repeat correctly the material words. When eight o'clock in the evening was struck on the gong the constable on duty in the fort was supposed to give a long bellow

"Ohr-hr-hr-hr-hr,"

and then call out this announcement in Sea Dayak at the top of his voice concluding his recital with a repetition of the bellow which preceded it.

"Pukul lapan udah bunyi; pintu udah tambat; tangga udah tarek; orang ari kampong enda tau niki agi."

This may be translated as follows:

"Eight o'clock has struck; the doors have been fastened; the steps have been taken up and men from the villages may not come up any more."

One of the main principles of "Brooke Rule" was that members of the public were entitled to direct access to any Government officer at any time. As far as the indigenous races were concerned this rule was not restricted to formal office hours. Dayaks for instance still invade the houses of administrative officers in the evening in order to discuss their affairs, including, if possible, their pending cases, and perhaps to obtain a free drink of arrack. At an early stage in Sarawak's history some authority in Simanggang hit upon the idea of enacting a compulsory closing hour at eight o'clock and this is the basis of the tradition which I have described. This rule is still adhered to in Simanggang, and it is common to hear the Resident or District Officer inform visiting Dayaks that it is now eight o'clock and time for them to repair to their lodgings in the bazaar. In many ways it is a pity that this arrangement was not extended years ago to other parts of the country. By guaranteeing to administrative officers and their wives at least some hours of freedom from intrusion, except, of course, in emergencies, it would have helped to maintain the principle of the right to personal access. The growing complexity of Government has inevitably resulted in the abrogation of this principle to a considerable extent, in the office as well as in the private residence. Its demise has been hastened since the war by the importation of departmental officers from Africa and elsewhere, who have no pride in the Brooke traditions, and no real interest in the people of the country with whom they are in any event.

unable to converse. In Simanggang and other out-stations, however, Dayaks and other natives know that they will still receive a welcome in the District Officer's house, in spite of the fact that he is now more likely to be married than he was in the days of the Rajah, and most of them sufficiently understand that any abuse of the privilege will accelerate its end.

It is a well-known military maxim that a good officer seriously concerns himself with the welfare of his men. I think that I left most of this side of the police work to the Dayak inspector, although no doubt I did my best to remedy any causes of complaint that he and his men might possess. I remember one matter which was too much for him. One morning, to the accompaniment of the usual incoherent military commands, one of the corporals was marched into my office, followed by a giggling Dayak girl. I recalled that a week or two before he had obtained permission to move into the married quarters, but, as far as I knew, had not yet acquired a wife. Now the inspector said, "Sire, this man has two wives and it is up to you to choose which one he shall keep." On my demanding, or at least pointing out, that I could make no such selection unless they were both before me for inspection, he continued to repeat, "It's up to you, sir, it's up to you." The girl before me had arrived that morning from the Anglican mission in Kuching and it appeared that she wished to marry the corporal. In confirmation of this assertion she suddenly produced from the depths of her bosom a bundle of letters, which she waved at me, and which I waved back at her.

The principal difficulty in the way was that the corporal was a "Christian" of the Roman Catholic brand, and a week before he had, so I was now informed, taken another Dayak lady to wife. Fortunately, he added, she had had a bad dream on the wedding night and had gone home to mother. An additional difficulty was occasioned by the fact that the only church in Simanggang espoused the Anglican variety of religion, and the corporal felt that a Roman Catholic ceremony was essential to the happiness of this, his second marriage, even though he had cheerfully entered wedlock the first time without any ceremony at all. All this led up to a request for a week's leave in Kuching so that the necessary rites might be performed. This was impossible as Simanggang's annual regatta was fast approaching, and the place would be filled with crowds necessitating the personal attendance of every member of the force. The girl had no friends in Simanggang, so that the only solution was to grant the corporal temporary permission to live in sin. I refused his request to put this in writing. A few months later, when I met the corporal in Kuching, he told me that this bride also had had a bad dream, so that once more he was a free man. Months later again, I found that she had in fact left the corporal in order to share the more comfortable life of one of my erstwhile Simanggang colleagues.

One day the District Officer thought that it would be a good idea to have a fire practice. There were about a dozen fire-extinguishers scattered throughout various Government buildings in Simanggang. I was told to ensure that the police and the inmates of the prison were present in force near the Government landing-stage, between the fort and the bazaar, at 11 a.m. The District Officer selected three extinguishers at random, and the prisoners were set the task of building a pyre. The District Officer then addressed the assembled throng, which now included a large number of curious spectators from the bazaar. He explained that this was to be a test case. He had no reason to believe that any of the extinguishers were faulty, but he thought it best to try out about a quarter of them in order to make sure that they had not lost their efficiency through disuse. Above all, it was important that all police officers should understand how to apply the extinguishers to the purpose for which they were designed, namely extinguishing a fire. He himself would strike the first blow, but he would play off his jet into the river, so

that the two police corporals, armed with an extinguisher each, would have the honour of actually putting out the fire, which by now was blazing merrily.

The District Officer played his part, and turned to the corporals. They struck their nobs on the ground and the jets streamed forth. Then suddenly somebody saw the squirrel. It raced across the ground and up the nearest tree.

"Hoi! Hoi! Hoi!" said all Chinese present.

"Hoo! Hoo! Hoo!" said the Dayaks.

"Wah! Wah! Wah!" said the Malays, and somewhere an English voice chimed in with "Tally-ho!"

Off went the corporals and their extinguishers after the squirrel. The jets raked the lower, and then the upper branches of the tree, and splashed among the leaves. The squirrel was safely in the trunk. The extinguishers petered out just at the moment when the fire behind us died a natural death. The District Officer snorted and turned away. As officer-in-charge of stores it was now my job to obtain refills for the three exhausted extinguishers, but it turned out that the price was too high for our finances and nobody considered it worthwhile to incur the risk of getting involved in the tedious correspondence which would certainly have followed an application for a supplementary vote.

I divided my time almost equally between the police, on the one hand, and the prisoners on the other. I was supposed to turn out the prison gangs every morning, which meant rising at about 5 a.m., and standing about while the Head Warder gave his subordinates their orders for the day. It always struck me as an entirely futile duty designed merely to cause the maximum discomfort to luxury-loving cadets. Nevertheless I brought myself to do it about once a fortnight. We had about forty prisoners in Simanggang, whose crimes ranged from murder to failure to pay a Native Court fine. One or two were employed within the gaol, but all the others who were not sick worked outside. A few had individual jobs, such as working as gardeners for European officers, but the majority worked in gangs of which we usually ran two or three. At least one gang, and often two, was employed on cutting the grass on the golf-course behind the Residency which was used sporadically by three of the Europeans but by nobody else at all. I often wondered what would have happened if any of the denizens of the bazaar had considered that it might be a nice place for an evening walk.

My favourite prisoner was Benito Sosa, a Filipino who was about half-way through a ten-year sentence which was a commutation of the death penalty imposed on him for murdering a constabulary sergeant, who had been misconducting himself with Mrs. Benito Sosa, by thrusting the stem of an ordinary tobacco pipe through one of his eyes. Benito was a skilled musician, who, prior to his misfortune, had played some instrument or other in the Constabulary Band. His official prison appointment was that of green-keeper on the golf-course, but he was seldom to be found on the job when I made my daily round of the gangs. Faint, melodious sounds from the direction of the Resident's stables would denote that Benito had once again rigged up a violin from a piece of wood and a few strands of wire and was now sitting on a box beside the ponies entirely lost in his own musical dreams. He would grin cheerfully when reproached for his inattention to duty and return temporarily to his greens.

On the whole, prisoners in the old State of Sarawak had as reasonable a life as could be expected, so long as that is to say as they managed to escape the attention of those officers who had a fondness for exercising the powers of flagellation with which the law, until 1939, unfortunately endowed them. It was by no means

uncommon to hear an ex-convict boast of having "worked for the Government" for the number of years composed by his sentence. Shortly before I arrived in Simanggang a prisoner who had escaped had been brought back to the gaol by his mother. I had two cases of prisoners refusing to leave gaol and both were connected with the only two female convicts who were incarcerated there while I was in charge. In the first case a married Chinese woman and an unmarried Chinese man had been imprisoned for six months for "adultery." Doubts existed and continued to exist in 1951, whether the material law was apt to punish a bachelor or spinster correspondent as well as an erring spouse. The Resident belonged to the negative school of thought and quashed the man's conviction in the exercise of his revisionary powers. I informed the prisoner of his freedom but he resolutely refused to leave his beloved to the mercy of the Sikh warders. So long as she remained in gaol he would remain, he said. I finally induced him to depart by making arrangements for him to have a room in the bazaar during the remainder of the woman's sentence and promised that he could visit her every day and have every facility for making a complaint to me if he found this to be necessary.

In the second case a Sea Dayak woman had been sentenced to three months' imprisonment for failing to pay a Native Court fine. Every day she requested permission to visit the bazaar and every day this request was refused. At that time prisoners were released at five o'clock in the evening. The day for this lady's departure duly arrived, and I signed her discharge certificate shortly before leaving the office. Next morning the Head Warder reported that she was still in gaol. She had returned about a couple of hours after her release and explained that, as she had now satisfied her desire to visit the shops she was ready to be locked up again. When the Head Warder demurred she pointed out that she had nowhere else to go, and that after three months the prison had become a home to her, provided that she was permitted the small amount of liberty which she required. I have forgotten how we settled that one but I am pretty sure that she did not spend another night in gaol.

In the evenings in Simanggang we visited each other's houses. The senior officers insisted on entertaining their colleagues more often than was permitted to the juniors, but the cadet could usually reckon on having to provide two bottles of whisky at least once a week. I enjoyed those evenings immensely, although I do not suppose that the conversation ever reached a particularly high level. The most amusing moment that I can recall occurred on a night when the drinks were on me. Two officers from Dutch Borneo were expected to arrive at Simanggang on the following day, the Resident of Sintang and the Gezaghebber of Semitau. It had been arranged that they should be met at the border by the District Officer of Lobok Antu, the station furthest up-river from Simanggang. After spending a night there he was to bring them to Simanggang on the following morning. At about 7.30 p.m., when we were all gathered convivially in my house the telephone rang. The Resident said that that must be Moore, the District Officer of Lobok Antu, and he picked up the receiver. Then we heard his end of the conversation which commenced as follows:

"Hullo, Moore, get back all right? Good. Now I know they are sitting at your elbow and I don't want to embarrass you but I must find out something about them before they arrive Yes, I see. Then, I will frame my questions so that they can be answered 'yes' or 'no.' Understand? Yes, I don't want anything else from you or they may realise what I'm asking Yes. Very well, here goes! First question: are they black or white?"

That Simanggang life was interspersed with two up-river trips, a visit to Miri as a member of the Kuching cricket team, a pleasant relaxation which in view of



KUCHING TEAM RETURNING FROM MIRI MATCH

1936

Extreme L: Edric Selous (p. 24); 6th from L: H. P. K. Jacks (the only member of the Long Nawang "advance party" to get through; p. 48). The author is 2nd from R.

the importance of maintaining cordial relations between the Government Europeans and the oil company Europeans did not count as "leave"; and ten weeks "casual leave" of which four were spent in Japan and the remainder on the way there and back. Almost exactly a year elapsed between my arrival in Simanggang and my departure, so that I had only about nine months' resident service there. It had been an interesting experience; the work had been tedious but not arduous, and I had had little opportunity to improve my knowledge of the administration of the law. I had tried a few minor cases including one of trespass by pigs belonging to two Dayaks which had been opened by the white ex-soldier son-in-law of the proprietor of the land informing me that: "Pigs belonging to these two men came a 'ollerin' across Mr. 'Owell's garden on twenty four eleven thirty six inst." I had served as an assessor in a murder trial at Betong, another District in the Division and I had been in charge of the investigation into another murder at that place. The principal interest of the first case was that the accused a Sea Dayak named Jeti had escaped a few days before the date fixed for his trial, and had been recaptured while the Resident (who was ex-officio the judge) and I were on our way to Betong for the regatta which had been thoughtfully fixed for the following day. The prisoner had been handcuffed and tied to a post in Betong fort with a guard of twelve men, three of whom were on duty with rifles and fixed bayonets at any one time. Nevertheless he had managed to get away only to be caught by Dayaks a few days later. Shortly after his escape one of the erring policemen was discovered retarding the office clock in order to establish that he had not been on duty at the material time.

The Betong police force knowing that most of them were destined for transfer and some of them for gaol, treated the Resident with enormous respect and saluted him at every opportunity. During the regatta we went to the bar and ordered a beer each. The sentry on duty nearby presented arms smartly, but propped his rifle against the wall and hastened off when the prisoner in charge of the drinks shouted out in Malay: "Hey! policeman! The beer's finished. Go and fetch some more."

The second murder case which I have mentioned was remarkable only because when everything was ready for the trial of the man whom we had arrested the Resident refused to hear the case on the grounds that there was not enough evidence on which to convict. Accordingly after a few more months in gaol, where he was kept in case something more turned up by accident our prisoner was quietly released.

I think that my most interesting legal experience in Simanggang resulted from one of my up-river trips. By customary right but without the backing of statutory authority, the Residents exercised a power of making "local orders," which resembled the bye-laws of urban district councils in their scope and effect. The precise extent and limits of this power were matters of considerable doubt, but the practice was widespread and acknowledged in the out-stations although perhaps sniffed at in Kuching. A "local order" in Simanggang prohibited hawkers who traded by boat from staying longer than a specified number of days at any particular landing-stage. The purpose of this law was partly to prevent the boats developing into floating shops by effluxion of time and partly for the protection of the hawkers themselves who too often fell victims to murderous attacks by Dayak debtors. On one of my up-river trips I discovered a boat which, in view of the very low state of the water, must have long out-stayed the legal period at the landing-stage to which it was tied. I mentioned the matter casually in the report which I compiled on my return and a week or two later the court clerk informed me that there was a case for me to try. To my amazement I found that the District Officer had signed a summons, returnable in my court calling the boat-hawker in question to appear

for trial on a charge of infringing the "local order." I went into court and the accused pleaded "not guilty." As there was no prosecutor and no witness for the prosecution present I had no option but to acquit him. The District Officer complained to the Resident, who sent for the case docket and wrote the following note across it addressed to me: "This seems a pretty poor effort. Can't you do better than this?" I replied suitably and a three-cornered exchange of minutes went on for several days. Although we were all attempting to write in the English tongue we were in effect talking in different languages and the controversy thus ended with us as widely apart as it had begun.

In February 1937, a telegram arrived stating that I was urgently required for duty in the Secretariat at Kuching. I was to proceed to Lingga forthwith where a Government launch would collect me on the following morning. Now Lingga is about one and a half hours by launch from the mouth of the Batang Lupar river and Simanggang is a further three and a half hours up-river. At midnight I set off, with a suitcase containing my immediate personal needs in a boat manned by six paddlers the District Officer promising to send the rest of my baggage at the first opportunity. As dawn was breaking we reached Lingga but no boat was there. That evening local fishermen reported that a Government launch had attempted three times to emerge from the Sarawak river on which Kuching stands but had been foiled by the rough sea. At the best of times Lingga is but a dreary place built on a mud flat. It is particularly dreary when one had to spend days and nights there without any work to do, any bedding, provisions, drinks, or reading matter. After three nights the seas abated the launch duly arrived and I continued my voyage. On arrival at Kuching I naturally discovered that my haste had been entirely unnecessary and that the Government would have been no nearer collapse if I had taken a leisurely fortnight over my journey.

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In those days the two most impressive personalities amongst the Europeans in Sarawak were Nigel Hughes and Edric Selous, both of whom I was destined to see a good deal of during the ensuing months. Hughes had begun his working life as a midshipman in the navy. I forget the exact order of his other jobs but he had been in succession a clerk in London, a planter in Malaya and a reporter in Fleet Street, before joining the Sarawak Civil Service in 1929 at the age of 22. He had managed to pack a variety of experiences into his scarcity of years and he was much more of a man of the world than the average officer of his seniority. Within a short time his outstanding administrative abilities had been recognized and when I first met him in 1937 he had already been, in effect, running the Government for a number of years. His substantive title was "Assistant Government Secretary," but in addition he was Editor of the Sarawak Gazette, a semi-official monthly publication, and A.D.C. to the Rajah. He lived extravagantly and was thought to be uncomfortable whenever he was not deeply in debt, but he certainly had few opportunities for revealing such discomfort. He was in short a very sophisticated, alive, witty, able, popular and charming young man who contrived to get all the best out of life. On the outbreak of war he was appointed Secretary for Defence but at the end of 1939 he determined to return home to rejoin the navy. He died in England of, I believe, pneumonia superimposed on malaria, soon after he arrived there.

Edric Selous had a more incisive and bitter wit than Hughes but none of the latter's wide experience of the world. He, too, had been appointed to the service

in 1929, but he had come straight from school at the age of 19. Shortly after his arrival he had been selected to undergo a course of training as a specialist on the Chinese and he spent two years in China before resuming duty in Sarawak. After one or two out-station appointments he became Secretary for Chinese Affairs at the age of 26. He had an astonishing flair for languages and at one period set himself the task of learning a new Chinese dialect every year. This flair became particularly noticeable a long time later in internment when he could be heard conversing fluently with fellow-internees in French and Dutch, and where he learnt sufficient Japanese to be a far more efficient interpreter than those officially attached to the camp in an astonishingly short space of time. Opinions differed as to whether or not he was popular with the Chinese but he certainly regarded himself as their protector. Without ever wholly losing sight of the fact that he was a civil servant, he spent far more time representing the views of the Chinese to the Government than representing the views of the Government to the Chinese. His pet hatreds were the men he called "the three A's," who were the three senior Residents, all of whose surnames began with that letter and with whom he was continually locked in conflict. He also conducted what appeared to be a ceaseless war with the police authorities, over whom he was almost invariably victorious, because, whenever the argument went finally before the higher powers his facts were found to be correct while the police version was usually garbled, as a result of misinformation and incompetence rather than of malice. In view of the position which he held he became a special target for the Japanese during the occupation and the third occasion on which he was taken out of the internment camp under arrest in March 1945 a few days before the first Allied air-raid over Kuching, proved to be too much for him, and he committed suicide.

The Sarawak Government Secretariat was run in 1937 by two Europeans, one Malay clerk, three Chinese clerks, and three office boys. Nowadays it is staffed by seven or eight European men, three or four European women, two or three Asian members of the Senior Service, and at least two dozen clerks. I do not know whether it has been necessary to increase the establishment of office boys pro rata. The efficiency of Government has not noticeably increased although the volume of correspondence with the Colonial Office undoubtedly has.

The Council Negeri which became the legislative assembly of Sarawak under the 1941 constitution was then a purely formal body of European and Asian civil servants, who met together once in every three years for a session the sole business of which was to listen to a speech by the Rajah. The Council was due to meet in April 1937 and Hughes was so busy writing the royal address, and making arrangements for the lodging and entertainment of the members that I had been summoned to Kuching to take over the bulk of his routine work. It was of course, an entirely new job and it took me some weeks to learn the rudiments of it. Fortunately the four clerks in the Secretariat possessed an intelligence and capability far beyond anything I had previously experienced in Sarawak. Two of them, Kho Soon Ewe and Chin Shin Sen, are now Principal Assistant Secretaries and members of the Senior Service, but Chen Boon Chiap is dead and Taha bin Haji Baki has left the service. Kho Soon Ewe in particular was my friend and mentor. He had a perfect command of English and seemed to know exactly how a letter should be written to a wide variety of official persons and bodies. He could distinguish nicely between the appropriate terms in which to couch epistles to the Governor of Singapore, the Resident of the Fourth Division, the Government Agent in London, and an impudent American philatelist. After the Council Negeri meeting in April, Hughes left Kuching on "casual leave," a large part of which he spent in typically enterprising fashion by taking an overland journey on foot and by boat across Sarawak and Dutch Borneo. From then on, until his return and my depar-

ture, I was in nominal as well as effective charge, subject only to the directions of the Chief Secretary, which was the new title conferred on the Government Secretary

This latter period began inauspiciously. It was the Chief Secretary's practice to visit the club after the offices closed for the week-end at mid-day on Saturday. He lived on the other side of the river and had no car of his own, so that it was his assistant's duty to telephone for a taxi punctually at 11.30 a.m. On my first Saturday a shabby and broken-down vehicle arrived for us, but I did not really notice how deplorable its condition was until the Chief Secretary entered it, remarking tearfully, "They would never have dared to do this to me if Nigel had been here."

Probably the most important impression which I carried away from my six months in the Secretariat was the extent to which the Rajah had surrendered control of public affairs to senior civil servants. He was sixty-two years of age and he had served in the country since he was twenty-three. He was, I think, tired of the job, which was not unnatural. His gradual retirement from personal responsibility was destined to be a major influence on the events of the next ten years, and was the root of the controversy which surrounded the cession of the country in 1946. In the old days, when the Rajah had departed for a holiday in England, his younger brother, the Tuan Muda,⁶ administered the Government in his absence. It was a misfortune that ill-health necessitated the abandonment of this practice. A permanent civil servant has too big a personal interest at stake to be safely entrusted with the making of decisions on high policy. In 1937 the Rajah left for England after the Council Negri meeting, and when discussions on revised conditions of pay, leave, and pension for the European members of the civil service, were just beginning. I had an inside view of these discussions and a close personal acquaintance with the explanatory correspondence which was conducted with the Rajah. It was a subject which particularly required his personal direction but he appeared impotent to intervene. Impotence, however, was by no means a characteristic of the Rajah's when he met an issue which he deemed worthy of his active attention. Then, old though he was and bored though he may have been, he could arise magnificently in his wrath and majesty, to the great confusion of those who had banked too confidently on his apparent lack of interest in the affairs of state. In all my years of service in independent Sarawak I met only one Government officer who had not a great deal of respect and some affection for His Highness, and he spent less than three years in the country during which he neither inspired confidence nor exhibited capacity.

One of the jobs which I inherited temporarily from Hughes was the editorship of the *Sarawak Gazette*. This was a monthly journal of a unique character. It was printed and published under Government auspices and the final proofs had to pass the blue pencil of the Chief Secretary. Nevertheless the editor was allowed much latitude, and he had no need to serve as a mouth-piece of official policy further than he was inclined. Certain subjects were naturally barred to him. He could not indulge in "politics," which means, all over the Empire, that he could not disclose left-wing sympathies although he could be as reactionary as he liked so long as he did not actually inspire nausea. Fortunately the more reactionary-minded were not usually literate enough to be entrusted with the editorship. On the rare

6. In 1912, the second Rajah, Charles Brooke, gave his younger son, Bertram, the title of Tuan Muda. When Vyner Brooke succeeded his father as third Rajah, he shared the administration with Bertram who retained the title of Tuan Muda. Each took a turn of about six months in Sarawak and spent the remaining time in England.

occasions on which exceptions to this rule appeared the *Gazette* was usually filled with gossip, sometimes in doubtful taste concerning individuals, jottings from the race-course, a review of events at the club, and so on. It would not have done for the *Gazette* to have embarked on a discussion about the merits of the various religious factions in the country, and the editor could not reasonably expect to be allowed to give vent to any strong criticism of official policy, although on occasions comment was surprisingly free.

Subject to the limitations which I have mentioned the contents and general tone of the *Gazette* depended on the idiosyncrasies of the editor for the time being. Hughes was the most enterprising, original, and industrious editor that the *Gazette* has ever had, and I was content to follow in his footsteps as closely as I could during the three months in which I stood in his shoes. His last written instructions to me were: "Slighting references to the deity, Mr. Baldwin and Harry Roy⁷ are to be avoided." After the cession of Sarawak I had a longer and more interesting period in the editorial chair, when I was entrusted with the resuscitation of the *Gazette* following the Japanese occupation. I thus obtained practically a clean slate and I had a chance of running the journal according to my own ideas and inventing new features, but all that is another story.

Before I went to the Secretariat I had experienced the hostility of the out-stations to "Kuching". During my six months in the Secretariat I found out a good deal about the hostility of "Kuching" to the out-stations. There was much mutual and unnecessary bitterness. The real trouble was the usual one in such circumstances; each half of the world was ignorant of the way of life of the other half. I have no doubt at all that service at headquarters is a most beneficial lesson for any administrative officer. Purged of my acquired hatred of the centre of government I resumed my acquaintance with life in the raw. On the return of Hughes from leave I was posted to Serian, my first "District," where I was to spend the remainder of my service as an administrative officer.

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In August 1937, I arrived at Serian, where I had commenced the census nearly two years before. The road was now in a better condition and it took me only an hour and a half to get out by taxi as opposed to the four hours by lorry which I had endured on the previous occasion. A new bazaar had been built at Serian, which had become the headquarters of the District, formerly known as the Sadong District from the name of the river which ran from south to north through the centre of it. Even nowadays the District is geographically one of the largest in the country, although since my time there a slice of it has been carved off and included in the Kuching District. The District was bounded in the south by Dutch, now Indonesian, Borneo, in the north by the sea, in the east by the Simanggang District and in the west by the Kuching District. It contains a variety of races. The bazaars are, as is the case everywhere in Sarawak, filled with Chinese, and members of that race also carry on agricultural activities in almost every part of the District. The headwaters of the Sadong immediately below Serian, and everywhere between Serian and the southern border are populated mainly by Land

7. Harry Roy, band leader at the Savoy Hotel and composer of *The Sarawaki* fox-trot, had married Vyner's second daughter, Elizabeth, in 1935. Within a few years they were divorced in a flurry of publicity.

Dayaks; a backward and physically under-developed race, so loosely knit together that language and custom vary to a substantial degree from village to village. The more advanced and virile Sea Dayaks inhabit the Simunjan river, which runs into the Sadong, at the place from which it takes, or to which it gives, its name, about two hours by launch from the latter's estuary. Simunjan used to be an important town, and the headquarters of the District, because of the Government coal-mine which was situated there; but after the mine was closed sometime in the twenties the bazaar fell into decay and is now literally falling into the river. In the headwaters of the river which runs into the Sadong at Gedong, about halfway between Serian and Simunjan, there lives a peculiar but little-known race called Melikin Dayaks. They always struck me as a kind of cross between the Sea Dayaks and the Land Dayaks but I believe that biologically this is an untenable theory. There was a large Malay village at Tebakang, seven miles walk above Serian, and several more between Serian and Simunjan, along the coast between the Sadong and Samarahan estuaries, and up the Samarahan river.

In 1937 the Serian bazaar had only about fourteen shop-houses, and was rather less than half the size that it is to-day. The District was so large, and the population so scattered, that much travelling was required if it was to be properly administered. On an average I spent about ten days a month in Serian itself and about four days a month in Simunjan. Roughly speaking, the rest of the time was spent at Muara Tuang in the Samarahan, in Malay houses on the coast, and in the long-houses of Dayaks in the up-river areas. My best journeys were taken amongst the Land Dayaks of the upper Sadong, where the walking was comparatively easy, and the bathing pools, for the most part, consisted of clear water running over sand or pebbles, and my worst in the coastal villages, which are built on mud-flats. In these latter surroundings the maintenance of personal cleanliness is next to impossible, and the performance of personal functions is attended by grave risk of bodily injury, necessitating as it does squatting at awkward angles on insecure foundations. All up-river journeys in Sarawak are made on foot or by boat. Boggy rivers, and precipices are spanned by bridges which frequently consist only of logs without handrails. I was a very poor performer on these *batang*, as they are called, and it was their plentifulness in the Simunjan river area, that made travel amongst the friendly and hospitable Sea Dayaks less enjoyable than it would otherwise have been.

The Serian and Simunjan "bungalows" were both infested by rats. The former house had been moved up bodily from the old coal-mine. It was supposed to be haunted by the ghost of a manager who had been murdered in it by his cook in about the year 1905. H. B. Crocker, twice Chief Secretary of Sarawak, once told me about this case, which had been tried with a jury on which he had served. The mine was run on the bad old system of "indenture" which persisted in Sarawak down to the twenties. Runaway miners were arrested and flogged, but it must not be thought that this treatment was reserved for the victims of "indenture." "Absconding under advances" was a criminal offence, carrying severe penalties whether the erring employee was engaged on "indenture" or not, and continued to be treated as a criminal offence by many magistrates even up to the last war, although no support for this view could be found in the law.

"Indentured coolies" appear to have been no better off than slaves, being, as far as one can judge from what is now only "hearsay," entirely under the direction and control of their owner. According to Crocker, the murdered manager selected such labourers as he saw fit for domestic service in his house, where they came under the tyrannical supervision of the manager's wife. The cook was himself picked in this way, and his repeated pleas to be allowed to return to his work in the mine fell on deaf ears. Crocker said that the murder occurred in the middle

of a dinner party, and was motivated by the desire of the cook to forestall the execution on his own person of threats which had been uttered concerning the penalty which would be inflicted on him in retribution for the poor quality of the meal. The cook was convicted and "krissed," a method of execution which was superseded by shooting only just before the First World War, shooting itself not being superseded by hanging until 1950.

The Simunjan house, an old rambling abode built in the palmier days of the town, was also supposed to be haunted, but while the Serian ghost was more prominent than the rats there, the reverse was the case in Simunjan. One night in the latter place, a rat seized my tooth-brush and carried it bumpity-bump across the floor to its hole, from which I just managed to rescue it in the morning by inserting two fingers and seizing a stray bristle.

There were many interesting personalities in the Serian District, of whom three may be specially mentioned. Father S., a Dutchman, who wore a watch chain with his crucifix on one link and his bottle-opener on another, lived in the Roman Catholic mission at Serian. There he ran a school for Land Dayak children, from which he emerged from time to time to visit those members of his flock who dwelt in the upper Sadong. The remainder of the District was either Anglican or Seventh Day Adventist territory, apart from one Roman Catholic School at the thirty-fifth mile. I paid that school a surprise visit one day and found the Chinese schoolmaster having his hair cut by a local barber in the middle of the class, while his wife (who was not a registered teacher) corrected the pupils' exercises, and his baby was nursed by one of the senior boys. When I protested about these irregularities to Father S. he expressed pained surprise that I should consider them in any way exceptional in a Chinese school.

