

D.O.'S and Dato's: Dialogue on the 'Adat Perpateh

by
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Some British administrators found the local custom of Negri Sembilan, the '*adat perpateh*', uncongenial. Ernest Birch, on becoming Resident in 1897, decided that 'with firmness and tact' the distinctive 'tribal customs', which his predecessor had cherished, could be rapidly adapted to the model of the FMS Land Code.¹ Swettenham, who never served in Negri Sembilan, took note from a distance of the 'tribal customs and the trouble they gave'.² Many less eminent administrators got through an unenthusiastic stint of contact with the '*adat perpateh*', and moved on to other states without regret. Some of those who wrote about it as experts misdescribed it as 'matriarchy'; it was a social and political system in which descent on the mother's side was all important, but women did not hold political authority or traditional office, though they inherited ancestral lands (*tanah pesaka*) from their mothers or other matrilineal relatives.³ This article will offer some examples of these differing attitudes in presenting the general conclusion that the exigencies of colonial rule, applied directly or in support of Islamic rules, shaped and sometimes distorted the '*adat perpateh*'.

Newbold, who visited Sungei Ujong and Rembau in 1833, observed that 'many of their customs are singular and peculiar, and deserve more attention than has hitherto been paid to them'.⁴ Begbie, who served in the British force engaged in the Nan-

¹ *Annual Report of the British Resident, Negeri Sembilan* (hereafter *ARNS*) 1896, para. 18. The *ARNS* is a compendium of information supplied by district officers and heads of state departments, with a few general comments by the British Resident. It is held at the Public Record Office, London, but microfilm copies are available to researchers.

² F. A. Swettenham, *British Malaya: An Account of the Origin and Progress of British Influence in Malaya*, London: John Lane Bodley Head, 1906; revd edn, London: Allen and Unwin, 1948, p. 131.

³ For a succinct account of the '*adat perpateh*' with particular reference to its law of property, see R. O. Winstedt, 'Negri Sembilan: The History, Polity and Beliefs of the Nine States', *JMBRAS*, 12(3), 1934, pp. 83-4. For the use of 'matriarchy', see R. O. Winstedt, *The Malays: A Cultural History*, Singapore: Kelly and Walsh, 1947, p. 70, and G. A. de Moubray, *Matriarchy in the Malay Peninsula*, London: Routledge, 1931.

⁴ T. J. Newbold, *Political and Statistical Account of the British Settlements of the Straits of Malacca &c.*, 2 vols, London: John Murray, 1839; reprinted, with an Introduction by C. M. Turnbull, Kuala Lumpur: Oxford University Press, 1971, Vol. 2, p. 134.



A group of Negri Sembilan notables (seated) and their followers. It is surmised that the photograph was taken at the 1897 durbar of FMS Rulers at Kuala Kangsar and that the central figure is Dato Klana Ma'amor, still a minor, but given precedence as leader (imam) of the Undang, with Dato 'Bandar Ahmad (regent of Sungei Ujong) among the other seated figures.

ing War of 1831–2 and met some Rembau notables, is equally reticent.⁵ The first European travellers, such as Gray, who passed through part of Negri Sembilan in a journey across the peninsula in 1828, also had little or nothing to say on this subject.⁶ One rare exception was the Abbé Favre, who made a tour of Johol, Rembau, Sungei Ujong and Jelebu, in the course of which he attended, and describes, Malay ceremonies, but, like other missionaries of the period, he regarded the pagan aborigines (*orang asli*) as a more promising field for missionary work.⁷

The imposition of continuing administrative control marked the start of significant contact. When the first move into the Malay states was made in 1874, it was necessary to compile a background paper for a governor who was new to Malaya, and for Whitehall officials to whom the western Malay states was virtually *terra incognita*. The task was given to Thomas Braddell, an ‘old hand’ of 30 years’ residence in the Straits, who had occasionally visited the Malay states.⁸ However, he drew mainly on official archives; it is a mark of the limitations of what was known of Negri Sembilan that in the opening historical introduction to his memorandum on Negri Sembilan, Braddell relies mainly on Newbold, until reaching the 1840s he passed beyond Newbold’s time. Of the local custom, Braddell notes ‘a peculiarity in the rule of descent among the Menangkabowe States [i.e. Negri Sembilan] ... the sister’s son succeeds instead of the son’.⁹ But much of Braddell’s account relates to Sungei Ujong, which – as we shall see – was a very marginal area for the *adat perpateh*. Moreover, he was concerned with political rather than social history. British intervention, apart from a brief military incursion in pursuit of the defeated Yam Tuan Antah in 1876, did not reach the interior until the 1880s. For a decade before that, governors had been obliged to use the Maharaja of Johor as a sort of proxy in seeking to keep the peace

⁵ P. J. Begbie, *The Malayan Peninsula, Embracing the History, Manners and Customs of the Inhabitants, Politics, Natural History, &c.*, Madras: Vepery Mission Press, 1834; reprinted, with an Introduction by D. M. Banerjee, Kuala Lumpur: Oxford University Press, 1967.

⁶ C. Gray, ‘Journal of a Route Overland from Malacca to Pahang across the Malayan Peninsula’, *JIA*, 6, 1854.

⁷ P. Favre, ‘A Journal in the Menangkabaw States of the Malay Peninsula’, *JIA*, 3, 1849; reprinted in *An Account of the Wild Tribes Inhabiting the Malayan Peninsula, Sumatra, and a Few Neighbouring Islands*, Paris: Imperial Printing Office, 1865.

⁸ Thomas Braddell (1823–91) had begun as a sugar planter in the West Indies, but came in 1844 to continue that career in Province Wellesley. He soon joined the government service, holding administrative, police and, finally, legal posts until his retirement, from the post of Attorney General, in 1882. In 1874, he was one of Clarke’s senior and most influential advisers. He contributed numerous articles to *JIA*, including ‘Notes on Naning, with a Brief Notice of the Naning War’, *JIA*, ns 1, 1856. His *JIA* papers suggest that he had supplemented first-hand knowledge with extensive research in the Straits Settlements official records.

