

PRIVILEGED SUBJECTS? UNIFICATION OF THE STRAITS CHINESE AND BANISHMENT ORDINANCE IN 1890s, SINGAPORE

SHINOZAKI Kaori

摘要

马来西亚华人政治研究一般认为, 受华文教育者和受英文教育者之间的文化上面的不同, 围绕着教育和语言问题变成政治方面的分裂, 导致华人政治力量的分裂。这种研究把“海峡华人”看作受英文教育者的起源, 以为他们拥有英籍所享受的“特权”和独特的文化特色, 成为他们的凝聚力, 结果成立了“海峡华人英籍公会”。

本文试图展示“海峡华人”原来缺乏凝聚力, 但是1899年的〈驱逐令〉修改使他们失去了安全感, 才迫切地感到需要加强凝聚力。

Introduction

Writings on Chinese politics in Malaya¹ in the 1950s and 1960s generally agreed that there was a political split in the Chinese community between the Chinese-educated and English-educated that stemmed from differences in the attachment to Chinese culture. English-educated Chinese in Malaya tended to attribute their origin to the Straits Chinese of the late nineteenth and early twentieth

SHINOZAKI Kaori is a Ph. D. student, Graduate School of Arts and Sciences, University of Tokyo. 4-40-21-303, Hon-cho, Funabashi, 273-0005, Japan. E-mail: YRJ02374@nifty.com

centuries (Heng 1988).

It was in the middle of the 1890s in Singapore when Chinese who were born in Malaya became more conscious of their identity as "Straits Chinese" and began to create a sense of unity among themselves for the first time.² Their attempts to unite were reflected in such activities as the establishment of the Chinese Philomatic Society in 1896 and the publication of the *Straits Chinese Magazine* in 1897.³ Their activities reached a peak when they established the Straits Chinese British Association (SCBA)⁴ in July 1900 which attracted as many as 800 members under the name of Straits Chinese.

The definition of "Straits Chinese", according to some leaders of the Chinese community was "the intelligent and educated Chinese who at the same time are British subjects" (Lim 1899). Another definition was that they were the "permanent" or "native" section of the Chinese population in the Straits Settlements who "have lived all their lives here and intend to find a resting place for their bones in our soil". They also no longer owed loyalty toward China though they "are as jealous as the immigrant Chinese of all their inherited Chinese customs, manners and prejudices" (Song 1899a).

Their claims and thoughts have already been explained in many excellent works, many of which featured in the *Straits Chinese Magazine* as principle articles (Lee, Y.H. 1960; Akashi 1980; Tan 1988; Lee, G.K. 1990; and Yong 1994). These works portrayed the Straits Chinese as interested in Chinese culture, wanted China to be developed and some of them even involved themselves in the development efforts in China, but owed their allegiance to the crown. However, their activities in the context of contemporary social and political circumstances have not received much attention from researchers. Previous writings depicted the Straits Chinese as a coherent group, sharing distinct cultural characteristics and "privileges", and paid scant attention to the complicating process that unified them as "Straits Chinese". The eagerness of Straits Chinese for recognition as British subjects was aimed at protecting their "privileges" accorded to British subjects as rewards for their gratitude to the British administration and as a show of their appreciation and loyalty towards Britain.

On the other hand, a study which has focused on this process has also examined the relationship between Straits Chinese and the Straits Settlements government as well as the rivalry between young intellectuals and members of the older-established generation (Shiraishi 1974).⁵ The study reveals that this rivalry changed into co-operation after the young intellectuals had won support from the colonial government when the older generation became more tolerant of the former's

activities. However, it also regards their unification as a matter to be expected because they shared similar "privileges" and interests.

As indicated above, all previous works, whether they discuss the process of co-operation or not, touched upon the "privileges" enjoyed by the Straits Chinese as the main factor contributing to the unification of the generations of young and old. But the so-called "privileges" have never been sufficiently investigated, nor the status of the Straits Chinese in the social and political context of the period. While Rudolph (1988) shows that the identification of a person as a Straits Chinese was defined by his legal status as a British subject, it is not clear as to what the nature of the status meant. He points out that the legal status of a Straits Chinese as a British subject was ambiguous, however he thinks that their position as a favoured community by the British was more decisive as a "unification" factor among the Straits Chinese.

This essay intends to explain the unification of the Straits Chinese in the 1890s focusing on two aspects. The first deals with the formation of SCBA, a move that was inconsistent with the previous history of rivalry between the young and old generations among the Straits Chinese and the popular wish by the Straits Chinese as well as those born in China to be integrated as one community. The second aspect is concerned with the uncertainty, rather than the "privileges", of being British subjects, that promoted the unification. The first part of the paper examines the unification of both the Straits Chinese and the Chinese community as a whole, this is followed by a study of the status of the British subjects in the Straits Settlements, based on ordinances issued between 1867 and 1900. The final part discusses how the Banishment Ordinance in 1899 and its amendment prompted serious efforts to promote the unification movement which, it is argued, proved to be the most crucial factor in the movement.

Attempts to Integrate Straits Chinese and the Entire Chinese Community

Some authors have argued that the British administration had brought a great deal of business opportunities, prosperity, peace and special status to the Straits Chinese and that was why they came to appreciate British colonial administration (Clammer 1980; Yong 1994). But it may be more correct to claim that the Chinese community, including the Straits Chinese, began to face increasing interference from the colonial government from the 1870s and that they sought ways to protect

themselves.