He may have been sincere and he may have been bluffing. Whatever were his qualifications for pontificating on the practices of the Chinese, there was no doubt that he was an expert on the Land Dayaks. He had spent almost the whole of his twenty-five years in Sarawak among them, he spoke their language and understood their customs. He had an exact knowledge of the geography of the upper Sadong; of the distance between long-houses; of the nature of the country to be covered in any particular area; and of the particular wants and interests of every village. I found his advice at all times invaluable as far as the Land Dayaks were concerned, and never more so than when I was about to set out on a tour and required counsel on the route to be taken.

He was a difficult man to get to know, but, after the preliminary obstacles had been successfully negotiated, he would prove himself a sterling and constant friend. He added to his other qualities a dry wit and a broad sense of humour. One day we were discussing the ticklish questions which the Land Dayaks were inclined to ask when one visited their houses, and his principal contribution was this. "I remember, vot time our school vos at Tebakang, I vos visiting ze Dayaks at Rasau. Zey said, 'Vater,' zey said, 'how many children haf you kot at Tebakang?' Zo I zay 'Vorty' and zey said, 'Vot! all vrom vun vooman?'"

He died of anaemia in internment at Kuching. When the Camp Commandant, Major Suga, heard that Father S. required iron, he sent along, I believe in all good faith, three long nails. "Vy did he not send ze wood?" asked Father S., "zen I could haf made my coffin." His friends did not take quite such a philosophical view, and perhaps in his last days Father S. had reason to recollect that, as he had once told me many years before, the Land Dayak chant, which is sung by the master of ceremonies on festival occasions while he waves a chicken about in the air by the legs, includes the prayer "May the swearing of Tuan Rajah and the swearing of Tuan District Officer not take effect."

Towkay Yap Ah Bok was the uncrowned king of the Simunjan river. He had a large shop-house and rubber gardens some hours distant from the town. He also had interests in Simunjan bazaar itself. The principal reason for his great wealth and influence was the fact that he bought all the rubber and other local produce of the Dayaks of that area. He used to provide them with free arrack when they visited his shop always for consumption on the premises of course. It was said that he delayed weighing their wares until they were sufficiently intoxicated to have lost interest. At some time in the past he seems to have secured the confidence of His Highness the Tuan Muda, on whose orders so he used to boast he had been presented with a Sarawak flag with a crown on it, the official emblem of the Sarawak Government, and permitted to fire a cannon to welcome any visiting Government officer.

Not only did he fly the flag and fire the cannon punctiliously, but he entertained all Government officers free of charge. Free food and free lodging and free drink were provided for them by long established custom, and the European officer, who managed to force his way through the giggling maidens preparing a sumptuous meal in the kitchen to the bathroom at the back, would see a bottle of champagne cooling at the bottom of the large tub, which contained the bath-water.

From the administrative point of view Yap Ah Bok was a most useful source of information and a very reliable agent of the Government. He was an engaging old rogue with a great sense of humour. He died during the occupation. The most entertaining evening which I spent in his house was when I accompanied the Resident there. The place was full of Dayaks who in turn were full of arrack. When the Resident and I were almost equally full of champagne he proceeded to hear some appeals in one or two cases concerned with farming disputes. All the appeals were dismissed amidst loud applause led by the appellants. I never attended a more convivial or popular trial before or since. Unfortunately our host was not subtle enough for the peace of mind of incorruptible civil servants. It was no rare thing for him to appear in Simunjan to institute an action against some business rival a few days after he had lavishly entertained the presiding magistrates. It was a difficult enough position for a European to find himself in. It must have been well-nigh intolerable for the Native Officers.

Another great character in Simunjan was ex-penghulu Buda, a former Sea Dayak chief who had lost his official position by reason of his persistent insobriety. He was more intelligent, and no more intemperate, than his successor, and he was always known by his late title even though he had legally forfeited it. He visited the office almost once a month to discuss public affairs just as if he were still a real penghulu, and he was always as drunk as he had been in better days. He would leave only when one said in English "All right good morning, penghulu." One could repeat in one's best Sea Dayak, "I have nothing more to say, penghulu" or "It is finished, penghulu," or "I have other business to attend to, penghulu," or "Go home, penghulu" as often as one liked but he sat tight. Fortunately I early learnt the right gambit from an experienced Native Officer and thereafter I had no trouble.

My first major task in the Serian District was to attempt to implement the policy laid down by my predecessor and approved by the Resident of concentrating shop-houses into "Bazaar areas." This policy represented the views of one side in the great controversy which raged in Sarawak off and on throughout my years of service there. Should shops be permitted to spring up in or near the centres of population, or should the population be compelled to sell their products and purchase their needs in such places as the Government considered suitable for shops? The first school of thought was not without its adherents amongst administrative

officers, but the great majority belonged to the second school. Unconsciously they placed ease of administration before the convenience of the people of the country, but, if this was pointed out to them, they would defend their views by asserting that Chinese shopkeepers, who were not kept under close supervision, would grossly exploit the natives. There was more than a modicum of truth in this contention, but it is very doubtful whether there was any less exploitation by the trader in places where shops were concentrated than in areas where they existed individually many miles apart. The average District Officer had neither the time nor the qualifications to ensure a fair deal for the producer and customer. Sporadic attempts to fix prices for local produce, always without any legal authority, invariably failed.

Many of the isolated shops had grown up in localities where the writ of the Land Office did not run, while others were held on agricultural titles. It was, therefore, a fairly simple matter to show that they were on the wrong side of the law, but it was more difficult to enforce the law against them. Throughout my civil service experience I found that the greatest fear of civil servants was scandal, a point to which I shall recur later. It was possible to take a force of armed constabulary to a shop-house, and to burn or pull it down over the heads of the shop-keeper and his family, but it was hardly possible so to do without producing a near riot in the vicinity and without "petitions" deluging Kuching. Consequently we proceeded by a mixture of threats and cajolery, of extensions of time and fresh notices to quit, of summonses and compromises out of court. In my opinion the policy which had to be enforced was probably erroneous, but the desirability of maintaining continuity in administrative decisions, and the directions of the particular Resident holding office in the First Division at that time, compelled me to proceed along the beaten path with a certain show of fervour.

About a year after I had departed from the District, the advent of a new Resident, who happened to belong to the minority school of thought, produced an abrupt reversal in policy. All shop-keepers threatened with eviction were allowed to remain where they were, and many of the sites reserved for them in the selected bazaar areas were left empty. This was a glaring illustration of the principal weakness of the old Brooke system. There was so much decentralization, so much responsibility for the formulation of policy was left to the "man on the spot," that the most elementary needs and desires of the ordinary inhabitants of the country were exposed to the winds of the individual idiosyncrasies, whims, and prejudices of whatever administrative officer happened to hold sway at any particular time. There was no continuity in policy, and nobody knew whether actions and omissions, which were held to merit punishment or censure to-day, might not in six months' time, when the reigning little cock was due to go on furlough, reap praise and rewards from his successor.

In 1934 Mr. C. D. Le Gros Clark,⁸ later Chief Secretary, was entrusted with the job of ascertaining the view of administrative officers on future policy. He found that they all had such views, but that very few of their opinions coincided with one another. On such matters as the concentration of shops, the breaking-up of the long-house system, taxation, commercial development, and the treatment of the Chinese, they were often hopelessly at variance. Yet every officer looked forward to ruling a suitable Division or District where he would have an opportunity

8. Cyril Le Gros Clark was appointed Secretary for Chinese Affairs in 1929 and succeeded J. B. Archer as Chief Secretary in May 1941. His "Blue Report" of 1934 was a critical and wide-ranging review of Brooke administration but its generally progressive recommendations were shelved.

of experimenting with his own pet theories. The result of the volte face in the Serian District, which I have described, was that the most obstinate and unco-operative traders suddenly discovered that their obduracy had paid them better than they had ever expected, while the more amenable, who had finally been induced to leave their prosperous business premises and start again in a recognized bazaar, deeply regretted their attempt to conciliate authority, and doubtless resolved not to be led by the nose by a zealous District Officer again.

My next and, I think, only other serious problem during my time in Serian was the institution and maintenance of "rubber restriction." The fact that Sarawak agreed to enter the scheme at all was some indication of the failing grip of the royal hand. The large estates in Malaya and North Borneo profited from the compulsory cutting of production, and the enhanced price obtained thereby, by saving on their overheads, and by preserving the quality of their trees and the general condition of their plantations. In Sarawak, rubber is almost entirely owned and tapped by smallholders. Gardens of over one hundred acres in extent are very rare. Father and family tap the rubber when the price justifies the labour and they have time to spare from *padi* planting, *padi* weeding, *padi* reaping, and their other manifold activities such as hunting, fishing, and gossiping. When father and family have not time to tap the rubber at all, the usual practice is to contract the garden out to somebody else on the basis that each party receives one half of the net profits. Employment of tappers on daily pay occurs very seldom. For the most part the gardens are overgrown and ill-kept, and the tapping and maintenance of the trees is of a very low standard. This is the result of ignorance rather than of lack of time in which to improve these branches of the rubber planters' art. Consequently "rubber restriction" in Sarawak was merely irksome. It saved no overheads, and what the producer gained by the increased price he lost by the cut in the quantity of rubber he could sell.

When I first went to Serian, "assessment" of the potentialities of the various holdings of rubber was still in progress. Ex-planters from Malaya had been recruited at princely salaries to cope with the more populous areas, but assessment of the scattered gardens up-river was left to the District Officers. We were entirely unqualified for the job. With the help of the inhabitants of a neighbouring long-house we could generally manage to count the trees in any particular garden, and we could even make a rough guess at the average spacing between them although they were never planted with any serious attempt at regularity. Diagnosis of disease and estimating the quality of the trees was beyond our capacity. As far as I can remember it was always a fairly safe bet to write "black ants" and "fungus," while the proper description of quality was invariably "poor." On reflection I think that it was unfortunate that we were not a little more liberal towards native producers even at the expense of strict accuracy. They all did very badly when the allocation of "shares" came to be made.

When the assessment was finished and the scheme came into operation, rubber could only be sold when accompanied by "coupons." Every quarter we were told how many coupons to issue in respect of each share. The actual distribution took place over about four days in Serian and three days each in Simunjan and Muara Tuang. The average Asian was thoroughly bewildered by the whole proceeding, although we had done a good deal of propaganda beforehand. It was inevitable that the administrative tongue should be somewhat in the administrative cheek when explaining the alleged benefits of the scheme to the producers, but, as there was no escape, it was well that they should believe that they were getting something out of it. I do not think that anybody was really misled, but all affected enjoyed the friendliness, hilarity, and good-fellowship of the coupon issues, when the bazaars would be crowded for days with the fortunate rubber producers and their

relationse Many of them sold their coupons immediately to the Chinese shopkeepers and then entertained themselves and their companions convivially on the proceeds. In this way they obtained both a free carousal and three months' freedom from rubber-tapping. The whole business was very hit-and-miss. Some people were astonished at the amount of rubber which they were permitted to sell in comparison with the allocations enjoyed by their friends, while a large number had a serious grievance. Symbolically enough the first Malay to apply for his coupons in Simunjan presented a Kuching Races Unlimited Sweepstake ticket by mistake for his "Coupon Issue Carde"

The largest concentration of Japanese in Sarawak was to be found on the Nissa Shokai estate on the banks of the Samarahan river. This consisted of about twelve persons holding executive posts, including a resident doctor. There were also, I think, a few foremene There were a handful of wives and childrene The labour employed was mostly Malay and Chinesee The estate included one hundred acres of wet padi and a large area of pineapples, but the greater part of the land was under rubber. It had its own Chinese bazaar and its own police-station, kindly garrisoned by the Government with one lance-corporal and four constables presumably to keep the labourers in ordere One reached the estate by launch and then by riding in a small truck, propelled by a man using a long pole as if he were in a puntę on narrow gauge railse I visited it twice and each time I am ashamed to say that I was so regally entertained that I omitted to perform the important dutye of inspecting the labourers' accommodation, much to the scorn of Edric Selous who was "Protector of Labour" in addition to his substantive post of "Secretary for Chinese Affairs.e' The Japanese conducted one proudlyround the estate but gave one little or no opportunity of interviewing the lower paid workerse It was undoubtedly one's duty to insist on such an opportunity. Instead, on the conclusion of the grand tour, we returned to the manager's house, where we ate and drank freelye The attempt to entertain in European style ran into heavy seas produced by the desire to serve innumerable dishes in proper sequencee Boiled eggs followed tinned pineapples, and sausages and bacon preceded tomato soup, and so on to such a degree that one lost one's capacity for surprise, although a Chinese, who had once been a water-carrier in a European household, had been specially imported to give expert advice. The only positive action which I ever saw him take was to drag the manager's hand away from the top of his glass, across which it was firmly placed in a vain endeavour to avoid having to drink any more of his own whisky, at the same time saying in Malay, and pointing to my replenished tumbler, "You can't do that; you've got to drink together."

At that time Japan and China were at war, and the Japanese were naturally very unpopular amongst the Chinese in Sarawak. There was an organized boycott of their goods in the bazaars, much cutting of the telephone line to the Nissa Shokai estate, and other minor actseof sabotage. My personal sympathies were with the Chineseę but the Government was doing its best to kill the boycott of Japanese goods, purely out of that spirit of comradeship which prevails between imperialist nations when their own interests are not directly and immediately in conflict, and to arrest the perpetrators of the outrages. In both of these attempts they were unsuccessful, and not only in the Serian Districte I could not withhold my admiration from one of the Nissa Shokai executive officials, who visited Serian for a court case, and, rejecting my offer of hospitality, insistedeon staying in the thoroughly hostile Chinese bazaar. The next time I saw that man was on December 24th, 1941, the day on which the Japanese occupied Kuching. He was then in the uniform of an officer of the Japanese armye

Every person who served in Serian became acquainted with the local sport of shooting *kaloi*, a large fish which abounds in the upper waters of the Sadong. The

kaloi possesses the peculiar quality of responding to the human whistle. Many Chinese keep them in large bowls or ponds like goldfish and I used to try out my own whistling on them when I encountered this pseudo-tame variety during my travels. I could never strike the correct note. The police-corporal used to advance, push me aside, purse up his lips, and emit a slightly different tone. The *kaloi* would immediately swim round towards him and poke his or her nose out of the surface in greeting. Local sportsmen used to climb with a shot-gun into the branches of a tree overhanging the river and whistle long and low. Sooner or later the head of a *kaloi* would appear within range and the whistler would fire, throw aside his gun, and dive into the water to recover the body of his victim. I have seen that done myself, as has practically every other officer who has served in Serian, but I have seldom met anybody who has not served there who regarded the story as anything other than an amusing yarn. I told the Rajah about it when he visited the station. He had then been more than forty years in the country on and off, and I feared that I was treading a very worn path. Later, however, he repeated the tale to a friend of mine and added, "Tallest story I ever heard in my life; pulling my leg, pulling my leg." Indeed scepticism was so universal that in 1949 I wrote to the *Sarawak Gazette* on the subject, mentioning by name three Asians who to my knowledge were intimately acquainted with the sport and challenging contradiction as to its existence. The only response was a letter from the officer who had succeeded me in the District fully endorsing everything that I had said. It is curious that such a popular and singular pastime should be so little known.

Serian, being just accessible by road from Kuching, held out certain temptations to visitors who wished to be able to say on their return home that they had been in the more primitive parts of Borneo. Some people appeared on their own initiative and I did my best to show them round, although we had not really developed the place as a resort for tourists. When the Resident conceived the idea of dispatching his more adventurous-minded strangers to the District things began to take a difficult turn. A party of British sailors arrived in Serian one day, while I was absent, induced the clerks to take them to a Dayak long-house; there caused a good deal of resentment and terror by their attempts to embrace the ladies of the village and finally found themselves isolated on the communal veranda. Another Resident-sent visitor was a high official from some West African territory who wished to compare the more backward natives of Sarawak with those in the Colony in which he served. He was accompanied out to Serian by our Native Officer who was returning from leave and who spoke no English beyond "yes" and "no." The Native Officer was warned by the Resident beforehand that he would probably be asked a large number of questions and that he must just do his best to answer them. He determined on his course of action; he would answer "yes" to the first question and "no" to the second and so on. He pursued this plan so successfully throughout the forty-mile drive that the distinguished visitor afterwards commented on the very high standard of intelligence with which the Native Officer appeared to be blessed.

My more remarkable experience of this nature was the visit of forty American sailors who arrived in four "mosquito buses." I was just returning from an arduous fourteen-day trek from Simunjan to Serian via the headwaters of the Simunjan and Gedong rivers when I saw my unexpected guests treading delicately in the bazaar. We all went to my house for a beer and then I inquired what they wanted. To my dismay it appeared that they desired to visit a Dayak long-house. I discovered that the efficient head clerk had made suitable arrangements and off we set. At the first house we drew a blank because everyone was away farming, but after a further hour of difficult walking we found what we wanted. The inhabitants

of the long-house were all waiting for us, and were much cheered to see our supplies of arrack and tobacco. The sailors' beautiful white suits were all pretty muddy by now ("sye, next time I walk on a Noo Yark sidewark I'll be turning my toes outwards") but they had managed the "batang" better than I and had in no way lost their good humoure. They offered cigars around and took moving picturese. They called me "chief" and used me as an interpreter in their business with the Dayaks. "Syeę Chiefę arsk this gal how much she wornts for this ba-anglee" (The bangle is a small bead bracelet and I converse with its owner in Malay concerning its worth.) "She want a dollar." "Sye, I guess Umurrikens hev been here befoar."

Finally the dancing and conviviality came to an end and we retraced our steps to Seriane. They now wished to buy "souvenirs.e" We could not run to picture post-cardse but we found a few native weapons, some bananase clothe and suchlike. Difficulties arose over the rate of exchange between the Sarawak and the American dollar. Both sides said that they trusted me, and soę without actually cheating the Americans, I thought that the local shop-keepers were entitled to the benefit of any doubt that there was and made my decision accordinglye. The result is that the mention of my name is still applauded in Serian bazaar to-day. Having rid themselves of a substantial amount of money the Americans piled into their mosquito busese. Before following his subordinates the petty officer turned to me, took off his cap, shook me warmly by the hand, and said, "Sye, chief, we shore thank you fer showing us the real interior of the heart of Borneoe" The earth must have quivered in the remoter areas of the Second and Third Divisions.

On the whole Serian was great funę and, when the time came for me to go on furloughę I was sorry to leave. A week before my departure I sent my resignation to the Chief Secretary. I had been an Empire builder for four-and-a-quarter years, and I was now ripe enough to settle down to some serious work. In late October, 1938, I sailed from Kuching on seven months' leave, at the expiration of which I wasę in the words of the official notification in the *Government Gazette*, "permitted to resign."

(6)

In the spring of 1940 I received a letter from the Sarawak Government Agent asking me to rejoin the service, which was now short of officerse. I was soon due to register for military service, and I accepted the invitation because the only alternative before me appeared to be to join the armye. At that time the Suez Canal was inaccessible and so we sailed round the Cape. On August 10thę I arrived in Kuchingę and found myself appointed "to act as Legal Adviserę Registrar of the Supreme Court, and Official Assignee." Those were the three gazetted officesę but their holder possessed a considerable number of other titles by virtue of the provisions of various lawse. He was Public Prosecutorę Registrar of Companiesę Registrar of Trade Marks, Registrar of Business Names, Probate Officer, Bankruptcy Officer, and Custodian of Enemy Propertye. He may have been two or three other things as well but if he was I have forgotten theme. Early in 1940 I was confirmed in the gazetted offices with effect from January 1st of that year.

The principal duty of the Legal Adviser was, of course, to advise the Government on legal matters. Law was not, howeverę regarded as a very important subject in Sarawak in those dayse and Heads of Departments were accustomed to make their own decisions, when they became involved in controversies with the publice without any fear of being called to account for their actions in courte. There was

no lawyer in private practice in Sarawak (there is only one at the time of writing) so that only the very rich, who could afford to seek advice in Singapore, could hope to resist bureaucratic arrogance. Even Singapore was an unsatisfactory place in which to obtain advice because little was known there of Sarawak law, and nothing was known there of the manner in which Sarawak law was modified and applied in practice. Singapore lawyers had no right to appear in Sarawak courts, or to have their correspondence acknowledged by Sarawak magistrates. In Kuching a great deal depended on the interest which the Legal Adviser took in the administration of justice. In a civil action it was no uncommon experience for the plaintiff to seek a little free advice on one day, and for the defendant to do the same thing on the following day, and then for the magistrate to adjourn the case while he tapped the identical brain which had been invoked by the contending parties. The Legal Adviser would have been acting perfectly properly if he had refused to advise anybody except the Government. Indeed there was a school of thought which held that this was the correct attitude for him to adopt. In that event less justice would have been done in the courts.

I would go so far as to say that on occasions the Legal Adviser clearly had to forget that he was employed only to advise the Government. When it came to his knowledge that a member of the public had been subjected to illegal treatment by a civil servant, and had thereby suffered damage, it would have been easy enough for him to bluff the way out, and thereby to save both the face of the civil servant and the revenues of the State. Such strict adherence to the interests of his client would, however, have been a betrayal of his calling. I always considered it to be beyond argument that, when the other side had no access to independent legal assistance, it was the duty of the Government Legal Adviser to put both sides of the case before the deciding authority or tribunal.

Sarawak had changed in many ways since I had left nearly two years before. In 1939 there had been a great "purge." Anthony Brooke, the Rajah's nephew who was then a junior administrative officer, had had some row with the Committee of Administration, which was in effect the executive council of the State, and the Rajah had taken his side. The Chief Secretary, the Chief Justice, the Financial Secretary, and the Director of Lands and Surveys had all resigned. The Chief Secretary had held office since 1937, when he had inherited the embryo of a policy of centralization, which entailed the elimination of administrative Divisions and the abolition of the post of Resident. He had been introducing this reform by gradual steps, and had become progressively more unpopular with the administrative service for this and other reasons. The Financial Secretary was perhaps even more unpopular in the same quarter, although both he and the Chief Secretary had many admirers on the departmental side of the service. The retirement of these two officers, and of the Chief Justice, was regarded favourably by the administrative officers, and Anthony Brooke thereby gained in prestige among them. The Committee of Administration was reconstituted and reinvigorated. The only members of the former body who remained were the new Chief Secretary, J. B. Archer, and the new Under-Secretary, as the principal assistant was now called, C. D. Le Gros Clark. One of the first acts of the new regime was to restore the Divisions and the new Residents, who were all young men averaging about thirty-five years of age, to their former glory.

The legal side of life had been complicated by the war and the special legislation which necessarily accompanied it. Defence Regulations, food control, essential commodity control, air-raid precautions, laws to facilitate military manoeuvres, provide for visiting troops, and establish a local volunteer force, and so on, took up far more time, paper, and zeal than was either reasonable or necessary. Strange to say, it was doubtful whether Sarawak was in law "at war" at all until the Japa-

nese arrived. Some years earlier the Sarawak Government had raised with His Majesty's Government the question of the location of the responsibility for making a formal declaration of war on the part of a "protected state" and had been snubbed for its pains. "Don't worry, little boy," said His Majesty's representative in effect, "your foreign relations are controlled by His Majesty's Government by virtue of the Treaty of 1888,⁹ and so we will say when you are at war." In 1940 or 1941 we woke up to the fact that Sarawak had not been included in any declaration of war, and we again raised the question. His Majesty's representative, having taken legal advice and probably been referred to the case of the Ionian Ships, informed us that we had been singularly remiss in still remaining at peace, and added that it would be a good thing if we would kindly put the matter right and declare war on Germany and Italy forthwith. In our opinion Sarawak was enough of a joke in the eyes of the world already without our going out of the way to provide further fodder for the war-time music halls, and we firmly decided to leave Germany and Italy alone. Up to the end we interned our enemy aliens by formal orders under the Defence Regulations and not under any Royal Prerogative.

Whether or not we were "at war" there was no escape from pretending that we were. In 1941 a battalion of Punjabis arrived in pursuance of His Majesty's solemn obligation to defend Sarawak against external enemies and further legal difficulties arose. I forget what they all were now, but I remember a row developing, as to whether a Punjabi soldier was triable by our courts for an ordinary civil offence in which we won a resounding victory. I also remember being concerned with the legal potentialities of gunnery practice, especially that which entailed big guns firing out to sea. Was any law necessary to authorize such practice? On whom would the liability fall if the range extended beyond the three-mile limit? I raised these and other points with some alleged military legal authority in the rabbit warren of Fort Canning¹⁰ on one of my visits to Singapore in 1941. The military policeman, who conducted me through the labyrinth, insisted that by "legal department" I must mean "financial department," so perhaps I saw the wrong man after all. I remember little about our interview, except that he answered, "You know? You've got me there," to my first question, and "Bai jove! You've got me there too," to my second, the last reply being repeated in response to every other question which I put to him.

Although in this way the war took up a good deal of my time, my most important work as Legal Adviser in 1940 and 1941 was not directly concerned with it. By this time the Rajah had fallen out with his nephew and had deprived him of the title of Rajah Muda.¹¹ Rightly or wrongly he had formed the view that it would be better if no future Rajah wielded the same supreme powers as he and his father, the second Rajah, had done. G. T. M. MacBryan, who had filled important posts in Sarawak in the twenties, had returned on the same boat as myself. He had speedily

9. In 1888 the British government signed an agreement with the second Rajah acknowledging his sovereignty over all internal matters but assuming responsibility for Sarawak's defense and foreign relations.

10. Fort Canning was the Singapore headquarters of Lt. Gen. A. E. Percival, General Officer Commanding Malaya.

11. Rajah Vyner had appointed Anthony Brooke Rajah Muda in March 1939, and Anthony had ruled as "Officer Administering the Government" during his uncle's absence from April to September of that year. But because of Anthony's behavior during this period and his confrontation with members of the Committee of Administration, the Rajah, on his return, deprived him of the title and suggested that he enlist.

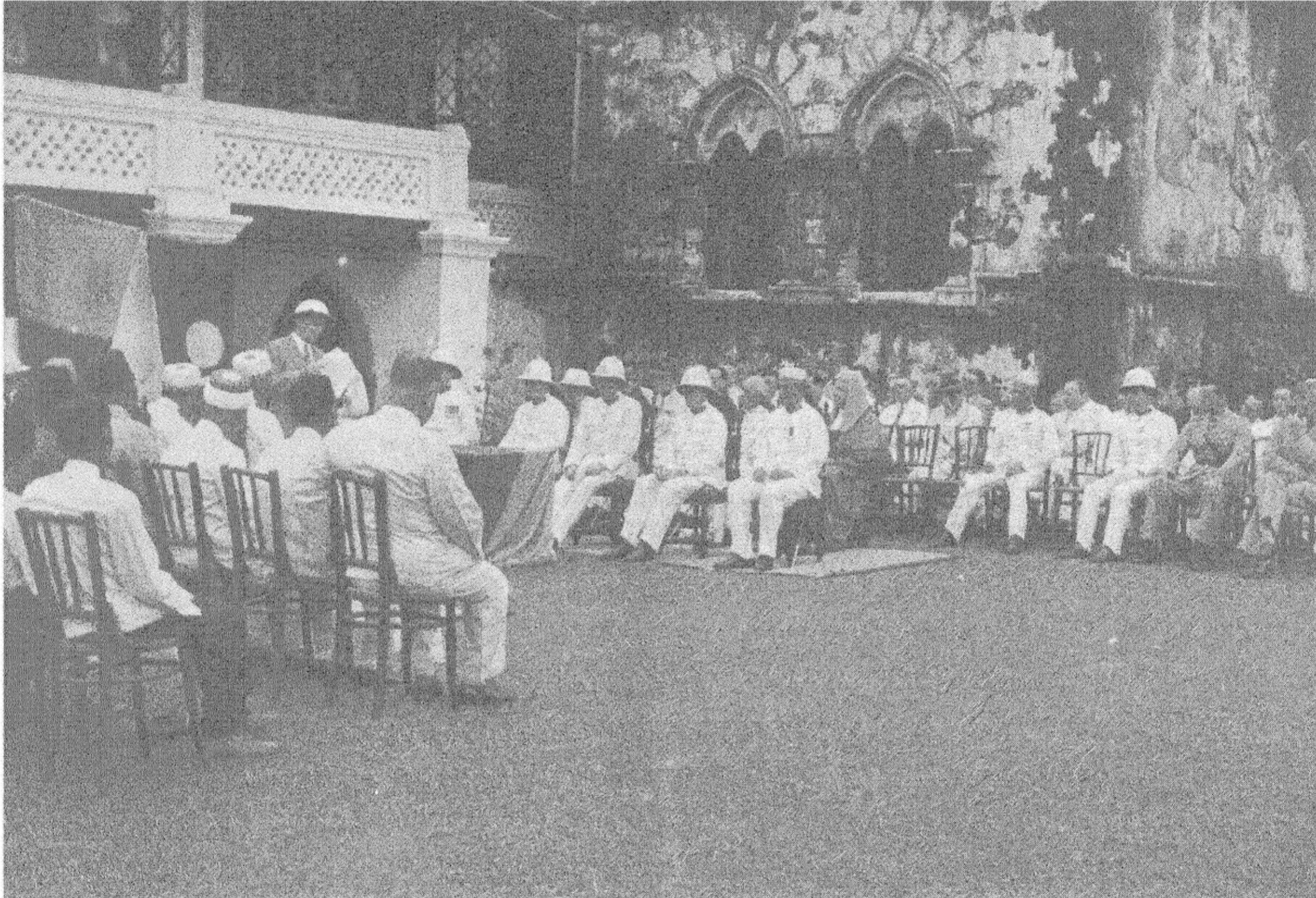
been reappointed to the service which he shortly afterwards left again on becoming the Rajah's private secretary. There is no doubt that His Highness relied a great deal on MacBryan's advice throughout the year 1941. For some reason or other MacBryan and Anthony Brooke were not on good terms. It was probably the former's idea that the time had come for the omnipotence of the Rajah to be limited by some form of written constitution. The Committee of Administration took the view that it could not properly exercise the powers and responsibilities which in practice had been delegated to it by His Highness, if it lacked control over the finances of the State. King Charles and Parliament therefore saw eye to eye. It was agreed between them, each side being principally animated by the considerations which I have set out, that a lump sum would be paid to the Rajah out of the Treasury forthwith, and thereafter he would relinquish control over the finances of the State, and would depend for his support on such sums as were constitutionally voted for the purpose. A "constitution" would be enacted as soon as possible by the terms of which the Rajah would no longer be the autocratic sovereign which he had been in law hitherto.