⁹ ‘Second Continuation of Report on Proceedings of Government relating to the Native States in the Malayan Peninsula’, encl. 1 to SSD, 29 December 1874 (pp. 34–60 in CO Confidential Prints Eastern 15), p. 38.

beyond the coastal fringe.¹⁰ Governor Robinson (1877–9) anticipated eventual annexation but made no move in that direction.¹¹

For a decade from 1874 the only British administrator on the ground in Negri Sembilan was the Resident of Sungei Ujong. The first holder of the post (1874–81) was a naval officer, Patrick Murray, whom Isabella Bird, the Victorian lady traveller, visited, at Seremban, early in 1879.¹² She offers a sympathetic portrait of a lonely man who dealt with the people rather in the fashion of a benign Irish landlord and his tenants. He 'has never been able to acquire the language', dispensed justice from the bench by reference to fairness rather than law, and 'means well by all the interests of his little kingdom'.¹³ He was certainly untroubled by the vestigial evidence of '*adat perpateh*' custom on his patch. On Murray's untimely death in 1881, his successor (until 1893) was an Old Etonian, W. F. B. Paul (with charge of Jelebu, also from 1883). Paul was a complacent, idle man, of whom it suffices here to note that he considered that the '*adat perpateh*' obstructed the introduction of 'a more civilised code of laws'.¹⁴

When Yam Tuan Antah, driven into temporary exile by British forces in 1876, was allowed to return, it was as Yam Tuan of Sri Menanti, not of Negri Sembilan. The Undang of Sungei Ujong, Rembau and Jelebu, who then considered themselves to be independent rulers of their districts, thus formally terminated the confederacy of 1773, which had fallen apart in the mid-nineteenth century. Thereafter, the absorption, by stages, of the whole of Negri Sembilan into the British sphere of control, had to be achieved by separate agreements with the Undang.¹⁵ The result was a British frame-

¹⁰ Lord Carnarvon, Secretary of State at the CO, already at odds with Jervois over the conflict (1875–6) in Perak, instructed him to 'adhere to a line of policy which will, as far as possible, avoid a further and especially an undefined and uncertain extension of our political responsibilities in the Malay Peninsula'. CO despatch to Jervois dated 19 August 1876. Jervois negotiated a treaty of 23 November 1876 with Yam Tuan Antah, and the minor chiefs of the Sri Menanti district, by which they undertook (Clause 6) to 'refer for advice' to the ruler of Johor 'any dispute or difficulty'. J. de V. Allen, A. J. Stockwell and L. R. Wright (eds.), *A Collection of Treaties and Other Documents, Affecting ... the States of Malaysia 1761–1963*, 2 vols., New York: Oceana Publications, 1981, Vol. 1, p. 289. Ibid for Weld's treaties of the 1880s which replaced indirect (through Johor) by direct contact with the Negri Sembilan states of the interior.

¹¹ E. Thio, *British Policy in the Malay Peninsula 1880–1910*, Singapore: University of Malaya Press, 1969, p. xxxiv.

¹² Bird, Isabella (Mrs Bishop), *The Golden Chersonese and the Way Thither*, London: John Murray, 1883; reprinted, with an Introduction by Wang Gungwu, Kuala Lumpur: Oxford University Press, 1967, pp. 184–206.

¹³ Ibid., pp. 186–7.

¹⁴ *ARNS 1891*, para. 16. Paul showed little initiative in anything.

¹⁵ Allen, Stockwell and Wright, *A Collection of Treaties*.

work of external control which did not of itself restore the traditional loose unity of a century before.¹⁶

The rebuilding of the confederacy of the entire state was the achievement of Martin Lister, beginning in 1887 as Resident (at Kuala Pilah) of the states of the interior. Lister was the first of the enthusiasts, and he began by collecting and publishing what he could discover of the '*adat perpateh*' traditions.¹⁷ The relationship between the Yam Tuan and the four Undang was only remotely related to the political structure of the Sumatran kingdom of Menangkabau, from which the forebears of the Malays of Negri Sembilan had come; it was more of a local expedient upon which an alliance had been built in the late eighteenth century.¹⁸ A century later, three of the four Undang (Sungei Ujong, Rembau and Jelebu) would not permit the Yam Tuan to enter their territory, nor would they attend at his court at Sri Menanti, since the etiquette of personal contact would oblige them to acknowledge, by formal deference, that he was of higher status, as royalty, than they. Legislation was required for such purposes as the collection and allocation of revenues from tin mining. In these matters Lister had to negotiate with each of the bevy of local rulers of districts and their attendant notables. To obviate this tedious process, he persuaded them to join in setting up a state council. In such an alien forum, customary Malay etiquette did not apply.¹⁹

¹⁶ Even the British external framework was a house divided. Until 1893 there was a Resident of 'Old Negri Sembilan' at Kuala Pilah, and a Resident of Sungei Ujong (and Jelebu) at Seremban. These posts were merged in 1895 and the administrative capital was moved to Seremban.

¹⁷ M. Lister, 'The Negri Sembilan: Their Origin and Constitution', *JSBRAS*, 19, 1887, is a rather uncritical compilation of local legends and traditions. However, when a copy reached the CO, Lucas minuted (on SSD 29 January 1889) 'a very learned pamphlet and ought to be useful for reference'. Two other administrators had contributed earlier papers on Rembau and Jelebu. See D. F. A. Hervey, 'Rembau', *JSBRAS*, 13, 1884, and H. A. O'Brien, 'Jelubu', *JSBRAS*, 14, 1884. See also M. Lister, 'Malay Law in Negri Sembilan', *JSBRAS*, 22, 1890, in which Lister 'enlarges upon' his previous 'very brief and superficial sketch'.

Martin Lister (1857-97), younger son of a peer, had first arrived in Malaya around 1880 from Ceylon to work as a coffee planter with the firm of Hill and Rathborne, until he joined the Perak civil service in 1884 to learn that trade under Hugh Low, in company with Hugh Clifford. He was a close personal friend of Swettenham.

¹⁸ P. E. de Josselin de Jong, *Minangkabau and Negri Sembilan: Socio-Political Structure in Indonesia*, 'S-Gravenhage, Nijhoff, 1980, is the leading academic study of cultural relations between Minangkabau and Negri Sembilan. As regards the former, de Jong recognizes that reliable information is scanty, as the Sumatran kingdom ceased to exist early in the nineteenth century. See also J. Drakard, *A Kingdom of Words: Language and Power in Sumatra*, Shah Alam, Malaysia: Oxford University Press, 1999.

