

Legal Pluralism and the English East India Company in the Straits of Malacca during the Early Nineteenth Century

NURFADZILAH YAHAYA

During the early nineteenth century, the English East India Company (EIC) was in a state of transition in Penang, an island in the Straits of Malacca off the coast of the Malay Peninsula. Although the EIC had established strong ties with merchants based in Penang, they had failed to convince the EIC government in Bengal to invest them with more legal powers. As a result, they could not firmly extend formal jurisdiction over the region. The Anglo-Dutch Treaty (also known as the Treaty of London) that officially cemented EIC legal authority over the Straits of Malacca, was not signed until 1824, bringing the three Straits Settlements of Penang, Malacca, and Singapore under EIC rule officially in 1826. Prior to that, the EIC imposed their ideas of legitimacy on the region via other means, mainly through the co-optation of local individuals of all origins who were identified as politically and economically influential, by granting them EIC military protection, and ease of sailing under English flags. Because co-opted influential individuals could still be a threat to EIC authority in the region, EIC company officials eradicated competing loci of authority by discrediting them in courtroom trials in which they were treated as private individuals. All clients in EIC courts including royal personages in the region were treated like colonial subjects subject to English Common Law. By focusing on a series of trials involving a prominent merchant named Syed Hussain

The author is a Research Fellow at the Asia Research Institute at the National University of Singapore. She thanks Jerusa Ali, Kamran Ali and Elizabeth Kolsky for their comments on earlier versions of the work, and Fahad Bishara, Michael Gilsenan, Iza Hussin, Mitra Sharafi, Laurie Wood on later drafts. She is especially grateful to the two anonymous reviewers for their valuable suggestions.

Aided from 1816 to 1821, this article traces how EIC legal authority became pervasive at the eastern end of the Indian Ocean by the early nineteenth century without actual territorial conquest.¹

The EIC commercial court in the sole settlement in Penang played a key role in the consolidation of EIC control of the Straits of Malacca in the absence of a strong military presence.² Law, as Samera Esmeir argues, was a colonizing force.³ This phenomenon becomes apparent when the perspective shifts from normative orders to jurisdictional conflicts that propelled change in the political and legal structure of colonial legal orders over the course of the nineteenth century.⁴ Because the emergence of a new EIC legal forum in the Straits of Malacca actually occurred while older forms of authority were still vying for power, a shift to jurisdictional perspective makes it possible to trace the changing legal expectations of historical actors during this period of transition. Over time, the EIC managed to extend its jurisdiction over the region not by conquering territory per se, but by drawing clients into commercial court. Legal authority was not bound territorially, and the tie between sovereign and subject was defined as a legal relationship.⁵

EIC Commercial Court

Legal proceedings in EIC commercial courts in Penang flattened social and political hierarchies in the region. Like their counterparts in South Asia, EIC authorities recognized that the kingship was the organizing principle of society that persisted well into the age of EIC rule in the Straits of Malacca.⁶ Because kings in the Straits of Malacca derived political power from their mercantile wealth and vice versa, there were several contenders

1. For more on pervasive legality without corresponding territorial conquest, see Samera Esmeir, "On the Coloniality of Modern Law," *Critical Analysis of Law* 2 (2015): 19–41.

2. The EIC in Bengal refused to send a military force to Penang despite repeated requests. Anthony Webster, "The Role of Robert Farquhar in Penang 1804–1805," *Journal of Imperial and Commonwealth History* 23 (1995): 11.

3. Samera Esmeir, "On the Coloniality of Modern Law," *Critical Analysis of Law* 2 (2015): 22.

4. Historian Lauren Benton proposes this shift in perspective for a more nuanced approach to legal history, which is more sensitive to jurisdictional fluidity. Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400–1900* (Cambridge: Cambridge University Press, 2002). Also see Lauren Benton and Richard J. Ross, "Empires and Legal Pluralism- Jurisdiction, Sovereignty, and Political Imagination in the Early Modern World," in Lauren Benton and Richard J. Ross, eds. *Legal Pluralism and Empires, 1500–1850* (New York: New York University Press, 2013), 1–17.

5. Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400–1900* (Cambridge: Cambridge University Press, 2010).