This decision was implemented almost as soon as it was taken. His Majesty's Government was certain, of course, to be immensely interested in any projected constitutional changes in Sarawak, and for this reason alone, quite apart from the drafting difficulties which were not inconsiderable, a written constitution could hardly be enacted overnight. I was granted three days in which to frame a provisional measure, which should continue in force for about six months and under which all the powers of the Rajah were to be exercised by a person appointed to be "Officer Administering the Government" and the Committee of Administration.¹² September 24th, 1941, the day which was marked down for the celebration of the centenary of Sarawak, was fixed as the date on which the new constitution should be inaugurated. It was now March, so we had approximately six months in which to settle the matter. On March 31st the provisional measure was enacted amidst much pomp and ceremony, and on the same day a formal agreement, embodying the terms which I have described above, was signed by the Rajah and the members of the Committee of Administration.

A complication now arose. J. B. Archer, the Chief Secretary, had a somewhat feudal outlook. He had joined the service in 1912, at the age of 19, and he had loyally served two Rajahs. He would have preferred to continue under such conditions. He distrusted these new-fangled, democratic ideas, and he had somehow got it into his head that the Committee of Administration was forcing the constitution on the Rajah against the will of the latter. He rather prided himself on his diplomatic skill, and in April and May 1941, he was appearing to co-operate in the deliberations of the Committee of Administration on the one hand, while communicating his private opinions secretly to the Rajah on the other. This amateurish duplicity was seen at its most blatant and most absurd in the business concerning the Star of Sarawak.

This was an Order, which had been instituted by the Rajah many years before, in the hey-day of MacBryan, but of which there was only one member, Mr. Ong Tiang Swee, the grand old man of the Chinese community. It now occurred to somebody that the enactment of the provisional constitutional measure would provide a good opportunity for reviving this moribund honour. On or about March 28th the

12. The formal agreement provided for the immediate transfer of the Rajah's powers to the Committee of Administration, which was also charged with the task of drawing up the new constitution. In return, the Rajah received a lump sum payment of S\$2,000,000 (£200,000 sterling) and a number of other benefits.



RAJAH ANNOUNCING HIS CONSTITUTIONAL PROPOSAL
TO ASSEMBLED DIGNITARIES

March 31, 1941

members of the Committee of Administration myself and the lady who was doing the necessary typing, were informed that it was His Highness's intention to appoint us to various ranks in the Order. On Saturday March 29th all the members of the Committee of Administration with the exception of the Chief Secretary, and I met under the chairmanship of Mr. Le Gros Clark, and unanimously resolved to ask His Highness to refrain from conferring on us an honour which in view of the little that we had done to deserve it would undoubtedly make us the laughingstock of Sarawak. We all proceeded to the Chief Secretary's office to put this point of view to him emphasizing at the same time that it was our personal hope that he would agree to accept the honour because he had served the country so long and so devotedly. He rounded on us in a fury, drove us out of his office and shouted at us in memorable language that our proposed withdrawal was an insult to His Highness the Rajah to which he refused to be a party. We retired meekly and in disorder. In due course we were suitably invested with our bits of ribbon. Later when MacBryan and I were comparing notes he told me that on the night of the 29th the Rajah himself had been seized with doubts as to the propriety of conferring the honours and had rung up Archer about it. The latter had been rather less violent in his language than he had been to us but he had nevertheless made it clear to the Rajah that a decision to cancel the arrangement would be an insult to the Committee of Administration to which he would refuse to be a party.

After the enactment of the provisional measure discussions began with regard to the scope and nature of the constitution which was to come into force in September. It was not long before the Rajah and Le Gros Clark who were in general agreement on the whole matter discovered that Archer was presenting a different face to each. One day MacBryan appeared in my office to ask me to assist him in drafting a letter dismissing the Chief Secretary. The office was too public a place for this important task and we went to the Rest-house which however was full of people. In the end we sat in MacBryan's car in a quiet corner behind the museum and completed the letter to our mutual satisfaction. The terms offered by the Rajah were so good that Archer was no worse off financially. He retired and Le Gros Clark reigned in his stead. The business of formulating a constitution entered calmer waters.

This work had been temporarily interrupted in its early stages by a serious dispute with His Majesty's Government. In the middle of 1940, before my arrival S. had been prosecuted in the Resident's Court at Kuching for making a false statement in an affidavit and had been fined five thousand dollars. S. was an old Scot, who stood I think less than five feet high. He had lived in Sarawak for many years, during the course of which he had made some friends and several enemies. Originally he had been associated with one of the large trading companies but for a long period he had carried on commercial, industrial and agricultural enterprises on his own account or in partnership with Chinese business men. He had all the qualities which are admired in the world of capitalist enterprise and he was reputed to be the only European in Sarawak who had ever got the better of a Chinese at that particular game. In other words he was tough and ruthless with few scruples and little sentiment. He had practically no sense of humour at all, but he was extraordinarily industrious and resourceful. In later years in internment he was to be seen at his best. Then he was fond of telling us that when he first went to work as a youth he discovered to his surprise that he did not have to be at the factory before eight, so he used to get two hours' work in the garden beforehand.

His agricultural skill and his engineering ingenuity helped his fellow-internees out of many a tight corner. Seventy years of age though he was he was the hardest worker of us all. An internment incident illustrated at least one side of his

character. Somehow or other he had managed to acquire various tools, most of which had probably been sent in to him by his business associates. These tools were naturally much in demand, and anybody who adopted the proper obsequious approach, and disclosed an intention to pursue solid industry, could usually borrow the one which he wanted. One day in 1942 some of our bright young sparks had obtained a dart-board, a piece of string, and a nail. All that they required was a hammer wherewith to knock the nail into the wall so that the dart-board might be hung on it. They approached S.

"Mr. S.," they said, cap metaphorically in hand, "could you lend us your hammer, please?"

"And wha' d'ye wan' ma wee hummer for?" asked S.

They duly explained.

"Nae, nae, nae," S. exploded, "ah niver len' a tulle for pairrposes of plair-sure."

In 1940 he had run up against the law in this way. He had been associated in business with a Chinese, who had died leaving a will appointing S. as his executor. This association had commenced sometime before the great slump, and S. had provided \$7,000 out of a total capital of \$70,000. On the death of his partner (or creditor) the assets of the business were valued at \$20,000. If the \$7,000 was a loan S. was entitled to the whole of it back, while if it was an investment in a partnership he was entitled to recover only \$2,000. He swore in the affidavit that he was a creditor of the estate to the extent of \$7,000. The deceased man's heirs disputed this, and succeeded in a civil action. Thereupon the prosecution, which was the subject of the celebrated "S. case," was instituted.

S. had filed an appeal against his conviction through a firm of lawyers in Singapore. The petition contained serious allegations. In particular, it was said that a high authority had given instructions to the trial magistrate with respect to the case, and that two assessors, with whom the magistrate had chosen to sit, had been tampered with during the course of the trial. The Chief Justice considered that parts of the petition were framed in an offensive and improper manner, and refused to hear the appeal until it had been suitably amended. Uproar ensued. I advised the Government that His Majesty's Government had no right to interfere in the internal affairs of Sarawak, that this was a purely internal affair, and that we were fully entitled to stick our toes in. On this advice the Government acted. The letters and telegrams got more and more heated, and on one occasion a representative of His Majesty's Government went so far as to describe the Government of Sarawak as "unfriendly." In the end the Rajah decided to give way. We were in any event in a poor position on the merits of the case. The allegations in the petition were fairly well authenticated, and the sentence which had been passed was manifestly illegal, because the section of the Penal Code under which S. had been convicted required that a sentence of imprisonment should be passed. It had been important to insist on the principle of Sarawak's internal autonomy, but we might have chosen stronger ground on which to make our stand. In the end I was sent to Singapore as a sort of plenipotentiary.

It appeared to be agreed that the Chief Justice could not hear the appeal in view of the line which he had seen fit to adopt, but we were firmly opposed to the suggestion of Sir Shenton Thomas, the Governor of the Straits Settlements, that a judge from Malaya should come to Sarawak to sit in his stead. My instructions were to tell Sir Shenton that we could not accept this proposal, to emphasize that His Majesty's Government had overstepped all reasonable limits by poking its collective nose into the internal affairs of an independent State, but, if it appeared

to me to be necessary, to agree that an appeal should be heard by two Sarawak officers appointed to be judges of the Supreme Court for this purpose only, and, finally, to attempt to extract from Sir Shenton some kindly acknowledgement of the reasonable and accommodating spirit which we had shown.

I met Sir Shenton Thomas in his office at Government House, Singapore, together with Sheehan, who held the post of Secretary to the High Commissioner. Sir Shenton was armed with copies of the Sarawak Criminal Procedure Code and Penal Code, and he had no difficulty in establishing that S. was being deprived of his legal right to appeal. In the end we agreed on the two Sarawak judges' solution, Sir Shenton resolutely refusing to acknowledge that we had behaved reasonably in any way. There was a great deal to be said for his point of view.

On my return to Sarawak, Aikman, the present Chief Secretary, and I were appointed to hear the appeal, and in the event S.'s conviction was quashed. My only further contact with him officially occurred a few months later when he came to seek some legal advice. Years before, an Indian had mortgaged to him six cows and five calves. He had been paying the interest regularly for about six years but had failed to do so for the last three months. S. had drawn his attention to the existence of the mortgage, only to be informed that most of the cows were dead while the calves had grown up. What were S.'s legal rights please? Having survived the rigours of internment, S. died from pneumonia a few weeks after his release.

I visited Singapore twice more during 1941. In June my draft of Sarawak's new constitution was discussed at a conference at Government House and amended in certain particulars. Howell, the Attorney-General of the Straits Settlements, was very courteous and helpful. With his assistance I managed to obtain the reversal of a decision which I had fought without success in Sarawak. The general scheme of the constitution was to create an executive body, called the Supreme Council, and a legislative body, called the Council Negri. The members of the Council Negri were to be appointed by the Rajah, acting with the advice and consent of the Supreme Council. The question had arisen by whom were the members of the Supreme Council to be appointed? If it was desired to avert the dangers inherent in a self-continuing oligarchy, the obvious answer was that they should be appointed by the Rajah personally, but this solution was opposed by the Rajah, on the grounds that he wished to rid himself of all such powers and responsibilities, and, to a minor extent, by the Supreme Council, on the grounds that the power was too important to be left in the hands of a single individual. How would the constitution effectively tie up Anthony Brooke if, on ascending the throne, he could stuff the Supreme Council with obedient favourites? Nevertheless the legal and practical arguments in support of leaving the power to the unrestricted discretion of the Rajah were too strong to be disregarded, and this course was accordingly adopted by the Singapore conference, subject to ratification in Sarawak. I forget the other details of the discussion but in any event they are now without interest.

During the great centenary celebrations of September 1941, the constitution was duly enacted. From September 24th, 1941, the Rajah ceased to be an autocratic and omnipotent ruler, in law as well as in fact. In practice, as I have already explained, he had long surrendered this position. The principal difference now was that he could no longer hurl his rare but very effective thunderbolts whenever his fancy should take him that way.

The Second World War, political changes in Sarawak, and possibly the strong line which the Rajah's advisers had induced him to pursue on the S. case, caused His Majesty's Government to take the view that a closer relationship between Sara-

Right

CENTENARY DAY 1941

The Rajah, followed by the Rani and the Chief Secretary, is shown leaving the Government Offices in Kuching. At the right of the doorway is the Sarawak Flag.

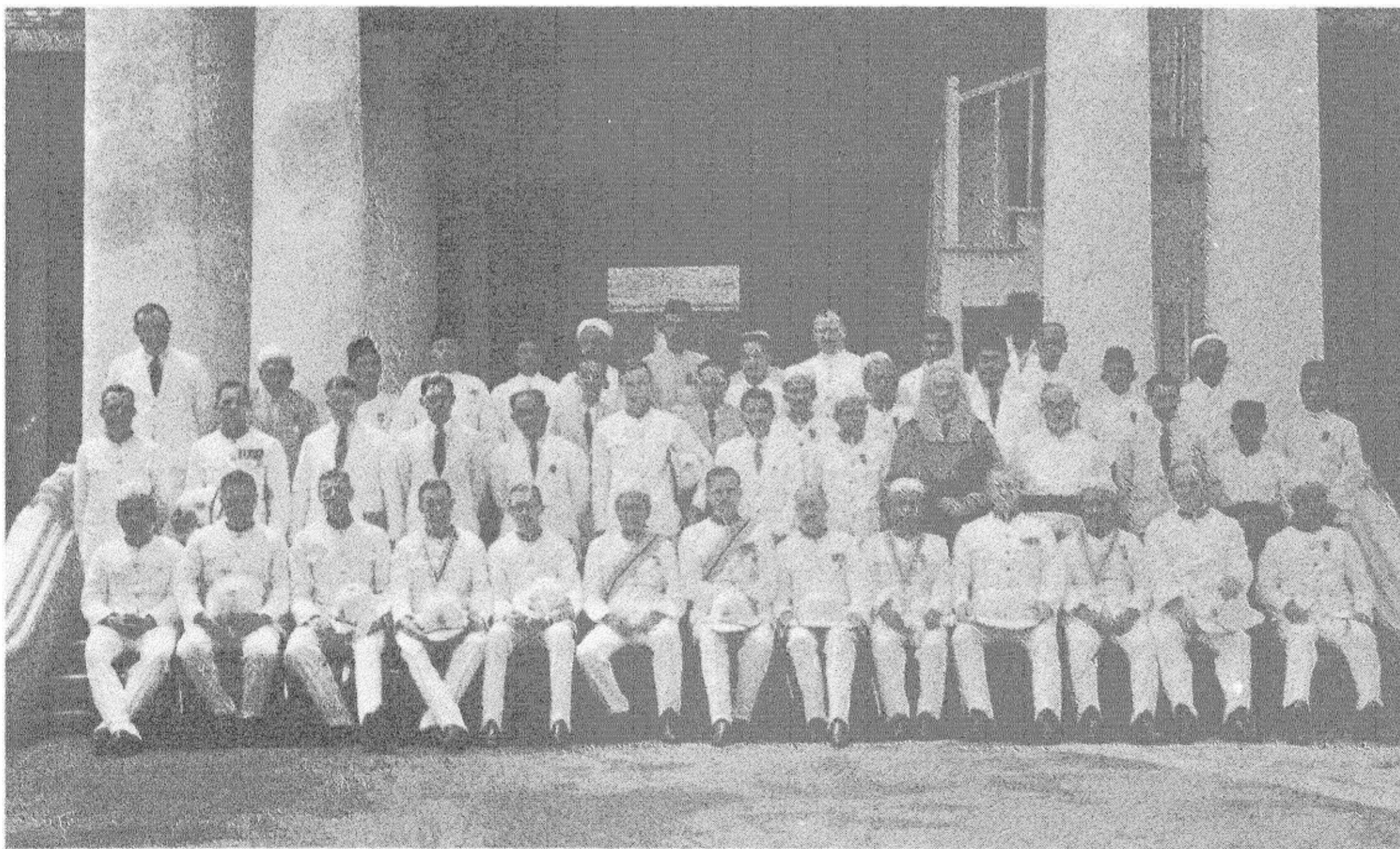


Below

COUNCIL NEGRO 1941

(After enactment of constitution)

C. D. Le Gros Clark is seated in the middle. The author is top left standing.



wak and the United Kingdom was desirable, and that His Majesty's Government should be granted some legal right to interest themselves in the internal affairs of Sarawak. About the middle of 1941, pressure was brought to persuade the Rajah to enter into a new treaty. The first proposals went a very considerable distance indeed. It appeared to be suggested that Sarawak should be placed in the same sort of position as that occupied by the Malay States, in that the Rajah would be compelled to receive and act upon the advice of a representative of His Majesty's Government. His Highness's advisers were unanimously of the opinion that there were no merits in this suggestion. The United Kingdom was at that time governed by a reactionary Tory administration. It was clearly most undesirable that independent Sarawak, in which native interests had always been treated as paramount in fact as well as in theory, should be placed at the mercy of people who might like to see our family rubber gardens welded into large commercial estates, and our hunting and fishing Malays and Dayaks responding smartly to the sound of the factory hooter.

The Supreme Council said that the official to be appointed by Whitehall should not be a British Adviser, nor a British Agent, nor a British Resident, but a British Representative. He should have no right of access to State papers and should tender advice only when asked for it. Compromise was necessary on both sides. The final details of the treaty were settled in Singapore in October at a conference between Sir Shenton Thomas, representing His Majesty's Government, and Le Gros Clark and myself, representing the Government of Sarawak.

The various negotiations in which I was involved in 1941, and which I have briefly described, were complicated by some strange behaviour on the part of the Singapore censorship authorities. For some reason or other they commenced to open my private mail after I had visited Singapore concerning the S. case in March. I heard later that they had received information from some English sleuth that, in the early days of the war, I had so far forgotten myself as to defend at Marlborough Street Police Court a *Daily Worker* seller who had been charged with obstructing the pavement at Marble Arch. Some pleasant person in Singapore tore little bits of my letters out of their context, pasted typed copies of the extracts on to a sheet of paper, and sent them to such people as he thought were most concerned with them. Le Gros Clark was informed in this way that I had described him in a letter to my mother as "good fellow but in my opinion not quite up to the job." Sir Shenton Thomas was similarly informed that I wondered whether he realized that, in the S. case negotiations, he was "dealing with a dangerous red." Nor did the underling, or whoever it was who improperly interfered with His Majesty's mail, confine himself to quoting my words. Often he added shrewd comments of his own. Thus when I expounded the arrangements for the forthcoming centenary, but qualified my remarks with the phrase, "but I expect the Japanese will be here by then," a note to the following effect was appended: "It will be seen that he views the possibility of a Japanese invasion with surprising equanimity."

There were many such extracts from my private correspondence, most of which looked pretty foolish, lying naked and forlorn, deprived of their context, their significance, and their addressee. Not one of them disclosed military information (I did not know any) or endangered His Majesty's forces or revealed official secrets. In my opinion it was as clear an abuse of censorship powers as could be imagined. Le Gros Clark thought so too. He showed me the extracts and thereby covered me with embarrassment. I tendered my resignation, which he refused in a letter, which, in all the circumstances, must be regarded as having been framed in very generous terms. He was a much bigger man than most of us had ever given him credit for. Sir Shenton Thomas took a more serious view. When I went to Singapore in June for the discussions on the constitution, I was informed by my colleague,

Pitt-Hardacre, that Sir Shenton refused to have me at Government House. Fortunately His Excellency changed his mind overnight, and, when I arrived at the conference feeling rather hang-dog, was most affable and kind. On my return to Sarawak, being up to the censorship's tricks by now, I expressed in my letters home my appreciation of Sir Shenton's benevolence, and, when I visited Singapore in October, I was invited to lunch at Government House.

I understand that at some stage Le Gros Clark inquired why the censorship took such grave objection to my letters, and was told that their general derogatory tone with regard to events and administration in the British Far East was liable to have an adverse effect on the morale of the recipients. In order to safeguard this morale they were detaining my letters for periods of about three months at a time, with the result that my mother was cabling to ask what had become of me. Not for the first time in history cant was called to the defence of devilry.

All my busy peregrinations, and all the fussy fatuities of the Singapore censorship, were really little more than histrionics. The writing was on the wall and the Japanese were nearly on the way. On December 8th the storm broke. A few days later Sarawak received its first real taste of war when a ship bearing the remnants of the oil company's staff from Miri to Kuching, was bombed and machine-gunned. Then Kuching had an air-raid at mid-day. On December 16th, the Japanese occupied Miri.

I was on night duty at the Rest-house, which was serving as an internment camp for the forty or so Japanese male civilians, who were resident in Sarawak. I learned later that the Japanese were sighted off the coast on the night of the 23rd and that all Europeans in Kuching had been so informed except myself. The reason for this omission was that I was the only one still living "across-river" and the telephone line had been destroyed in the air-raid. Consequently, when I attended my office on the morning of the 24th, I found all the other offices strangely silent. I watched the Malay platoon of the Sarawak Volunteer Force quietly mutinying, and a Japanese aeroplane fly over Kuching at about 11 a.m. dropping leaflets. At noon I met a police officer and ascertained from him the true state of affairs. I went home for lunch and returned to my office at 2 p.m. Since it was locked, and there was now nobody about at all, I went on to the Rest-house. The night of the 24th had been my one night in three off duty. Now I found three other Europeans there, all in various stages of somnolence, having been on continuous duty for many hours. The Chief Secretary turned up a little later, and, on receiving a telephone message that the Japanese were in the town, went away again. The Camp Commandant went off to see that the women and children interned in the convent were all right.

My two remaining colleagues were now asleep and I was in charge. The Japanese internees were massed on a balcony on the upper floor of the Rest-house, while we were in an annex just outside the barbed wire. Suddenly our prisoners gave a loud cheer. To my ears it sounded wild, raucous, barbarous, and hostile, and my first thought was that I had heard exactly the same noise somewhere some-time before. Then I remembered. The cheer was almost identical with that which went up from a large mob of undergraduates in an upper room of the Oxford Union about midnight on election day, 1931, when the news that Rear-Admiral Gordon-Campbell had beaten Arthur Henderson at Burnley came through on the wireless, while a tiny minority of us stood, glumly and sadly, in a corner.

This however, was no time for reminiscences. The Japanese were literally at the gates. The internees had seen them running up the road where the hedge had hidden them from us. They came trotting in through the bottom gate and fired a shot at a sentry. Our thirty armed coastables cast their rifles away and

knelt on the ground, with their hands held high. The commotion had awoken my colleagues and the three of us descended the steps with our hands above our heads. "How old are you? Where is your sword?" asked the Japanese officer, pointing a revolver within one inch of my nose. It took a long time to satisfy him that none of us had any "swords" and indeed were without any arms at all, except one ancient revolver, which, one of my colleagues suddenly remembered, was kept in a table-drawer in the annex. Then the officer demanded the key to the barbed-wire gate, which he quickly obtained. Forty joyful Japanese gentlemen were ushered out, and three gloomy British gentlemen were ushered in. The Chief Secretary and the Camp Commandant joined us in a few minutes, and half-an-hour later two others arrived under guard.

Most of the European civilians in Kuching were less fortunate. They were caught in different places about the same time as we, and spent forty-eight hours in a cellar of the Astana, the Rajah's residence, roped together in threes by the wrists and ankles and without food and water. The Rajah himself had fortunately gone to Australia two months before. Kuching was fully occupied before the dawn of Christmas Day. On that day, and, I believe, Boxing Day, some sort of rear-guard action was fought by the Punjabis at the aerodrome, seven miles behind the town, before they retired to join their fellows in the great retreat to Dutch Borneo. To all intents and purposes the old, independent State of Sarawak died on that Christmas Eve.

PART II

JAPANESE INTERLUDE

(1)

The Japanese ex-internees presented us with a bottle of whisky, a gesture which one of their race somewhat marred by abstracting a bottle of gin from my belongings on the following day. We spent the night of Christmas Eve in the Rest-house in charge of a friendly Japanese soldier, who proudly recited "Twinkle, Twinkle, Little Star," and from time to time prodded his most stertorous prisoner with his bayonet because he was disturbing the others. On Christmas morning three of the Japanese civilians reappeared, now armed with a rifle apiece, and searched our persons and our baggage. They were looking for a large sum in Sarawak money which they alleged to be missing, but which, in fact, had been burnt under official auspices a short time before the arrival of their troops. We were then marched through the town under the stares of a large, curious, but very silent crowd, amongst whom I could not discern a familiar face. We were taken across the river to the Astana. There we were lined up on the lawn before a concourse of Japanese soldiers, and inspected by an officer who did not appear to like us at all. He walked up and down the row with his eyes full of malice, and his tongue giving vent to what were, judging from the laughter which his remarks aroused from the ranks of Tuscany, pungent criticisms of our personal appearances. We were then contemptuously dismissed and escorted back to the Rest-house. At that time we did not, of course, know what our colleagues in the Astana cellars were enduring. I suppose that the explanation of our little trip was that it had been somebody's intention that we should join them, but the local authorities at the Astana had decided that there was no room for us.

At the Rest-house we were joined by the Principal Medical Officer and his wife, both of whom were later taken away again for internment in the General Hospital. Two more civil servants arrived to stay with us permanently, and on Boxing Day the bishop and the archdeacon were added to our numbers. Almost contemporaneously with that last arrival we were told to pick up the scanty personal belongings which we had managed to retain, and we were marched off to the police-station. There we were incarcerated in an upper room. About an hour later we saw our Astana colleagues stumbling along the road outside. They were all in a deplorable condition. They were dirty and bruised, and many of them had wounds caused by the chafing of the ropes which took weeks to heal. They were given quarters in a room on the ground floor of the police-station.

As the days went by more prisoners were brought in. Old S., who had been arrested in his factory, and an aged pensioner, called Ricketts, were put in with us, but that was considered a sufficient number for our small room, and all other new arrivals were accommodated in the cells. They included the skipper and two engineers of a China Coast vessel, which had been stranded in Kuching. On January 8th, 1942, we were all suddenly moved to "Zaida," a Government house with four rooms. Our numbers at the beginning of our stay there were about thirty-two, but new prisoners continued to be brought in, mostly from the out-

stations, and, when we finally went to new accommodation in May, we were well over forty strong.

The new arrivals included my friends, Snelus and Griffin. Snelus had been captured in Simanggang with other Second Division officers. They had been placed in the prison there and then sent to Kuching in bonds under the orders of a Dayak clerk who had induced the Japanese to appoint him to act as "Resident." Griffin had taken part in a great trek of nearly all the Europeans in the Third Division to Long Nawang in Dutch Borneo. This trip had been carried out on the orders of the Resident of the Third Division who had personally organized and led it. The full story of the "Long Nawang party" would provide material for an outsize novel¹³. The journey itself took several weeks. Five or six of the men formed an advance party and forced their way through and out of Dutch Borneo just ahead of the Japanese. In the event, only one of these men managed to get clear away from the war area. Griffin and one other civil servant, having stayed in Long Nawang with the main party for several weeks, returned to Sarawak in order to find out what was going on there. They met two other English fugitives and presently all four were caught and brought to join us. The two from Long Nawang were singularly fortunate. In August 1942, the Japanese reached the refugees there, and massacred all the European men immediately and their women and children about a month later. After the war the full story was told by natives who had witnessed the tragedy.

One of the principal topics of conversation in the early days at Zaida was the merit of those who had "got away." The "Volunteers" had been under the orders of the officer commanding the Punjabis and so had been automatically included in the military retreat. Two officers had left Kuching under the direct orders of the Chief Secretary. But the great majority who had gone, and they must have numbered about twenty in all excluding the Long Nawang party, had done so on their own initiative and without permission. Many harsh things were said about them at the time but I never agreed with the view that they were blame-worthy. From the standpoint of European prestige it was probably a good thing that some of us stayed behind to share the troubles which Sarawak was to endure, but most of us who had no strong personal ties in the country would have gone too if we had thought quickly enough. In my opinion the majority of us who stayed did so because it seemed to be the obvious thing to do. We had neither the patriotic sentiments, nor sufficient foreboding of the future, nor the positive certainty that the Japanese would really turn up, which induced our escaping friends to make their decision and take flight without reference to anybody. That decision enabled them to retain their personal liberty and thereafter to play a useful part in the war. I did not think at the time that we were more meritorious than they, and I still do not think so. Neither, however, do I belong to the school of thought which holds that those who got away were entirely right while those who stayed were entirely wrong.

At Zaida we began to get ourselves organized. The Chief Secretary, Le Gros Clark, who had hitherto been our spokesman, was elected to be our leader, and a committee of three or four persons was chosen to assist him. Our principal concern was, of course, food. In the police-station we had received no rations at all from the Japanese. The Rest-house cook, a Chinese, had on his own initiative, and accompanied by two assistants, visited us twice a day with adequate meals and a hot drink. He told us that the Japanese refused to pay him for this service,

13. As Mrs Digby has pointed out in his Foreword, this was Hugh Hickling's novel, *Lieutenant Akino*.

but I understand that he was properly compensated after the war. At Zaida we began to get rations. Rice was our staple diet, but there was a reasonable allowance of vegetables together with a little meat and fish. Some flour also came in but, since none of us knew what to do with it, it was almost a wasted asset until we obtained permission to send it up to the convent for the nuns to bake it and return it to us in the form of bread.

The bread indirectly produced one of our brightest moments at Zaidan. A high church dignitary was allowed to live by himself in the recess intended to be the pantry on condition that he kept watch on the loaves which we stored there. The h.c.d. was handicapped in this task by the fact that the box in which the bread lived was devoid of a lid. The h.c.d. was also troubled by his discovery in the pantry of an entrancing oil painting of a skittish young English lady, the wife of a Sarawak civil servant and very notorious in Kuching for her goings-on. The h.c.d. felt that this was hardly the sort of picture that should grace the walls of his bedroom. Suddenly a brilliant idea occurred to him. He could solve both his problems with one blow. He could use the offending portrait of the lady, who, for present purposes we will call Mrs. Cooper, to cover the bread box and thus protect the loaves from the ravages of nocturnal rats. He announced this brainwave to us by calling through the house, "Do you know? Do you know? At last I've found a use for Mrs. Cooper at night!"

Cooking was arranged in shifts of three men, each shift remaining on duty for three days at a time. The few internees with any knowledge of the culinary art were appointed "head cooks." The most expert of the lot was a Latvian ship's engineer, who was reputed to have been an all-in wrestler in Shanghai. His English was not nearly so good as his cooking, and his excitable temperament added to his difficulties. When a few members of our community obtained bread through the fence for their private consumption and went to the kitchen to toast it during one of the Latvian's periods of duty, a harassed appeal was shrieked forth to our "Quartermaster": "Mr. Simpson, Mr. Simpson, are these gentlemen allowed to cook their privates?"