The Chinese in Malaya prospered through the operation of plantation agriculture (gambir and pepper), tin mining and opium farm based on organizations such as "*kongsi*", "*hui dang*" and "secret societies", which made it possible to obtain cheap labour and financial resources. Wealthy businessmen of both new immigrants from China and the Straits Chinese controlled labour through such organizations (see Trocki 1990; Wang, T.P. 1994). For example, local-born Chinese leaders such as Tan Kim Ching (陈金钟), Tan Seng Poh (陈成宝), Seah Eu Chin (余有进), Tan Beng Swee (陈明水), and Cheang Hong Lim (章芳琳), who were appointed to the Legislative Council or Municipal Committee as well as those who were made Justices of the Peace, gained their status as a result of their involvement in plantation agriculture and tin mining. Some were also heads of *kongsi* and secret societies (Shiraishi 1975). British policy has been liberal towards them before 1870s, but the situation began to change from the late 1860s. The colonial government initiated strict policies to keep peace and order of the settlements from 1867 when the Straits Settlements became a crown colony and jurisdiction was transferred from the Indian Government to the Colonial Office. This process was intensified from 1873 onwards when the Colonial Office became more involved in the affairs of the Malay States in its attempt to pre-empt interference of European rivals in the wake of civil wars in the peninsula. Chinese secret societies and *kongsi*, in league with Malay chiefs, who fought against each other over tin mines and caused civil strife, were put under the control of the government by means of ordinances to regulate dangerous societies and the establishment of the Chinese Protectorate in 1877. Secret societies were officially banned in 1889, which in effect meant that the economic and political basis upon which some Chinese leaders relied was undermined (see Shiraishi 1975).

Faced with this new development, the Chinese community attempted to promote greater unity among themselves in order to cope with the interference of the colonial government. Firstly, they looked upon the Chinese Advisory Board to play such a role. The Board was established in 1889 by the colonial government to oversee the activities of the Chinese community after the ban on secret societies. Altogether 18 members were appointed by the Chinese Protectorate from each of the dialect groups such as Hokkien, Teociew, Cantonese, Hakka and Hainanese regardless of whether they were British subjects or Chinese nationals. The Chinese community expected that they would then be better able to communicate with the authority and also organize themselves more effectively regardless of dialect and birthplace. But the colonial government viewed the Board as an instrument to

support its policies, not as a vehicle to oppose them. The Chinese Protector, as chairman of the Board, had the power to convene emergency meetings and had a casting vote. His control over the Board became more extensive after 1895 (Fong 1990).

The Chinese community gradually came to expect less from the Advisory Board as they realized its limitations. They then tried to establish an organization of their own. In 1896, on the occasion of the amendment of the bankruptcy ordinance, they held a gathering attended by all the representatives of the Chinese community, in which it was suggested that a chamber of commerce be established.⁶ In addition, there were other activities one of which was the building of Confucius shrines as a symbol of Chinese unity (*TNSP*, 29 April 1899, 2 and 4 May 1899, 7-14 Nov. 1899; Yen 1995). On the other hand, the activities of the Straits Chinese such as the establishment of the Chinese Philomathic Society, the publication of the *Straits Chinese Magazine* and the cutting off of their queues also occurred at about the same time. These activities were led by young local-born intellectuals, among whom Lim Boon King (林文庆) and Song Ong Siang (宋旺相) were professionals educated in Britain (see Khor 1958; Ching 1972; Akashi 1980; Wang 1991; Lee G. K. 1990 and 2001; and Yamamoto 1995). In short, these activities were inspired by a new type of elite.

English education itself had been available to the Chinese in the Straits Settlements for many years. More established leaders, such as Tan Jiak Kim (陈若锦)⁷ and Seah Liang Seah (余连城)⁸ were also English-educated. In 1901, a considerable number of Chinese boys, as many as 16,144 from 5 to 15 years of age, attended English schools, compared with 242 Europeans, 976 Eurasian and 3,422 Tamils (*Report*, 1902). Education was available at the primary and secondary levels. Only 15 per cent of primary school pupils completed their education, and those who could proceed to the secondary school numbered 100 each in Singapore and Penang and less than a handful in Malacca. The number of students who completed the Cambridge local examination was even smaller, 33 at the lower and 18 at the upper levels in 1899, and 17 and 23 respectively in 1900 (*Report*, 1902).

In the context of the late nineteenth century, the educational attainments of Lim Boon Keng and Song Ong Siang were rare among the Straits Chinese. Both of them won the Queen's scholarship to pursue their education in Britain, Lim in 1887 to study medicine and Song in 1888 to study law.⁹ Upon their return to Singapore to practise their professions, they began to play a leading role in the social life of the Straits Chinese community. They engaged themselves in activities that may be interpreted as attempts to overcome a social "brick wall" in the Colony. Despite

their accomplishment in education, they were still not treated as equals of the Europeans. To gain equal social status, they sought to win the complete trust of the colonial government. Nevertheless, colonial officers repeatedly showed their dissatisfaction with the Straits Chinese. For example, one high ranking officer lamented the reluctance of the Chinese to participate in public life because they still distrusted the colonial government as a result of the influence of new immigrants from China who also distrusted their own government (Hare 1896).

However, the activities led by young intellectuals were often criticized or elicited indifferent response from the older established leaders. The membership of organizations formed by young intellectuals was small, as broad support from local-born Chinese failed to materialize. For example, the support of Tan Jiak Kim and Seah Liang Seah for the Chinese Philomathic Society was nominal as neither of them nor other established leaders participated regularly in its activity.¹⁰ Most of the support came from younger intellectuals who had received higher education. A number of these members had attended Singapore's primer schools such as Raffles Institution or Anglo-Chinese School and were pursuing their careers in business and various professions (Shiraishi 1974). The number of participants was small, at most 50 or as few as only 35 (*SCM*, Sept. 1897; *TNSP*, 25 Sept. 1899). The *Straits Chinese Magazine* stated that its role was to be a "medium for the discussion of political, social, and other matters affecting the Straits people generally and some sort of periodic literature adapted to the present requirement of our population" for the "Straits-born people of all nationalities who are in every respect better educated than those of a former generation" (*SCM*, March 1897). However, most of the contributors to this magazine were Chinese and Westerners, with most of the Chinese contributors doubling as members of the Chinese Philomathic Society as well (Shiraishi 1974). In 1898 some of the members launched a movement to cut off their queues in the belief that "in order that our claims might be respected by proper authorities we must prove by the lives and conduct and works of our people that we are deserving of the citizenship of the British Empire" (Lim 1899). However, these movements were criticized by the older-established leaders and Chinese community as being too radical or divisive. As a result, the younger Straits Chinese activists were isolated from the larger Chinese community. When the Singapore Chinese Girls' School was founded in 1899, the older-established leaders such as Tan Jiak Kim declined to commit their support (Song 1984). Instead they proposed to establish a hospital as a memorial to mark the Diamond Jubilee of Queen Victoria (*SCM*, March 1900).