6. Nicholas Dirks, *The Hollow Crown: The Ethnohistory of an Indian Kingdom* (New York: Cambridge University Press, 1987). David Cannadine argues that the royal monarchy remained

to any throne, with several sources of power not limited to biological lineage.⁷ This phenomenon entailed a complicated process of “hollowing the crown,” because there were overlapping systems of patronage and rule with divided or ambiguous loyalties.⁸ By holding kings or potential kings accountable for their commercial dealings in EIC legal courts, EIC authorities were able to gradually impose structural changes in the Straits of Malacca.

EIC subjugation and discrediting of Malay rulers in the Straits of Malacca was conducted through commercial lawsuits in the nineteenth century.⁹ After 1805, all EIC employees in Penang were forbidden to conduct private trade on their own account.¹⁰ Thereafter, more merchants, including including local rulers who were mostly merchants, fell into the orbit of the EIC. All sovereign princes in the region were treated as private individuals when they conducted trade with the EIC. By 1843, this was established as a system to discredit local kings. The headnote of a law report in 1843 stated that: “A foreign Sovereign Prince, who remains in [the Straits Settlements] for a protracted time, is entitled to no greater exemption from the jurisdiction of the Courts of this Colony. . . and if he engages in mercantile transactions. . . such as borrowing money in his private capacity, on a promissory note, he is liable to be sued thereon in such Courts, and cannot claim exemption on the grounds of his being a Sovereign Prince.”¹¹

In other words, the status of Malay rulers as royal sovereigns was disregarded in commercial lawsuits. Subjugating local kings to EIC laws certainly chipped away at their authority.

the default apex of society well into the twentieth century. David Cannadine, *Ornamentalism: How the British Saw their Empire* (Oxford: Oxford University Press, 2001).

7. Anthony C. Milner, *Kerajaan – Malay Political Culture on the Eve of Colonial Rule* (Tucson: University of Arizona Press, 1982); Carl S. Trocki, *Prince of Pirates: The Temenggongs and the Development of Johor and Singapore, 1784–1885* (Singapore: Singapore University Press, 1979); Anthony Webster, *Gentlemen Capitalists: British Imperialism in Southeast Asia, 1770–1890* (London: Tauris Academic Studies, 1998); Timothy P. Barnard, *Multiple Centres of Authority: Society and Environment in Siak and Eastern Sumatra, 1674–1827* (Leiden: KITLV Press, 2003); and Anthony Webster, *The Twilight of the East India Company: The Evolution of Anglo-Asian Commerce and Politics, 1790–1860* (Woodbridge: Boydell Press, 2009).

8. This view is line with Norbert Peabody’s argument in his study of the precolonial state of Rajput in Kota. Norbert Peabody, *Hindu Kingship and Polity in Precolonial India* (New York: Cambridge University Press, 2003).

9. For an example of a king who balanced Malay kingship and British imperial interests in 1880s and 1890s, see Iza Hussin, “Circulations of Law: Cosmopolitan Elites, Global Repertoires, Local Vernaculars,” *Law and History Review* 32 (2014), 773–95.

10. Anthony Webster, “The Role of Robert Farquhar in Penang 1804–1805,” *Journal of Imperial and Commonwealth History* 23 (1995): 9.

11. Abdul Wahab Bin Mohamat Alli V. Sultan Alli Iskander Shah [Sultan Of Johore] (1843) *Kyshe’s Reports Volume 1 (Civil Cases)*.

Legal scholars have demonstrated how separate legal forums for different ethnic and religious communities were established in the form of state-sanctioned legal pluralism enforced from above under the umbrella of English Common Law from the late nineteenth century onwards.¹² This article demonstrates how the roots of legal pluralism were planted by the EIC during the early nineteenth century with the establishment of the first Straits Settlement of Penang.¹³ Because litigants and witnesses in the port city of Penang were often of different ethnicities and religious faiths, separate jurisdictions for commercial cases were not the most effective sites for adjudication. The EIC court became the logical site for settling disputes among merchants of various faiths and origins. The authority of legal forums no longer emanated from the personal authority of powerful individuals such as Syed Hussain. Henceforth, legal pluralism became embedded in colonial state institutions that policed the boundaries of manifestations of law, thereby establishing a normative order that could reach beyond its actual narrow jurisdiction on the island of Penang.