¹⁹ Until 1893 (Note 16 above), only the Undang of Rembau and Johol could be members of Lister's state council of 'Old Negri Sembilan'. Sungei Ujong had its own state council. The state councils (originally styled 'mixed councils' because they included the local Capitan China) were first established in Perak and Selangor in

Before this novel idea had been implemented, a smallpox epidemic, in 1888, removed from the scene Yam Tuan Antah, a warrior, though somewhat chastened by defeat and exile in the 1870's. His son and successor was Yam Tuan Mohamed (r.1888–1933), who was young enough to be schooled in new ways and sensible enough to be willing to exchange some ancient prerogatives for contemporary advantages.²⁰ Lister had to report that 'debate at the first meeting of the State Council [held in December 1889] was not quite so animated as I should have wished to see it, but I have no doubt that when the Chiefs become more accustomed to the Council system, they will join more freely in discussion.... His Highness does not come forward much in administrative affairs'.²¹ However, the real debate was between the Resident, advocate of some unwelcome innovations, on one side, and the group of Malay grantees, on the other. Lister observed that 'as the members are men of experience and mature age and accustomed to administration of affairs, they are of great use, and are pleased with the support they afford each other'.²² After a year or two he could comment on 'the great unanimity now existing between the Rajas and the territorial commoner chiefs'.²³ In his apprenticeship in Perak under Hugh Low, Lister learnt well the lesson that 'any change must be gradual ... the people are sharp and businesslike, and, I would add, intensely conservative'.²⁴

In Negri Sembilan, as in other states, Arab Syeds were treated as members of the *raja* class because of their putative descent from the Prophet. Their rank (as Syeds) was patrilineal, but by marriage to local wives they begot sons who were members of the matrilineal ruling (*waris*) families.²⁵ The 'Arab half breed element in the State' included the Undang of Sungei Ujong and of Jekebu, who, in 1874 and 1883 respec-

1877, as a colonial initiative whereby the regime could consult local interests on its innovations, and enact necessary legislation. E. Sadka, *The Protected Malay States 1874–1895*, Kuala Lumpur: University of Malaya Press, 1968, Chap. 6. Lister's state council was exclusively Anglo-Malay in membership.

²⁰ S. Khan, *The Making of Modern Negeri Sembilan 1874–1898*, Seremban: Taman Seni Budaya, 1986, Chapter 5, relates in detail the long story of the rebuilding of a new confederacy to replace the earlier alliance of 1773, which had collapsed in the mid-nineteenth century. See also the latter part of J. M. Gullick, 'The War with Yam Tuan Antah', *JMBRAS*, 27(1), 1954, and his 'The Tampin Succession', *JMBRAS*, 49(2), 1976.

²¹ *ARNS 1889*, para. 12. This was not a problem confined to Negri Sembilan. See R. J. Wilkinson, 'Incidents of Malay Life', *Papers on Malay Subjects, Life and Customs*, Pt 1; reprinted in *JMBRAS*, 30(4), 1957, p. 49, for an entertaining anecdote of proceedings in the Perak State Council.

²² *ARNS 1890*, para. 18.

²³ *ARNS 1893*, para. 70. This is a general comment not confined to discussion in the state council.

²⁴ *ARNS 1891*, para. 16.

²⁵ Syed Mashhor and Syed Zin, neither locally born, were prominent figures in Selangor in the 1870s. See also R. O. Winstedt, 'The Hadramaut Saiyids of Perak and Siak', *JSBRAS*, 79, 1919, and Gullick, *The Tampin Succession*.

tively, had accepted British intervention, and also the founder of the ruling dynasty of Tampin, an offshoot of Rembau but now a separate minor principality; all these episodes had caused conflict.²⁶ In the early 1890s, the *bête noire* of British administrators was Syed Hamid, the ruler of Tampin and a brother-in-law of the late Yam Tuan Antah. He was regarded as an intriguing troublemaker, whose Arab connections might dispose him to making contacts with the nascent upsurge of Islamic influence in Southeast Asia. There was a crisis in 1892 when the Penghulu of Inas, 'an illiterate and almost senile Malay, and a former adherent of Saiyid Hamid', sent a letter to the admiral of a Turkish squadron then visiting Singapore, inviting his aid in expelling the infidel British from Negeri Sembilan.²⁷ It proved to be a storm in a tea-cup, but the upshot was that Syed Hamid ceased to attend meetings of the state council, and was thereafter represented by his son and eventual successor.²⁸

More important than this minor alarum was Lister's attempt to draw the Malay chiefs, more particularly the tribal headmen (*lembaga*) into active involvement in the new system of local administration. He was against 'dealing with the masses, instead of the Chiefs, which ... would have been deplorable'.²⁹ His policy was that 'each Chief [should be] fully supported in accordance with their own institutions.... I have insisted on the duties of every Chief being respected ... in every case [of] ... disputes in regard to land and other matters, it is a *sine qua non* that the Chief should do his best to settle the case in the first instance'.³⁰ Even where it fell to the police to arrest and bring to court persons charged with criminal offences, 'the Chiefs of persons charged with criminal offences must be present. Thus the Chiefs' position is always upheld in the eyes of the people'.³¹ In return for these services the chiefs were to receive, in addition to a fixed allowance, a percentage of local revenues. They would thus have an interest in promoting the development of their districts.

There were problems, of course: 'The Chiefs of tribes had left much of this work [of tax assessment] to their sub-chiefs of families and these had been afraid to tax the richer peasants'.³² As the duty of collecting land tax [quit-rent] was in the hands of heads of tribes (*suku*) and families (*perut*), 'the rent-rolls had been tribal, members of one tribe being scattered about in different portions of a district'. Lister soon concluded that the rent rolls, at least, must be compiled on a territorial basis.³³

His untimely death in 1897 at the age of forty brought the experiment to an end. It is possible, and in this author's opinion probable, that if Lister had lived to carry it

²⁶ Khan, *The Making of Modern Negeri Sembilan*, Chaps. 2-4. In Rembau and in Jelebu, there had been aspirants to the office of Yam Tuan Muda, who shared power with the Undang but their destabilizing effects had resulted in their expulsion, with the exception of the Tengku Besar of Tampin, whose office has continued to this day

²⁷ *ARNS 1892*, para. 21.

²⁸ He died unlamented in 1894. *ARNS 1894*, para. 9.

²⁹ *ARNS 1891*, para. 16.

³⁰ *Ibid.*, paras. 16 and 17.

³¹ *Ibid.*, para. 18.

³² *ARNS 1893*, para. 29.