The 1890s witnessed concerted efforts to integrate the entire Chinese

community. These efforts were motivated by the younger intellectuals among the Straits Chinese in 1898 and 1899 and were also intended to improve their image in the eyes of the Chinese community. When Khoo Seok Wan (邱菽园)¹¹ established the Chinese newspaper *Thien Nan Shin Pao* (《天南新报》) in May 1898, Lim Boon Keng took charge of editorial work in English (*TNSP*, 28 May 1898). He himself also published a Chinese newspaper, the *Jit Sin Pau* (《日新报》) in 1899,¹² in an effort to associate himself with the Chinese-educated elite as well. In 1899, the Chinese Philomathic Society adopted a Chinese name "*Hao Xue Hui* (好学会)," to popularize its activities among the Chinese community generally. The *Thien Nan Shin Pao* also began to announce their weekly or fortnightly seminars of the society in Chinese, English or Malay (*TNSP*, 29 August 1899).

"Privileges" as British Subjects

The need to safeguard the "privileges" which the Straits Chinese seemed to have enjoyed as British subjects was repeatedly referred to as the "unifying" factor that held the community together. These "privileges" took the form of appointments to various official posts in the Straits Settlements such as the Legislative Council, Chinese Advisory Board, Municipality Committee, or as Justices of the Peace (Lee Y. H. 1960; Akashi 1980; and Lee G.K. 1990).

The Legislative Council consisted of ex-officio members from the administrative service, who were also members of the Executive Council, as well as other colonial officials and unofficial members appointed by the Governor. The Chinese who were British subjects were eligible for appointment to the Legislative Council. The first to be appointed was Hoo Ah Kay, a naturalized British subject, who became a member of the Legislative Council in 1869.¹³ The unofficial members could voice their opinion and cast their votes freely but they were always outnumbered by the official members and the Governor had the authority to veto any decision.

If the right to give advice to the Governor was regarded as a "privilege", then the Chinese community could claim to have another channel for this purpose through the Chinese Advisory Board founded in 1889. Its members included Chinese who were not British subjects. Altogether 34 members were appointed to the Board by 1900, including 13 local-born, seven born in China (three of them naturalized), and one born in Annam (Fong 1990). As appointment to the Board was not restricted to British subjects, Straits Chinese did not monopolize the "privileges"

of acting as the mouthpiece of the Chinese community.

Municipality Committees were set up in the Town of Singapore, George Town in Penang and the Town and Fort of Malacca, each respectively backed by local revenues derived from taxes on houses, land, buildings and properties, and the allocations from the Straits Settlement government. The main function of each Municipality Committee was to manage and maintain public utilities within Municipal boundaries, collected tax imposed on transportation, controlled secret societies and dealt with related matters. Although its members were limited to British subjects, the right to vote and to elect the commissioners were enjoyed only by those who either paid rates for the year in which election took place to the amount of \$12.50 and more, or owned houses, on which the annual value of each that was subject to rate payment was not less than \$150, or were engaged in a proper occupation regardless of their nationality (Ordinance No. IX of 1887). The interests of foreign residents were not neglected in the municipal administration and a commissioner had to work for the benefit of the whole community.

The "Justice of the Peace" (JP) was an appointment that conferred certain 'privileges'. Under the authority of the Governor, the JP could appoint special constables to make up sufficient numbers of ordinary officers on occasions of riot (Ordinance No. VI of 1872). However, there were no strict rules regarding the nationality of persons appointed to the post (Ordinance No. V of 1873). Non-British subjects including those born in China but had not been naturalized were also in fact so honoured. Hence the colonial government did not give superior status to British subjects, but to be appointed to public positions was looked upon as an honour that the British colonial administration relied upon to gain support from Chinese elites. Whether the persons so appointed really enjoyed "privileges" was debatable.

In the Straits Settlements laws were never enacted that conferred special privileges on the Straits Chinese. In contrast, Chinese Mestizo in the Philippines in the eighteenth and nineteenth centuries were recognized as a legal category that distinguished them from "pure" Chinese groups. They were granted authority in certain specified areas and could move freely and given tax reduction which "pure" Chinese did not enjoy. This encouraged an identification as a separate "Chinese Mestizo" community (Wickberg 1964).

Between 1867 and 1900 numerous ordinances regarding licenses to make and sell liquors and opium, the operation of pawnshops, qualification to serve as pilots, licenses and tax on transportation and business, application for inventions, and possession of property did not make any special provisions in favour of the Straits Chinese. The ordinances governing the making and selling of liquors and opium

clearly stated that the exclusive right was vested "in such persons as the Governor may license for that purpose as Farmers, either by public or private sale of such exclusive rights, and on such conditions as shall seem proper for securing the due payment of the rents and revenues for the said right, and to provide equitable arrangements for the management of the Farms" (Ordinance No. IV of 1870). The law was silent on the nationality of the licensees. Similarly, "pawnbrowsers shall be vested from time to time in any person or persons to whom the Governor may dispose of the same either by public or private sale irrespective of his nationality" (Ordinance No. XXV of 1870). As to granting privileges to inventors, "an *alien ami*, whether resident in the Colony or not, may petition for leave to file a specification under this Ordinance" (Ordinance No. XII of 1871). As regards the rights to possess property, a person was allowed to acquire, hold, sell, transfer, assign, bequeath or transmit lands or other property "as if it had been made, done, or derived by, with or throughout any natural-born British subject" (Ordinance No. XIII of 1875). This ordinance was especially legislated to remove doubts regarding the right of "aliens" to hold and transfer property within the colony. There were no legal restrictions on the residence or movements of aliens in the Colony. The same criminal code was applied to all the residents of the Straits Settlements.