Scholars have focused on political, economic, and administrative strategies of the EIC vis-à-vis local rulers in Southeast Asia.¹⁴ Penang was established as an EIC settlement to counter the dominance of the Dutch East India Company also known as the Vereenigde Oost-Indische Compagnie (VOC) in the region.¹⁵ The VOC had already attempted to dominate the Straits from their port city in Malacca since 1641, but their influence had declined by the end of the eighteenth century. Prior to the EIC settlement in Penang, the EIC had already established a garrison in Bencoolen (Bengkulu) in southwest Sumatra in 1685, and later erected Fort

12. A legal system is pluralistic in the juristic sense when the sovereign commands different bodies of law for different groups of the population varying by ethnicity, religion, nationality, or geography, and when the parallel legal regimes are all dependent on the state legal system. Sally E. Merry, "Legal Pluralism," *Law and Society Review* 22 (1988): 871.

13. For more on legal pluralism specifically in Malaya and the Straits Settlements from the late nineteenth century to the 1980s, see M. Barry Hooker, *Islamic Law in Southeast Asia* (Singapore: Oxford University Press, 1984); and Ahmad Ibrahim, *Towards a History of Law in Malaysia and Singapore* (Kuala Lumpur: Dewan Bahasa dan Pustaka, 1992).

14. See Nordin Hussin, *Trade and Society in the Straits of Melaka: Dutch Melaka and English Penang* (Copenhagen: NIAS Press, 2007); Rollin Bonney, *Kedah, 1771–1821: The Search for Security and Independence* (Kuala Lumpur: Oxford University Press, 1971); and Lee Kam Hing, *The Sultanate of Aceh: Relations with the British, 1760–1824* (Singapore: Oxford University Press, 1995).

15. The VOC made its first foray into Banten in West Java in the Dutch East Indies in 1603. Although VOC authorities continued to maintain a large presence in the region, their profits had declined by the end of the eighteenth century. For more on the Dutch monopoly in the region, see Dianne Lewis, *Jan Compagnie in the Straits Of Malacca 1641–1795* (Athens: Ohio University Press, 1995), 114–21; and John Bastin, *The British in West Sumatra 1685–1825* (Kuala Lumpur: University of Malaya Press, 1965).

Marlborough there in 1714, but stopped expanding for fear of irritating their Dutch rivals.¹⁶ As Dutch growth started to slow down during the second half of the eighteenth century, EIC attempts picked up again.¹⁷ In 1786, momentarily free from the clutches of their overlord Siam who was embroiled in a war with the Burmese, the king of Kedah on the Malay Peninsula ceded the island of Penang to Captain Francis Light, a former privateer who became an EIC trader.¹⁸ Light hoisted British colors in the name of King George III on the island, and promptly renamed it Prince of Wales Island.¹⁹ Despite experiencing attacks from both Asian and European populations based in the region unrest, the fledgling port city managed to immediately attract merchants who traded mainly in opium, tin, pepper, betel nuts, and textiles.²⁰ Trade in Penang quickly became lucrative mostly because it was a port of transit for trade among Europe, India, and China. The value of trade reached \$8,535.92 Spanish dollars in 1789, and by 1804, it amounted to \$1,418,200.²¹ Within 2 years of its founding, the population reached 1,000, and increased steadily up to 12,000 by 1804. The majority of the population were Malays

16. For more on the bureaucratic administration of Fort Marlborough during the seventeenth century, see Kathleen Wilson, "Rethinking the Colonial State: Family, Gender, and Governmentality in Eighteenth-Century British Frontiers" *The American Historical Review* 16 (2011): 1294–322.

17. Several attempts were made to establish an EIC settlement in 1762 and 1763. Bastin, *The British in West Sumatra*, 2.

18. After the defeat of a nawab's army in the Battle of Plassey in 1757, the state of Bengal quickly fell into EIC hands and became the launching pad for further territorial expansion farther east. Robert Travers, *Ideology and Empire in Eighteenth-Century India*, (New York: Cambridge University Press, 2007), 3–5. Country trade was frequently intertwined with the formal trade of the EIC. Emily Erikson, *Between Monopoly and Free Trade—The English East India Company, 1600–1757* (Princeton: Princeton University Press, 2014), 169, 173; and Emily Erikson and Peter Bearman, "Malfeasance and the Foundations for Global Trade: The Structure of English Trade in the East Indies, 1601–1833," *American Journal of Sociology* 112 (2006): 195–230.