³³ *Ibid.*, para. 30.

further, he would have found that it did not admit of further development.³⁴ The verdict of Ernest Birch, Lister's successor, quoted at the beginning of this article, was probably based on his experience in Naning, a part of Malacca where a modified version of the '*adat perpateh*' prevailed and the local headmen (*penghulu*) were elected. But the administrator found that he did not 'acquire the intimacy with the people of the district which would enable him to have any personal influence in the election of a Penghulu'.³⁵ In conformity with contemporary practice in the other Malay states then under British control, Birch introduced to Negri Sembilan the appointment, by the government, of subdistrict *penghulu* as the agents of the administration and its tax collectors. The traditional office of *lembaga*, which Lister had sought to sustain and use as the key element of his system continued, but it gradually declined into a sinecure, carrying only a very modest fixed allowance. As the population increased, the *penghulu* had village headmen (*ketua kampung*) to assist him. By the 1960s, 'Relations between the '*adat*' chiefs and the *ketua* are often strained. The chiefs regard the *ketua* as usurpers, illegitimately claiming equality of status with them, and usurping their authority. To the *ketua* the *lembaga* is a nuisance. He does not help in the work of looking after his own kin, but expects deference.'³⁶

Birch did, however, bring to completion Lister's unfinished work of constructing a confederacy which would reunite the entire state of Negri Sembilan. When the post of Resident of Sungei Ujong (and Jelebu) fell vacant by the retirement of Paul in

³⁴ Lister's system was the only example in the history of British colonial rule in Malaya of what in African territories was to become known as 'indirect rule', i.e. government through the agency of traditional authorities. The Residential system of the FMS, although often described as 'indirect rule' was direct rule in the name of the Malay ruler. The author, as a cadet in training in 1938-9, attended lectures given by Dame Margery Perham, the leading academic expert on the methods developed by Lord Lugard in Nigeria, and her comments on British methods in Malaya were emphatic on the difference (and unenthusiastic on the latter). It must be conceded, however, that the UMS, in some spheres, such as taxation and land administration, in which the British Adviser was the dominant influence on the state government, had some characteristics of 'indirect rule' *stricto sensu*.

³⁵ *Proceedings of the Straits Settlements Legislative Council* 1883, Paper No. 30, quoted by J. E. M. Cave, *Naning in Melaka*, MBRAS Monograph No. 16, 1989, p. 279. This was the conclusion reached by D. F. A. Hervey (Resident Councillor of Malacca 1881-93).

³⁶ M. G. Swift, *Malay Peasant Society in Jelebu*, LSE Monographs on Social Anthropology No. 29, London: Athlone Press, 1965, p. 80. Swift, an anthropologist who did his field work in Jelebu, goes on to mention a 'chiefs' association' formed in the Kuala Pilah district to 'combat the increased influence of the *ketua*', i.e. it was a problem throughout the state and not peculiar to Jelebu.

Dato Klana Ma'amor bin Kassim of Sungei Ujong, an artist in the craft of nepotism, had contrived by the time of his death (1945) to arrange that every one of the eight *penghulu mukim* in the Seremban district was either a son or son-in-law of himself. Effectively, the *waris* had taken over the government's system of rural administration, but under official direction.

1893, the territory was temporarily attached to Selangor. This was a highly unpopular arrangement which may have induced the two Undang (of Sungei Ujong and Jelevu) to enter into mutually acceptable arrangements for becoming members of the group of districts ('Old Negri Sembilan') in Lister's charge. Although the atmosphere had much improved with the accession (in 1888) of Yam Tuan Mohamed, there were recent memories of trouble caused in Jelevu and in Rembau by aspirants to the rank of Yam Tuan Muda, and of quarrels in the Sri Menanti royal fief in the days of Yam Tuan Antah. Soon after his arrival, in 1880, Governor Weld had had to come to Negri Sembilan to listen to the complaints of Angki Bongsu against Antah: 'Anki Bongsu sitting in front of the Sukus who supported him as their spokesman, with much courage, energy and eccentricity of voice, charged the Yam Tuan with doing "everything wrongly"'. He threw down his richly ornamented weapon on the ground before him defiantly and showed scars and marks where he said he had been wounded by the Yam Tuan's police.' At the same meeting, a royal kinsman, disappointed at the ruler's reply to his claims in respect of mining rights, 'cut the discussion short by asking leave to go away to say his prayers'.³⁷

When Lister had become the sole Resident (stationed at Seremban) for the whole of the state, he had persuaded all four Undang to join in an agreement of 1895 whereby they agreed 'to constitute their countries into a confederation of states ... with the assistance of a British Resident ... and they undertake to follow his advice'. Yam Tuan Mohamed and Syed Hamid, Tengku Besar of Tampin, were named as parties to the agreement, which contained no substantive reference to either; only the former actually signed it; the latter may have objected to the stipulation that 'the arrangement ... does not imply that any one Ruler should exercise any other power or authority in respect of any State than that which he now possesses'. The Undang of Rembau and Jelevu did not disguise their reluctance to sign despite that explicit safeguard.³⁸

The restoration of the position of the Yam Tuan as paramount ruler of the state was still the missing 'headstone in the corner which the builders refused'.³⁹ Birch, on becoming Resident in 1897, insensitive to these problems, proposed that the Yam Tuan should be recognized as the sole ruler of the state in its dealings with the protecting power – 'firmness' perhaps but hardly 'tact'. Yam Tuan Mohamed invited the four Undang to attend the Hari Raya celebrations at Sri Menanti, but three boycotted the occasion. Birch summoned them all to Seremban and reproached them with 'placing a strained construction' on the agreement of 1895 which protected their existing status, and argued that he merely sought to restore the authority which their predecessors had conceded to Raja Melewar in 1773. Under this pressure the formally

³⁷ SSD, 9 April 1881. Relevant treaties in Allen, Stockwell and Wright, *A Collection of Treaties*, Vol. 1.

³⁸ Ibid, p. 324. Governor Mitchell had to visit Negri Sembilan to persuade the participating rulers to accept an arrangement which 'stemmed from British initiative'. Khan, *The Making of Modern Negeri Sembilan*, pp. 73–4.

³⁹ Psalm 118, v. 22.

elected Yam Tuan Mohamed, with whom they had no personal quarrel, to be Yam Tuan Besar of the whole state 'according to the old Constitution', but added express reservations i.e. (1) he might not interfere in the customs of the country or in Muhammadan law, (2) any dispute within their respective districts was to be settled by them in consultation with the British Resident, (3) he would not entertain any complaint to him from their subjects, (4) on Hari Raya and Hari Raya Haji each would remain in his district to 'celebrate his own festivals', but they agreed that, if invited they would come to royal marriage and circumcision ceremonies, and (5) when the throne fell vacant, they would choose a 'royal prince' as successor, and install him.⁴⁰