British subjects enjoyed the dubious "rights" to possess ships which were registered as those belonging to persons of British nationality. But the ordinance required that British and foreign ships satisfied the same conditions before their voyage and were levied the same amount. For example, every ship leaving port in the Straits Settlements with 30 passengers or more was liable to be inspected by officers to ascertain its status, number of passengers and crew, route, fuel, water and food and so on (except warships belonging to Britain or other countries, ships to convey public mail under contract with Britain or other countries and local passenger ships plying the Malacca Straits with ten passengers or more) (Ordinance No. VII of 1890). The same policy was applied to all steam vessels, wherever they were registered, whether in the Colony, other British territories, or foreign countries (Ordinance No. II of 1885).

From the examples, British subjects were not singled out for privileged legal treatment. Indeed, after 1867, anyone who intended to settle in the Colony would become a naturalized British subject as long as he could pay the naturalization fee of \$200 (The Naturalization Act, 1867). A naturalized British subject was deemed to be a natural-born subject "as if he had been born" within the Colony, and were entitled "to all the rights, privileges and capacity of a subject of Her Majesty" born there "except such rights, privileges and capacities, if any, as may be specially

excepted in such certificate" (Ordinance No. VIII of 1867). A person could obtain British nationality if the petition containing his occupation, age, place of birth, place of residence, period of residence in the Colony with the intent to settle there was accepted, and that he took the oath before the person appointed by the Governor. It meant that if a person wanted to enjoy the rights conferred on British nationals, it was easy for him to change his status for that purpose. Not surprisingly, many Chinese opted to become naturalized subjects.

However, there was a condition which set apart "natural-born subjects" from "naturalized British subjects". The latter were aliens and all aliens were subject to the ordinance of banishment from the Straits Settlements.

The Straits Chinese and the Banishment Ordinance

Origin and Development of the Banishment Ordinance

Acts and ordinances regulating banishment were introduced prior to 1867 when the Straits Settlements were under the jurisdiction of the Governor of India. As the Straits Settlements government proceeded with legislation relating to keeping peace and security, the Governor was invested with authority to banish non-natural-born British subjects in an ordinance in 1867. The article related to banishment was amended on five occasions in 1869, 1870, 1872, 1877, and 1885.

The procedure to issue banishment orders was simplified and the authority of the Governor for that purpose was strengthened. For example, banishment was not issued until the Governor decided that it was necessary to remove a certain person after receiving written information from officers, summoning and hearing the person issued with the banishment order (Ordinance No. III of 1870, No. VI of 1872, and No. V of 1877). It was also laid down that it would be issued during the existence of an emergency under the proclamation of the Governor (Ordinance No. III of 1869, No. III of 1870, and No. VI of 1872). In 1877, the Governor was empowered to issue a banishment order as he saw fit without the need to receive written information on or to grant a hearing to the person issued with such an order (Ordinance No. V of 1877). In 1885, a banishment order could be issued without any proclamation (Ordinance No. VI of 1885).

The treatment towards British subjects and non-British subjects was clearly differentiated. British subjects were further differentiated as "natural-born" or "naturalized" subjects, with the implication that the latter was "non-natural-born". In

1867, only non-natural-born subjects were liable to be banished, but in 1870 the banishment net was cast wider to cover all subjects. The security of the right of residence was further undermined by the new regulations that subjected the certificate of naturalization to suspension or its confirmation by the Secretary of State for the Colonies acting in the name of the British monarch. In 1888, a natural-born British subject issued with a banishment order was encumbered with the onus to prove that he was a natural-born subject.

The article relating to banishment was transformed into an independent ordinance and became known as Banishment Ordinance in 1888. It stipulated that whenever it appeared to the Governor in Council, after such enquiry as he might deem necessary that the removal from the Colony of any person not being a natural-born subject of Her Majesty was necessary for the public safety and welfare, the Governor in Council might issue an order banishing such a person from the Colony fourteen days from the date of the order. If a person ordered to be banished had become naturalized in the Colony, the order of banishment could declare that the certificate of naturalization of that person be cancelled subject to confirmation or disallowance by Her Majesty through one of Her Majesty's Principal Secretaries of State and such confirmation or disallowance shall be published in the *Government Gazette*. The ordinance further stipulated that the onus of proving a person's status as a natural-born subject of Her Majesty lied upon the person himself and thus it absolved the government from legal liability (Ordinance No.IV of 1888).

Banishment was a very effective and feared punishment. Success in the registration of secret societies under the Chinese Protectorate since 1877 could be attributed to the use of banishment as a punishment (Shiraishi 1975). In the 1888 ordinance, only non-natural-born subjects might be banished. Natural-born subjects were exempted from this punishment. If the latter were placed under banishment, a person who could prove in court that he was a natural-born subject would render the banishment order null and void. But the amendment to the ordinance in 1899, altered this situation completely.

Amendment of Banishment Ordinance in 1899 and the Reaction of the Straits Chinese

In 1899, an amendment was introduced in the Banishment Ordinance. It stipulated that "every order of Banishment made under this Ordinance shall be conclusive evidence in all Courts of Justice and for all purposes that the person

thereby ordered to be banished is not a natural-born British subject". The amendment removed the necessity for the courts to examine the nationality of those who were issued banishment orders and to give the Governor enhanced authority to effect banishment. Effectively, it meant that natural-born subjects no longer enjoyed the protection conferred by their nationality and therefore could not escape banishment once ordered.

It is clear that this amendment was meant to place the Straits Chinese on par with the other Chinese within the jurisdiction of the banishment. This was in fact explained by Sir Charles Mitchell, the Governor of the Strait Settlements then, in his letter to the Secretary of State for Colonies in May 1889 (Official Correspondence, 17 May 1889). He suggested the amendment to the law in order to remove "a doubt as to the power of the Governor in Council to enforce an order of banishment made in certain cases of obscure nationality where the Supreme Court may be invoked to quash such an order" and to "include within its scope all persons who, though born on British soil, or in Her Majesty's dominions, are yet regarded by any foreign power with the general assent of Her Majesty's Government as subjects of that power".