19. "Proclamation of Francis Light," *Journal of Indian Archipelago* (1850): 629, British Library (hereafter BL) Add. Ms. 45271/f.10, Letter 1 – Raja Abdullah Ibni Muazzam Shah, Sultan of Kedah to Francis Light of Penang, May 24, 1792, BL Add. Ms. 45271/f.12, Letter 5 – Raja Abdullah Ibni Muazzam Shah, Sultan of Kedah to Francis Light of Penang, March 30, 1793. Kedah was actually a tributary state of Siam at this point, although it acted as an independent sovereign in signing a series of treaties with Francis Light. Roland Braddell, *The Law of the Straits Settlements* (Kuala Lumpur: Oxford University Press, 1982), 3.

20. Ready to defend Penang, Francis Light himself arrived with 100 untrained marines, 15 artillerymen, 30 lascars, and 14 civilians. *Penang Past and Present, 1786–1963* (Penang: City Council, 1966), 1; Lim Chong Keat, *Penang Views 1770–1860* (Singapore: Summer Times Publishing, 1986), 18; and Lennox Algemon Mills, *British Malaya 1824–67* (Kuala Lumpur: Oxford University Press, 1966), 26.

21. L. A. Mills, *British Malaya 1824–67* (Kuala Lumpur: Oxford University Press, 1966), 40.

(including Arabs), followed by Indians, then Chinese. Europeans remained relatively few although they were the wealthiest section of society.

Frustration with Bengal

A year after the EIC settlement was established in Penang in 1786, Francis Light was informed by the Governors in Council in Bengal to “preserve good order in the Settlements as well as you can by confinement or other common punishments.”²² In the mid-1780s, the EIC became more centralized and powerful in Bengal with the appointment of Charles Cornwallis as governor-general.²³ In this new age of imperial unity, historian Robert Travers points out that EIC servants were transformed from “suspect mercantile frontiersmen” into “respectable pillars of empire.”²⁴ Few were more eager than EIC company men in Penang to legitimize their roles within the imperial hierarchy. Unfortunately for the EIC government in Penang, Cornwallis’ aim to shore up and centralize political rule in Bengal came at the expense of newly acquired territories. The Court of Bengal refused to invest the English Court of Judicature of Prince of Wales Island with full legal jurisdiction. Hence, Francis Light and successive governors were tasked with maintaining and order without real power.²⁵

The status of Penang vis-à-vis Bengal remained precarious until 1826. The EIC governors of Bengal adopted an inattentive policy toward Penang because it was “not a naval base or a political objective... but a bazaar.”²⁶ Lukewarm Bengal support for Penang became manifest only through Regulations of 1794, an informal set of laws requested from Bengal, but even these regulations could not be formally enacted.²⁷ Perhaps to momentarily appease Penang authorities, the advocate-general of Bengal claimed in 1800 that the governor-general of Bengal was

22. India Office Records, London, (hereafter IOR) G/34/3, Governors in Council to Francis Light, November 16, 1787.

23. Travers, *Ideology and Empire in Eighteenth-Century India*, 207–49.

24. *Ibid.*, 231–33.

25. Anthony Webster, “The Role of Robert Farquhar in Penang 1804–1805,” *Journal of Imperial and Commonwealth History* 23 (1995): 5.

26. Kennedy Gordon Tregonning, *The British in Malaya: The First Forty Years* (Tuscon: University of Arizona Press), 42.

27. It was only in 1799 that the EIC government in Bengal recognized the value of Penang, after attempts to establish a base in the Andaman islands were finally abandoned in 1796, and after an expedition to Manila was successfully outfitted in Penang in 1797. Lee, *The Sultanate of Aceh*, 84; L. A. Mills, *British Malaya 1824–67* (Kuala Lumpur: Oxford University Press, 1966), 26–29.

authorized to enact laws, civil and criminal, for the government of Penang in the same manner as he did for the Province of Bengal.²⁸ Strictly speaking however, the Indian government based in Calcutta had no jurisdiction in Penang.²⁹