While the grandees marked out their constitutional position in terms which were new to the *'adat perpateh'*, the general body of their subjects was having to bow to changes of a different kind. The basic principle of collective tribal ownership of land in Negri Sembilan was derived from the tradition, probably a myth, that the first Minangkabau settlers in each area had bargained with the aborigines to secure for themselves and their successors, the land which they needed for immediate occupation, and also much additional land for future use or disposal. The grant might well extend across or up a side valley. This became tribal land under the control of the tribal chief (*lembaga*) and of the *waris* (actual or putative descendants in the female line of the founding families), who 'adopted' later arrivals into their tribe and allocated them land for their use. Although the latter became members of the tribe, the terms of the fictitious adoption did not usually give the new group more political rights than representation in the tribe through the headman (*ibu bapa*) of the additional sub-clan (*perut*), which they now formed. The right to provide a clan or tribal headman, and to decide who it should be, was restricted to the putative descendants of the founder families. In addition to paying an economic price for their land (redeemed land – *tanah tebus*), the new arrivals made the customary presents – a piece of cloth, a knife or weapon and a cooking pot. There remained, of course, empty land which might be occupied, with the appropriate permission, by 'foreigners' who perhaps came from Minangkabau but might be complete outsiders in the cultural sense, who had not obtained membership of a tribe by adoption. They paid customary dues to the Undang as territorial ruler, but did not have the status nor share in the collective tribal rights.⁴¹

⁴⁰ Allen, Stockwell and Wright, *A Collection of Treaties*, Vol. 1, p. 326. The preliminary 1895 agreement had perhaps been made in anticipation of the formation of the FMS in 1896, for which the Negri Sembilan signatories required some documentary accreditation as joint representatives of a single, though confederate, state.

⁴¹ This is an attempt, doubtless imperfect and not applicable in every detail, to practice in different districts (*luak*) of the state, to distill from Winstedt (Note 3), Lister (Note 17), Taylor (note 45) and Parr and Mackray (Note 67) a paradigm of the system. These authorities do not differ much on essential points, but attach varying degrees of emphasis to such procedures as adoption, as a form of entry to an *'adat perpateh'* tribe. W. E. Maxwell, 'The Law and Customs of the Malays with Reference to the Tenure of Land', *JSBRAS*, 13, 1884; partially reprinted in M. B. Hooker (ed.), *Readings in Malay Adat Laws*, Singapore, Singapore: University Press, 1970, was widely accepted as the definitive statement of traditional Malay tenure in the

Rights over land, from the standpoint of the individual villager in Negri Sembilan as *cultivator* were much the same as in other states. Essentially, it was an occupier's right to a house site (*tanah kampung*), to plots on which to grow padi (*sawah*), or to plant and/or to harvest coconuts or fruit trees (*tanah kebun*). These rights were acquired by allocation within the immediate family when a woman married, or by inheritance, or by clearing new land. It was not an unrestricted, and transferable, right of ownership but a right of usufruct. Land which had once passed by inheritance became ancestral land (*tanah pesaka*). The owner was 'her tribe's trustee for her lifetime; and at her death her next of kin in a matrilineal system, i.e. her daughters or sisters in most cases, inherited it at her death'.⁴² If she wished to transfer the land by gift or sale, the transferee must be a fellow member of the same tribe. The right to use the land did not entail any continuing obligation to pay a rent or tax on it.

Under the new colonial land system introduced in the 1890s, however, the occupier had a *legal* title to the land protected by registration in the local land office, an obligation to pay annual land tax (quit-rent), and a power to dispose of the land by sale or gift, and the power to mortgage it as security. It was an explosive mixture, and the administrators spent the ensuing half century trying to limit the damage. In Lister's time, their main preoccupation was to persuade the cultivators to accept a system which, for the first time, imposed a tax on land. At first, the detested land tax was a fixed \$1 per holding, but it was later graduated to 5 per cent on the estimated annual produce of the land.⁴³ As already related, Lister had to bow to the inevitability of compiling registers of landholders, on a territorial, instead of a tribal basis, to make the tax collectable, and Birch transferred the collection of the tax from *lembaga* to *penghulu mukim* (subdistrict headmen).⁴⁴ In time, rubber land became the smallholder's most valuable (and saleable) asset, and much of the arguments and settlement of disputes by magistrates and land officers, recorded and analysed with such dedicated enthusiasm, related to rubber smallholdings. If the Islamic principles applicable to divorce or inheritance suited relatives better, they naturally argued for the primacy of these rules over the *adat perpatih* in a Muslim society.

Malay states generally, except for his attribution to the ruler of a right (which he admitted was not often exercised) to collect a tenth of the annual produce of cultivated land – a subject on which Maxwell was challenged by Swettenham and other contemporaries. The leading modern study of land law in the twentieth century, after its codification at the beginning of the century, is D. S. Y. Wong, *Tenure and Land Dealings in the Malay States*, Singapore: Singapore University Press, 1975. Technically, Wong's text applies only to FMS land law, but the point is immaterial since the UMS adopted the FMS law, with minor local modifications, as their model. Wong has a chapter on the Negri Sembilan Customary Tenure Enactment.

⁴² Winstedt, 'Negri Sembilan', cited in Note 3 above. 'All ancestral land is owned by women, and passes on death to daughters in equal shares,' Swift, *Malay Peasant Society*, p. 22 (he continues with a useful summary of the subsidiary rules in force in the 1960s).

⁴³ ARNS 1891, para. 36.

⁴⁴ ARNS 1892, para. 69; ARNS 1893, para. 36; and ARNS 1893, para. 30.

The pre-emptive right of members of a tribe in any disposal of the land outside the owner's family was difficult to maintain, all the more so because tribal lands could not be preserved in blocks but became intermixed. After Birch, came D. G. Campbell, who persuaded the state council to pass the Customary Tenure Enactment 1909, which had only a limited and uncertain effect.⁴⁵ It was out of tune with the times, since much of the land which the villagers wished to sell was not inherited land (*tanah pesaka*) but jungle land newly cleared by men, not women, in order to plant rubber on it. During the early rubber booms of 1905 and 1910, the owners were often tempted to sell out by high prices offered by the new rubber estates. A longer term social change, mentioned above, was the growing acceptance, in a community in which an increasing proportion had made the pilgrimage to Mecca, of Islamic law as the dominant code. After 1913 there was yet another category, i.e. Malay Reservation land.⁴⁶ In a more general fashion, the 1909 enactment illustrates – in the person of Campbell – the emergence of a new type of administrator, whose reaction to a commercial, non-Malay environment was a well-meaning, self-declared 'pro-Malay' atti-