The Governor argued that the Chinese Government did not regard Straits-born Chinese as having lost their Chinese nationality until the third generation. He was also positive that there was a "growing tendency amongst persons involved in banishment proceedings to plead British nationality". Legally, even though a plea was not supported by any testimony whatever, it was difficult for the government to reject the plea because the government itself could not submit anything to prove that the person concerned was not a natural-born subject either. In support of his argument, he quoted an example of a 40-year old person (known as Ah Sin), who was issued a banishment order and the difficulty involved in identifying his nationality because "no registration of birth existed in the Colony 40 years ago, and no proof lies within the reach of the Governor in Council as to the birth place of Ah Sin whose parents (both Chinese subjects) died many years ago".¹⁴ He anticipated that such cases would increase in number because "it is easy here to suborn witnesses". Once the court was satisfied with the proof by his friends, the banishment order might be quashed.

The reaction of Straits Chinese was spearheaded by Lim Boon Keng, an unofficial member of the Legislative Council. He protested against the removal of protective provisions contained in the Ordinance of 1888 that reserved to British subjects the protection against banishment until the expiration of fourteen days and the right to prove that one was a natural-born subject. The bill to amend the Ordinance nullified these two provisions. Lim decried that the passage of the Bill

"does not take away the rights and privileges of a British subject, but it does something worse than that" (*PSSLC*, 8 August 1899). Lim's opposition to the amendment was based on two reasons. The first was the obscurity of authority given to the Court to reverse the decision of the Executive Council. He asserted that:

when, by negligence or error on the part of the Executive Government, a person has been arrested on suspicion of not being a British subject, and when only on that suspicion he is denied all the rights and privileges to which a natural-born subject of Her Majesty is entitled, it is now proposed to make an Order under the Ordinance of 1888 a conclusive proof of his not being a British subject. I say that that is an indirect method of depriving a British subject of his inherent rights. I do not think that this Council has power by such a circuitous method to deprive Her Majesty's subjects of rights given to them by such well known charters as the Magna Charta and Habeas Corpus Act (*PSSLC*, 8 August 1899).

The second reason for his opposition was that "a large number of British subjects cannot prove their nationality in the way that the Executive Council may reasonably expect". According to him, the registration of births had not been well carried out for the first ten years, though it was regulated as an obligation by an Ordinance in 1868. He was afraid that there could be occasions when certain persons might make false statements to banish those whom they did not like (*PSSLC*, 12 Sept. 1899). He felt strongly that in the amendment "there is nothing to prevent a British subject born here and whose parents have been here for two or three generations, being deported to a place where he cannot find a living, and where he may have to undergo the greatest hardships" (*PSSLC*, 8 August 1899).

The bill was opposed by other unofficial members, and it was proposed that the court be invested with the authority to check the judgment of the Executive Council and to limit the judgment only with respect to the issue of nationality. Although four unofficial members supported this proposal, it was overruled with seven members opposing (six ex-officio members and one unofficial member) (*PSSLC*, 8 August 1899). It was naturally impossible to reject the amendment itself. After all, only one sentence proposed by Lim Boon Keng was allowed to be added to the amendment, which was:

provided nothing herein contained shall prevent the person against whom the Banishment Order has been issued from submitting fresh evidence

before the Governor in Council to prove his nationality and if after hearing such evidence the Governor in Council is satisfied after such proof that the person against whom the Banishment Order was issued is a natural-born subject of the Queen the Governor in Council shall forthwith cancel the Banishment Order already issued (Song 1899b: 110-112).

After the ordinance was amended, Song Ong Siang argued vigorously on this matter in the *Straits Chinese Magazine*. Although banishment would be issued to the person when he threatened "the public safety or welfare", its interpretation, he argued, could possibly be too arbitrary because the Governor was the "ultimate interpreter". He also pointed out that "there are people who, though they believe they are British subjects, do not possess or cannot produce documentary evidence of British nationality". He thought that problems still remained even if Lim Boon Keng's amendment to the original bill was added, because it could not "obviate the difficulty suggested by the question of the right of the Supreme Court to try the question of nationality *de novo* or to review the evidence taken by the Governor in Council". He was critical of the arbitrariness of the government, claiming that "whatever the result, no reflection can be made against the Government that its action is arbitrary". He appealed to the government that it should make the nationality of children born in its domain clear, and assert its sovereignty to other countries, especially to China which was going to claim sovereignty to four generations of the Chinese born in the Colony (Song 1899a).¹⁵

Prior to the amendment of the banishment ordinance, the claims of Chinese having British nationality had been neglected for some time. In 1897, a person named O Khum Yiong with British passport was arrested and imprisoned in Amoy (Xiamen), and the British consulate did not protect him because he had not followed the required procedure when he arrived at China (*SCM*, Dec. 1897). In the same year, Tan Ki Chuan who also claimed natural-born British nationality, was accused of causing riot and was banished to Siam (Song 1984).

Thus at the end of the 1890s, Chinese who were born in the Colony were faced with uncertainties with regard to their status as British subjects. The amendment to the banishment ordinance placed them in a position from which they could not avoid banishment. In the words of Song Ong Siang:

the Straits Chinese will be liable to banishment or deportation from this Colony. It will become one of the most serious and terrible forms of punishment to a Straits Chinese who has led a life of crime, for he will be

removed from the only surroundings that he has been familiar with and will be thrown amongst people to whom he is an utter stranger and with whom there is little or no sign of a common nationality save his queue (Song 1899a: 64).