Deprived of Bengal's influence and patronage, EIC servants in Penang nonetheless forged their imperial presence on Penang soil by introducing English forms of law and policy. They replicated the structure of the EIC legal system within Penang, and its understanding of legality. In this way, they followed what they believed to be the most legitimate route to establish a "regional governance regime" in the Straits of Malacca that mimicked the EIC in Bengal.³⁰ Although EIC officials in Penang delegated legal authority to local leaders, and established close relationships with local merchants, they never crossed outside of the legal hierarchical boundaries of the firm. Their legitimacy in Penang was derived from the firm. EIC officials in Penang were empowered by the overarching EIC legal system, which had yet to formally recognize them. Similar to EIC officials in South Asia examined elsewhere by Philip Stern, the new Penang EIC government was preoccupied with the exercise of political and juridical power, because they believed that firm sovereignty should be buffered by stable legal institutions.³¹ In this way, law was an element in political strategies.³²

In 1805, Penang achieved presidency status, separate from Bengal, on a par with Madras and Bombay, which granted the EIC government in Penang with limited powers to form rules and regulations.³³ Two years

28. *Fatimah & Ors. V. D. Logan & Ors.* [1871] *Kyshe's Reports Volume 1 (Civil Cases)*.

29. The government in Bengal did not possess the power to establish British courts anyhow, as this was the sole prerogative of the British crown. The 1773 Regulating Act (also known as the East India Company Act of 1773) states that the acquisition of sovereignty by the subjects of the crown is on behalf of the crown and not in its own right. Tregonning, *The British in Malaya*, 46–47.

30. In her study of the Ottoman Empire in the eighteenth century, Karen Barkey defined "regional governance regimes" as networks of large patriarchal families who developed their resources and influence through multiple state and non-state activities and positions, and extended their networks to incorporate clients. In both their local rule and in their understanding of their legitimacy, they mimicked the ruling household of the Sultan. Karen Barkey, *Empire of Difference: The Ottomans in Comparative Perspective* (Cambridge: Cambridge University Press, 2008), 243.

31. Phillip J. Stern, *The Company-State: Corporate Sovereignty and The Early Modern Origins of the British Empire in India* (New York: Oxford University Press, 2011).

32. Talal Asad, "Conscripts of Western Civilization," in *Dialectical Anthropology: Essays in Honor of Stanley Diamond*, eds. Christine W. Gailey and Stanley Diamond (Gainesville: University of Florida Press, 1992), 335, cited in Samera Esmeir, "On the Coloniality of Modern Law" *Critical Analysis of Law* 2 (2015): 19–41.

33. Anthony Webster, "The Role of Robert Farquhar in Penang 1804–1805," *Journal of Imperial and Commonwealth History* 23 (1995): 1–26.

later, the first legal court was created by king's charter in the form of a recorder's court presided over by Sir Edmond Stanley with the governor and three councilors on the bench.³⁴ However, the court was not legally allowed to rule on cases involving political sovereignty, because of lack of support from Bengal. In addition, without a court of admiralty, the EIC could not rule on cases of possible crimes committed on the high seas.³⁵

However, EIC authorities were able to assert authority over the Straits of Malacca by providing an effective legal forum for merchants in cases involving commercial affairs, especially unpaid debts. It is through these trials that the most politically powerful men in the Straits of Malacca entered the orbit of the EIC, effectively subjugating themselves to English law in a colonial court that disregarded their sovereign status, preferring to take into account only their mercantile dealings. In this way, EIC court became instrumental in weakening the hold of indigenous rulers in the region, most of whom were merchants themselves, and were, therefore, not only political rivals, but also mercantile rivals to the EIC. One of these powerful merchants was the Arab merchant Syed Hussain Aideed, identified by EIC legal authorities in 1816 as "the principal native resident and the head of the Mahomedans and considered the most opulent and powerful native in the island."³⁶ By 1816, he was also a "native British subject."³⁷ He arrived from Kuala Kedah on the Peninsula only 3 years after Francis Light established a British settlement on the island in 1786.³⁸

34. The charter came partly in response to a request by the secretary to the Government of Penang to remove John Dickens from his position because he was a difficult character to work with, further evidence that executive government rarely saw eye to eye with the judicial branch. *Penang Past and Present, 1786–1963* (Penang: City Council, 1966), 9–10.

35. This was a huge disadvantage, considering that piracy was rampant in the Straits of Malacca. Common Law covered jurisdiction out at sea but only partially, and certainly not on the high seas.