⁴⁵ Wong, *Tenure and Land Dealings*, Chap. 12, is a comprehensive account. Legislation on these lines had been under discussion for some time before 1909. *ARNS* 1906, para. 13. In 1893, the Sungei Ujong state council had resolved that Muhammadan law should always be applied in a Muhammadan state and that the '*adat perpatih*' 'could not be recognised in a kadhi's court' in a divorce. Minutes of the council meeting held on 27 April 1893. Although matrilineal rules of succession to political office, had, for reasons of expediency, been adopted in Sungei Ujong at the beginning of the nineteenth century, it had never had the dominant position accorded to it elsewhere in the state. For the period between the wars, E. N. Taylor, 'The Customary Law of Rembau', *JMBRAS*, 7(1), 1929, is a comprehensive though contentious study, based on much so-called 'case-law', i.e. cases decided locally in the magistrate's court at Rembau. Taylor (by then a High Court judge) returned to the subject with 'Inheritance in Negri Sembilan', *JMBRAS*, 21(2), 1948. Taylor's two papers are reprinted in Hooker, *Readings in Malay Adat Laws*, with editorial notes. In addition to Swift, *Malay Peasant Society in Jelebu* (Note 42), see M. G. Peletz, *A Share of the Harvest: Kinship, Property, and Social History Among the Malays of Rembau*, Berkeley: University of California Press, 1988, based on fieldwork in 1978–80. Peletz (p. 143) concludes that the 1909 Enactment 'went a long way to eviscerate the very system it sought to enforce'. See penultimate paragraph of the main text on the shortcomings of the CTE.

⁴⁶ The Malay Reservations Enactment 1913 applied throughout the FMS, though only to land, whether alienated and developed or not, which had been designated by gazette notification. It did not directly affect the 1909 state enactment in Negri Sembilan, but was a much more comprehensive attempt to deal with the social and economic consequences in the Malay community of the sale of land to non-Malay buyers, typically plantation companies in search of land to add to their estates. A particular inducement to offer high prices was that smallholdings often stretched along the sides of public roads, and barred access to the roads for traffic from estate land behind them.

tude, in a fashion which the Malays themselves sometimes found patronizing and uncongenial.⁴⁷

After some initial hesitation over planting rubber - a long-term but speculative crop - as an addition to their permanent property, Malay villagers were also getting used to the *penghulu/ketua kampong* regime which Birch had introduced. Administrators concluded that 'the Lembagas or Tribal Chiefs might be done away with, without their want being felt, if it was not for "Custom" which looms so largely in the life of the Malays of this [Kuala Pilah] district'.⁴⁸ The more senior notables, however, continued to exert real influence. During the boom of 1905, the Undang of Johol promoted a scheme to secure an area of about 400 acres to be subdivided into one acre plots, on which the respective owners could plant rubber. The standard of planting and maintenance was poor, but in the frantic boom of 1910 a purchaser offered a price in excess of \$100,000 for the 400 acres. By the time he had actually inspected it, however, the price of rubber had fallen away and he reneged on his bargain.⁴⁹

However, the Negri Sembilan smallholder had by this time decided that rubber was a crop which, despite the seven-year interval between planting and coming into bearing, was worth including in his mixed economy. The total area of holdings under 10 acres increased by almost two-thirds in the short space of three years:

District	Acres ⁵⁰	
	1908	1911
Seremban	3,503	4,284
Coast	1,563	2,074
Kuala Pilah	10,670	13,124
Tampin	6,054	11,045
Jelevu	2,228	2,683
Negri Sembilan	17,964	30,270

By 1917, the state total of smallholdings under rubber had increased to 51,881.⁵¹ Although sales by Malay cultivators within a year or two of clearing jungle and plant-

⁴⁷ Campbell, who acted as Resident of Negri Sembilan for several short periods between 1900 and 1909, had previously served in Selangor since 1883; he was remembered there for his leading part in establishing the Malay Agricultural ('Kampung Bahru') Settlement in Kuala Lumpur. Campbell went on to be General Adviser Johor (1910-18), where he died in office. He did good work in Johore but was often in conflict with the tempestuous Sultan Ibrahim. See J. M. Gullick, *Rulers and Residents: Influence and Power in the Malay States 1870-1920*, Singapore: Oxford University Press, 1992, index entries 'Campbell, D. G'.

⁴⁸ *AR Kuala Pilah 1906*, para. 10.

⁴⁹ *ARNS 1905*, para. 54; *ARNS 1906*, para. 38; *ARNS 1907*, para. 13; *ARNS 1910*, para. 16.

⁵⁰ *ARNS 1910*, para. 16; *ARNS 1911*, para. 20.

ing rubber were still common, an increasing proportion was retained, and often registered in the name of a male owner.⁵² Yam Tuan Mohamed, and some other notables, took up larger areas to create small rubber estates, 'but as a rule such estates suffer from the want of systematic attention'.⁵³

The constitutional agreement of 1898 was by no means the end of royal hopes of further advances. The first 'external' treaty to which Negri Sembilan was a party was that which created the Federated Malay States in 1896. This set the pattern of a college of six rulers, the Yam Tuan, the four Undang and the Tengku Besar Tampin, who signed such treaties as a collective head of state.⁵⁴ The second FMS treaty of 1909 observed the same procedure, but Clause 2 included among the members of the new FMS Federal Council 'the Yam Tuan of Negri Sembilan as representing the Undang of the Negri Sembilan'.⁵⁵ The federal council replaced the periodic informal gatherings (*durbar*) of rulers of the four states, at which the Undang had been present in person, and deprived the state councils of much of their authority. In thus edging ahead in 1909, as sole 'representative', the Yam Tuan may have hoped eventually to put himself on an equality with the rulers of the other FMS as a 'Sultan'. But the Undang were quick to raise objections to that. In 1909, the Governor/High Commissioner had to adjudicate on a dispute over a seal on which the Yam Tuan described himself as Sultan. It was perhaps no coincidence that by this time a new figure had begun to emerge among the royal circle at Sri Menanti. In Lister's time, the role of confidant and adviser to the Yam Tuan had been taken by his uncle, Tengku Muda Chik, who – like the ruler himself – was a conciliatory and cooperative grandee.⁵⁶ As 'Malay Judge' at Kuala Pilah he gave 'considerable assistance in Malay cases in the Civil Court which are very often difficult to unravel and have to be decided by the Malay

⁵¹ *ARNS 1917*. Of the total, Malays owned 46,830 acres and Chinese 4,279. These figures, rarely based on exact measurement of planted areas, may be somewhat unreliable, but suffice to indicate the steep rate of increase.

⁵² *ARNS 1912*, para. 13.

⁵³ *ARNS 1907*, para. 13.

⁵⁴ Allen, Stockwell and Wright, *Collection of Treaties*, Vol. 2, p. 50.

⁵⁵ *Ibid.*, p. 53.