As it was with cooking, so it was with other domestic chores. A few people always seemed to know what ought to be done, and the rest of us did it under their supervision and direction. One day an argument developed between two venerable old gentlemen. One was a plump and grey Scotsman, whom we will call the teacher. He looked and behaved as if he had stepped straight out of an advertisement for Kruschen salts. The other was the benign and charming archdeacon, whom age had not withered nor custom staled. Some disinfectant had been presented to the camp by his Imperial Majesty. The teacher said that the floor should be washed and the disinfectant sprinkled over it; the archdeacon said that the disinfectant should be mixed with water and the floor scrubbed with the resulting solution. The teacher announced that never in the range of his experience had such a procedure been adopted; the archdeacon replied that that just showed that the teacher's experience was not so wide as he liked to think it. The teacher shouted that his pedagogic life had largely been spent in disinfecting schools which was more than the archdeacon had been doing in his churches; to which the archdeacon rejoined that the principles on which the teacher's schools were cleansed were not necessarily the principles to be followed in a civilized society. The teacher lifted his hands to heaven, and, calling on his Presbyterian God, asserted roundly and without qualification that for forty years of his working life he had never encountered such crass ignorance and mulish obstinacy; that from the Cheviots to John O'Groats floors were first washed with water and sprinkled thereafter: and that no mere parson should attempt to contend on that subject with one who had spent the best years of a philanthropic existence instilling the requirements of sanitation

into the young. The archdeacon obviously felt that it might be unchristian to indulge in further argument. He withdrew gracefully from the fray and smiled sweetly like a cherub who has just heard that he has become a grandfather, and remarked in gentle tones to the pop-eyed mob of interested spectators "Now I know what the adjective 'pawky' means."

The archdeacon was a very whimsical personality. He was reported to have been on the stage at one time in his life, and he seemed never to have forgotten it. He added a certain mild cynicism to his benevolent courtesy and wit. Somewhat to the consternation of his brother clerics he told us one day that the Church of England is divided into three parts, the high and crazy, the broad and hazy, and the low and lazy. His faith however, was no empty pretence. He opened the series of internment lectures with an address in which he attempted to satisfy his fellow-sufferers of the existence of God.

At this time our relations with the Japanese were less uncordial than they were to be in the future. They treated us almost as if we were not animals. Even the frequent questioning was conducted politely, although sometimes the point of it escaped us. It was difficult to discern what value they obtained from the answers to such questions as "How many sisters have you got? Are they older or younger than you?" His Lordship the Bishop of Labuan and Sarawak was often cross-examined. On one such occasion at Zaida the Japanese officer began the interview by saying

"You are you're a priest?"

"Well, no, no, not exactly," replied His Lordship with his customary diffidence, "you see, I'm the bishop."

"Oh!" (pause) "Roman Catholic bishop?"

"No, I'm not a Roman Catholic bishop."

"Roman Catholic priest, then?"

"No you see I'm not a Roman Catholic."

This was a little too much for the military mind.

"You are bishop, but you are not priest and not Roman Catholic. Then what are you?"

"Well, you see, the fact is that is to say the fact is I'm a bishop of the Church of England."

"Church of England? Church of England? Roman Catholic Church of England?"

"No, no, just Church of England. The Church of England is not Roman Catholic."

Light dawned. With a smile of relief at his success in an last unravelling so tangled a mystery the officer heaved in his breath and blew it out again.

"Ah-ah-ah! now I understand. Henry Eight!"

Pleasant on the whole though our captors were it was at this first camp that we had our earliest lessons in the art of bowing in the Japanese fashion and where the first assaults on prisoners took place. When the Postmaster-General was directed by the corporal in charge of the guard to assist in sweeping the leaves off the grass in front of the house he declined on the very reasonable ground that on that day according to our internal arrangements this particular chore did not fall to the lot of the occupants of his room. He promptly got his face slapped and

immediately replied in kind knocking the corporal's cap off. Fortunately the incident was hushed up. Six months later it would have had a very different ending.

On May 12th, 1942 we were informed that we were shortly to be moved. One morning we were marched through the outskirts of Kuching to the Roman Catholic school in the suburb called Padungan. There we were given the job of erecting a barbed-wire fence round the school buildings. Since nearly all of us were inexperienced in this sort of work it took us four days to complete. On May 16th we vacated Zaida and took up our new quarters. There we were shortly afterwards joined by about a dozen Roman Catholic priests and by our colleagues from Miri. We had received no news concerning the latter since the oilfield was occupied on December 16th.

The two most interesting incidents of life in Padungan were first the organization of a smuggling system and second the speech of a Japanese general. The Japanese guard sat up on the balcony in the residential part of the school with a sentry at the main gate about a hundred yards away from the buildings. None of them had a view over the back of the camp and a most efficient system of receiving goods through the rear fence with scouts duly placed to give warning of the approach of any prowling Japanese, was set on foot. Our "contact" was the wife of a fisherman living a few yards away from the barbed wire. She was a thin poverty-stricken but cheerful woman with a horde of children. Nightly she arrived with purchases which she had made with the money we had given her and with gifts from our well-wishers in Kuching. She was taking a very great risk but fortunately she was never caught. At the end of the war she was suitably rewarded.

On one occasion only was there evidence that Japanese suspicions had been aroused. The school was built on very swampy land in which we had dug wide and deep ditches for drainage purposes. One dark night after the nocturnal smuggling operation had been successfully concluded stealthy footsteps were heard slithering about between the buildings and the rear fence. Then there was the sound of a fall followed by voluble and no doubt expressive Japanese language. There was an electric light outside one of the barracks occupied by us which was operated from inside. When switched on it illuminated the whole of the smuggling area but for obvious reasons it was rarely used. It was clearly desirable that it should now be switched on so as to enable the cause of the curious noise to be ascertained and this was duly done. The prisoners stared with awe and interest at the zealous Japanese soldier lying prone across a muddy ditch with his rifle half submerged in water.

The much-beribboned Japanese general arrived wearing the usual open cricket shirt under his uniform and with much flashing of gold teeth. We were lined up and told that he would address us. Snelus was directed to translate the speech into English which he did sentence by sentence in a most masterly fashion. The translation went something like this. "The general says that he wishes to speak to you The general says that you are all rogues and liars The general says that it is time that you learnt the courteous manners of the Japanese ...e.... The general corrects himself." (Here the orator accompanied his speech with queer gesticulations and counting on his fingers and the repetition of the English phrase "fifty-fifty".) "The general says that you are not all rogues and liars. About half of you are rogues and liars The general says that the British have been keeping Japanese internees in kerosene tins The general says that you will not be kept in kerosene tins if you behave yourselves ..e.. The general says that the British Empire was acquired by force and fraud The general says that is why the Japanese are now doing the same thing."

There was an official, though incompetent, Japanese interpreter present, so that Snelus could hardly stray far from the truth. It was very difficult for us to restrain our laughter. The face of my neighbour in the rear row, then lately Resident of Brunei, acquired such an unfortunate expression that the Camp Commandant crept quietly up behind us, took a run at him, and kicked him hard in the seat, while the speech was still going on.

We spent only two months at Padungan. Directly we had made our potato-beds, and planted our potatoes, we were moved, on July 14th, 1942, to the old Punjabi camp at Batu Lintang, about two miles out of Kuching. This was destined to become the prisoner-of-war and internee camp for the whole of the area that had been British Borneo. It was to be our home for the next three-and-a-quarter years. Soon after our arrival there two thousand military prisoners were brought in from Singapore and Java. The prisoners of war included United Kingdom, Australian, Dutch and Indonesian soldiers, and the handful of surviving Punjabis. Amongst the internees there were about sixty civilians from Dutch Borneo, and many British and Dutch Roman Catholic priests. Approximately half-a-dozen European women, who were still in Kuching when the Japanese came were brought from the hospital and the convent, where they had been residing. Later most of the nuns in Sarawak and North Borneo were brought along too. In September 1942, the male civilians from Jesselton arrived, and in March 1943, they were followed by the other half of the North Borneo contingent, that is to say, those who had been interned at Sandakan. A large number of European women and children had remained in North Borneo, and they preceded or followed their husbands and fathers to Kuching.

The Lintang camp consisted of one large area, with something like a five-mile perimeter surrounded by barbed wire, with separate individual wired-in compounds within this area. Separate compounds or "camps" were allocated to the male civilians, the women and children, the Roman Catholic priests, the Australian officers, the United Kingdom officers, the Dutch officers, the Indonesians, the Punjabis, the British "other ranks" and the Dutch "other ranks." Thus there were ten separate compartments inside the whole camp. Each compartment was under the same commandant, officers, and guards, but each was run as an independent unit, and any communication between one class of prisoners and another was in theory strictly forbidden.

(2)

The committee system under which we ran ourselves was entirely our own invention and responsibility, and the Japanese throughout refused to recognize it. For most of the time we had a "General Committee" and a "Purchasing Committee." Each was elected once every quarter of the year. The General Committee was concerned with internal administration, organization, and discipline. The Purchasing Committee was concerned with the distribution of necessities, other than the daily rations, received from the Japanese, the purchase of articles from the common "canteen," and the general control and expenditure of the money in the possession of our camp. This system was far too democratic for the military mind. The Japanese had their own ideas as to how the camp should be run. The Chief Secretary was appointed by them to be "Camp Master," and he was directed to appoint "Hut Masters" responsible to him. The civilian male camp consisted of five or six long huts, and each hut contained between thirty and forty internees. Before making

his appointments the Chief Secretary ascertained the wishes of the inhabitants of each hute. In addition to these officials we had to have a "Liaison Officer," who received orders from the Japanese and passed them on to us, a "Labour Master," who was responsible for organizing the work of the camp and for providing such gangs as were required by the Japanese for work outside the camp, and a "Quartermaster," who took a gang out daily to receive the rations. The last was the chairman of the Purchasing Committee.

On the whole this dual system worked very well, and few clashes occurred. The Liaison Officer, the Labour Master, and the Quartermaster had a part to play on both sides. This applied to the Camp Master as well since he was ex officio chairman of the General Committee. There was no conflict between that body and the Hut Masters, because both groups well recognized their respective spheres and had no temptation to trespass beyond their boundaries. The General Committee laid down the few rules and regulations which were necessary if we were to exist in harmony and concord, organized our social services, and settled disputes. The Hut Masters passed on all orders received from the Japanese and did their best to see that they were carried out to a sufficient extent to satisfy our bosses.

Shortly after we moved to Lintang we instituted "the communal system." When this came to the ears of our new commandant, Major Suga by name, a great deal of explanation was necessary in order to dispel the suspicion that we were all "communistse." The personal wealth of the various internees varied enormously and had no relation to their comparative status or substance prior to internment. Some people had been caught only with the clothes that they were wearing and had had no opportunity of improving their position. Some had managed to retain one or two suitcases of personal effects, some had money, and some had friends or relations in Kuching, who sent in gifts in cash or kind whenever they could get the parcels past the Japanese guard. In particular, some Chinese merchants remembered us in our need. They generally addressed their parcels to the Chief Secretary or the Secretary for Chinese Affairs. It was clear from the contents of most of the packages that they intended their gifts to reach a wider circle. At Padungan it gradually came to be recognized that it was intolerable that, in these conditions of adversity, a few people should be much better off than the others. There was only one solution. All cash and goods in the camp should be held in common and distributed by duly elected authorities.

This system was instituted by a resolution passed unanimously by all the British male internees shortly after our arrival at Lintang. The basic rules were as follows. All cash and all foodstuffs were to be handed to the Purchasing Committee, whether they had been in the possession of their owner since his arrest or had been received by him either previous or subsequent to the passing of the resolution, and whether they were obtained free of charge or by payment or barter. All cash handed in was retained for the general use of the camp, and the pitiful "wages" which the Japanese paid those who worked outside the camp or on a few of the chores inside the camp, were treated in the same way. A proportion of the foodstuffs was handed back to the recipient at the entire discretion of the Purchasing Committee. It was, of course, a natural corollary of this resolution that everybody should do his fair share of work, but it was not found necessary to lay down specifically the minimum amount of work required from every internee until about a year later.

On the whole this system worked surprisingly well. The Sarawak men scrupulously observed its spirit and obeyed its letter. We had some trouble with a missionary, who retained some tins of meat and, when summoned before the General Committee to explain his conduct, protested that the scheme should not be extended

to cover personal property which the owner might desire to keep for religious or sentimental reasons. He failed however, to bring his tins of corned beef within either of these categories and the threat to stop his ration of bananas speedily brought him to heel. The Jesselton men willingly adopted and loyally followed our rules when they joined us in September 1942 and no very obvious cracks appeared after the arrival of the Sandakan men in March 1943. The latter, however, had considerably more clothes with them than we or our Jesselton friends had and in 1944 it began to be possible to dispose of these for food through the British "other ranks" and the Japanese guards. This opportunity proved too much for many, coming as it did when "official" food and other conditions were progressively worsening. The "communal system" gradually began to crack up.

Another nail in its coffin was the amalgamation in 1944 of the British and Dutch kitchens. The Dutch were highly individualistic and insisted on receiving, cooking, and distributing their food separately so long as they were richer than we were. When their money faded away they discovered that it would be better to combine in these matters with us. They joined us roughly on our terms but did not become members of our "pool." That is to say their finances were kept independent of ours, but otherwise they accepted our internal economy. They were not however, sufficiently enthusiastic to compel all their members to contribute their fair share of industry. The great majority of them more than pulled their weight, but the most unco-operative and recalcitrant of the Dutch were more unco-operative and recalcitrant than the worst of the British, and were largely responsible for the final breakdown.

We had no police force and no method of compelling observance of our rules once goodwill evaporated. From the discussions which I have had with British people interned elsewhere in the Far East I have come to the conclusion that our civilian camp at Lintang was, during the first two-and-a-half years at least, a far more civilized and unselfish place than most of the other civilian camps, but as the system which we had built up slowly collapsed, we came to resemble those others very closely.

(3)

Manual Labour played a big part in our lives. At Zaida we had had nothing to do beyond household and garden chores. In Padungan under Japanese orders we had dug ditches and begun to grow potatoes. When we first arrived at Lintang it appeared that we had resumed a lotus-eating existence, but a few weeks later we were informed that we would be put to work on the landing-ground at the seventh mile. There was great indignation and a general meeting was immediately summoned. It was decided to protest to the Camp Commandant at the first opportunity. That worthy was named Cassia. He was the one who proved such an accomplished place-kicker during the general's speech at Padungan; he was not replaced by Suga until September 1942.

Next morning about thirty of us had to rise in the dark and, after eating a hearty breakfast of rice gruel, march off under Japanese guards to the "railway station" about half-a-mile away. The Kuching railway, with an exceedingly narrow gauge, had been built and abandoned as far as passenger traffic was concerned, many years before. It ran from the bazaar to the tenth mile but, at the advent of the Japanese had long since been restricted to carrying stones from the seventh mile quarry. We must have been the first passengers for a long time. At the land-

ing-ground we were lined up and told the nature of our work, which seemed to be digging a hill down to the level of the runway and casting it over a precipice. Three members of the General Committee attempted to protest, but were immediately separated from the others and stood out in the open. The Camp Commandant, who was there in person, leapt on a truck, delivered a furious speech in Japanese, attempted to extract his sword from its scabbard but somehow got its hilt entangled in his legs, became more and more angry, and shouted that anybody who wanted to be shot had better join the three leaders. The head of the Dutch internees made a brave and dignified intervention. Cassia jumped down from the truck and assaulted him so vigorously that the three goats managed to creep away in the resulting commotion and rejoin the sheep. That was the end of our protests.

Every morning we rose in the dark and left camp at about 8 a.m. Tokyo time, which was two hours ahead of Sarawak time. We had a break of an hour at mid-day and knocked off work altogether about 5 p.m. We reached camp about 6 p.m., often soaked to the skin as the majority of us had to travel in open trucks. The work was not arduous as we would refrain from digging except when there was a Japanese around, and the food was the best that we received throughout our servitude. The hours, however, were long, and the journey wearisome, so we were glad when, about the end of September, we were told that this particular labour would cease. By that time the British soldiers had arrived from Singapore and they had to continue with the extension of the landing-ground from the point where we had left off.

After we were taken off the landing-ground we were allotted several acres of land, outside our own particular camp but within the perimeter fence enclosing all the camps, for the purpose of growing vegetables. Many members of the camp regarded this proposal with grave suspicion. It was said that the Japanese would take the land away once the vegetables were grown, or, alternatively, they would take the vegetables away. It was much to the credit of the more enthusiastic horticulturists, faced with scepticism, indifference, laziness, and often downright opposition and obstruction, that they decided that the risk was worth taking, and led us in the cultivation of vegetables and fruit, which did a great deal to maintain our health in the hard years to come. In particular Lascelles and Snelus organized and administered and demonstrated and inspired, withstood alike the sneers of the cynics and the abuse of the Japanese; endured, on more than one occasion, physical assault on account of the misdemeanours of some member of the gang or of some misunderstanding with a guard; and in the end received no recognition whatever beyond the gratitude of that minority of internees, who had sufficient sense to realize, and sufficient grace to acknowledge, what had been done for them.

We had to turn out a specified number of workers every day, but only about a quarter of the camp were employed in the "outside garden." A few of the old men were "inside gardeners" (cultivating small areas of land within our own barbed wire), and others were potato peelers, "rice-pickers" (pickers of foreign bodies out of the rice), and so on. There was a firewood gang, a latrine gang, and, of course, there were six or seven cooks. Two men ran a communal laundry. All the men of goodwill, and that expression applied to the great majority of the members of this camp, were fully employed on such work of public importance as best suited their years and capacities.

The Japanese supplied us with sufficient rice for three small meals a day but not much else. Occasionally a very little meat or fish arrived, and often there were a few vegetables. Tea and salt, and sometimes sugar, were also provided, again in insignificant quantities. We could generally purchase bananas and some tobacco at the communal canteen through the agency of the Purchasing Committee.

The word "canteen" was a misnomer. It meant nothing more than that we had to pay for provisions so designated instead of receiving them free. The produce of the outside garden was, therefore, essential for our welfare. We grew sweet potatoes, beans, tapioca, tomatoes, and other vegetables, and some bananas and other fruit. In accordance with the rules of the "communal system" all this produce had to be brought into the public kitchen.

In 1943 a little furtive cooking of potatoes began to take place in the outside garden. It was not easy to trace and very difficult to stop. Once the rot took hold it spread like a canker, and the fact that the communal system was being attacked from the other side, by the private sale of clothes and retention of the proceeds without the permission of the Purchasing Committee, enabled the practice to be rationalized and defended. It was unfortunate that a large proportion of the outside gardeners were the paupers of Sarawak, while a large proportion of the inside workers were the plutocrats from Sandakan. The outside gardeners argued first, that they were entitled to some recognition in the way of extra food for the hard manual labour which they performed. For the most part they were the able-bodied men who had to perform any special tasks involving heavy work, such as carrying firewood to the women's camp or shifting *attaps*¹⁴ for the purpose of repairing the roofs of the huts. Secondly, the outside gardeners argued they were entitled to eat some of the potatoes which they grew since so many of the inside workers were exploiting the fact that they had been allowed to keep their personal belongings. The inside workers made the obvious replies and a vicious circle was set.

The controversy grew more and more bitter and so many hard things were said on both sides that the rift became steadily wider. In the end probably all the outside gardeners succumbed to the disease. For some months we fed royally during the course of our labours. I think that all the unlawful eaters confined themselves to potatoes and we continued to take at least three-quarters of that crop into the public kitchen, as well as the whole of the crops of all the other vegetables which we grew. Our private eating was naturally very much resented by the inside workers, who did their best to get their own back. For instance, the shellers of the ground-nuts began consuming a larger proportion of the nuts which they shelled than they had done hitherto. At last the Japanese put a stop to the whole ramp, insofar as the outside gardeners were concerned, by prohibiting the lighting of fires. They also took us off our own gardens, allowing only a skeleton maintenance staff of old men to remain but later permitting us to work there on Sundays and made us grow potatoes for all the camps under Japanese supervision. There was much resentment about this and the efficiency of our work deteriorated considerably. I think that the reasons for this were that the directions which we received were for the most part absurd and often contradictory and there was no sort of guarantee that any prisoners were going to get the vegetables which we grew.

Every day we presented the women's camp with one quarter of the total produce of our gardens so we were not entirely selfish. It must be admitted, however, that the size of this gift was a further cause for internal friction. Since practically all the Sarawak wives had been evacuated prior to the occupation, the great majority of the women in the camp came from North Borneo. I have already pointed out that a large proportion of outside gardeners were Sarawak men and the remainder were mostly North Borneo bachelors. The married men from North Borneo were mainly employed inside the camp. The one quarter represented a compromise

14. Roof thatching made from the *nipah* palm.

between the view of most of the outside gardeners that the women were the responsibility of the husbands and fathers, and the view of the aforesaid husbands and fathers that the women were the responsibility of the camp as a whole. "If you want your wives and children fed on potatoes you should get out and grow them," was countered with the equally telling thrust, "What about the nuns?" Many an unlawful potato-eating party satisfied its collective conscience with an argument of the former kind, and many potato-peeling grouseers repeated the latter argument rhetorically to each other.

(4)

News from the outside world was sparse, and the little that crept in under the wire in the first year or two did not promise that speedy release which we all had hoped for and some had actually expected. Rumours were prolific and invariably brought happy smiles to the faces of our more credulous optimists. It was contended by many, including some sceptics, that the prevalence of such rumours was beneficial because it enabled us to keep our spirits up. The gloom that spread when the balloon burst, however, exceeded the joy that had been inspired by its inflation. The most reliable news which was ever available to us was probably that which came over the Allied broadcasts on the secret wireless which was operated in the military camp. For some time this was passed through the fence to us, and its substance was repeated verbally in each hut, but on some date in 1943 it was decided that mere civilians could no longer be trusted with such important information. "Mrs. Harris," as the secret wireless was called among us, thereupon ceased to carry her tales to our camp, although, paradoxically enough, one of our number was relied upon to undertake the extremely dangerous task of conveying the news daily from the "other ranks" camp, where "Mrs. Harris" lived, to the officers' camp. He was forced to lie to us when challenged on the point and to deny categorically that "Mrs. Harris" was in operation at all. Some of our acute members knew that this was untrue, and consequently the intermediary endured a certain amount of unpopularity. He certainly acted very bravely, although it was and is difficult to see what practical purpose his courage accomplished or was intended to accomplish. At the end of the war he was awarded the M.B.E.

Our most frequent source of news was the local Chinese newspaper, published under Japanese auspices. This journal was indirectly responsible for the greatest tragedy which befell us. From about August 1942, we had been permitted to receive it, and those who had a knowledge of Chinese characters translated the "news" to us. Since the paper was firmly under Japanese control, was written solely from the Japanese point of view, and invariably reported resounding "axis" victories in various parts of the world, it is not easy to see how it could be contended that it could have a harmful effect on us. The Japanese, however, never reasoned in the same way as we did. In or about July 1943, permission to receive the paper was withdrawn, and we were strictly forbidden to obtain any further copies. We continued to get the paper illegally for a month or two, but, in October 1943, when it appeared that the Japanese were adopting a more severe attitude towards their prisoners and becoming more and more suspicious, the General Committee, of which I was at that time a member, decided that the contents of the journal were not worth the risks consequent upon continued disobedience to the order. Importation was therefore stopped.

We were promptly accused of cowardice by half-a-dozen members of the camp, who would not have been in any personal danger themselves if the illegality which

they favoured had come to light. As so often happens a small minority made a noise out of all proportion to their numbers. I regard them as personally responsible for the consequences which ensued. First of all an American, named Webber, arranged to receive the paper privately through the wire. He was asked to desist, but he refused to do so. Le Gros Clark, rightly or wrongly, considered this sort of unregulated smuggling to be more dangerous to the camp as a whole than the previous system, which had been conducted with the authority of the General Committee and in accordance with such safeguards as long experience had devised. After further representations to Webber and his friends had failed to have effect it was regretfully decided to resume the "official" importation of the paper.

In April 1944, the conspiracy was uncovered. The Chinese, who passed the paper to the British sergeant in charge of an outside working party, and the sergeant himself were caught. Having been very badly knocked about, the latter gave the names of his "contacts" in the civilian camp. In the result Le Gros Clark, who, as Camp Master, was deemed to have primary responsibility; Cho, the Chinese consul at Sandakan before the occupation who translated the Chinese part of the paper; Abbott, a North Borneo administrative officer, who translated the Malay part of the paper; Hill, another North Borneo administrative officer, who, in his capacity as secretary of the General Committee had had the job of reading out the translations in the huts; Macdonald, a Sarawak planter; Stookes, a North Borneo doctor; and the American, Webber, were all arrested in June. They were taken up to Sandakan for trial, where, late in 1944, they received various sentences of imprisonment. After the war we were informed that Hill and Abbott had died of dysentery in prison, while the remainder had been shot by the Japanese after the Australian landing in Borneo.

They were all brave men, but perhaps Stanley Hill was outstanding amongst them. He was one of the Sandakan men. From the moment of his arrival in March 1943, he had taken a leading part in the life of the camp. He had organized the "entertainments sub-committee," which was largely responsible for the lighter side of life. He had provided the idea, the initiative and the enthusiasm for our quarterly "Adversity." He had undertaken a very strenuous task as secretary and office-boy of the General Committee, and on one famous occasion he had saved the Committee's minutes during a Japanese search by sticking them inside his trousers and between his legs. He was a very hard worker in the outside garden. All the time he maintained a cheerful and good-humoured demeanour without the stimulant of fatuous credulity. He was a very great loss to us. We could more easily have spared those whose agitation sent him to his early death. The method by which the Japanese had selected their victims was of course, entirely illogical and unfair. It was inevitable that the persons basically responsible for the disaster should escape scot-free, but the members of the General Committee owed their immunity only to the resolute refusal of the Japanese to recognize any democratic institution.

We received no mail at all until 1944, and even after letters and cards began to come in they arrived only in small batches and at long intervals. Throughout our internment we received only one lot of Red Cross parcels. Each of these had to be divided between six persons. Facilities for sending mail were worse still. From about December 1942, we were permitted to send three cards a year, but few of these ever reached their destinations. On the last two occasions, in December 1944, and June 1945, the Japanese prescribed a list of sentences and ordered that 5% of the cards dispatched from every camp should include at least one. They generously agreed that the chosen sentences should be deemed to be additional to the maximum wordage allowed. The prescribed sentences were meant to be read as part of the whole message, and any attempt to insert qualifying words, or to mark off, by leaving a gap or otherwise the official phrases from the remainder of the

text was a serious offence. Probably more than 5% of the cards dispatched included one of these passages, because we were given to understand, either by the Japanese or by our own authorities, that those cards which did so would have a better chance of reaching the addressees within a reasonable time than those cards which did not. On each occasion I copied the choice of sentences down and so I can reproduce them verbatim. It is necessary to emphasize the authenticity of the next paragraphs for many of the sentences sound too good to be true.

In December 1944, we had the following choice:--

- (1) "Borneo is a land of perpetual summer full of natural beauty, with plenty of bananas, papayas, pineapples, mangosteens and coconuts."
- (2) "Nothing is lacking in this camp and we are satisfied with our life here."
- (3) "All officials in this camp are kind and generous so there is no need for you to worry about me."
- (4) "The Japanese military authorities provide us with sufficient food and medicines, etc., by establishing a medical laboratory and providing us with gardens and we are grateful for this from the bottom of our hearts."
- (5) "This camp is a natural flower garden and how happy I should be if only you were here."
- (6) "My only hope is that this war will end soon and we may have a happy reunion."
- (7) "We are allowed religious services every Sunday morning and in the evening we have musical concerts or plays and so we do not notice the passage of time."

In May or June, 1945 we had the following choice:--

- (1) "Borneo is a suitable place for living, a dreamland where the scenery is beautiful, little birds sing and delicious fruits grow."
- (2) "We feel quite safe as the discipline of the Japanese Army is good."
- (3) "I wonder when this present war will end and I shall be able to see you again my darling. My heart is filled with longing for you."
- (4) "In this camp not only reading, walking, and music but also films and sports are sometimes allowed. We are grateful for this generous treatment."
- (5) "How happy I am when smoking a cigarette in the shade of the coconut leaves in this comfortable dreamland which is full of beautiful flower gardens and delicious fruits, I imagine your smiling face."
- (6) "Forgetting I am a prisoner of war on concert evenings when the moon is shining I remember the parties we used to have at home and again my heart is filled with sentimental feelings."
- (7) "I am grateful as I can borrow various books from the camp library and improve my learning forgetting that I am a prisoner of war."
- (8) "On cool Sunday evenings when we have a concert on the stage and I hear the old tunes from home to my heart's content I cannot help feeling homesick."
- (9) "We are saying to each other we must be thankful for the fact that the relief money and goods which were sent through the International Red Cross Society have been distributed smoothly and fairly by the favour of the Japanese Army."

(10) "We really have an impression that moral principles to learn exist in the Orient when we recognize the real aspect of benevolence of the Japanese Army."

(11) "We are always grateful for the Japanese authorities' understanding and generosity in allowing various religious services."

(Internees were not allowed to utilize Numbers (6) or (7) of the second edition, because they were not "prisoners of war.")

(5)

Medical facilities were as scanty as the news. Our first medical officer was Dr. B., a Jewish refugee from Germany, who had served in the Prussian cavalry in the First World War. He was primarily a dentist by profession but he was also qualified to practise as a doctor in Germany. This qualification was not recognized in Sarawak, but in 1939 he had obtained a contract as Government Dentist. He was a very amiable man whose principal interest was music. Unfortunately his manner disclosed a little more of the Prussian than of the Jew, and this failing, combined with the fierce prejudice prevalent at that time against all Germans had earned him much unpopularity. Opinions differed on his professional abilities, but a great deal of adverse criticism could be attributed to dislike of the man. He was generally known as "Zo," owing to his frequent use of that German exclamation. In the early days of the occupation he was detained with the other European members of the Medical Department in the General Hospital. He was sent to the police-station to tend the wounds of the "Astana Party," and thereafter he stayed with us and acted as our medical officer until the other doctors were brought to Lintang in or about August 1943. Zo did great and good work amongst us, with the very minimum of medicines and equipment and in the face of a barrage of unreasoning hostility.