36. His full name and title was "Syed Sheriff Tunkoo Syed Hussain Ebinee Mewhum, Mewhabib Abdulraman, Mawladid Baluwu." IOR/G/34/59, Statement by Syed Mohamed, sworn October 30, 1816 (Fort Cornwallis Court Proceedings [hereafter FCCP] November 14, 1816). Translated by Anthony Dragon; and IOR/G/34/50, William Petrie, William Phillips, and John James Erskine, Fort Cornwallis, Prince of Wales Island to Fort William, August 21, 1815 (FCCP August 24, 1815).

37. IOR/G/34/57, petition of Nacoda Pakier, October 25, 1816 (FCCP October 26, 1816).

38. IOR/G/34/59, statement by Syed Mohamed sworn October 30, 1816 (FCCP November 14, 1816). In 1816, Syed Hussain stated that he had been staying in the island of 26 years, which means that he might have arrived in 1790 instead of 1789. Syed Hussain might have calculated the number of years according to the Muslim calendar. IOR/G/34/57, translation of a petition from Syed Hussain Aideed to William E. Phillips, Governor of Pulo Penang, October 31, 1816 (FCCP November 14, 1816). Translated by Walter Sewell Cracroft.

Arabs, especially descendants of the Prophet such as Syed Hussain Aideed, enjoyed much prestige in the Malay world and were often associated with members of royalty.³⁹ Although Syed Hussain was of Arab descent, neither he nor EIC authorities regarded him as separate from local Malays.⁴⁰ Inter-marriage among Arabs, Indian Muslims, and Malays were so common in the region that the category of “Arabs” was subsumed under “Malays” in EIC censuses. Hussain was the leader (kapitan) of both the Arab and Malay communities on the island.

At the end of 1791, Syed Hussain Aideed, together with a Malay chief known as Datuk Penggawa Muda, sent a letter to Francis Light written in the format of a treaty with four clauses, which named highly specific possible cases without any general applicable principles.⁴¹ They stated that Muslim inhabitants had the power to pass jurisdiction within their own community, unencumbered by English law, if they so desired. They also emphasized that if the Muslim inhabitants of Penang were not pleased with the arrangements in the new EIC settlement, they should be free to change things as they wished. Second, quarrels between Muslims were to be settled between Muslims, but quarrels between Chinese (presumably non-Muslim Chinese) and EIC-employed sepoys for example, were to be settled by the superintendent of Penang.⁴² The treaty was silent on disputes between Muslims and non-Muslims. This omission proved to be detrimental for Syed Hussain Aideed, because the EIC would later determine that cases involving Muslims and non-Muslims should be tried in EIC commercial court.

39. Richard Olaf Winstedt, “The Hadramaut Saiyids of Perak and Siak,” *Journal of the Straits Branch of the Royal Asiatic Society* 79 (1918) 49–54. For more on the Arab diaspora in the Indian Ocean, see Engseng Ho, *The Graves of Tarim: Genealogy and Mobility Across the Indian Ocean* (Berkeley: University of California Press, 2006).

40. Initially, Francis Light regarded Arabs as a separate community from local Malays, because they were “unwilling to yield to any authority” and enjoyed particular privileges from the Malays. Francis Light to Walter Hamilton, January 25, 1794, in Marcus Langdon, *Penang: The Fourth Presidency of India, 1805–1830* (Penang: Areca Books, 2013), 197–201.

41. The agreement or treaty sent by Syed Hussain was written in a neat, refined, and careful hand. It was, however, devoid of the numerous compliments found in his later letters to Francis Light and his successors. Also, the letter lacks a decorative heading, which adorned most letters sent to Francis Light from Malay rulers and merchants in the region. The letter was also missing a seal, or a “chop,” which would indicate the sender’s identity. It was clearly, therefore, not intended to be an ordinary letter from one official to another. The treaty refers to four distinct matters enumerated in a logical and matter-of-fact manner. SOAS University of London Library MS 40320/11, f. 22, Syed Hussain Aideed to Dato Penggawa Muda and Francis Light, Rabiulakhir 1206 (Anno hegirae) (November or December 1791).

42. He consistently referred to the superintendent as “Tuan Raja Gurnadur,” a term that meant “governor.” *In Re Trebeck. Ishmahel Laxamana v. East India Company* [1829] *Kyshe’s Reports Volume 1 (Civil Cases)*.