⁵⁶ As was common practice in the Sri Menanti royal house, the alliance was cemented by the ruler's marriage to Tengku Puan Ejah (Halijah), daughter of Tengku Muda Chik. But Yam Tuan Mohamed had previously married Tengku Puan Chik of the Serting branch of the dynasty. It was a son of that union, Tuanku Abdul Rahman, who eventually (in 1933), succeeded his father and later became the first Yang Dipertuan Agong (1957–60) of the independent Federation of Malaya. R. J. Wilkinson, 'Sri Menanti', *Papers on Malay Subjects*, 2nd series, No. 2, Kuala Lumpur: Government Press, 1914; reprinted in R. J. Wilkinson (ed. P. L. Burns), *Papers on Malay Subjects*, Kuala Lumpur: Oxford University Press, 1971, pp. 367 and 375. *ARNS 1892*, para. 71.

Code and Customs for property and inheritance'.⁵⁷ A decade or more later, his prominent role had devolved on the Yam Tuan's brother (probably a full brother but much younger), Tengku Burhanuddin, upon whom had been conferred the title of Tengku Besar, with duties which included the conduct of royal relations with the Undang.⁵⁸ He had, at the outset of his career, acted as Malay Magistrate at Rembau, but such work was not his *métier*.⁵⁹ In the 1909 affair, he was described in the confidential official report as 'an aggressive and pushful person' who had encouraged his elder brother to act in an unconstitutional manner.⁶⁰ The Yam Tuan sought to justify his seal by reference to four seals which he said had been used by previous holders of his office. The earliest of these was a seal said to have been presented to Raja Melewar by the Sultan of Johor, bearing the title of 'Sultan Abdul Jalil Shah' with the implication that the recipient should adopt that royal style.⁶¹ The High Commissioner, in discuss-

⁵⁷ *ARNS* 1889, para. 26. Tunku Muda Chik took charge of the secretariat ('Raja of-fice') at the istana, and in 1893 became a member of the state council. *ARNS* 1891, para. 19, and *ARNS* 1893, para. 22.

⁵⁸ Wilkinson, 'Sri Memanti', p. 375. Tengku Laksamana Sulaiman (Note 62), the other brother, acted as a sort of court chamberlain and aide-de-camp. *Ibid*.

⁵⁹ *SSD*, 22 October 1902.

⁶⁰ *SSD*, 2 September 1909 tells the story of the encounter at Kuala Kangsar over the seal. In his time (1945–8), the author knew Tengku Besar Burhanuddin, who had by then mellowed into a dignified if impecunious upholder of the *ancien régime* and was known in the official community as 'the wicked uncle', partly because of his unsuccessful bid in 1933 to succeed his late brother as the next Yam Tuan. The Undang predictably had preferred to elect the late ruler's more compliant son. He had become a leading expert on the '*adat perpateh*'. See D. Lewis, 'Inas: A Study of Local History', *JMBRAS*, 33(1), 1960, p. 90, and Khan, *The Making of Modern Negeri Sembilan*, p. 5 n27. There were many stories about him. In the autumn of 1945, he had to represent the Yam Tuan at the installation of the Tengku Besar Tampin, who had come of age during the Japanese Occupation. It was not easy to find a motor car which could be relied on to complete a 50-mile round trip to Tampin without a breakdown, and – with some difficulty – we arranged for him to have the use of an army jeep for the day. At the appointed time, he emerged from his official residence, the *istana lama* at Sri Menanti. He was dressed in all the splendour of a Malay Raja *en grand tenue*. He viewed the strange contraption which awaited him with the disdain of a French aristocrat invited in 1793 to mount the tumbril which would take him to the guillotine. 'If anyone imagines I am going to drive through the streets of Tampin in that, they can think again' – so we hastened to replace it with the best of the large but dilapidated cars at our disposal. That was more like it, and off he went (on what was fortunately an uneventful trip). He can be seen as the central figure in the picture on the front cover of M. Sheppard, *Taman Budiman: Memoirs of an Un-orthodox Civil Servant*, Kuala Lumpur: Heinemann, 1979.

⁶¹ The authenticity of the earliest seal was questionable. Birch recalled that in 1898 he had been shown the seal which the Yam Tuan intended to use, and had vetoed it at once on the grounds that only one of the four Undang (probably Johol) would toler-

ing the matter with the Yam Tuan, had the support of three Residents of Negri Sembilan – E. W. Birch, D. G. Campbell and R. J. Wilkinson. The ruler brought with him Tengku Besar Burhanuddin and another brother, the Tengku Laksamana.⁶² Their argument was that in restoring the Yam Tuan (in 1898) to the position, once held by Raja Melewar, of paramount ruler of the confederacy, the Undang had implicitly conceded the right of the ruler to assume the title of Sultan. Here Birch, the prime mover in the 1898 restoration, said that the Undang would not have agreed to the treaty if it carried the right to a title denoting, in the traditional parlance, an ‘absolute’ ruler. In refusing to sanction the adoption of the title ‘Sultan’ (in unsanctioned use since 1905), the High Commissioner commented that, in the contemporary situation, only the British Crown could grant such a right. There the matter rested for some fifteen years until Yam Tuan Mohamed, making his only visit to London, raised the matter during the customary audience with King George V.⁶³ When, in 1947, the Yam Tuan and the Undang discussed the first written constitution for Negri Sembilan, a necessary part of the Federation of Malaya documentation, Yam Tuan Abdul Rahman (r.1933–60) wisely avoided reopening the subject.⁶⁴

Apart from the perquisites of the royal office, the choice of a successor whenever that office, or the position of Undang, fell vacant was a continuing, though intermittent, subject of debate. In the general body of the Negri Sembilan Malay community, there was a more widespread debate, and dispute, over the rules for inheritance of land or other valuable property.⁶⁵

ate its use. As might be expected, Wilkinson showed a wide knowledge of historic seals.

⁶² The conclave was held at Kuala Kangsar in Perak, of which Birch was then Resident. It was thus possible to avoid having to invite the Undang to attend, which would have been unavoidable if the meeting had been held in Negri Sembilan.

⁶³ The consternation of the officials attending what was intended to be a mere formal audience – a courtesy usually afforded to a Malay ruler on a visit to London – may be imagined. The author has not traced (and indeed there may be none) any official record of this affair but learnt of it from senior colleagues who had held official posts in Negri Sembilan between the wars. W. A. Gordon-Hall (a former DO of Kuala Pilah), ‘Yam Tuan Mohamed’, *Malaya* (monthly magazine), 1954, gives a general picture of the Yam Tuan in his final years.

⁶⁴ Yam Tuan Abdul Rahman did try to fetter the complete freedom of the Undang to elect any descendant (in the male line) of Yam Tuan Antah as successor to that office when vacant, but without success. Personal knowledge.