His training in the German Army was, however, always coming to the fore. Most of us were satisfied with our status as civilians and did our best to offer moderate passive resistance to the military discipline which was imposed upon us. Many of us had never been soldiers and with the best will in the world which we by no means possessed we would have had great difficulty in comprehending the working of the military mind. When it was a Japanese mind as well our difficulty was greater still. Zo, however, had no such worries. His background and upbringing had made him extremely receptive to military command and it was in his nature to obey without question any instruction emanating from a gentleman of sufficiently martial appearance. He seemed to realize what our masters were doing and why they did it. One obtained the impression that their cruelty apart he would have given the same sort of orders if he had been in their place. Sometime in 1942 after we had moved to Lintang, the Japanese instituted a complicated system of badges to denote that the wearers were excused attendance at roll-call. Blue badges were issued for those over sixty years of age, red badges for the permanently incapacitated, and white badges for the temporarily indisposed. This was the sort of thing Zo understood. Its object was generous and considerate and its method was thorough and efficient. He issued the badges with zeal and strict propriety. Two days later he was to be seen in the open space between the huts raising his hands in anguish to heaven, and wailing aloud, "Vot can I do? Vot can I do? Zey are svopping zair badges for bananas."

In 1944 Zo volunteered for service in the "hospital" which was common to all the camps. He again did excellent work there in spite of the filthy conditions in

which the patients were housed and the almost total absence of medicines. He pulled several teeth out without any sort of anaesthetic. His services to His Majesty's subjects received poor recognition after the war. He returned to England on the same boat as many of us, but, after being refused permission to land at Southampton, he was arrested at London and once more placed behind barbed wire. Only the valiant efforts of the Sarawak Government Agent secured his release after three weeks. Even then he was not given his full ration of clothing coupons and turned up to dine with me at a Piccadilly restaurant in curious and borrowed apparel. He was not permitted to travel more than five miles from his residence without police permission, and so, since he was far too proud to seek such permission, he was debarred from visiting his friends who lived outside London.

Zo's wife and son, a boy of seven years of age, had been evacuated from Sarawak overland through Dutch Borneo, shortly before the Japanese arrived. They had managed to reach Java. There Zo's wife committed suicide, while his son, having survived the occupation and been adopted by a Dutch couple, ran away and was killed by Indonesian insurgents. Like the rest of us, Zo had come home immensely looking forward to reunion with his family, and, when the sad story was told to him after his release from the British internment camp, he was a broken man. He resented bitterly the treatment which England was according to him and went to Sweden, where he died at the end of 1949. I was invited to write an obituary for the *Sarawak Gazette*, but my account of his persecution was deemed to be unprintable, and so my contribution was rejected.

The camp "hospital" was a terrible place, especially that part of it allotted to dysentery cases in which I spent three days in 1945. The civilians and the officers had a good chance of recovering, but for the "other ranks" the communal hospital was usually the path to the communal cemetery. The Japanese doctor in charge was an ignorant and arrogant youth who was reputed to be no more than an unfledged student. He was assisted by about six British and Dutch doctors from the various camps, and by military and civilian orderlies. Outside the "hospital" there was a big notice-board in English with these injunctions painted on it-

"Keep your spirits up.
Do your best to get well quickly.
No escaping allowed."

A little surprisingly the Japanese provided us with Kuching manufactured soap fairly regularly, and if it was carefully husbanded, one could keep reasonably clean even if one worked in the outside garden every day. In the police-station we were actually supplied with a tooth-brush each, together with a bottle of suntan lotion, although the utility of the latter article in those sunless surroundings was a matter of some doubt. Some of the prisoners who came in later were less lucky, and consequently had to be more ingenious. At Lintang the Japanese kept a few pigs, and on one occasion a notice was exhibited in the camp to the effect that two nuns had been reprimanded for persuading the Indonesian prisoners of war, who looked after the swine, to extract bristles from the backs of their charges in order to facilitate the manufacture of tooth-brushes for the children, thereby leading the authorities to believe that the animals were suffering from a skin disease.

Clothes were as scarce as toilet articles. Occasionally the Japanese supplied shoes made out of rubber sheets, but they speedily rotted, and were always awkward for negotiating muddy tracks. Shorts and shirts were either worn out or bartered over the fence for coconut oil and eggs. The Japanese supplied us with *chawats* (loin-cloths of a very abbreviated kind) and in 1945 these became almost our sole attire. I had a black one for week-days and a white one for Sundays.

When these were first issued an indignant member of the Malayan Civil Service snarled, "After the war I'm going to send mine straight to the Colonial Office and ask them what they propose to do about it." I do not know whether he carried out this awe-inspiring threat, or, if he did, what remedy he obtained for his grievous wronge

Very occasionally our guardians showed a real concern for the old, but a lack of co-ordination between different departments of the administration sometimes led to a ludicrous situation. On one occasion, the Japanese Quartermaster sent a soldier to the priests' camp to demand the three ripest melons which were growing there a short time before another soldier arrived to summon to the commandant's office the three priests of over seventy years of age. They donned their robes and hurried up the hill, there to be assured by the commandant that he always took a special care of the old and venerable, and to be presented, in token of his esteem, with the same three melons of which their camp had been deprived less than an hour before. The Japanese were always very punctilious in arranging for an officer to attend the funerals of prisonerse and the officer was always very punctilious in saluting at the appropriate moments. The cold callousness of their conduct to the sick contrasted strangely with this consistent courtesy to a corpse.

(6)

The largest single factor in the maintenance of "morale" was probably the organization of entertainments of various kinds and descriptions. We had begun in a modest way at Padungan with fortnightly lectures, and we continued with these at Lintang. The arrival of the Jesselton men added immensely to the scope and size of our programme. Our two hundred British subjects included people from many different walks of life, and possessing an astonishing variety of experiences. Naturally I cannot repeat the whole of our syllabus now, but I remember that we had talks on shark-fishing, porcelain, the American Civil War, Marxism, relativitye ballooning, malarial preventione New Zealand, the work of the National Council for Civil Liberties, the Yangtze Patrol, and experiences in a German camp in the previous World War. These lectures were interspersed with debates, and, on one occasion, a mock trial. Small groups engaged in Shakespeare readingse or learnt accountancy, shorthand, Dutch, Russian, Chinese, and other abstruse subjectse

The Japanese began to get difficult concerning the large gatherings in 1943. It began by a sentry breaking up an ordinary business meeting of the camp apparently on his own initiativee Then the rule was promulgated that permission must be obtained beforehand and the authorities informed of the subject which it was intended to discuss. This led to trouble because misunderstandings were liable to arisee For examplee the motion that "in the opinion of this house, woman should be put back in her place" was tabled for debatee We thought that the Japanese might fail to grasp the significance of this wordinge so they were informed that we intended to discuss the emancipation of women. This was greeted with frowns from the officer in charge and the rebukee "Very bad, very bad," from the interpretere It was only after anxious inquiry that we discovered that they were under the misapprehension that we were conspiring together to attack the women's camp, in order to secure the release of the wives and children incarcerated there. After a few upsets like this all large assemblies were finally prohibited, but permission was given in October 1943 for meetings of groups not exceeding ten persons for educational and recreational purposee Neither of these rules applied to authorized concerts or religious services.

The most serious casualty resulting from this injunction was the general meeting of the whole camp, which we had got into the habit of holding from time to time, so that we might discuss our internal affairs amongst ourselves and resolve serious disputes, and so preserve a substantial degree of agreement and goodwill. We had been most successful in this endeavour, and the prohibition of such meetings, with the inevitable consequence that it became impossible to ventilate frankly and openly our various differences in public assembly, played no small part in producing the dissension and mutual suspicion which harried our lives during the last year or two, and contributed in large measure to the breakdown of the "communal system."

We had to adapt ourselves to the new situation, and many public-spirited people gave talks to small groups. Some speakers were so popular that before long they had repeated the same discourse to practically the whole camp. Men, who would have been horrified at the idea of getting up on their feet at a public meeting, had no hesitation in giving full play to their recollections and opinions, from a sedentary position, to a small private group. There was no central organization for these talks. The movement was entirely spontaneous, and the meetings were arranged by the groups themselves. This phenomenon was one of the most instructive and significant developments of our internment life. Chisholm on the Metropolitan Police, Field on the Chinese Customs Service, and Turner on English history from 1066 onwards (by instalments spread over several months) were the star turns. The Shakespeare readings were supplemented by Shakespeare discussions on such enlivening topics as "Fair play for Titus Andronicus."

The trouble about the ten-men rule was that it was virtually impossible for a prowling Japanese guard to tell who were members of the group and who were not. For instance, a "quiz" competition might be taking place in one of the huts. The questioner would sit on one bed and the eight or nine competitors on other beds in the vicinity. On other beds nearby inhabitants of the hut would be resting, and all the time persons would be passing to and fro, some of them pausing for a few moments to form an interested audience on the fringe of the group. Suddenly a shadow would fall across the doorway and a uniformed guard, complete with rifle and fixed bayonet, would appear at the top of the steps. The first person to see him was bound by standing orders to shout "Kiotski!" (Attention!), whereupon everybody in the hut had to rise, and "Kiri!" (Bow!), whereupon everybody in the hut had to bow. These evolutions would be followed by a flood of explosive Japanese from the guard, and experience soon taught us that he was inquiring why the ten-men rule was being disobeyed. It was usually difficult to convince him that the surplus individuals were not members of the group at all, and, even when success crowned our efforts, the person undertaking the duty of explanation would very likely have received a slap or two across the face, before the guard departed, for presuming to question military mathematics. If the intruder happened to be a non-commissioned officer, as occasionally occurred, there was a further risk that the particular game or occupation investigated might be contrary to his principles. Thus, although poker was frequently played in the camp, and had never been expressly forbidden so long as no money changed hands, seven of our number, including Sarawak's Principal Medical Officer, spent a bad night squatting on their heels in the guardroom, as a result of being caught at this immoral pastime by a tight-lipped and puritanical sergeant.

We were very fortunate in having some first-rate amateur actors amongst us, and we enjoyed many theatrical entertainments. Some plays written in the camp for this express purpose were performed. In the early days a few concerts were held in the open space between the various camps, which all civilian and military prisoners were entitled to attend. The best turns were invariably given by the

"other ranks," who must have included a number of professional peace-time entertainers, but the only time I have really appreciated the song, "Land of Hope and Glory," was the occasion on which it was sung at this kind of concert, in the face of a front row of Japanese officers, by a full-throated choir from the women's camp. We had our own "band" in the male civilian camp, which played to us on many an evening. As far as I can remember the only authentic instruments were a couple of mouth-organs, but ingenuity fashioned many others, including one or two violins, out of the most unlikely material. According to my recollection the band-leader performed on a home-made guitar.

For the most part we were lucky regarding books. At the beginning we had compiled a fairly well-stocked library principally by persuading the Japanese to let us have books from the Kuching library. Various prisoners brought in some volumes of their own. In particular our original collection was supplemented by a great many books belonging to a North Bornean solicitor. Several of these were Shakespearean commentaries of which their owner was reputed to have possessed over two hundred. This halcyon age ended some time in 1943, when the Japanese very properly seized all the books in our camp in order to distribute them fairly between all the camps. An exception was made in the case of such books as bibles and poetry anthologies, which the Japanese were prepared to stamp as possessing a special personal value. A minority resented this action bitterly at the time, but on the whole it was a wise and just move, although the "cataloguing" of the books took a shockingly long time before redistribution commenced. After a prolonged interval each camp received a ration of books once a week. Our loss was the gain of the British officers and other ranks. Under the new system each hut in the male civilian camp received about seven books, which meant that one book was read concurrently by four or five people.

At the suggestion, and under the guidance and inspiration, of Stanley Hill, we published five numbers of a quarterly magazine, which we called "Adversity." That seemed a pretty good name to us at the time, but in retrospect it contains a revolting suggestion of stiff upper-lipishness. Contributions were invited from all members of the camp. They had to be written in ink or pencil on such paper as the author could obtain for himself and were then bound together between cardboard covers. Occasionally, but not often, a contribution was rejected by the self-appointed editorial board. A system of prizes, usually one ration of tobacco, was instituted for the best article, best short story, and best poem appearing in each number. "Adversity" was published by being passed from hand to hand round the huts. Some of its contents were reproduced in the *Sarawak Gazette* after the war. The first number appeared on July 1st, 1943, and the last on July 1st, 1944, when all supplies of paper were exhausted. The Japanese seized one number during a raid and it was never recovered. The other four are now in the custody of the Curator of the Sarawak Museum.

Our quarterly's insatiable appetite for paper led to a typical internment wrangle. Very little of this valuable article had been brought into the camp or could be procured by barter from outside. Contributors were therefore almost entirely dependent on the wrappings in which the tobacco was issued. The General Committee, being of the opinion that the journal was worthy of sustenance and support, issued an order that all tobacco wrappings were to be handed over to the editorial board. This paper was abstracted by the responsible member of the Purchasing Committee before the tobacco was issued, much to the annoyance of some internees, who had no desire to contribute to and little desire to read our magazine, but had other important uses for the paper, which was particularly in demand for making cigarettes. Somehow or other a settlement was patched up, but I forget its precise terms.

We enjoyed many other forms of recreation. There were ample facilities for playing chess, bridge and other indoor games, and out-of-doors enthusiasts played modified versions of cricket, baseball and tennis. The interest and variety of our non-working hours was primarily responsible for the preservation of our mental health, and second only to the outside garden in preventing too severe a deterioration in our physical health. Our activities were so diverse that there was hardly an internee who could not say with justice that he had played his part in entertaining his fellows and bringing some splash of colour into our otherwise drab and depressing lives.

(7)

Somewhat surprisingly it all came to an end. Mrs. Harris suddenly woke up in the middle of August 1945, and informed us that Japan had surrendered. A few days later we were summoned to the commandant's office, where, much to our astonishment, we were permitted to sit on the grass, instead of standing rigidly to attention as was usually required on these occasions. Major (or, more properly, Colonel, as he had been promoted a year or two before) Suga came out on to the balcony, flanked by two of his officers with pale, strained faces. He told us that he had "very good news" (pause) "for you." He went on to say that Japan had surrendered as a result of the dropping of the atom bomb, a method of warfare against women and children which the Japanese could not understand. We returned to our respective camps and resumed normal routine. For nearly a month we carried on more or less as usual, but discipline was gradually relaxed and compulsory work came to an end.

On September 11th the Australians arrived. The scene when we were addressed by the Brigadier in the communal square and cheered and cheered and then filed past him, will live long in the memory of us all. The Japanese were absent with one exception. Colonel Suga stood alone, a desolate little figure, at the back of the crowd, with his sword trailing dismally behind him. That was an act of real courage. On the whole he was a well-meaning man. His faults were primarily the faults of the military machine in which he was immured. After a few days under the care of Punjabi ex-prisoners and Australian soldiers he cut his throat with a table-knife while he was in custody at Labuan.

On September 12th I left in the first batch for Labuan military hospital in a little American ship where we were all generously treated and richly fed. None of us appeared at any meal after our first breakfast at which I demolished twelve fried eggs. In Labuan we spent varying periods. I stayed there for five weeks and finally reached England in the last week of November.

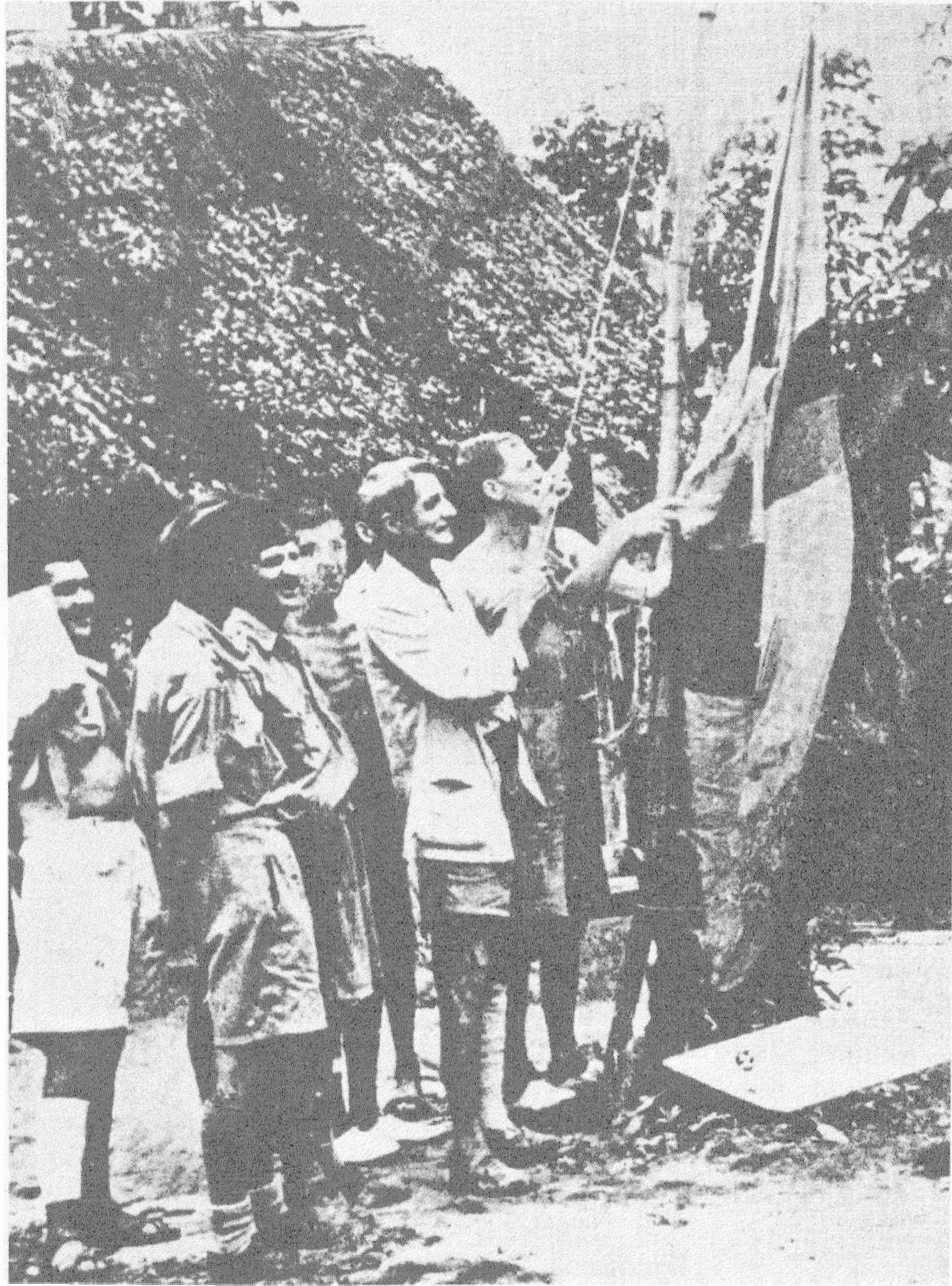
Internment had by no means been pure loss. We had all of us learnt at least a little for our own good. It would be presumptuous to suggest to what extent others had improved themselves, but it was commonly agreed that three or four hard drinkers had been given a new lease of life. I myself had learned how to count up to ten in Japanese and a few Japanese military expressions; how to use an axe and a *changkol*; how to grow the easier kind of vegetables; how to play bridge; more chess openings than I had ever known before; a smattering of shorthand; how to walk along stony roads in bare feet with a heavy load on my back; that I could perform hard manual labour, three-quarters naked in the tropical sun, without any covering for the head even at noon; the dispensability of whisky and all other strong drink a few miles from the Equator; and how to walk warily

before power and adapt myself to the military mind. I had read every play of Shakespeare's once and most twice and I had studied many commentaries on them. Above all, I had learned a great deal more about the behaviour of my fellow-men in adversity. My years of internment immensely improved my opinion of human nature. The vast majority of our male civilians, whether from Sarawak, North Borneo, Brunei, Labuan, Dutch Borneo, or elsewhere, and whether British or Dutch or otherwise, behaved like civilized beings and were prepared to co-operate to a surprising extent in furthering the well-being of the community as a whole. The absence of internal sanctions necessitated the acceptance of real voluntary self-discipline if proper social relations were to be preserved, and such self-discipline was almost invariably forthcoming.

We had been strictly but not badly treated. Most of the guards in charge of us had been ignorant and primitive peasant boys, and some of them had been persistently brutal. I doubt, however, whether they were, on an average, any worse than an English youth, given a wide discretion to invent rules and encouraged to use his fists on defenceless prisoners in order to enforce them, would have been. The women and children were on the whole kindly treated. A few of them were unnecessarily provocative in their attitude towards the Japanese, and thereby stupidly invited a slap on the face and consequent trouble from outraged husbands and fathers when the news drifted down to us. It is to the credit of the Japanese, given their training and conventional methods of enforcing discipline, that for the most part such provocation was ignored. There were, in fact, only two or three incidents of this nature so far as the women's camp was concerned, although I have seen a husband, whose wife insisted on talking to him through the wire, marched out of her sight a few hundred yards down the road and there badly knocked about.

Over the whole range of the male camps the officers were the best off, we were somewhere in the middle, and the "other ranks" were much the worst treated. Generally speaking the latter had an appalling time, but even here sole responsibility could not be attributed to the Japanese, although they undoubtedly bore the major portion of it. In all the camps those who were lucky enough to be employed in the kitchen fed better than the others, and this discrimination could probably not be avoided. In the camp of the "other ranks," however, there was an additional exploiting class consisting of a handful of non-commissioned officers and military policemen. It disgusted us to compare, through the fence, the aristocracy of the well-fed with the skeletons of bony, starved, pale, ulcerated, over-worked proletarians. They ran their own orderly room under the sergeant-major. No doubt some sort of internal administration of justice was essential for the well-being of the majority, and perhaps it was also necessary to maintain a small, healthy, and physically fit squad of police to provide the executive arm. The contrast was, however, a most unhappy one, and our minds were not set at rest when we heard that one prisoner, an inveterate thief, had been pushed down a few steps by a British military policeman and picked up dead at the bottom. The number of deaths in that camp was at all times distressing and in 1945 became truly shocking. I believe that by the time the Australians arrived nearly half of the "other ranks" had died. Four, five, six, or seven funerals used to go past every day. The supply of wood for coffins was soon exhausted, and the corpses had to be tipped into the graves, and the coffins hauled out and taken back to the camp again for the next load.

We often discussed among ourselves the reasons why the health of the "other ranks" was so much worse than the health of the inmates of the other camps. I have briefly indicated some of these already. I think that they can be placed under four general heads. In the first place the fundamental cause, and one which



J. B. ARCHER (CHIEF SECRETARY OF SARAWAK 1939-41) hauling up the Sarawak flag with other Brooke administration officers shortly after their release from internment in Kuching by Australian forces, September 1945

(By courtesy, Dewan Bahasa dan Pustaka Malaysia, Cawangan, Sarawak)

is too frequently overlooked in discussions on atrocities towards prisoners of war, was that most of these men had been under-nourished all of their lives. Coming as many of them did from the "distressed areas," and, as nearly all of them did, from a working-class background, they had experienced the economic disorders of the thirties while they were still growing. They had not the same physical reserves as the middle-class occupants of the other camps, and so, when food got really poor in quantity and quality, they were the first to go under. In the second place they were new to the tropics and had great difficulty in adapting themselves to the climatic conditions. Most of the civilian prisoners, at any rate, had lived in Borneo for many years. In the third place they were considerably worse fed than the members of the other camps. They received, I think, approximately the same rations as us, but, as I have already explained, the bulk of them did not get their fair share of those rations, and they had no opportunity of supplementing the largesse of the Japanese with vegetables grown by themselves. In the fourth place they were much worse treated physically than the inmates of the other camps. They had to work much harder for much longer hours, and were more often and more savagely assaulted by the Japanese officers and guards.

The conditions in the "other ranks" camp was the sole justification, as far as Kuching was concerned, for the unbridled indignation then prevalent in Britain at the treatment of prisoners by the Japanese and for the barbarous sentences meted out to camp officers and guards by military tribunals. All our officers were sentenced to be shot, and nearly every guard and non-commissioned officer received a long prison sentence. I sincerely hope that the death sentences were commuted by a confirming authority able to take a cooler view, and that all the ordinary soldiers have by now been released. They were almost as much the victims of the military machine as we were ourselves. It is that machine, and the whole horrible spirit animating it, which should have been the object for attack. When the Japanese star had sunk below the horizon, a good many members of more "civilized" races were not slow to emulate, often even more thoroughly and ruthlessly, the model which our captors had set.

Later we discovered that the Japanese had exercised a more terrible reign of terror outside the camps than inside them. When they arrived in 1941 they had every chance of endearing themselves to the public, or at least to the native part of it. The Chinese, as a whole, felt themselves to be too closely involved in the Sino-Japanese war ever to co-operate very fully. The Japanese threw this fund of goodwill away. By such fatuous acts as insisting that Mohammedan women should descend from rickshaws and bow when passing a military sentry, they earned the odium even of those who had been most attracted to the conquerors of the unbeloved Europeans. In 1945 only the most rascally "collaborators" regretted the discomfiture of the Japanese. Even if we, in our turn, have inflicted more disappointments than we have acquired friends, few wish to see the "nips" back again, not even as the mercenaries of an American overlord.

Perhaps this brief account of the conditions in the male civilian internment camp at Kuching can best be clarified and illustrated by specimens of notices signed by the Camp Master or the Assistant Camp Master, which appeared on our notice-board. The following were very typical of the general run of these pronouncements.

Garden Produce

The total weight of garden produce brought into the kitchen from the outside gardens during the period 21-30th November was 36.68 pikuls of which 8.17 pikuls were sent to the Women's Camp.

During the same period the total weight of vegetables received from the Japanese authorities was 14.45 pikuls.

6.2.44.

Ltn Nagata issued orders this evening that all signalling, waving and other gestures of recognition between the members of this Camp and the ladies in Camp No. 6 are to cease forthwith.

If a case of waving, signalling or any gesture of recognition comes to the knowledge of the Japanese authorities, the ladies' Camp will be re-arranged so that only the nuns will be able to see this Camp from Camp No. 6.

13.8.43.

The Japanese authorities some time ago forbade the burial of night-soil inside the Camp area. They have also refused a request to use night-soil under proper supervision on the area which is being cultivated by the Sandakan internees.

The Committee is considering the matter and obtaining the views of our doctors and agriculturists. Meantime, in order not to offend the Japanese authorities and cause unpleasant repercussions, any person participating in the disposal of night-soil in a manner other than the method approved by the Japanese is requested to use discretion and to be unobtrusive.

20.3.43.

The Camp Master complained this morning of the offensive conduct of the guard to-day who, inter alia, assaulted Archdeacon Mercer and Mr. Davidson and in general behaved insufferably.

Lt. Nagata said he would speak to the head of the guard regarding these incidents and the individual concerned.

10.5.43.

Salutes to Guards

Lt. Nagata explained that the reason why a number of outside workers were hit this afternoon was because some of them failed to rise and bow when a guard passed. The Japanese authorities require that, even when persons are inside the camp area, they must, if in the vicinity of the boundary wire, salute any guard who passes irrespective of whether the guard is inside or outside the Camp.

17.5.43.

In response to frequent inquiries as to news Lt. Nagata to-day gave out the following news bulletin:-

(1) Castilnova, the site of the Pope's villa 12 miles outside Rome has been bombed by the Americans, 300 nuns being killed. Vatican City is incensed at the outrage.

(2) The Independent Forces of Chandra Bose have encircled two American Divisions, which are in danger of annihilation in the State of Bengal.

(3) There is no change in the war situation in the Southwest Pacific, but air activity is intense.

22.2.44.

Keirei (Bow)

The Japanese N.C.O. complains that some members of the Camp do not bow properly at Roll Call. The bow should be from the waist at an angle of 15 degrees, head down. Remain in that position for approximately 3 seconds, and then resume the upright position.

29.2.44.

Rations

Four and one-fifth bags of rice were received from the Japanese authorities as rations for the 5-day period August 6th-10th, compared with 6 bags for the preceding 5-day period. It was stated that no ubi kayu or sweet potatoes would be issued during this period.

The Camp Master and the Quartermaster will seek an interview with Lt. Takino to-morrow to raise the question of this further cut in rations.

6.8.44.

The Sgt. Major gave orders that 150 people shall turn out at 9 a.m. to-morrow (Tuesday) to carry firewood from "somewhere behind the Priests' Camp." The Sgt. Major stated that there was a crisis in the firewood supply and if we did not turn out we would have to go without firewood. A strong protest (to reduce the number to 100) was made on account of age and sickness, but the Sgt. Major said that the older and weaker men could carry lighter loads. There will be no other outside work to-morrow morning but in the afternoon work will be resumed as usual.

Water may be drawn between the hours 10.30 a.m. to 12.30 p.m., instead of 11 a.m. to 12.30 p.m. Afternoon times remain unchanged.

Lt. Takino stated that he could not reply to our request about planting kangkong at present since plans for the utilization of that piece of garden are now in course of preparation.

Application was made for roof slats but the reply given was that we must wait as the re-roofing of all buildings was in progress and had already started in No. 1 P.O.W. Camp and our turn would come.

13.11.44.

We are informed that Mr. Woolley, Captain Smelt and Mr. Lack are each sentenced to 30 days' detention in the Guard House on a diet of rice, salt and water with one ordinary Camp meal (evening) every third day. Offences not specified.

An application was made for an interview with Col. Suga.

Materials for repairs to the kitchen have been promised.

Return of empties to the Women's Camp will not be permitted until next year.

New Year's Day will be a holiday and details will be given later.

Further reference was made to persons getting inside the apron fence and we are warned of the serious consequences if this order is disobeyed.

29.12.44.

PART III

COLONY OF SARAWAK

(1)

I returned to Sarawak in June 1946, and was re-appointed Legal Adviser. This post still carried with it the duties of Public Prosecutor, but I was no longer Registrar of the Supreme Court or Official Assignee. Both these jobs were being performed by a Chinese who was a clerk in the office before the war. He has since been confirmed in these posts and promoted to the Senior Services. Another home had been found for the duties of the Custodian of Enemy Property. Notwithstanding these changes there was plenty of work for me to do. No longer did we have to legislate for air-raid precautions and military manoeuvres, but the Defence Regulations and the law under which they were made were still in full force. Much of this extraordinary legislation was still necessary in the circumstances in which we found ourselves, and the problem was how to get rid of the useless and burdensome provisions without jettisoning the tools which were essential for the work of re-building. Some of these laws were gradually replaced by new legislation, but the basic emergency "Orders" which was the name by which statutes were known in the old State of Sarawak was not repealed until 1948, when it was superseded by an "Ordinance" (the name by which statutes were known in the new Colony of Sarawak) conferring special powers in the event of an emergency and framed on the lines common in British colonial territories.