Banishment as a legal measure affected all the Chinese born in the Colony generally, not only young intellectuals but also older-established residents and one may infer that they shared the same fear and anxiety. Although they had to face increasing interference from the Colonial Government, they did not choose to abandon the Colony. Firstly, they feared to give up all the wealth and power acquired in the Colony, which was more true of the established leaders, the more wealthy and powerful they were. Secondly, they considered that the administration of the Colonial Government was quite reasonable and therefore preferred to remain. Song Ong Siang said:

in this Colony, there is not the slightest restriction placed on anybody, irrespective of race, colour or nationality, who comes here to earn an honest or dishonest livelihood. The immigration of aliens is absolutely free, except that certain health precaution are taken so that epidemic diseases may not be introduced into the Colony (Song 1899b: 106).

Lim Boon Keng pointed out that Europeans governing other colonies sometimes instigated the local people to isolate and ill-treat the Chinese, but racial riots were unlikely to occur in British dominions where all the races were treated equally (Lim 1917).

It was under this gloomy shadow of impending threat to their common interests that SCBA was established in 1900 to unite the young intellectuals and older-established residents and attracted as many as 800 members. From the 1890s, the number of banishment order increased but there were considerable cancellations.¹⁶ As long as the possibility of cancellation existed, it opened an avenue for those who possessed British nationality to actively claim themselves to be British subjects. Such being the case, SCBA was able to attract more members over the years as local-born Chinese regarded it as a place to claim their nationality and confirm loyalty towards Britain and the Colonial Government.

In 1901, SCBA was very active in setting up the Chinese Company in the Singapore Voluntary Infantry despite the lack of support of the Colonial Government. In this manner, the Chinese sought to consolidate their rights as British

subjects by fulfilling their obligations. In the same year, when the imperial prince from China, Prince Chun, visited Singapore, the local-born Chinese extended their welcome in a message published in *The Straits Times*, but the translation from the original Chinese message was made to convey the fact that they still maintained the customs as Chinese in Singapore, where they stayed just to make a living and to enjoy the equal treatment with British subjects under the Colonial Government. The Prince's reply in translation was that he was pleased that they were loyal to Britain, and that they had not forgotten their motherland yet (*ST*, 31 July 1901). These translated messages upset the local-born Chinese. Wee Theam Tew protested and pointed out that the status of the Chinese British subjects was clear, and the prince should just let it be known that he was pleased that they were loyal British subjects. Lim Boon Keng said that they were not living in Singapore only just for making a living (*ST*, 3 August 1901).

In Penang and Malacca, where similar banishment ordinances were enacted, local-born Chinese reacted differently. The banishment order was used much more frequently in Singapore and the exposure to the fear and anxiety of the ordinance among Straits Chinese in Singapore was correspondingly much greater than their counterparts in Penang and Malacca. From 1892 to 1900, a total of 176 banishment orders were issued in Singapore compared with 25 and seven respectively in Penang and Malacca (*The Annual Report of Chinese Protectorate*, 1892-1901). The role of SCBA was consequently different in Penang and Malacca. Although the Malacca SCBA was established in 1900, it became inoperative in 1904 and it was not until 1915 that it was revived by Tan Cheng Loke. In Penang, it was the proposal to increase the number of unofficial Asian members in the Legislative Council in 1920 that led to the establishment of the SCBA (see Tan 1967).

Conclusion

The Chinese community in Malaya enjoyed prosperity based on wealth through the operation of tin mines, plantations and opium farms, but they began to face interference from the Colonial Government towards the end of the nineteenth century. Faced with this situation, the Chinese community tried to cultivate good relations with the authority on the one hand, and sought effective ways to respond to imposition of control and the interference on the other. One of the ways was the attempt to integrate the entire Chinese community by the establishment of Chinese organizations such as the chamber of commerce in the 1890s.

Straits Chinese movements which also became active in the late 1890s were developed within the same environment. These movements were largely inspired by the young intellectuals with good educational background including those who studied in Britain. The integration exercise was more popular than activities organized by the Straits Chinese. However, certain enactments aroused anxiety with regard to the status of the Straits Chinese as British subjects towards the end of 1890s as inherent "privileges" associated with this status was compromised by the amendment of the Banishment Ordinance in 1899. In 1900 many local-born Chinese were united under SCBA under the name of "Straits Chinese", a term that was originally associated with the young intellectuals. The SCBA was founded and utilized by them to declare themselves as British subjects and to demonstrate their loyalty towards Britain in order to influence the Colonial Government to acknowledge their existence as British subjects and, by doing so, to avoid banishment.

This paper shows that the unification of the Straits Chinese was due neither to common cultural background, nor to the "privileges" they enjoyed as British subjects. Rather it was the insecurity of their status as British subjects that fostered this unification. Most studies tend to regard the Straits Chinese as a cohesive group sharing the same interests, way of thinking and behaviour. This essay, to the contrary, has demonstrated that this point of view is likely to be misleading. It would be more meaningful to pay attention to the diversity of the identity of the Straits Chinese from the perspectives of time and place in order to understand the developments that affected them, and in the process, to gain a deeper insight into the history of Malaya as a whole.

Notes

1. In this essay Malaya refers to the Straits Settlements, the Federated Malay States and the Unfederated Malay States, which currently comprise Singapore and Peninsular Malaysia.
2. The terms such as "Baba" and "Peranakan" were used interchangeably instead of the term "Straits Chinese" by the Straits Chinese at that time. Baba and Peranakan originally referred to local-born "foreigners" and later on to "local-born Chinese", who were racially mixed --- paternally Chinese and maternally indigenous person of Southeast Asian origin, mainly the Malays. The origin of the word "Baba" is Middle East, brought to Southeast Asia through India. Malays used this word as an honorific title when they addressed foreigners. "Peranakan" is a Malay word which means, local-born and mixed blood originating from the word *anak* or child (Tan 1988).
3. Lim Boon Keng and Song Ong Siang were leading protagonists in the establishment of this

society. It aimed to attract the attention of its members towards politics, arts, the sciences, and current issues, and to enlighten them through lectures (Shiraishi 1974). They were instrumental in the publication of the magazine with the cooperation of P.V.S.Locke (Eurasian) and Goh Lean Tuck, winners of Queen's Scholarships from Penang. This magazine was issued quarterly and sold at \$1.50. There were distributors in Batavia, Sarawak, Saigon, Bangkok, Yokohama, London, Edinburgh, Cambridge and so on (*SCM*, March 1897; Shiraishi 1974).