⁶⁵ Disputes within a district (*luak*) were settled by the Undang (in consultation with the *lembaga*), rather than let them pass out of his hands. Serious disputes about election to political office only occurred in an election of an Undang. In modern times, it was first arranged that a protracted succession dispute to that office should be submitted to the arbitrament of the ruler (i.e. the five other ruling chiefs) in council. See R. O. Winstedt, *Start from Alif, Count from One*, Kuala Lumpur: Oxford University Press, 1969, p. 144. In Malaya since independence, disputes have

Although the less important office of *lembaga* no longer carried much authority or reward, the higher offices gave entitlement to a substantial 'political allowance' as well as much prestige, and were eagerly sought. In theory, British officials simply waited to be told who was the duly chosen successor and then paid him his due allowance from state funds. In practice, a protracted, and often acrimonious, debate among the electors, required – or at least received – mediation by officials.⁶⁶ Again, the theory was that officials did not seek to influence the outcome, but in practice their recognition of its constitutional validity was essential to it. It was probably this factor which led R. J. Wilkinson, the leading 'scholar administrator' of his time (1889–1916) in Malaya and Resident of Negri Sembilan c.1910, to include in the *Papers on Malay Subjects*, of which he was general editor, or in the *Journal of the Straits Branch of the Royal Asiatic Society*, monographs on the history and rules of elective succession to high office in different parts of the state.⁶⁷ The authors were well chosen for their local experience, and these studies are a valuable record. They also illustrate

occasionally reached the Supreme Court. J. M. Gullick, 'Law and the 'Adat Perpateh'', *JMBRAS*, 64(1), 1981.

⁶⁶ By chance, two vacancies in the office of Undang, Jelebu, in late 1945, and Sungei Ujong, in early 1946, had to be filled during the BMA period, when the author had charge of those districts. J. M. Gullick, 'The Election of an Undang of Jelebu', *Man*, 1946, and 'Sungei Ujong', *JMBRAS*, 22(2), 1949, pp. 64–6. See also the opening pages of R. J. Wilkinson, 'Notes on the Negri Sembilan', *Papers on Malay Subjects, History Part 5*, 2nd series, No. 2, Kuala Lumpur: Government Press; reprinted in R. J. Wilkinson (ed. P. L. Burns), *Papers on Malay Subjects*, Kuala Lumpur: Oxford University Press, 1971, p. 281, where Wilkinson gives examples of the misinformation, suppression of evidence, and even deceit, to which he and other administrators had been subjected, when it suited those concerned. The author can confirm that such malpractice persisted to his time, but acknowledges the kindly help received from the majority of his informants. De Moubray, in *Matriarchy in the Malay Peninsula*, p. 4, adds that an expert witness in a Rembau court case may appear 'to be lying bravely in support of his own tribe'. Winstedt, on his arrival in Kuala Pilah around 1911, felt like a 'cucumber among thorns'. See his *Start from Alif*.

⁶⁷ See Wilkinson, 'Negri Sembilan' and 'Sri Menanti', and also A. Caldecott, *Jelebu: Its History and Constitution*, Kuala Lumpur: Government Press, 1912, and J. E. Nathan and R. O. Winstedt, *Johol, Inas, Ulu Muar, Jempul, Gunong Pasir and Terachi*, Kuala Lumpur: Government Press, 1920. See also C. W. C. Parr and W. H. Mackray, 'Rembau: One of the Nine States, Its History, Constitution and Customs', *JSBRAS*, 56, 1910, and R. J. Wilkinson, 'Sungei Ujong', *JSBRAS*, 83, 1921. It can hardly be a coincidence that six monographs on districts (*luak*) of Negri Sembilan were published soon after Wilkinson had been Resident. In addition, see R. J. Wilkinson, *Law*, Pt 1, 'An Introductory Sketch', *Papers on Malay Subjects*, Kuala Lumpur: Government Press, 1908; reprinted in M. B. Hooker (ed.), *Readings in Malay Adat Law*, Singapore: Singapore University Press, 1970. The latter includes an excellent passage on the characteristics of the '*adat perpateh*' as a legal system. There was, of course, a great deal more written both before and after this systematic coverage of local traditions.

a general trend towards official formulation and publication of rules and precedents of the '*adat perpateh*', which gave a legal flavour and rigidity to what had been oral traditions.

The same process, but in a much more pronounced form, began to affect the '*adat perpateh*' principles of land tenure. As the Malay rural economy expanded into planting, ownership and inheritance of rubber smallholdings, which made them the most valuable asset of many households, it was inevitable both that traditional expectations should harden into legal claims, and that alternatives, notably Islamic rules of inheritance which were much more favourable to men, should be invoked. The Customary Tenure Enactment of 1909 provided for endorsement in the land office registers of the word 'customary land' on titles to which it was considered that the '*adat perpateh*' should apply. But no systematic attempt was – or could be – made at a comprehensive identification of such lands. The law presumed that such 'tribal' land was always the property of a woman, and for particular reasons the enactment did not apply at all in the *luak* of Sungei Ujong. Even in those cases to which it did (by express endorsement), or might have but did not apply, the uncertainty was an encouragement to rival claimants and a rich field of activity for lawyers and land officers. It all had an effect, direct or indirect, on the rules and categories of land tenure. The more legally minded (and in some cases qualified) administrators compiled summaries and commentaries on the more esoteric points, or wrote books and articles which in effect attempted to codify the '*adat perpateh*' rules of land tenure; there were some celebrated doctrinal disputes among the pundits, notably A. (Sir Andrew) Caldecott and E. N. Taylor, who rose from district officer at Rembau to end his career as the High Court judge in Negri Sembilan.⁶⁸

Even before waves of the Islamic revivalism altered popular attitudes in Malay society after independence, anthropologists and others engaged in field research in rural areas of Negri Sembilan had noted that the traditions of the '*adat perpateh*', its enforcement agencies and its general influence was succumbing to the Malaya-wide general attitude that Islam should and must prevail.⁶⁹

⁶⁸ See works by Maxwell, Wong and Taylor, cited in Notes 41 and 45 above, and M. B. Hooker, *Adat Laws in Modern Malaya: Land Tenure, Traditional Government and Religion*, Kuala Lumpur: Oxford University Press, 1972. It was said that the Rembau land office files contained some memorable exchanges between Caldecott (as Commissioner of Lands FMS) and Taylor. Nuttall Taylor was a most likeable, but dogmatic, Yorkshireman, and if his views on the Rembau law of property were challenged, there was soon blood all over the carpet.

⁶⁹ Swift, *Malay Peasant Society*, and Peletz, *A Share of the Harvest* (for the anthropologists' testimony).

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