In addition to the ordinary routine work we had three novel problems of a major character to tackle. They were the clearing up of the mess left by the Japanese occupation and its immediate consequences; the implementation of the constitution which had been enacted only three months before the Japanese came, and of which we accordingly possessed no practical experience; and the legal effects of the cession of Sarawak to His Majesty. It will be convenient to deal with these separately in due course.

Some officers had arrived with His Highness the Rajah in April, and on the 15th of that month a proclamation dissolved the British Military Administration and restored civil government. One of our principal troubles was that there were insufficient men of experience available to help to put the country back on its feet. In one way and another the Sarawak Civil Service had suffered a high proportion of casualties amongst its European staff during the course of the war. Almost a third had been killed or had died otherwise, while others still did not come back, either for reasons of health or because they disapproved of the cession proposals. Many of the pre-war officers, who had been on leave at the commencement of the occupation, or had managed to get away as the Japanese were arriving, were members of the British Military Administration. The change-over in April did not mean very much more to them than doffing their uniforms and donning civilian clothes. About a dozen other members of that administration, including the Chief Justice, were transferred to the civil Government. The latter group had had, of course, very little experience of Sarawak, and, at any rate so far as the administrative officers were concerned, their knowledge of the country and its people was entirely out of

proportion to the responsibilities which were thrust upon them. They could not speak Malay, let alone Dayak so that the ancient tradition whereby all cases at first instance had to be heard in one or other of those languages had to be discarded through sheer force of circumstances. In the middle of 1946 there was at least one military officer who had gone straight to the army from school and had landed by accident in Sarawak where he had been for a few months only who was actually in charge, at one and the same time of three different Districts any one of which would have been considered, ten years earlier to be far too heavy a load for a man of his qualifications and experience.

For the most part these relics of the British Military Administration were older and wiser than the green cadets of the pre-war years had been at the time of their first appointment. Much of their military training was doubtless useful to them in their new work. But there were not enough of them to fill the gaps, and in ensuing months more men of a similar type joined the service. Secondment from other British dependent territories was also resorted to. It was not until two or three years had passed that the newly-hatched cadet, fresh from the University and thrilled with his first job began to re-appear. At the end of 1947 there were still officers administering very important Districts, who had not passed their first examination in the Malay language.

While the absence of "old hands" to some extent obstructed the turning wheels, it had very little effect in my particular sphere. The new officers were as ignorant of the law and as zealous in attempting to administer it, as their predecessors had been. I suspect that "native custom" did not get on quite so well but I had no direct concern with that field. Civil cases were decided, as before, according to the magistrate's general notions of equity and good conscience assisted by the knowledge culled from a little desultory reading of the law reports in the popular English newspapers. Criminal procedure was laid down by the Criminal Procedure Code but few bothered to peruse this for any purpose other than passing their examinations. The same applied to the Penal Code, which is in substance a reproduction of the Indian Penal Code. Serious crime was rare, and it was easy enough to do rough justice with half an eye on the written law. The immediate aftermath of war had produced the inevitable crop of murders and robberies but this epidemic was in the circumstances, very mild. After the restoration of civil government one Chinese attempted to fire at the Sibu police, and was shot dead in return, but, apart from that incident and of course the murder of the Governor Mr. Duncan Stewart at the end of 1949,¹⁵ serious cases were no more violent in character and rather less frequent in occurrence than they had been before the war.

It is interesting to note that this happy state of affairs was brought about without any resort to severity. The sentences passed by the courts in Sarawak were as a general rule lighter than the sentences passed in Singapore and Malaya. The Sarawak courts could have no recourse to flagellation a penalty which was lavishly applied by the courts of the two latter territories both before the war and in the years immediately succeeding it. After the report of the pre-war Home Office Departmental Committee on Corporal Punishment was received in Sarawak in 1939, the law of the State was immediately amended to conform roughly with the Committee's recommendations. In retaining the punishment for a few very serious offences

15. Duncan Stewart was stabbed by a Malay youth Rosly bin Dhoby at Sibu in early December 1949 and died a few days later in hospital in Singapore. Rosly and his fellow conspirators were members of the *Rukun Tigabelas* (Thirteen Precepts), a clandestine and extremist splinter-group from the anti-cession *Pergerakan Pemuda Melayu* (Malay Youth Movement) of Sibu.

the changes did not go quite so far as the Committee had proposed, but I believe that in this reform Sarawak stood alone, at that time, amongst the countries of the Empire. All sentences of flogging required the confirmation of the Supreme Court, which meant the Chief Justice, and in actual fact not a single such sentence had been pronounced by a British court, either on adult or on juvenile offenders, between the date on which the law was amended in 1939 and the date on which I left the Colony at the end of 1951. So much for the flagellationists!

One of my duties was that of sole examiner of Government officers in law. For this purpose I was appointed a member of the Board of Examiners in 1946, the other members of the Board confining their attention to the papers on language, history, and so on. In 1949 this system was changed, and the control of the law examinations for administrative officers was transferred from the Board to the Chief Justice. Henceforth papers were set and corrected by at least two qualified lawyers working together. I continued, however, to be in sole charge of the examinations for Native Officers. This was necessary because the candidates were allowed to answer the questions in Malay if they so wished, and I was the only lawyer, stationed in Kuching, who was capable of reading the papers of those who elected so to do.

The competence of these Malay and Dayak candidates varied enormously. There are about six natives in Sarawak today who are competent lay magistrates, and at least as qualified to hold court and administer justice as their European counterparts. But the majority of Native Officers have not sufficient education of a general character to attempt to grasp, not only legal subtleties, but even legal principles. Some of the answers which I obtained to my simple questions, which were always translated into Malay, were fantastic. There were usually one or two candidates who thought that "entertainment duty" was the duty of entertaining senior Government officers, and that "stamp duty" was what one put on envelopes. One candidate, instead of answering the questions in the paper before him, always answered the questions most nearly approximating thereto which had been set on the same subject in the previous examination, and the correct replies to which he had thus been able to learn and digest. Another thought that rape occurred "if two women intercourse with each other." The Penal Code offence called "voluntarily causing hurt" was defined by one candidate as "an illegal act done to a person or persons for a purpose of causing trouble," and by another as "privation of ear, head or face." Another said that a public servant "means any person who by virtue is in actual possession of a public," and another gave the following startling example of criminal negligence: "'A' is warned by 'B' ('B' 'A's' father) not to overuse his things, but of which 'A' did not follow, wherefore 'A' is charged as 'negligence.'" Examining such candidates certainly had its compensations. Some of the answers in Malay were almost as extraordinary, but no useful purpose would be served in attempting to reproduce them here.

In August 1946, I was appointed editor of the resurrected *Sarawak Gazette*. The first number appeared in September and I remained in the editorial chair for eighteen months. Re-reading my editorials today I am astonished at my naive optimism that the Labour Government would make a radical change in Imperial policy. It took only two or three years for those illusions to melt away, but it is surprising that they ever held sway. Of course, I could not and did not use the position of editor to sponsor the interests of any political party, but the general tenor of my writing was how much better and richer and more democratic we were all going to be under His Majesty's benevolent umbrella. I was sufficiently steeped in anti-imperialism to remind my readers from time to time of the advantages which the "independent" State of Sarawak had enjoyed, and to emphasize the obvious dangers inherent in the new dispensation. In general, although I once contrived to mention

that the Secretary of State had been a Vice-President of the National Council for Civil Liberties, on one occasion provoked a protest from the Colonial Office, and on another a mild expostulation from the Acting Chief Secretary, and in other ways gave the *Gazette* a tone and a trend that it would have obtained from no other editor in Sarawak, I kept very close to the party line and warmly supported the powers that were. Looking back on it now I am surprised and a little ashamed. I think that the long years of internment must have affected my judgement.

Fortunately the attack did not last long. By February 1948, I had come to realize that the only difference between the colonial policy of the Labour Government and the colonial policy of a Tory Government was a matter of words and phrases, and must necessarily be so if the Labour Government persisted in the use of Tory instruments. The theory that colonial civil servants "have no politics" is a baseless delusion. They are Tories almost to a man and, in view of their upbringing and environment, can hardly help being so. I often wondered whether Labour ministers would have felt upset if they had heard what some of their most trusted tools said about them and their ideals in the privacy of their respective boxes.

(2)

The cleaning up of the mess left by the occupation engaged a good deal of our attention and our time. Naturally enough the British Military Administration had done very little in this regard. Like, I imagine, all military administrations, this had been a very make-shift affair, displaying much incompetence and some corruption. Many dark stories were told of the latter. Looting, which had been only a minor evil under the Japanese, was raised almost to the status of a national game under the British. I have heard a senior Government officer, who had been a member of the military administration and whose house was stuffed with property which he had acquired in Sarawak since the occupation otherwise than by purchase, explain to some interested guests how his scruples had prevented him from enriching himself in the manner of some of his non-Sarawakian colleagues. The Asian races were not slow to imitate their masters. Much litigation resulted from transactions in which X had obtained for a song some such chattel as a motor-car which he well knew had belonged to Y before being confiscated by the Japanese.

The worthless currency, which the occupying power had issued, gave rise to many grave problems. Many pre-war debts had been paid off in this money during the occupation and the question arose whether these payments should be regarded as valid. The matter was complicated by the fact that the Japanese had purported to seize many private concerns, particularly the assets of British commercial undertakings, banks and missions, and had demanded and obtained payment of the whole or part of the pre-war debts which were owing to these concerns. In Sarawak we would have been content to have let the loss lie where it had fallen, or to have left the issues in dispute to the wisdom of the courts, but pressure was brought on us to fall into line with Singapore and Malaya, where the sequestered interests were both more numerous and more vocal. After much correspondence, drafting, and meetings of a select Committee, legislation was finally enacted which, in the event, has operated very harshly on debtors. In Sarawak the very people whom the legislation was principally designed to help, namely the big European companies, have profited least by it, because, by the time it was enacted in 1949, they had managed to settle most of their disputes out of court, by the simple process of using their

position as principal importers as a powerful argument against their erstwhile debtors who were dependent on them for their supplies of trading goods.

In the criminal field our two major problems were to persuade the Dayaks that a close season for head-hunting had again been declared, and the best way to deal with the vexed question of "collaborators." As regards the first, the root of the trouble was to be found in the guerrilla fighting which had been waged in Borneo during the concluding months of the Japanese regime under the leadership of British officers who had been dropped by parachute. These officers naturally made many recruits from the bellicose Sea Dayaks, who seldom fail to jump at any excuse for taking a few heads. For the first time for many years fresh skulls hung from the rafters in the longhouses, and later on were fondled by persons of the highest status amongst His Majesty's representatives in the Far East. It is regrettable that some of the Dayaks were a little careless in distinguishing between Japanese and Chinese heads, and even more found difficulty in correctly construing the order that Chinese who had helped the Japanese might be killed while Chinese who had remained "loyal," might not be. To many Dayaks it must have seemed that the glorious days of their ancestors had returned, and it was hard for some of them to abandon this revival of a great sport. The administration contented itself with saying in effect: "It is now wrong to take heads." Any attempt to explain why it had suddenly become "wrong," although it had been all right a few months ago, was rightly regarded as a dangerous incursion into the higher metaphysics. This, perhaps, was just as well, because, according to some reports the accuracy of which cannot be vouched for, the wheel has once again turned full circle in the case of the Dayak "trackers," who have been sent to Malaya.¹⁶

The thorny problem of the "collaborators" was settled by the decision that only those who had participated in acts of violence on members of the public would be prosecuted. A few of the others had been knocked about by the crowd soon after the arrival of the Australians in September 1945, and the Government was a little more fussy than the law with regard to the people it retained in its service. This discrimination does not, however, appear to have applied to the Constabulary Department where some of the Asian officers with the worst occupation reputations have since the war received promotion and now wield real authority. It is odd that police forces throughout the capitalist world should so often rely on the same type of man. It is distressing that the qualities, which appealed to the Japanese, should serve as passports to favour with the British.

There were three principal reasons for this apparent tenderness to collaborators. In the first place India took a very strong view of any attempt to penalize those who had assisted, even to the extent of fighting with, the Japanese in the cause of Indian independence. Yet if these men went free it was clearly not possible to prosecute others who had been animated by less laudable motives. It was felt that action against the Indians would produce more trouble than it was worth. This discretion must have given great regret to devotees of the old imperialist school, and particularly to those Indians who had remained "loyal" in the worst of times. There had been at least one such man at Lintang. He was an old military doctor and was in charge of the handful of Punjabi prisoners there. The Japanese did everything they could to win him over. Finally they beat him up in the office behind locked doors and then threw him into a cell at the guard-house. Some weeks later he was released, but for several months he could walk only with a couple of sticks. It would be interesting to know whether his devotion received

16. The first of these were sent to Malaya in 1948 to assist the British forces against the communist guerrillas.

any recognition after the war and whether he then regretted that he had not taken the easier road.

In the second place it was obvious that many people who could be said to have collaborated with the Japanese had really done no more than their duty to the public by staying at their posts. It was never intended that everybody should down tools directly the occupation commenced. These people could not possibly have been prosecuted but it was not easy to draw lines between those who had worked for the Japanese because they had a family to support (the great majority) and those who so worked because they wished to assist the Japanese war effort (a small minority) and lastly those who so worked in order to act as a buffer between the governed and their new governors (hardly a handful). A distinction had to be made somewhere and there was no better place than the acid test of participation in acts of violence.

In the third place if the Government had been less lenient it would have deprived itself of the services of a large number of Asian leaders, particularly of the Malay race. The Malays have never loved the British. They did not do so before the occupation and they do not do so now. At best they regard us as a useful shield between them and the ambitious Chinese or the aggressive Dayak. The Japanese met less opposition from them than from the other native races in Sarawak. There is a highly-placed official in Kuching today, who a few months before the Japanese surrender made a public speech in which he praised the new bottles and sadly slandered the old. The restored Government could not afford to dismiss him and his like, since there were no friendlier people with equal authority to put in their places. It could not on the other hand afford to prosecute the lesser fry and leave the big fish untouched. Too many rude comparisons would have been drawn for anybody's comfort. The only course was to let them all go on swimming safely together.

We were not naturally directly concerned with the atrocities committed by the Japanese during the occupation. This was essentially a military matter and had been dealt with during the period of military government if the perpetrators could be traced. As far as I know the marines who massacred the Long Nawang party were never found. Some bad murders had been committed by Sarawak subjects and gone unpunished under the Japanese. Hudden, the District Officer of Baram had been killed, reputedly by Dayak ex-convicts, while taking refuge up-river. His assassins were never discovered although there were plenty of rumours as to their identity. Wink and Moore had been landed by submarine on the coast near Miri and had never been heard of again. It is impossible to fix the responsibility for their disappearance. About twenty native members of our Constabulary, under the command of a sergeant, had crossed the border and ambushed four fugitives from the Dutch Army. Their identity was beyond doubt but the difficulty of bringing evidence to Sarawak precluded a successful prosecution. In one curious case a mob of natives from Dutch Borneo had descended on Serian soon after the Japanese collapse and before the Australians had had time to establish control. On the way down they had been joined by some Sarawak natives. At Serian, under their self-appointed leaders from Dutch Borneo, they instituted a reign of terror which lasted for three days until a few soldiers went out to re-establish order and the invaders accepted the offer to return unmolested to their homeland within a prescribed time. Although the inhabitants of Serian were very frightened and some damage had been done, only one actual murder had been committed. An unpopular policeman who was alleged to have served the Japanese too zealously was tied up and shot. Eye-witnesses said that members of the mob cut off parts of the corpse and ate them. Opinions differed as to whether these people were to be regarded as brave, "loyal," pro-British, guerrilla fighters, or as common murderers tainted

with cannibalism. In the end it was decided that their position was so equivocal that it would be better neither to apply for the extradition of their leaders nor to take action against their Sarawakian hangers-on. For one reason or another most of the occupation murderers who were still at large, continued to go unpunished. The outstanding exception was the case of the death of Gilbert Roger Harris Arundell.

Arundell was an extraordinary individual. His personality was a peculiar cross between that of an English country squire and that of a primitive Sea Dayak. In England he was a hunting and shooting and fishing enthusiast and insofar as he possessed any political opinions at all he was an extreme reactionary. His very accent was fruity enough to be mistaken for a caricature. In Sarawak on the other hand he lived and spoke and probably thought as a Sea Dayak. He was an administrative officer who was naturally required by the conventions to establish his residence in a District Officer's house. He was however always appointed to Districts in which the population was predominantly Sea Dayak and he was happiest when he was travelling and working and playing amongst those subjected to his sway. He had a better knowledge of the Sea Dayaks their customs their taboos, their language, and their general "way of life," than any of his contemporaries. He could fell trees, fish, and plant, weed, and reap *padi* with the best of them, clad only in a "chawat," and he spoke Sea Dayak as idiomatically as any member of that race. He had been in the Service for a good many years and when the Japanese arrived, he was stationed at Simanggang, where he was acting as Resident of the Second Division. He married his Dayak mistress by a ceremony before the District Officer and then disappeared far up-river accompanied by his wife her adopted mother his daughter and his adopted son.

In the early thirties the Dayak areas of Sarawak had been torn by civil strife. A large-scale rebellion had broken out under the leadership of two Dayak chiefs Penghulu Asun and Penghulu Kana. This insurrection was gradually brought under control, and the two penghulus were banished to the Lundu District. Finally the only remaining rebels were a small band of outlaws all of whom had been involved in one or more murders of innocent persons. They were indeed the last unauthorized exponents of head-hunting for head-hunting's sake. They were irreconcilable because they could not reasonably expect mercy. Their leader was a man named Kendawang who had been brought up in a European family and could speak some English. He was reputed to have embarked on his career of crime through resentment at being the victim of a miscarriage of justice in his youth. In or about the year 1940, he was prevailed on to surrender. He was first given the job of looking after the Rajah's chickens, and then he was appointed a "collector" in a Malayan museum (being told it was rumoured that he could collect any wild life not resident on human heads). Subsequently he returned to Sarawak, and was given land near to the other outlaws at Lundu. His comrades in arms were brought in from time to time, generally on the strength of a promise that they would be spared the death penalty. Those who were prosecuted were charged and tried for some offence which was not capital and were sentenced to varying terms of imprisonment. Five of them Ijau, Ajun, Pong, Unieng and Mikai, were in Simanggang gaol in December 1941.

Arundell had played a leading part in harrying the insurgents and in attempting to capture the remaining stragglers. It was said that Ijau and his friends considered that Arundell was primarily responsible for their loss of liberty. Arundell, for his part regarded them all as enemies, except Mikai, whom he trusted and whom he took with him as a personal servant on his flight up-river. The others were released by the Japanese some time in 1942. All their homes were in the Rejang the biggest river in Sarawak which runs through the Third Division and

on which the town of Sibuan stands. Instead of attempting to return there by sea, which was the normal and easiest way, they went up the Batang Lupar, the principal river in the Second Division, with the intention, so they said later, of attempting to reach their homes overland. Arundell was living with his family and Mikai in a hut which he had built near the Dutch border. The lapse of time made it very difficult to ascertain the material dates for the purposes of the trial in 1946, but it was probably about August 1942 when his Dayak friends found Arundell, both women, both children, and the family dog, hacked to death.

In the latter half of 1946 I directed that Ijau, Ajun, Pong, and Unieng should be prosecuted for the murder of Arundell. The passage of years did not help to strengthen our case. Dayak witnesses are notoriously inventive and Dayak memories notoriously unreliable. The tragedy had been discussed for more than four years, and it was an even more arduous task than usual to separate the wheat of recollection from the chaff of hearsay. It was common ground that the accused had been somewhere in the vicinity at the time, using that word as it is used in Sarawak, which is in a very broad sense. They themselves said that they had heard the news when they were two days' travelling down-river from the long-house which was nearest to the scene of the murder. Our Dayak witnesses, who unfortunately were slightly inclined to contradict one another, strongly contested this alibi, asserting that the accused had left the long-house on the day of the murder. We had a little circumstantial evidence of bloodstains seen on weapons and loincloths, but it did not assist us very much. Our strongest witness was a Malay foreman under whom the accused had worked in Kuching after Arundell's death. He asserted positively that they had all openly boasted of killing Arundell. There was no doubt that he was telling the truth. Boasting is, however, a Dayak weakness, and persons like the accused were quite capable of claiming to have murdered a European when they had done no such thing.

That evidence would not have been sufficient if the accused had been legally represented. Since there was not at that time, no lawyer in private practice in Sarawak, and since, even if there had been, the accused would have been unable to pay his fees, they were not legally represented, and in due course were convicted and shot. The most interesting part of the case was the attitude of the accused at the trial. We had not prosecuted Mikai because we thought that he would be of more use to us as a witness. It is possible that he participated in the murder, but according to our witnesses he was in the long-house at the material time. There was evidence that the accused had inquired from Mikai where Arundell was living and had been truthfully answered. In the event Mikai refused to assist us in any way. He was a very hostile witness and did his best to help the accused, who, however, did not seem to appreciate what was going on. Their rage at seeing him in the witness-box, instead of in the dock with themselves, blinded them to the effect of his testimony. When the curtain had finally fallen on this case I was informed that the convicted men had struggled with the escort on the way to execution, asserting that they would cease to resist only if Mikai was brought to join them.

Immediately the news of Arundell's death had seeped down-river the Japanese had ordered an investigation. Penghulu Ramba's house, in the headwaters of the Batang Lupar river, had been Arundell's base. He had left a good many of his personal chattels there, which had been looted when it was known that he had died. When the Japanese investigating officer arrived on the spot the five Rejang Dayaks blamed the men of Ramba's house for the murder, while the latter, of course, reciprocated by blaming them. They were all brought down to Simanggang where the Japanese staged a "diving" contest between the two groups.

"Diving" is a customary Dayak method of settling disputes. Each party appoints a champion who enters the water together. Each of them grasps a separate pole held by another man, and, when the starter gives the word of command, they submerge themselves. The party whose champion stays longer under water obtains judgement. I believe that the record submersion is about six minutes. Under British rule "diving" cannot be resorted to in criminal cases, and according to the custom as it is understood and administered in Simanggang in civil cases only with the consent of the parties and the permission of the Resident's Court. In practice this custom is seldom invoked.

I once decided a case in this way during my pre-war service in Simanggang and it always seemed to me that this solution might be utilized with advantage more often than it was. A great deal of civil litigation between Dayaks is vexatious, and a great deal of the evidence which is heard is mendacious. A nice day in court is looked upon as a pleasant change from the tedium of the months which intervene between the reaping of the last harvest and preparing the land for the next crop of *padi*.

So long as both parties agree that their dispute should be determined in this manner I can discern no great harm in taking a road which is easier and more exciting than weighing the evidence and delivering a judgment which is unlikely to satisfy anybody. The same applies to the Chinese custom of killing a chicken with a knife, and the Malay custom of swearing in a mosque. The use of the latter in criminal cases, however, is open to grave objection as I shall explain later.

In accordance with the orders of the Japanese Ramba's men appointed a champion and Ijau's men appointed a champion. Japanese officers lined the bank and acted as umpires. The contestants entered the river, grasped their respective poles, submerged themselves, and Ijau's horse re-appeared first. Great was the rejoicing of the house of Penghulu Ramba. The losers filed the usual complaint that the holder of the victor's pole had pressed his man's head under water until their own champion whose pole-holder was far too honest to attempt such a disreputable trick had come up, but as usual it was disregarded. Now when four years later Ijau, Ajun, Pong and Unieng were arraigned for the murder of Arundell they considered that the fact that they had lost this diving contest was the strong point in the prosecution's case and one which they had to answer by some means or other if they were to save their lives. Our evidence of bloodstains, comparative dates and times, confessions and motives meant nothing to them. We, for our part, naturally strove to avoid any reference to the result of the "diving," because it was irrelevant and prejudicial, but the accused would not have it that way at all. Every witness was rigorously cross-examined on the fairness of the contest and an alternative theory to explain the defeat was advanced, namely, that Mikai had himself murdered the Arundell family and had thereby tainted the innocent members of his team. Thus two birds were neatly killed with one stone. Vengeance was wreaked on Mikai for his absence from the dock and the most telling point in the case for the prosecution was adequately disposed of.

Two postscripts were written to the Arundell murder case. Mikai returned to the Rejang and one night got drunk and boasted that he had killed Arundell and cleverly escaped the consequences. In order to protect him from the rage of the relatives of the executed men he was banished to the outlaws' area at Lundu, where, as far as I know, he still is. Some civil litigation arose out of the case. Adopting the English rule that, when two persons die in the course of the same transaction and it cannot be established which death occurred first, it is presumed that the elder died before the younger, all Arundell's estate passed in the event to the next-of-kin of his wife. This lady had been adopted, while still a child. In

Dayak custom adoption wholly breaks the tie between natural parent and child and substitutes a similar tie between adopted parent and child. All mutual rights and obligations, including the right of intestate succession, are transferred together with the physical custody of the adoptee. Sarawak law provides that property devolves, on an intestacy, in accordance with the personal law or custom of the intestate. It could not be disputed that Arundell was domiciled in England, and accordingly that his wife was too. Although she had never left Sarawak in her life she had not had time in which to acquire a domicile of choice after her husband's death.

The nice point arose, therefore, whether the property in question was inherited by the lady's natural parents, according to English law or by the heirs of the adopted parents, according to Dayak custom. The decision was given in favour of the former alternative, and so two old people, who had discarded their daughter many years before, and had never expected to receive anything from or on account of her, were suddenly made comparatively wealthy by reason of her demise. The relations of the adopted parents were very angry indeed, and the younger scions of that family attempted to reimburse themselves by asserting the existence of a contract under which the deceased woman's brother was alleged to have promised them a substantial reward for accompanying him to the scene of the murder, and bringing Arundell's head, which had been severed from the body but left in the hut, down to Kuching. This litigation failed.

(3)

I was sorry that I was not privileged to be present at the first real test of the constitution which had been created in 1941. This was the meeting of the Council Negri, which passed by a majority of two the Bill authorizing the Rajah to cede Sarawak to the Crown. It was in fact a little odd that one or two of us were not present. In an anti-cession pamphlet, entitled *The Facts About Sarawak*,¹⁷ it was alleged that Aikman, the present Chief Secretary, had not been recalled in time for the crucial meeting because it was thought that he would vote against the Bill. As far as I am aware that has never been denied, and certainly no reasonable explanation has ever been forthcoming why Aikman and myself were not requested to go out in April, when many other officers, not members of the Council Negri, accompanied His Highness the Rajah. I do not seek to endorse the allegation in the pamphlet to which I have referred. I was present at a conference in the Colonial Office a day or two before the Rajah left. Somebody remarked to me "Well, you had better go out with the Rajah," but a senior Colonial Office official interrupted, "No, I'm not sure about that; I must make inquiries." I heard nothing more until after the Council Negri meeting was over. Then the Sarawak Government telegraphed orders for me to return forthwith, and I flew out in the first week of June.

For these reasons I can give no first hand account of the famous debate.¹⁸ There was a close contest, and the Bill was passed only with the assistance of the

17. *The Facts About Sarawak* was a collection of documents relating to the cession, compiled by Anthony Brooke and his solicitor, W. C. Crocker, and published in London in late 1946.

18. The full official report of the Council Negri debate can be found in the *Sarawak Gazette* of September 2, 1946.

votes of the majority of the European members of the Council. If I had been present I would have voted in favour of the Bill as the better choice of two evils. Government by the representatives of well-intentioned British socialists was preferable to the rule of the vacillating, fatigued, arrogant or third rate. The Rajah appeared to be determined to be relieved of his throne, and, if the British Government refused to take up the fallen reins, the future loomed uncertain and dark. That is how I looked on the issue at the time. Two years later I would not have been so sure. If the matter was before the Council today I could not bring myself to vote for either side.

The only speech of moment made in the debate was that of the Reverend Peter Howes, a Church of England parson, who was acting as a substitute member of the Council. He opposed the Bill. That was the only meeting at which he was ever entitled to sit. In later years I attempted to get him appointed a substantive member, as he was, and is, a courageous and public-spirited man, who had proved his sterling worth in internment, and had a real knowledge of the Land Dayaks. Today he is, I think, the only European in Sarawak who can speak Land Dayak fluently. Sir Charles Arden Clarke, the first Governor, was not encouraging any Michael Scotts¹⁹ in Sarawak if he could help it. Bowing to the view that it was high time the Council Negri possessed a member who was independent and articulate enough to criticize the Government, he finally appointed a "merchant prince" from Kuching's commercial community, who may have a profound knowledge of local business methods, but would not claim to possess any close acquaintance with the natives of the country.

The President of the Council Negri at the time of the debate was J. B. Archer, who shot himself some eighteen months later. After the war he had been appointed Chief Secretary for the second time in his life. He was entrusted with the job of handing the country over to the British Representative, Dawson,²⁰ who had been appointed as such under the provisions of the 1941 treaty,²¹ and who was to become the first Chief Secretary and Officer Administering the Government under the new regime. There has been a good deal of criticism of Archer's conduct during this debate. It is said that he did not reveal that impartiality and independence which is commonly expected of the presiding officer of a legislative body. The following is the official record of the speech with which he wound up the debate:-

Having heard all the references made to the cession, I hope you all here realise that Sarawak is not a rich country. There has been talk about war debts and if this question is broached then we have to pay our share of the war. I think we all agree on that point. We cannot get everything free. I am sorry to say that we cannot carry on with our independence in Sarawak. You can look at it from any point you like. We have our revenue here which shows that it is considerably less than it was before the war, and we probably will have even less later, and it is up to us at this moment

19. Michael Peter Scott, a District Officer who resigned in 1935, was regarded as an extreme "bolshie" because of his criticism of the Rajah and of Brooke government in general.

20. Christopher Dawson, who was sent out to Sarawak by the Colonial Office in April 1946 to supervise the legitimization of cession and to head the new colonial administration until a governor was appointed, had been a member of the Malayan Civil Service before the war.