4. The aims of the SCBA were to promote among the members an intelligent interest in the affairs of the British empire, and to encourage and maintain their loyalty as subjects of the Queen; to afford facilities for the discussion of all questions relating to the social, intellectual and moral welfare of the Chinese British subjects in the Colony; to promote the general welfare of the Chinese British subjects in any other lawful or constitutional manner; to appoint a representative committee in London to watch the interests of the Association; to encourage higher and technical education for the Chinese in some practical way; and to take any requisite lawful step for the defense of the rights and privileges of British subjects (Song 1984).
5. The established older leaders referred to here were leaders of various traditional Chinese organizations based on birth-place, dialects, lineages, etc, who also succeeded in becoming leaders of the whole Chinese community with the recognition of the local government as well. Being wealthy businessmen, they could convert their economic power to political power (see Yen 1970; Shiraishi 1974; and Yong 1994).
6. The bankruptcy amendment was to give the right to the Supreme Court to take a debtor into custody, or to arrest or imprison him for fear the debtor may escape. At the meeting, besides the discussion with regard to the amendment of the bankruptcy ordinance, it was suggested that a Chamber of Commerce be established and its regulations framed. It was supposed to be discussed again at a subsequent meeting. However, according to Yong (1994), there is no evidence to indicate that such a meeting did take place.
7. Tan was born in Singapore in 1859. His grandfather, Tan Kim Seng, and father, Tan Beng Swee, were influential leaders, not only among Hokkien but in the Chinese community in Singapore. Tan Jiak Kim managed Kim Seng & Co. (金声公司), a company founded by his grandfather, and was a member of Singapore Municipal Commission in 1889, and was appointed a Justice of the Peace in 1891. He served in the Legislative Council from 1889 to 1892 and from 1902 to 1915 (Kua 1993).
8. Seah was born in Singapore in 1850 and was an influential Chinese leader of the Teochew community. His father, Seah Eu Chin, made a fortune in gambir planting. He ventured into pineapple industry and further augmented his considerable inherited wealth. He was appointed a Justice of the Peace in 1885 and a member of the Legislative Council from 1883 to 1890 (Kua 1993).
9. The student earning first place in the Cambridge Local Upper Grade Examination qualified for the Queen's Scholarship. By 1904, 30 scholarships had been awarded to students in Singapore and Penang. Eleven of these were won by Chinese students, 17 by Europeans, and Eurasians, and two by other ethnic groups. Among the Chinese, three were from Singapore (Wu 1904).
10. However, these older established leaders were also willing to show their loyalty towards Britain. For example, Seah sent a congratulatory message in English on the occasion of the Jubilee celebration of Queen Victoria on behalf of Chinese community. Tan Jiak Kim donated to found a memorial monument (Song 1894; Chew 1975).
11. Khoo was born in 1874 to a family of influential rice merchants in Singapore. He was raised by

his aunt in Macao during his childhood and moved to Singapore at the age of 7. In 1888, he returned to China with his parents, and subsequently passed the examination at the provincial level in 1894, but failed at the national level in 1895, and returned to Singapore in 1896. He came into contact with reformists when he returned to China again to attend his father's funeral. Upon his return to Singapore in 1897, he became as an advocate of reform (Kua 1993).

12. Lim Boon Keng seldom wrote articles for the newspaper. Instead his father-in-law Wong Nai Siong (黄乃裳) was the editor and contributed many articles. The articles associated with Boon Keng were published from 15 to 28 November 1899, on the Boer War, and from 13 to 15 December 1899, on Confucianism. The paper became defunct in August 1901.
13. The first four Chinese members of the Legislative Council were as follows, Hoo Ah Kay, 1869-1880, Seah Liang Seah, 1883 to 1890, Tan Jiak Kim, 1890-1894, and Lim Boon Keng, 1895-1900.
14. Registration of birth and death was made compulsory in 1868.
15. Britain adopted the principle of *Jus soli* (nationality according to the place of birth) regarding its nationality, but did not deny dual nationality. However, it was ambivalent towards China's sovereignty over the Chinese in the Colony.
16. Number of persons banished from the Straits Settlements, 1883-1905:

Year	Number banished	No. Of Banishment Order	
		Issued	Cancelled
1883	4	No data	No data
1884-86	No data	No data	No data
1887	5	No data	No data
1888	13	No data	No data
1889	No data	No data	No data
1890	3	No data	No data
1891	9	No data	3
1892	44	No data	No data
1893	22	No data	No data
1894	32	No data	No data
1895	29	247	No data
1896	15	No data	No data
1897	12	No data	No data
1898	27	21	9
1899	29	45	10
1900	18	41	8
1901	36	86	33
1902	50	122	25
1903	49	74	31
1904	63	209	73
1905	140	231	40

Sources: *The Government Gazettes and Annual Report on the Chinese Protectorate*, 1883 to 1905.