21. In October 1941 the Rajah had signed a "Supplementary Agreement" with the British government providing for the appointment of a British Representative to advise "on matters touching the general administration of Sarawak."

to come together with the rest of the countries into some sort of amalgamation otherwise we are sunk. I want you to remember that we are servants of the Rajah and I am a servant myself. I have been a servant of His Highness the Rajahe and also His Highness the Tuan Muda, but there comes a time when we cannot be alone. The Rajah has not done this thing on his own. He has had the best advice and has consulted the highest authority in London, the Secretary of State for the Colonies. There are no snags behind it. We cannot afford to be on our own. Ask the Treasurer about it. We have set aside a certain amount of money for agriculture in order to increase our food supply, otherwise we will starve. There seems to be a sort of feeling here, I am sorry to say, that it is a ramp. The British Government is not bad. I can assure you that we will get a fair and absolutely good deal. I do not know how long I will be heree but you will be here anyway. You have got to vote on it. I can see the feeling of the house is rather tense now. Please understand that there is no ramp. There is no idea of suborning about the British Government. I can assure you that. I am not lying about it.

The discussion did little either to glorify the constitutione or to inspire the people of Sarawak with a profound respect for the wisdom and lucidity of their legislators. The members of the Council Negri fell into three categories. There were fourteen official members, nine of them being appointed ex officio and five by name. There were nine unofficial members, who included two or three Asian Government servants, as it was considered that there were not enough independent members of the publice possessing adequate ability and educatione to fill these places. Lastly, there was a solid lump of about thirty Native Officers, who had been members of the old Council Negri the only job of which had been to listen triennially to a speech from the Rajahe and who would have been deeply offended if they had been deprived of this honoure but who were not expected to grasp the purpose or procedure of the Council Negri, or to contribute to its discussions. They can usually be trusted to vote solidly with the Government, but at the cession debate many of them preferred to follow their ancient leader the Datu Patinggi, who, not having escaped the occupation with a wholly unblemished reputation, appears to have been reluctant to blemish it again by collaboration with the British.

The Council Negri ise in fact, little more than a rubber-stamp for decisions already made by the executive, although the executive is in no sense responsible to it. The Governor is advised and assisted by the Supreme Council the members of which, except for the Chief Secretary and the Financial Secretary who belong ex officio, are appointed by the Governor at his absolute discretion. In the absence of any legal officer the Chief Justice had been appointed a member of this Council by the Rajah on the resumption of civil government in April 1946. Being an experienced lawyer he thought that it was improper for him to advise the Council on legal matters, since the points in issue might subsequently come before him for judicial decision. His membership of the Council, while being unusual in the case of colonial executive bodies, was not intrinsically any more objectionable than the Lord Chancellor's membership of the British Cabinet. A situation which is well understood by British ministers is not necessarily appreciated by younger and less experienced minds untrained in political theory. Decisions and rulings began coming out of the Supreme Council which involved serious questions of law, but which the lay members considered must be legally unobjectionable because the Chief Justice had been a party to them, while the latter had approached the material subject purely as a question of policy, deliberately eschewing cogitation on the legal issues. This placed the Legal Adviser to the Governmenc in a very awkward position. If he pointed out the legal difficulties after he had received a copy of the relevant

resolution not only might he be too late to avoid the mischief, but he would probably be met with a rejoinder to the effect that his law must be a bit wobbly because the Chief Justice had not mentioned the point at all. Respectful remonstrance with the Chief Justice would certainly elicit the retort that he was not the Supreme Council's legal adviser and had never purported to be such.

A year after my return to Sarawak I took up the matter. I pointed out to the Chief Justice that either he must take the responsibility, which his fellow members assumed was automatically his, or the Council must be given to understand that they should seek advice from me. He had no hesitation in agreeing with this view. In the result I was appointed a member of the Supreme Council while he remained nominally a member until his term expired but ceased to attend meetings.

On questions of policy in the Supreme Council I often found myself in a minority of one. I do not think that my opponents, on the one hand, or I, on the other, possessed clearly superior wisdom. The truth was that we approached almost every subject of importance by fundamentally different routes. They were genuine Empire builders, not, perhaps, as confident as their predecessors of two decades ago that British imperialism was wholly benevolent in its aims and its practices, and that they, its agents, were performing work of undiluted nobility, but at least sufficiently complacent and sure of themselves never to question either the basis of the system which it was their duty to administer or the value of the services which they rendered. I, on the other hand, had a hearty dislike of the whole imperialist conception. I had always enjoyed my work and had often enjoyed my leisure time. Life was satisfactory so long as one stuck to routine, but when one got into a position from which one could watch the wheels turning, and still more when one had a part responsibility for turning those wheels, all one's natural distrust and dislike of the system easily found support on which to rest.

I opposed the introduction of Government film projectors because I was sure that they would show only films which were sycophantic, mendacious, or downright silly, and I have not been proved wrong in the event. It was naturally futile to suggest that they might be used for entertainment instead of propaganda, but a reasonable case could be made out for using them for the purpose of instructing the backward peoples of Sarawak in the elements of health and hygiene and spreading knowledge of improved agricultural methods. The list of available films supplied by the Colonial Office was pathetic in its irrelevance to our local needs.

I opposed the War Damage scheme because I considered that it was in essence a means of making the ordinary citizen, either in the United Kingdom or Sarawak, pay for the losses suffered in the war by the big companies. This was one of the subjects regarding which I felt that we were being bludgeoned into conformity with Malaya and North Borneo, the commercial and social conditions of which were quite different.

I argued that the official approach to Trade Unions was utterly mistaken. These bodies were regarded as dangerous insects which had to be carefully handled and stamped on immediately they showed a tendency to bite. I was of the opinion that they had never been illegal in Sarawak, and so they could grow and develop without legislation. If that was a true view of the existing law, the model ordinance which we were instructed to adopt was wholly restrictive. As time went on amendments made it more repressive still. The worst features of the original enactment were, first, compulsory registration with its corollary of incessant bureaucratic interference and control, and second, the inclusion of the same provisions with respect to civil servants and picketing as appeared in the notorious 1927 Act in the United Kingdom. In this respect the Labour Government showed something which looked remarkably like a double face. Repeal of the 1927 Act at

home was almost contemporaneous with the enactment of some of its most hated sections in Sarawak and no doubt in other dependencies as well. I protested when it accidentally came to my knowledge that the Registrar of Trade Unions had been instructed to report to the police the names of the officers of every new Union. The atmosphere created by directions like that was one of suspicion and fear. No virile Trade Union movement exists in Sarawak today, because nearly all the persons who are prepared to act as Trade Union officers have neither the courage nor the ability to fight for the interests of their memberse. Even the wharf labourerse who run the strongest Union in the countrye consider it good diplomacy to invite the head of the "security" branch of the police to their annual dinner.

The toughest battle which I waged, and one in which I was hopelessly defeated, was on the question of sending Dayaks to assist the British forces in Malaya. Arden Clarke made this decision on his own initiative and without prior consultation with the Supreme Council. The subject was of such grave importance that this was surely a most improper use of a Governor's authority. When the first bunch had been dispatched, amidst the applause of Singapore journalists, Arden Clarke kindly informed the Supreme Council what he had done. I asked him whether he was seeking our approval or publishing a fait accompli. He said that he sought our approval and the fight was on.

The recruitment of our Dayaks to fight the battles of the rubber and tin-mining interests appeared to me in 1948, and still appears to me, to be an outrage. Until 1946 Sarawak was an independent country so far as its internal affairs were concerned. The second Rajah would never have tolerated the employment of his subjects in the defence of capitalist imperialism, and I doubt whether the third Rajah would have either. It was and is no answer to say that the Dayaks were volunteers, and that there was great competition among them to participate in the adventure. As far as I am aware both these contentions were true, but the fact that the Dayak is always ready for a little blood-letting does not entitle us to exploit the more barbarous side of his nature. These men are being engaged as mercenaries in a land to which they do not belonge to assist in the killing of persons with whom they have no quarrel, for a cause which they do not understand and which, in any event, is no cause of theirs. Their recruitment is to my mind a wicked misuse of imperialist power and I said soe

At that time the Supreme Council included four Malay *Datus*, one of whom spoke and understood English. Another understood a small amount, but the other two understood no English at all. I asked that my remarks should be translated into Malay as the Governor's had been. This was refused. I was told that it was not necessary as they would appear in the official minutes. When the official minutes came round for signature they omitted all reference to what I had said. I protested and was told that this had been done deliberately in my own interests, as it would not do me any good if the Secretary of State came to know of the attitude which I had seen fit to adopt. I was assured that the matter would be remedied, but I do not know if this was ever donee. It wase incidentally, the habitual practice to keep two sets of Supreme Council minutes, a short version for the benefit of the Secretary of State, and a long version for the local recorder. Perhaps this is a common practice in Colonies, at least when a Labour Government is in power in the United Kingdom. No doubt it is well known and duly approved, and is not open to any charge of concealment or duplicity.

It was this business of the Dayaks which finally persuaded me that I could not continue to be a member of the executive of a colonial Government. The Malayan war was a few months old, and I was already receiving instructions to frame repressive legislation. Senior colonial officers, who are so slow to adopt measures of

social amelioration and always find good reasons against the imposition of income-tax or the adoption of a public housing scheme, the provision of educational reform or the introduction of any innovation which savours distantly of the welfare state, snatch with astonishing alacrity and energy the slightest opportunity of showing how firmly they can govern if the need should arise. If a new Attorney-General had not been about to relieve me, and arrangements had not already been put in hand for transferring me to a judicial post, I would have had no alternative but to resign my office there and then.

(4)

The facts of the cession controversy were well publicized at the time and nowadays have little intrinsic interest.²² It is sufficient to say that His Highness the Rajah for reasons best known to himself was desirous of ceding Sarawak to the British Crown while His Highness the Tuan Muda the Rajah's younger brother and the Tuan Muda's son Anthony Brooke (who once upon a time had been endowed with the title of Rajah Muda of which he had later been deprived by the Rajah, for reasons best known to themselves) opposed this proposal. The Rajah had no sons, so that the heir presumptive was the Tuan Muda, who, for reasons of health, was unlikely to be able to govern Sarawak in person. I have already briefly described the circumstances in which the cession bill became law. The Rajah forthwith signed the instrument of cession which came into effect on July 1st, 1946.

A great deal of nonsense has been talked on both sides concerning the attitude of the inhabitants of Sarawak towards this change in the status of their country. As a broad generalization it is safe enough to say that the Chinese were in favour of it, the Malays were against it, while the other races were more or less neutral, at any rate until Malcolm Macdonald and Arden Clarke travelled amongst them, spearing pigs, participating in the feasts, explaining that the Malays were no longer to be a privileged race, and otherwise revealing to them what good fellows His Majesty's representatives were. The Chinese regarded cession as the road whereby they would achieve equality with the native races. Sarawak law lists about a dozen tribes who are considered to be indigenous to Sarawak and are therefore entitled to be called "natives." It says a lot for "Brooke Rule" that this expression is a mark of honour in Sarawak and not a badge of inferiority. Natives had certain privileges with regard to the ownership and use of land, re-entry into Sarawak, and so on. Although the Chinese were freely admitted to the Government service in a clerical capacity, they were not allowed to enter the administrative ranks or to hold magisterial powers. To some extent in recent years the Government has attempted to substitute a distinction between persons who are British subjects and persons who are not British subjects for the old Brooke distinction between natives and non-natives. It has been largely thwarted in this endeavour by the Chinese themselves, who show a regrettable tendency to hang together, irrespective of the part of the world in which they happened to be born. They do not seem to attach the same importance to the status of British subject as those who

22. The facts about the negotiations leading up to cession and its final legitimization are not well known and are dealt with in detail in R. H. W. Reece, *The Name of Brooke: The End of White Rajah Rule in Sarawak* (Kuala Lumpur Oxford University Press forthcoming).

are set in authority over them. The Chinese as a whole certainly thought that the officers of the Brooke regime were inclined to ride roughshod over them, and that they would get a better deal from the Colonial Service. They were right in their first opinion, but wrong in their second. The Chinese citizen was and is to the Sarawak official much what the Hindu was to the official in India and the Jew to the official in Palestine. He could beat his master in the battle of wits. He was too clever by half. Therefore the Sarawak Malays, like the Indian Muslims and the Palestine Arabs were much to be preferred. After all, they were "gentlemen" and knew how to submit to government by "gentlemen."

Under the Brookes the presence of lawyers in private practice in Sarawak was discouraged if not actually forbidden. In any case there were none. A Chinese, like everybody else in Sarawak who could not raise a clamour in the United Kingdom, was at the mercy of a complacent and thoroughly autocratic bureaucracy. Nowadays he is very much at the same sort of mercy of the same sort of people, because he has no reasonable access to legal advice and assistance. There is one solicitor in Kuching and one only. He is grossly over-worked. A great many high-handed things were done under the Brookes because that was the recognized way of governing the country. Similar things are done today merely because civil servants do not realize that they are acting illegally when behaving in what appears to them to be an entirely reasonable manner.

Some of the Chinese community, and what there is of a European commercial community, welcomed cession as heralding a period of "development." Most of the Rajah's old officers, including myself, viewed this enthusiasm with some trepidation. We did not want to see the small-holdings become large European estates, the peasants become paid labourers, or the influence of the leaders of industry and commerce become paramount in the councils of Government. Better far a well-intentioned though illiberal bureaucracy than a carpet-bagging and hard-faced plutocracy. In point of fact development has not gone very far, except in the case of timber, which several enterprises are now cutting and exporting. Sarawak has been over-run with "experts" of one kind and another, including two rat-catching experts. They have assisted in draining the public purse, but, with one or two exceptions, have little to show to their credit. Prospectors, too, have been rampant, but again nothing of significance appears to have materialized from their efforts. In the absence of a proper mineralogical survey it is impossible to be dogmatic concerning the country's potential wealth, but it is unlikely that there are any vast riches buried beneath the surface.

The practice of shifting cultivation also presents a serious obstacle to exploitation by foreign capitalists. Sarawak is not nearly so under-populated as it looks on a map, because practically every non-Malay native village requires approximately ten times as much farming land as it uses in any particular season. No doubt this difficulty could be overcome by a little old-fashioned ruthlessness, but there are now familiar objections to the forcible requisition of native land in the interests of the master race. It is significant that the department which has most noticeably increased its European personnel since the cession has been the Constabulary. It must however, be added that the Education and Agricultural Departments have also been much enlarged, although sometimes the former seems to be almost part of the police and to be concerned more with restrictive than progressive measures. The Medical and Health Department has been a big disappointment. It is not possible to say how much that has been due to local animosities and how much to the difficulty of recruiting doctors. There are certainly more Government "doctors" in Sarawak than there were under the Brookes but so many of them are employed on administrative duties, and so many others are very inexperienced, that it would be a bold thing to say that the service rendered to the public has obviously im-

proved. The Department suffers a great deal from the lack of trained dressers and nurses, but it has suffered more from a lack of imagination at high levels.

The Malays opposed cession, or, perhaps it would be truer to say, were persuaded to oppose cession, and continued to fight against it even after it had become a fact, principally on the ground that native customs stood in danger. Under the Brookes they had been a privileged race. They supplied, excluding the senior European civil servants, the sole advisers to the Rajah; they held a monopoly of the Native Officers Service; and their petitions and complaints were always listened to with a most attentive ear. A well-justified fear of the loss of this special status was at the bottom of their agitation, and to this extent they were not entitled to sympathy. "Natives" of any country have a good deal to be said in their favour when they claim that they ought to be accorded a special position and special treatment when compared with interlopers and immigrants, but no one race of natives can have any inherent right to power and privileges not conferred on other natives of the same locality. The Malays were the leading native race in Sarawak, but they are now being speedily overtaken by the Sea Dayaks. Neither people ought to be able to claim superiority over Kelabits, Melanaus, Land Dayaks, Kayans, Kenyahs, or other native tribes, unless judged solely by the criterion of individual merit.

Insofar as the opposition was based on a genuine fear that native customs would be abolished or ignored by the new regime, it was hopelessly unrealistic. The policy of the British is invariably to encourage the survival of these quaint traditions. This line provides good propaganda, internally and externally; it avoids trouble; it obstructs progress; and it makes life easy for the ruling class. A little less respect for native customs in backward territories might well lend substance to the claim that imperialism confers some benefits on subject peoples. In Sarawak there has been such reluctance to take any action which might possibly hurt conservative feelings, that it is still the law that a Malay woman's oath in the mosque that a certain man is the father of her child is conclusive. Malay "incest" embraces intercourse between a wide variety of personal relationships, but the most common form is intercourse between a man and his sister-in-law. This seldom comes to light unless the girl becomes pregnant. She is not punishable, the Malays saying that her penalty is the pregnancy, but for the man there is a fixed sentence of two years' imprisonment. I have known of one case where a Malay was so sentenced although neither he nor the woman knew that they were related within the prohibited degrees, and it was only their request to the Native Officer to marry them that brought the matter to light. I have known another case, in which, after a very careful hearing, the man was duly convicted but his relatives would not rest content until the woman had sworn in the mosque that she was pregnant by him, and actually obtained an order that this should be done from a superior court in Kuching. The woman duly swore and everybody was happy.

The trouble was that in the Rajah's days, in spite of repeated pleas from many European officers, who had the distasteful task of imposing sentences which they considered to be thoroughly unjust, the Malay chiefs refused to consent to any change in the so-called custom. After the cession a new generation of chiefs agreed with the more humane opinion, but the Government, in view of the pledge that native customs would not be affected by the change of ruler, lacked the courage to proceed with the amendment of the law. Instead resort was had to a legal subterfuge. All such cases were reported to the Governor as a matter of routine and the prerogative of mercy was regularly used to reduce the sentence.

The same inhibition postponed the protection of the last surviving rhinoceroses in Sarawak, obstructed the reform of the Native Courts, and delayed the amendment

of Sea Dayak customary law although the Sea Dayak chiefs were themselves demanding it. I am not suggesting that the wholesale abolition of native customs is in any way desirable. The disappearance of the delightful Malay law called *China Buta* (Blind Chinese) which provides that, while a man and a woman are entitled to divorce and re-marry each other, as often as they please, between the third divorce and the fourth marriage the woman must endure a platonic union with another man, whose purely passive and fictitious role supplies the short title of the material section in the Malay customary code, would be a real loss. More seriously, it is indeed important that customs possessing a cultural significance should be protected in every possible way. But too often the retention of retrograde and unhealthy customs is advocated and assisted because they act as a useful break on the development of progressive ideas.

The cession increased the legal work in three principal ways. In the first place it added greatly to the volume of legislation. We were continually being told that it would be a good thing if we enacted this or enacted that. We were even pressed to legislate for the control of radio-active minerals although nobody seemed to know if we had any or what they looked like anyhow. "Torbenite and dutunite" said the schedule to the bill; "and Abishag the Sunammite" added an irreverent officer of the Secretariat in writing. (He earned rapid promotion and is now almost a Governor somewhere. Another of his official frolics was a memorandum to a Head of Department in the following terms: "Pragmatic dispensation from the provisions of General Order 70(vi), together with rights of estover and infangthief, is granted to you and your heirs in perpetuity.")

Apart from the zealous multiplication of laws for the benefit of the general public, all the terms of Government service were completely revised and this required some very complicated legislation to deal with pensions and so on. Some day somebody will have to find a way out of the tangle produced by the following inconsistent propositions. Widows' and Orphans' pensions schemes for the Colonies are framed on the basis that they apply only to European officers; now that we have in theory abolished race distinctions European officers no longer enjoy a legal monopoly of senior posts; other races, such as the Chinese and the Malays, show a regrettable tendency towards polygamy local conditions require that polygamous unions should be recognized by the law.

Thirdly and lastly, the problem of Sarawak Oilfields Limited produced another headache. There is a line of judicial decisions which appear to exempt the British Government, on the cession of another country to the British Crown, from honouring the concession obligations of its predecessor. Like oil companies the world over Sarawak Oilfields Limited held very extensive rights on ludicrously favourable terms. The company was exempt from many of the liabilities which fell on lesser men and minor enterprises. By every claim of reason their position required review and reform, but His Majesty's Government was in the dilemma that, if the company was to be treated too roughly, this might be taken as a precedent to justify similar action against British interests in other parts of the world, such as Indonesia and the Middle East. Almost my last act as Attorney-General was to seek the Governor's approval for the prosecution of the company for blocking a road. As I expected this was not forthcoming. In the end the company was left in practically the same situation as it had held under the Rajah, except that it was now based on a stronger foundation, because, while the Rajah could legally have revoked the concession at any time by giving a personal order to that effect, the new Government could not do so without recourse to legislation enacted in due form.

The anti-cession propaganda conducted by a section of the Malays, under inspiration and with assistance from abroad, was intense. Its main vehicle was the

exhibition of posters on the walls of houses in the villages. Arden Clarke used to get very incensed at these and looked upon them almost as a personal insult. On one visit to the Third Division he instructed District Officers to have such posters removed and not to permit their appearance again. This direction troubled the Resident, who was consulted by the District Officers as to their legal powers, and caused more trouble to me to whom the inquiry was passed on. In the end the order was ignored in any circumstances in which it could not be enforced by bluff.

The Government, indeed, went very far in appeasement of the Malays. In 1950 an ordinance was enacted restricting the display of "national emblems" without permission, other, of course, than the flags and other insignia of Britain. Fear of the row which the Malays would make if they had to fly the Union Jack alongside the old Sarawak flag, which decorated the entrance to the headquarters of their nationalist organization, prevented the "appointment" of any day for the commencement of this law. This fact, however, did not dissuade the Government from publishing a statement pretending that the ordinance had been legally brought into operation so as to deter the Chinese from flying the communist flag of China unless the Union Jack accompanied it. The result of this fraudulent bluff was that no flags were flown by the Chinese at all. The official counterblast is to deluge the country with pictures of the Royal Family. Emperor-worship has become more intense under the British than ever it was under the Japanese.

A great many of our difficulties were occasioned by sheer misunderstanding; others were deliberately fomented by persons who knew nothing of the country and who had never even visited Sarawak, but who espoused the anti-cession cause, either because they were personal friends of a member of the Brooke family, or because it was a useful weapon wherewith to attack the Labour Government. The group inspired by the latter motive included a number of back-bench Tory M.Ps. "Questions in the House" became the terror of the Sarawak authorities. I never quite understood why, because the questions which were asked were nearly all obviously intended to make mischief and were easy enough to answer. The Secretary of State's minions appeared to treat them more seriously than they deserved. After some years' experience in a British Colony I have come to the conclusion that there is one thing which worries the colonial bureaucracy more than communism, and that is the threat of scandal. Fear of revolution is entirely outweighed by fear of getting one's name in the papers in a context which may expose one to criticism.

One example of the sort of "question" we had to cope with will suffice. "House-to-house travelling" was an ancient Sarawak custom; it was one of the indispensable pillars for that personal contact between the governors and the governed which was the basis of Brooke rule. Under this system the natives of a long-house, at which the District Officer arrived on his travels, were bound to convey his baggage on to the next long-house. No wages were paid for this service, but tobacco was usually handed out to the carriers at the end of the journey. When among the Land Dayaks, we used to take tobacco for the men and soap for their women. This system was well understood and recognized throughout Sarawak, and it rarely gave rise to any trouble. The requisite number of carriers would always be forthcoming at every long-house without any intimidation or even much persuasion. On the infrequent occasions on which a District Officer experienced difficulty he would, under the Brookes, fine the recalcitrant man, or, if he thought it expedient so to do, the whole house, on the spot. Sometimes, perhaps, the culprit, or culprits, would be summoned to District headquarters, and lectured and fined there. In either case it was almost unknown for the District Officer who had been defied in the long-house to be other than the magistrate who inflicted the fine.

These facts must have been well known to all persons who had served in Sarawak as administrative officers, and it was doubtless one of them who caused the following matter to be raised in the House of Commons. The District Officer of Kuching went travelling amongst the LandaDayaks. In one house two men refused to carry his baggage, on the ground that, being opposed to the cession, they did not recognize his authority. In due course they were summoned to Kuching, convicted and fined ten dollars (about £1) each under the provisions of the Native Administration Ordinance. This story subsequently appeared in a monthly report, which it was my job to condense and edit in my capacity as editor of the *Sarawak Gazette*. I thought that it was worth publishing although it did cross my mind that somebody might make a fuss. The fuss arrived. A question was put in the House of Commons as to why, how, and by what authority the fervent devotees of the old regime were being so rigorously oppressed. When the obvious answer had been given another question was tabled. What was the name of the District Officer concerned and what was the name of the magistrate who tried the case? Somebody, well-acquainted with pre-war principles and practice, had scented a lovely rat. The new administration was about to be unmasked. The Secretary of State would be bound to reveal that, in a country on which the wretched Labour Government had purported to confer the inestimable blessings of British justice, a District Officer was trying and punishing people for causing personal inconvenience to himself.

The inquiry was duly passed on to the proper quarter, and those of us who knew about the question, but, in our ignorance, were as confident as the Tory hounds of the correct answer, awaited the result with some trepidation. Luckily the District Officer was a man of sense and foresight. On his return to Kuching he had complained to a Malay magistrate, notorious for his anti-cession views, who had issued the summonses and tried, convicted and fined the offenders. The rage and disappointment of the anti-cessionist camp in London must have been very great. They had, however, succeeded in producing much waste of time, paper, and cablegrams, and much useless expenditure of public money.

An example of the grave misunderstandings with which we had to compete arose out of Arden Clarke's belligerent thirst to kill the snake as soon as possible. A month or two after his arrival, late in 1947, he caused a circular to be issued to all Government employees. This document emphasized that the new regime expected and required their undivided loyalty, and added that those who felt that they could not continue to serve with a clear conscience would be permitted to retire on specially favourable terms. Every employee was asked to sign a receipt to show that he had been given a copy of the circular, but nobody was invited to sign any form of undertaking, or to express his acceptance of the conditions laid down in any way other than by his future conduct. Nevertheless, a large number of Malays, if not the majority, refused to sign the receipt and resigned their posts. The Education Department was almost completely denuded of native schoolmasters, and the Native Officers Service, the Constabulary, the Customs Department, and the Post Office all suffered important losses. No amount of explanation availed to prevent these resignations, but in 1951 some of the more valuable ex-officers began drifting back.

Those of us who were compelled by the nature of our jobs to take an active interest in the anti-cession campaign found that we were waging battle against ignorance, prejudice and concern for self-interest rather than against any clear-headed and tangible movement in support of the disinherited Brookes. We had similar allies on our side. Sir Charles Arden Clarke was an honest and sincere man, but he was totally ignorant of the old Sarawak, and he arrived in a very pugnacious frame of mind. He seemed to find it incomprehensible that anybody could reject the Union Jack. He mellowed very quickly, and, by the time he left Sarawak in 1949 to undertake a far more exacting job on the Gold Coast, he had revealed a

much better understanding of the people and conditions of the country and immensely increased his popularity. Malcolm Macdonald, The Governor-General (later Commissioner-General) knew as little about Sarawak as did Sir Charles, but he substituted a charming manner for the latter's bull-headedness. At first he was inclined to forget that Sarawak was very different to Canada. In his first public speech, made in Kuching on the day of the cession, July 1st, 1946, his references to the "great white father" provoked little response from his audience. Those who understood his analogy resented being addressed as if they were Red Indian chiefs while the remainder merely wondered to what particular local Eurasian family he happened to be referring.

The importation of officers from other parts of the Empire to assume the control of various departments did little to restore confidence. Dawson, the Chief Secretary, was a Malayan officer. So were the new heads of the Constabulary and Agricultural Departments. "Development" and the Medical and Health Department and the Education Department were put under the control of officers from Africa. Those changes were quickly made. Similar appointments became numerous during the ensuing years. At the time of writing the Chief Justice, the Attorney-General, the Financial Secretary and the Deputy Chief Secretary are all comparative new-comers to Sarawak. All rose to high rank in other territories and none of them can speak any of Sarawak's native languages, nor possess any real understanding of native custom. It is not suggested that it was possible to give all the posts which I have mentioned to officers with long experience of Sarawak, or that the persons holding such posts are not qualified to fill them. Some of them are men of exceptional ability and zeal. Whether Sarawak has on balance gained by their presence, or would have been better off, in the broadest sense, if the old rule of local promotion had been adhered to, must remain a matter for conjecture.

The anti-cession issue brought me one serious personal trouble. I have already mentioned that Arden Clarke arrived in Sarawak in a belligerent mood. He was resolved to strangle the anti-cession movement in the Colony as soon as possible and to answer the anti-cession propaganda by words as well as deeds. He felt very strongly that the other side was having it too much its own way. It was, therefore, decided that from time to time articles should be written expounding the point of view of the Government, and should be published in such manner as the Governor saw fit. In the absence of any information or public relations officer, I was considered to be the best person to be entrusted with the actual task of authorship. Looking back on it now I can see that I made a mistake in assenting to this proposal. Primarily I was the Legal Adviser to the Government. In that capacity it was my duty to keep the Government within the law. When I agreed to become a public scribe as well, on a controversial political matter, I overlooked the fact that a lawyer is not immune from the human temptation to regard his own work rather more favourably than he regards the work of others. I never wrote without pondering whether my words were legally objectionable, but I fear that the polemical journalist in me was stronger than the cautious adviser. Whether or not I transgressed would be a question of fact for a jury, and circumstances prevented the matter being put to a test. Without confessing error I am prepared to admit that, if another hand had framed the articles, and I had been in a position to look upon them with a cool eye of independence, I would probably have advised against the retention of one or two passages on the grounds that it was desirable to avoid giving any possible excuse for litigation.