References

- AKASHI Yoji (明石陽至) 1980. 〈シンガポール華人改革者林文慶と文化摩擦〉。載《アジアにおける文化摩擦東南アジアの留学生と民族主義運動》, 山本達郎・衛藤瀧吉監修、永積昭編。東京: 巖南堂書店。(Lim Boon Keng, a Chinese reformist in Singapore, and cultural conflict. In *Cultural Conflicts in Asia: Southeast Asian Students Studying Abroad and Nationalism Movements*, edited by Yamamoto Tatsuro and Eto Shinkichi (supervised by Eiseki Akira)). Tokyo: Gannando Shoten.
- BLYTH, Wilfred 1969. *The Impact of Chinese Secret Societies in Malaya: A Historical Study*. London: Oxford University Press.
- BRADDELL, Ronald 1931. *The Legal Status of the Malays State*. Singapore: Malaya Publishing House Limited.
- CHEW, Phyllis 1975. *Tan Jiak Kim (1859-1917): Straits Chinese Leader*. Academic Exercise, Department of History, National University of Singapore.
- CHING Seow Ying 1972. *A King's Chinese: A Study of Song Ong Siang*. Academic Exercise, Department of History, University of Singapore.
- CLAMMER, John R 1980. *Straits Chinese Society: Studies in the Sociology of the Baba Communities of Malaysia and Singapore*. Singapore: Singapore University Press.
- FONG Lai Yoke 1990. *The Singapore Chinese Advisory Board 1889-1933*. Academic Exercise, Department of History, National University of Singapore.
- HENG Pek Koon 1988. *Chinese Politics in Malaysia: A History of the Malayan Chinese Association*. Singapore: Oxford University Press.
- HARE, G.T. 1897. The Straits-born Chinese. *Straits Chinese Magazine*, 1(1): 3-8. *Jit Sin Pau* (《日新報》), 1899-1901.
- KHOR Eng Hee 1958. *The Public Life of Dr. Lim Boon Keng*. Academic Exercise, Department of History, University of Malaya, Singapore.
- 柯木林主编 (KUA Bak Lim) 1995. 《新华历史人物列传》。新加坡: 教育出版私营有限公司。
- LEE Yong Hock 1960. *A History of the Straits Chinese British Association (1900-1959)*. Academic Exercise, Department of History, University of Malaya, Singapore.
- 李元瑾 (LEE Guan Kin) 1990. 《林文庆的思想: 中西文化的汇流》。新加坡: 新加坡亚洲研究学会。
- 2001. 《东西文化的撞击与新华知识分子的三种回应: 邱菽园、林文庆、宋旺相的比较研究》。新加坡: 八方文化企业公司联合出版。
- LIM Boon Keng 1899. Straits Chinese Reform, I: the queue question. *Straits Chinese Magazine*, 3 (9): 22-25.
- 1917. The Chinese in Malaya. In *Present Day Impressions of the Far East and Prominent & Progressive Chinese at Home and Abroad*. London: The Global Encyclopedia Company.
- Official Correspondence from the Straits Settlements Governor Mitchell to Joseph Chamberlain, 17 May 1889.
- Ordinances of the Straits Settlements, 1867-1900.
- Proceedings of Straits Settlements Legislative Council (PSSLC)*, 1890-1900.
- Report of the Commission of Enquiry into the System of English Education in the Colony*, 6th June 1902 (*Report*).
- RUDOLPH, Jürgen 1998. *Reconstructing Identities: A Social History of the Babas in Singapore*.

- Aldershot: Ashgate Publishing Ltd.
- SHIRAISHI Takashi (白石隆) 1974. 《シンガポールにおけるプラナカン (華僑) 運動》。1974 年度東京大学国際関係論文修士課程提出論文 (*Activities of Peranakan (Overseas Chinese) in Singapore*). Master Thesis submitted to Graduate School of International Relations, University of Tokyo.)
- 1975. 〈華民護衛署の設立と会党 - 19 世紀シンガポール華僑社会の政治的变化〉, 《アジア研究》 (Establishment of Chinese Protectorate and secret societies -- political change of Chinese community in 19th century Singapore. *Asian Studies*), 22 (2): 75-102.
- SONG Ong Siang 1899a. Are the Straits Chinese British subjects? *Straits Chinese Magazine*, 3 (10): 61-69.
- 1899b. Legislation in the Straits Settlements on banishment. *Straits Chinese Magazine*, 3 (11): 106-112.
- 1984. *One Hundred Years' History of the Chinese in Singapore*. Singapore: Oxford University Press (first published by John Murray in 1902).
- Straits Chinese Magazine (SCM)*, March and Sept. 1897, and March 1900.
- Straits Times (ST)*, 1901.
- Thien Nan Sin Pao* (《天南新報》) (*TNSP*), 1898-1900.
- TROCKI, Carl A. 1990. *Opium and Empire: Chinese Society in Colonial Singapore, 1800-1910*. Ithaca, New York: Cornell University Press.
- TAN Chee Beng 1988. *The Baba of Melaka: Culture and Identity of a Chinese Peranakan Community in Malaysia*. Petaling Jaya: Pelanduk Publication.
- TAN Diana 1967. Some activities of the Straits Chinese British Associations, Penang (1930-1939). *Peninjau Sejarah*, 2 (1): 30-40.
- WANG Gungwu 1991. Lu Xun, Lim Boon Keng and Confucianism. In *China and the Chinese Overseas*, edited by Wang Gungwu. Singapore: Times Academic Press.
- WANG Tai Peng 1994. *The Origins of Chinese Kongsis*. Petaling Jaya: Pelanduk Publications.
- WICKBERG, E 1964. The Chinese Mestizo in Philippine history. *Journal of Southeast Asian History*, 5 (1): 63-71.
- WINSTEDT, R.O. 1931. *The Constitution of the Colony of the Straits Settlements and of the Federated and Unfederated Malays States*. London: The Royal Institute of International Affairs.
- WU Lu 1904. The Straits Settlements Queen's Scholarships. *Straits Chinese Magazine*, 8 (1): 20-21.
- YAMAMOTO Nobuto (山本信人) 1995. 〈リムブーンケンによる '近代的中国人' の創造 - '進歩' の時代における初期南洋華人ナショナリズム研究試論〉, 《法学研究》 (The Creation of 'Modern Chinese' by Lim Boon Keng -- An essay on early nationalism of the Nanyang Chinese in the era of 'progress'. *Hogaku Kenkyu*), 68(5), May: 27-66.
- YEN Ching Hwang 1970. Ch'ing's sale of honours and the Chinese leadership in Singapore and Malaya (1877-1912). *Journal of Southeast Asian Studies*, 1 (2): 20-32.
- 1995. *Community and Politics: The Chinese in Colonial Singapore and Malaysia*. Singapore: Times Academic Press.
- YONG, C.F. 1994 *Chinese Leadership and Power in Colonial Singapore*. Singapore: Times Academic Press.