In all I wrote six or seven articles before it was decided to abandon this counter-campaign. About four of them were published in the only Sarawak daily paper

printed in the English language, the *Sarawak Tribune*²³ I submitted the articles to the Governor through the Secretariat. His Excellency amended them as he saw fit and the Secretariat arranged publication. The articles were published anonymously, but Kuching is a small place and few Europeans had any doubt as to their authorship. Anthony Brooke took strong exception to one article and instructed Singapore solicitors to commence an action for libel against me in the Resident's Court at Kuching. The passages complained of were my sole responsibility. The Governor had not amended or added to them in any material respect, but there was unfortunately one important omission, by a printer's error, of a qualifying phrase. A heavy obstacle in the plaintiff's path was that he was barred from entering Sarawak by an order of the Chief Secretary made under statutory powers²⁴ He could have appeared by a representative and given evidence on commission in Singapore, but he seems to have been advised against this course. I offered to submit to the jurisdiction of the courts in the United Kingdom or Singapore, but this offer was refused. When it became apparent that the plaintiff would not be permitted to enter Sarawak the action was withdrawn. In 1950-1951 an attempt was made to resurrect it, but the dispute was finally settled by the publication by me of an agreed statement in the *Sarawak Tribune*.

The continued refusal of the Government to permit Anthony Brooke to come to Sarawak to pursue his claim against me was said by his friends to amount to a deplorable deprivation of a fundamental civil right. This contention was a little silly because it either assumed that the plaintiff must win the action which, the practice of British justice being what it is, was not a proper assumption to make, or it amounted to a claim that a ban on entry could always be circumvented by the institution of a civil action in the country where the ban applied. The Tory backbenchers who raised this particular howl would have been the first to denounce such an argument, however bona fide its foundation, if it had been used by a communist desiring to enter a British territory from which he was lawfully excluded. Nevertheless this sort of reasoning apparently made no appeal to them and the matter was raised in the House of Commons. The debate on the adjournment which ensued became, to some extent, a personal attack on myself, as the following extracts from Hansard will show. Sir David Maxwell Fyfe sneered at "this literary legal officer of the Sarawak Government." Mr. William Teeling portentously informed the House: "It was not only the legal adviser, but the same man who on the occasion of that very famous debate in the Oxford Union before the war led the debate against fighting for King and country. To-day he is the Attorney-General of Sarawak. That is the type of person we are dealing against and worried about." He excelled himself later by making the impertinent inquiry whether I did "get any more money" when my title was changed from "Legal Adviser" to "Attorney-General."

I was not very worried by what Mr. Teeling or any other Honourable or Tory members said about me. Mr. Rees-Williams,²⁵ now Lord Ogmores and then Under-

23. The articles referred to appeared in the *Sarawak Tribune* of November 9, 1946; January 3, 1947; and January 7, 1947.

24. In December 1946 Anthony Brooke attempted to visit Sarawak. Harassed by British officials in Hong Kong and Manila under instructions from the Colonial Office, he was eventually allowed to enter Singapore. He remained there for the next five years supporting the anti-cession movement in Sarawak and campaigning for the repeal of cession.

25. D. R. Rees-Williams (later Lord Ogmores), Labour M.P. for South Croydon, and L. D. Gammans (Conservative, Hornsey) visited Sarawak in May 1946, at the

Secretary of State for the Colonies, was a different proposition. He dropped the following remark when replying to the debate. "I think it was improper for an officer of the Colonial Service to make an anonymous attack upon a person who is politically concerned with the future of that country." This was a serious matter. That passage was printed in the *Times* and the *Daily Telegraph*, and the censure which it contained caused concern to my friends at home. It disclosed that the Secretary of State had never been informed of the circumstances in which the articles came to be written and published. I naturally took the matter up and Arden Clarke made no bones at all about putting it right. In the end I received full apologies both from him and from the Permanent Under-Secretary.

I had asked that the true facts should be ventilated as publicly as the remarks of Mr. Rees-Williams had been, but I was told that this could not be done as the more Sarawak was kept out of the House of Commons the better. I later received a letter of indemnity guaranteeing the payment by the Crown of any damages and costs that might be awarded against me. I was personally content, but the whole incident threw a curious light on one aspect of colonial administration, and showed how easy it is for the House of Commons and the general public to be misled, and denied enlightenment even when the truth fell into the hands of those who might be thought to be under a moral duty to pass it on. It was, of course, only a petty matter involving the reputation of an insignificant colonial servant. Indirectly, however, it raised deeper issues. Is there not a greater temptation to similar self-protective reticence in affairs of more moment?

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One of the most urgent measures facing the new regime in Sarawak was the reform of the superior courts. It was no longer desirable, even if it had ever been, that the most serious cases should be tried by laymen. Most of the Residents had had to pass, in their cadet days, an elementary examination in the broad outlines of local criminal law, but they solemnly adjudicated on abstruse questions arising out of tort, contract, trusts, wills, and so on, with, it may be said without exaggeration, no knowledge at all of the law to be applied. They were equally ignorant of the law of evidence, and there were few text-books for them to consult. Honesty and energy are not substitutes in modern conditions for legal training and legal experience. Even a qualified lawyer could hope, in the prevailing circumstances, to do no more than rough justice. The Residents' Courts, while doing their best, too often perpetrated rough injustice. For these reasons in 1947 an ordinance was enacted to constitute "Circuit Courts," which would be the highest courts of first instance. The designation originally favoured was "Session Courts," but some bright spark pointed out that, if this were adopted, an outcry would immediately arise that another dangerous innovation was being based on the change in Sarawak's status. It was provided in the legislation that the Circuit Courts would take over almost the whole of the work of the Residents' Courts. The Colony of Sarawak was divided into two Circuits, it being intended that the headquarters of the

request of the Secretary of State for Colonies, to report on whether the cession was "broadly acceptable to the native communities. . . ." After a superficial and rapid consultation of native opinion, they told the Secretary that there was "sufficient acquiescent or favourable opinion in the country" for the issue to be tested in the Council Negri.

First Circuit Court should be at Kuching, and the headquarters of the Second Circuit Court at Sibü. The former would have jurisdiction throughout the First and Second Divisions of the country, and the latter throughout the Third, Fourth and Fifth.

I had rejoined the service in 1940 "on contract," and that contract was renewed after the war. This latter agreement was expressly to endure for a period of three years, so that, when my title was changed to Attorney-General by statutory order in 1947, it was easy for the Government to refuse to pay me the salary allotted to the post. In 1948 I began to make inquiries about my future, and was informed that, in view of my comparative youth (I was then 36), it was most unlikely that I would be confirmed in the substantive appointment on the expiration of my contract. I was in any case, as I have already explained, beginning to tire of my somewhat equivocal position, and it appeared to me that the post of Circuit Judge offered a welcome haven from further advisory and executive responsibility. Arden Clarke cordially agreed with my suggestion. It had not been possible to bring the 1947 Ordinance into operation because of the lack of persons qualified to fill the judicial posts. This situation was remedied when my successor as Attorney-General arrived in Malaya in September 1946. On the 23rd day of that month the ordinance became effective, and I mounted the bench of the First Circuit Court. Daniel Lascelles, who had done such good work in internment, and who had a very profound knowledge of Sarawak and its people, became the Judge of the Second Circuit Court.

Apart from seven months' furlough in 1949 I remained on the bench until my appointment was legislated to an end on December 1st, 1951. On the whole I enjoyed this work more than any other of the various jobs which I had done in Sarawak. The duties were interesting without being particularly arduous, but the absence of facilities for legal advice and assistance, resulting in the failure of litigants to present their cases properly, to call evidence or cross-examine the witnesses called for the other side, and to distinguish between good points and hopeless ones, was occasionally a little disheartening. Criminal cases lacked variety besides being few in number. Murders worked out at about one a quarter, and there was a perennial robbery or rape. Strangely enough the most common offence coming before the Circuit Court was what the Penal Code calls "causing death by a rash or negligent act," roughly the equivalent of the English crime of manslaughter by negligence.

The sale, possession, and use of arms and ammunition are controlled by law in Sarawak, but it is fairly easy for natives to obtain permission to purchase shot-guns. They need these weapons for protecting their *padi* farms and fruit trees, as well as for adding to the family larder. The non-Malay races in particular are extraordinarily careless in their use of such guns. They are inclined to fire at a waving bush, oblivious of the fact that it may be waving because it conceals a human being who is bathing, relieving himself, or merely lying in wait for a target for his own gun. The details of every such case are generally almost the same. X went out shooting with a friend. He heard a noise which sounded like a deer (or pig) passing. He went on stealthily until he saw the deer (or pig). Then he looked, and looked again. Finally, convinced that his quarry was legitimate, he fired. Immediately he heard a human cry, "Who has shot me?" He ran up and discovered his cousin or his brother-in-law or his wife's uncle lying on the ground bleeding. The deer (or pig) had run away. The surprising thing was that the dying man was always found on precisely the same spot as that on which the deer (or pig) had been standing.

These cases occurred on an average about once a month. Those were the shootings which resulted in death. Mere woundings occurred just as often but

could be disposed of by the District Court. On one occasion X and Y, two Land Dayaks, had very improperly taken up positions in the undergrowth opposite each other, facing the path along which the deer was expected to run. A genuine deer duly appeared and both X and Y fired. The deer escaped unhurt but each sportsman was wounded. When death resulted in these cases, and they consequently came before the Circuit Court, sentences ranged from six months, the only reasonable minimum, to two years, the statutory maximum.

Civil cases were varied, stimulating, and sometimes somewhat peculiar. One of the most famous which I heard and decided was a dispute concerning the burial of a corpse in the Kheh cemetery. A grave had been selected immediately behind the shrine, but the headman of the Kheh community,²⁶ alleged to be an expert on the Chinese "geomantic system," complained that a burial there would interfere with the free passage of wind and water. Accordingly, on the instructions of the Committee of the Community Association, the prepared grave was filled up, and a new grave dug in a less objectionable spot a short time before the funeral party arrived. When they did come there ensued a minor riot, and the mourners were sufficiently numerous to procure the re-digging of the original grave. The issues which I had to decide were: should the corpse be disinterred and reburied? should the relatives be forbidden to re-bury the corpse behind the shrine? and should the committee be required to pay damages to the relatives for causing them to expend money in entertaining the funeral guests for longer than would otherwise have been necessary? Neither side was legally advised, but luckily I remembered the existence of an enactment called the Corpses Ordinance, which placed all questions concerning the disinterment of corpses squarely under the administrative control of the Director of Medical and Health Services and the Resident of the First Division. Finding that the committee was substantially in the right, but that I had no jurisdiction to order disinterment, I dismissed both claim and counter-claim. The committee finally succeeded in obtaining their order from the Resident.

Some of the causes of action seemed a little odd because of the unconventional methods whereby much commerce was carried on in Sarawak. It is a common practice there to combine a business partnership with a domestic partnership. Thus I had one male plaintiff, suing his ex-mistress for an account, who commenced his evidence by saying through the interpreter, "The defendant and I agreed to live together as man and wife for the purpose of breeding pigs." Another, who had made two loans to the defendant, the first by way of a running account and the second in a lump sum, the former debt having been settled before the action for the latter was brought, explained the position in the following very expressive Malay: "*Utang yang hidup sudah mati: utang yang mati lagi hidup.*" (The living debt is dead: the dead debt is still alive.) I remember clearly the plaintiff who, when asked to produce the alleged documentary agreement on which he based his case, fumbled in his pocket and brought out a bundle of scrap paper, which he solemnly and slowly unrolled in order to reveal a powder, which, he said, was a poison that the defendant had been putting in his food. There was a Land Dayak plaintiff, who had lost a leg through the negligent firing of a shot-gun during the Japanese occupation, and now thought that the rise in the price of rubber gave him a good chance of recovering the value of his missing limb from the culprit. The defence was that the dispute had been settled in public assembly soon after the incident. The plaintiff, when asked if he had attended the meeting, replied in indignant tones, "*Mana saya dapat jalan? Saya sudah mati.*" (How could I go? I was dead.)

26. A Chinese dialect group from Fukien province, also known as Hakka.

Sikh moneylenders are pertinacious litigantse There was one such in Kuching who drove a bullock-cart about and was employed as a door-keeper by a Chinese bank. His usurious practice was so profitable that he owned three taxis as well. Once upon a time he had been a lance-corporal in the Sarawak Constabularye but he had lost this positione whene suspected of receiving a bribee the answers which he gave to the questions of his superior officer disclosed a dollar note hidden underneath his tongue. I once asked him in a case in which his evidence was principally concerned with the details of various protracted negotiationse which were alleged to have taken place between him and the defendant in a coffee-shop during working hourse how he managed to get so much time off from his job at the bank. "Oh," he replied airily in Malay, "when I have business to do I hand the door-keeping work over to my chauffeur."

The cases which I most disliked were those dealing with the custody of childrene These fell into two classes. Marriages "according to Chinese custom" had to be registered in order to be recognized by the law. There was no statutory provision for the dissolution of such marriagese but the Circuit Courts exercised a sort of common law jurisdiction for this purposee which they had inherited from the Residents' Courtse who in turn had inherited it from an old "Chinese Court" established by the second Rajahe I strove to get the matter put on a proper statutory basise but my effort was in vaine because the necessary bill would have to be referred to the Secretary of Statee and the Sarawak authorities were reluctant to attract his attention to the very wide terms of the material Sarawak ordinance which provides for the dissolution of Christian marriagese We therefore dissolved "Chinese marriages," or refused to dissolve them, according to our own notions of equity and good consciencee We granted decrees on petitions filed jointly by both spouses without hesitation and without evidencee provided that we were satisfied that adequate arrangements had been made for the welfare of any children of the marriage. Applications for the dissolution of "Chinese marriages" constituted the first class of custody casee As far as possible I always tried to preserve the status quoe but difficulties arose in cases in which the woman had obtained the husband's concurrence in a "mutual divorce" on condition that she handed the children over to him On several occasions a screaming infant had to be dragged from the arms of a reluctant mothere already beginning to repent of her bargain

The second class of custody cases arose from the Chinese custom of selling or giving children to third parties. Sometimese if the position of the natural parents improved, or they heard that the third party was attempting to re-sell the child they would try to recover possession. Occasionally a discontented wife would dispose of a child without her husband's consente ande on discovering where it had got toe he would bring an action to obtain custody. It was usually alleged in such cases that there was a real danger of the child being murdered or seriously injured by the persons having possession of it if they were ordered to hand it overe Once two parentse whose child had been given away by a grandmother without their consente and whose application for custody obviously had to succeede asked me to order the foster parents to give security that nothing would ail the child for six monthse In another case in which a neglected Chinese wife had sold a small baby to a Malay couplee and the father obtained an order that the child should be handed over to him in my chambers at 2 p.m.e serious trouble ensued. The Malays turned up with the baby but the father failed to appear to take deliverye I told the Malays to keep the child at home until further notice. The foster father was back in tears within ten minutes with the news that the child had died while he was taking it to the hospital. The police were immediately informede the Malays arrestede and a post-mortem arrangede The child was found to have tuberculosis in each lung, so that the one occasion on which there appeared to be clear support for the conventional suspicion of foul play came to nothing after all.

Perjury was rampant, but I am not qualified to say whether it was worse in Sarawak than elsewhere. Rarely did we have a witness as honest as the prostitute, who replied to my formal question, "*Apa kita punya kerja?*" (What is your work?), with the words, "*Kerja jahat*" (Wicked work). All witnesses were required to take an affirmation before commencing their evidence, but this meant nothing to them. The last words of the affirmation, "and I understand that under the Penal Code it is a criminal offence to give false evidence," probably had more value than the preceding promise to speak the truth, but the rarity of prosecutions for perjury robbed it of any terror that it might otherwise have conveyed. It is unfortunate that Asians appear to respect only oaths of a complicated nature. Furthermore, it appears to be more natural to them to swear to the existence or non-existence of a fact, rather than to an intention to reply truthfully to any question that they may be asked. The Sarawak Oaths and Affirmations Ordinance contains provisions for the taking of these sort of oaths, but the material sections are seldom used because of doubts concerning the requisite formalities and the effect of the oath if and when it is taken.

The Malay custom of swearing in the mosque to an alleged fact is often followed in the Native Court, but rarely in the ordinary courts, where such an oath could only be binding on the adverse party if he offered to be bound by it. The Chinese custom of swearing by *potong ayam* (which is Malay for "cutting a chicken") is frequently invoked by litigants and witnesses but not often carried into effect. I remember trying a civil case throughout one long, weary day, and being about to rise at 5.30 p.m., long after the normal hour. The issue was whether the person, by reason of whose negligence the shops of the plaintiffs had been destroyed by fire, was or was not an employee of the defendants. Having heard much evidence on both sides I announced that I would give my decision on the morrow. The plaintiffs immediately challenged the defendants to swear by *potong ayam* that the culprit was not their employee. That was a bit too much for me. "I might have allowed that if you had mentioned it at nine o'clock this morning," I said, "but I haven't sat here for more than six hours, listening to conflicting and generally perjured witnesses, merely to have the privilege of making up my mind snatched away from me at the last moment."

I often wished that a good opportunity would come along for experimenting with this kind of trial by ordeal. I made many attempts to put it to a test, when a party had made the customary challenge to a witness and the latter had accepted it, but I could never obtain agreement on the formalities which would have to be observed. Those more skilled in Chinese customs than myself would not have had the same difficulty, and I always suspected that one side, frightened by the manner in which things had come to a chicken's head, wished to withdraw with as good a grace as possible. However that may be, I never obtained an agreed answer to such questions as: "Is it necessary for the witness to kill the chicken?" "Does the chicken have to be killed with one blow?" "Does the head have to be chopped off?" "Is it necessary that the witness should recite any particular form of words while performing the act?" "At what stage must the fact that is being sworn to be formally alleged?" One challenger, in reply to my question whether, if such an oath was taken, he would consider it to be conclusive on the material fact, went so far as to say that he would have to think that one over after the oath had been taken.

A desire to assist the interests of one of the contending parties, coupled with an airy disregard for truth, supplemented the inevitable inaccuracies which occur whenever a court is dependent on interpreters. Both Circuit Judges and nearly all the magistrates could speak Malay and conducted their cases in that language when it was convenient so to do. Lascelles and a large number of the magistrates were almost equally fluent in Sea Dayak. I had nothing more than a smattering

of Sea Dayak, but I could usually try a case in that language, assisted by my knowledge of Malay and possibly a helpful Native Officer. The judges of the new unified court, apart from Lascelles, will not be so fortunate. There are no trained native interpreters at all. Most of the litigants are Chinese, at least in the more populated areas, and there are about six trained Chinese Court Interpreters, who act as registrars and clerks of their respective courts in addition to their work as interpreters and translators. This number is not nearly enough to go round, with the result that the standard of interpretation in some of the out-stations is appallingly low. It is, of course, equally low in Kuching, when, for instance, a Land Dayak is accused of murder. A customs officer or schoolmaster has to be sworn in as interpreter for that particular case.

The courts which have the benefit of the services of the few trained interpreters are immensely indebted to them. In particular I have to thank Mr. William Chew, the interpreter of the First Circuit Court, for his rendering of the best remark which I heard made by any person in court during the whole of my career in Sarawak. A Chinese was charged with causing "grievous hurt" with a knife to another Chinese. It was pretty clear that each of the combatants had been armed, and the accused had cross-examined the prosecution witnesses with a view to showing that he had been acting in self-defence. The last of such witnesses stepped out of the box about five minutes before noon, which was the normal time for adjourning for lunch. I wished to discover, as far as possible, how much of the afternoon the case was likely to occupy, and so I said to the interpreter: "Is the accused going to call any witnesses?" The question was duly translated, and received an eloquent reply, which was interpreted to me as follows: "If the Court intends to do justice, witnesses will be unnecessary; but, if the Court does not intend to do justice, the accused wishes to call a considerable number."

The troubles which I have mentioned are in no way mitigated by the dearth of practising lawyers. In February 1950, the first swallow arrived, but legal business appears to be too prolific in Singapore and Malaya for any other members of the profession to be spared to Borneo. The consequence is that Mr. Dunbar, of the firm of Mark Morrisson & Co., is overwhelmed with work, which is made doubly onerous by the absence of any opponents. Whenever he appears in court it is natural that he should face a tribunal more concerned with the rights and interests of the unrepresented party than usual, and therefore more suspicious and critical of the argument addressed to it. Furthermore, any lawyer who appears against a party in person generally feels bound to draw the attention of the court to some of the points which tell against him as well as to those which are in his favour.

There are a large number of persons in Sarawak who make a living as "petition-writers." They advise potential litigants, and draft complaints and other documents of a legal or semi-legal character. They vary greatly in skill. One at least in Kuching purchases legal text-books and makes a real attempt to grasp the law. Others are too inclined to rely on vague appeals to a sense of equity couched in hackneyed phrases. One of the latter type once introduced a slight variation into the formal termination of an official letter by inducing a female appellant to sign her petition under the words, "I have the honour to be, Sir, your obedient maid-servant." I think that the standard of the petition-writers might well be improved if they were permitted to represent parties in court. If necessary, some kind of local qualifying examination could be arranged. In any event such representation would be better than no representation at all; the courts would be assisted thereby and the solitary real lawyer less embarrassed than he is now. In my early days as a judge I did allow three such persons to act as advocates in my court, one in a criminal case, and the other two on opposite sides in the same civil case. In each instance I found the experiment promising and helpful. Neither the Chief Justice

nor the Attorney-General agreed with my view. I would not have been shaken by their opposition, since neither had had any experience in trying cases at first instance in Sarawak, if my colleague, Lascelles, had not supported them. While I was on leave in 1949 these three passed a Rule of Court whereby the courts were prohibited from hearing petition-writers. I thought and still think that it was an unimaginative decision, but nothing could be done about it.

It would be wrong to give the impression that civil litigation in the Circuit Courts was wholly primitive and unsophisticated. We had to deal with amongst other things the vexatious problems arising under the Debtor and Creditor (Occupation Period) Ordinance, the enactment which attempted to provide an equitable solution of the questions produced by the settlement and contracting of debts during the Japanese occupation. I have already expressed the view that the ordinance was unsuited to the peculiar circumstances of Sarawak. This refers particularly to its failure to appear to be fair and just in the eyes of the ordinary members of the Chinese race, who were principally affected by this legislation, both as creditors and debtors, and to the fact that it was framed in terms which seemed to assume that written agreements and notices etc., were the usual instruments for carrying on borrowing transactions.

The arguments which were advanced regarding the relative values of Japanese and Sarawak currency provided a useful lesson in elementary economics. The plaintiff invariably contended that the debt had been paid during the occupation in Japanese money while the defendant just as invariably insisted that he had been scrupulous to meet all his obligations with Sarawak money. Truth generally lay with the plaintiff, but my own experience in internment taught me that a point, which was always made in his favour, lacked substance. It was said that nobody but a fool would have preferred Japanese currency to Sarawak currency during the occupation. The rapidly expanding issue and circulation of the former produced an inflation which got entirely out of hand, but the assertion that business men must naturally have chosen Sarawak currency seemed to me to be a clear case of wisdom after the event. Not only had they no certainty that the old regime would be restored, but the continued possession of Sarawak money was liable to lead to drastic penalties. In internment Japanese currency had value, while Sarawak currency had none at all, because the former could be used for making purchases while the latter could not. The internal rate of exchange was, therefore, four Sarawak dollars to one Japanese dollar, a situation which it is interesting to compare with the schedule to the ordinance, where one Sarawak dollar is valued at ten Japanese dollars about half-way through the occupation, the comparative scale increasing the difference very speedily thereafter.

Possession cases under the Rent Control Ordinance, which operated only in Kuching and Sibue formed the most common class of civil action coming before the First Circuit Court. Our law was modelled on that of Singapore and resembled in some measure the law in the United Kingdom. The ordinance applied to all kinds of premises, business as well as residential, and there was no value limit to the type of property falling within its scope. Real rent control is probably more difficult in Sarawak, where most people are ignorant both of their rights and of the means of enforcing them, than elsewhere. The ordinance did appreciable good by conferring some security of tenure. Surprising though it may seem to the uninitiated most business premises in Sarawak are held on monthly tenancies. This was not so disastrous in the days of the old Residents' Courts, even in times of boom when anybody who owned a shop-house wished to trade there, as it might appear superficially to be. When the rules which the courts administered were vague, and general principles were called equity or common-sense, a man's security of tenure did not depend on the nature of his tenancy. It was no uncommon thing

for the magistrate to give judgement in some such terms as follows: "The defendant has occupied the premises for eighteen years. He has been given only three months' notice to quit and I don't think that that is quite fair. The defendant may stay there another year. After that he must find somewhere else to go to." Rightly or wrongly, and willy or nilly, it was the duty of the Circuit Courts to administer the law. If no Rent Control Ordinance had existed almost every business tenancy in Kuching could have been terminated by a month's notice to quit, and the tenant evicted at the expiration thereof.

This legislation was, however, another example of English legislation being ill-adapted to the conditions of a colonial people. It might well have been better if the principles which underlay the decisions of the old Residents' Courts had been given statutory effect. If no tenancy exists the ordinance is not applicable. That is an elementary proposition which does not turn out in practice to be quite so easy as it sounds. The principal test in English law, as to whether there is a tenancy, is to ask whether or not the alleged tenant has the right to exclusive possession of definite premises. Now the general rule in Sarawak, in the larger bazaars at any rate, is for shop-houses to be shared. One walks into a shop and finds a tailor carrying on his business on the right-hand counter, while opposite to him are displayed the wares of a dealer in bicycles. Not infrequently one shop-house contains three or four independent businesses, whose "premises" are separated from each other by nothing more substantial than imaginary lines. Similarly, one person may carry on a trade from the front of the shop-house back to the air-well, while the area behind the air-well is let out to a different person as a residence or store. Upstairs the position is often roughly the same, but there it is more usual to find partition walls. If the courts had found mere "licences" in all cases in which the English courts would have found mere "licences," the Rent Control Ordinance, and the security of tenure which it conferred, would have been useless. Of course, it was not desirable to abolish the distinction between a licence and a tenancy altogether. Generally speaking, however, any physical boundary of the room or space in respect of which a tenancy was claimed was treated as good enough, even if it was just a row of empty packing cases. In one action I had a party who argued that he held a tenancy of the space occupied by a barber's chair, but that was going a little too far.

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At the end of 1951 my career in Sarawak came finally to an end. The Cold War was heating up there as it was everywhere else. Since the day I had first landed in 1934 I had been notorious for my somewhat unorthodox views on public questions, but nobody had ever suggested that they unfitted me for the duties which were entrusted to me. The most stupid of the Residents, who ruled my early life, had once asked me seriously whether I was a "communist agent," and the Rajah had on one occasion laughingly inquired whether I was a "communist." Sir Charles Arden Clarke once kept the Chief Secretary and myself back from a Supreme Council meeting, and informed me that there was an unfortunate rumour in Sarawak that I was a communist, and that it would be so disagreeable if it should be breathed abroad that the Attorney-General of Sarawak was a "red," that he would be obliged if I would refrain from airing my opinions publicly. On another occasion, an hour or two before I was to address some "old boys" and senior students of St. Thomas' school on "The Meaning of Democracy," Sir Charles rang me up. The conversation was so striking that I remember it verbatim. "The Governor speaking," he said,

and, after I had made an interested and respectful noise, he went on, "Look here, I don't know if I'm speaking out of turn or not, but I hear that you are to give a talk this evening on democracy or something" I intimated that that was indeed the case and His Excellency said, "Well, all I ask is this. You won't get too far away from the Government's line, will you?" After that what could one do but stick as closely to "the Government's line" as was consistent with one's conscience?

Arden Clarke undoubtedly had the art of handling men, a faculty not enjoyed to quite the same extent by his present successor, now Sir Anthony Abell. In September 1950, he sent for me, informed me peremptorily that he had heard that previously I had held views akin to those of the communists and hoped that I had given up all that. I replied that I was not prepared to discuss my political opinions with him. I said that every judge possessed political opinions, and his only duties with regard to them were to refrain from ventilating them publicly and to refuse to allow them to influence his judicial decisions. The Governor agreed, and added that he had never heard it alleged that I had in any way failed to observe these principles. We parted on friendly terms, but the writing was on the wall.

The superior courts of the three British territories in Borneo, Sarawak, North Borneo, and Brunei, were due to be recognized and amalgamated, which meant that Circuit Judges would vanish and be replaced by puisne judges of the new Supreme Court. The first date selected for this change was January 1st, 1951, but this was subsequently changed to July 1st, and then to December 1st, of the same year. I saw that the abolition of my appointment would give the authorities a heaven-sent opportunity for retiring me without the trouble of having to make formal accusations of misconduct, substantiate them before a properly constituted board of inquiry, and so on, as laid down in Colonial Regulations. In June 1951 I wrote to inquire what were the intentions of the Government with regard to my future. I received a verbal reply from the Chief Justice to the effect that His Excellency appreciated my anxiety but the matter was one for the Secretary of State and not for him.

In October the Chief Justice informed me that the Governor was worried by remarks which I was reported to have made to friends of mine at two private gatherings. He would also like to know why I had not attended the parade on the King's birthday. My reply to the first query was that His Excellency had no business to concern himself with the contents of my private conversations, and to the second that the parade was held during my leisure time, that it was no part of my duty to attend such parades, and that in fact I had never attended a ceremony on the King's birthday in the course of my life. On November 16th the Chief Justice, who himself was due to leave Sarawak for good on the following day, informed me that the Order-in-Council establishing the new unified court had been passed on November 15th, and was definitely to come into operation on December 1st. He much regretted that I was not to be a puisne judge. He added that he, personally, was "very upset" at this decision. I thus received fourteen days' notice of the termination of my appointment. I delivered my last judgement on November 30th, took farewell of my court, my chambers, and my clerk, and sailed from Kuching with my wife and family on December 15th.

It is not the purpose of this narrative to file any kind of complaint. All persons concerned act according to their lights in what they honestly believed to be the best way. If only they would discard the humbug about British "freedom," and the "independence of judiciary," there would be a lot to be said for their point of view. Sarawak is a small country containing only a small population. The fact that a well-known member of the community holds queer opinions on burning questions of the day becomes comparatively more widely rumoured there than elsewhere. But it is rubbish to pretend that judges and other civil servants are wholly

at liberty to hold their own views so long as those views do not interfere with their duties. Judges and other civil servants are independent; they are free to form their own opinions and to indulge in discussions with their friends; but they are independent and free only so long as those opinions and discussions conform with the "Government line" by which expression I mean as Sir Charles Arden Clarke meant, not the particular prejudices and predilections of one of the principal political parties, but the broad outlines of foreign and Imperial policy, on which both these parties have so often claimed to be in agreement.

T H E E N D