The third clause stated that if a thief entered someone's home and was killed by the owner of that home, then there will be "no more talk of it" (literal translation of the Malay expression "tiada suatu bicaranya"), indicating a strong desire for noninterference from EIC authorities. Similarly, if someone committed mischief against one's wife, and was killed, there would also be no more talk of it. Finally, if a slave refused to follow orders, and fought back (either verbally or physically), and was killed accidentally, by God's will, then there would also be no more talk of it. If the slave was ill-behaved ("jahat") which made the master hit him, chain him, or tie him up, there would also be no more talk of it.

This letter was a request to Francis Light to allow the Muslim community in Penang to be directly answerable to him in all matters, not just in social or religious matters, but also in matters of criminal law that entailed capital punishment.⁴³ However, because of the high level of specificity in all four clauses elucidated in the treaty, it is not possible to derive any abstract legal principles.⁴⁴ Hence, general applicable laws could not be imposed from this set of clauses. Syed Hussain was intent on protecting his jurisdiction rather than expanding it, and, therefore, saw no need to extrapolate general laws from these very particular clauses. His lack of ambition to create his own regional governance regime rendered his jurisdiction precarious. Unless a legal case fulfilled one of the particular circumstances contained in each clause, it is highly possible that the case might fall out of his jurisdiction.

Syed Hussain was also a descendant of an Acehnese king who ruled in the eighteenth century. After moving to Penang from Kuala Kedah, Syed Hussain maintained his links to Aceh carefully cultivated through his *shah-bandar* or harbormaster, Haji Abdul Rahim, and another prominent Arab merchant named Syed Salim.⁴⁵ Their support, as well as that of other EIC and country traders in the Straits of Malacca, would play a key role in his efforts to dethrone the less friendly incumbent king Jauhar Alam in Aceh. Their backing greatly aided him in achieving legitimacy in his efforts to wrest control of Aceh.

Syed Hussain's royal and Arab lineages, authority, and wealth provided him with credit, both financially and symbolically.⁴⁶ Although an

43. See Harold P. Clodd, *Malaya's First British Pioneer – The Life of Francis Light* (London: Luzac & Company, 1948), 119–20.

44. For more on specific laws and its limits in the Egyptian context, see Samera Esmeir, "On the Coloniality of Modern Law," *Critical Analysis of Law* 2 (2015): 19–41.

45. Lee, *The Sultanate of Aceh*, 197, 205.

46. Clodd, *Malaya's First British Pioneer*, 119. IOR/G/34/59, Exhibit no. 6, translation of a letter from Tuan Syed Hussain to Mahomed Putay, July 9, 1816 (FCCP November 14, 1816), translated by Anthony Dragon; BL Mss. Eur. D.742/1, ff. 7–8, Syed Hussain

illustrious lineage and strong mercantile backing certainly helped to bolster his success, Syed Hussain also possessed deep knowledge of the legal workings of the EIC settlement. It must have been a complete shock to him and his peers when Governor William Philips declared in February 1817 “the law of the Kapitan Syed Hussain Aideed has fled and abandoned the context for sovereignty.”⁴⁷ Five months before, a commercial lawsuit had opened a window into his controversial political machinations at Aceh. Investigations into Syed Hussain’s operations by His Majesty’s Court of Judicature of Prince of Wales Island first began on September 9, 1816 when a ship captain known as Nakhoda Tuckaradeen petitioned the court to compel Syed Hussain to pay him the total sum of \$8,044.75 Spanish Dollars in return for 205 bales of cotton.⁴⁸ On the same day, a Malabar merchant named Coonjee Hussain submitted a petition seeking payment of \$1000 Spanish Dollars from Syed Hussain.⁴⁹ Coonjee Hussain had lent that amount to Haji Abdul Rahim, the Arab *shahbandar* (harbormaster and collector of customs) of Aceh on August 20, 1816.⁵⁰ Believing Haji Abdul Rahim to be an agent of Syed Hussain Aideed, Coonjee Hussain lent the money readily.⁵¹ The case, therefore, turned on the question of whether Haji Abdulrahim was, in fact, Syed Hussain’s *shahbandar* in commercial dealings. The EIC Court of Judicature also understood that for a merchant’s agent to be invested with the special office of *shahbandar*, he must serve a sovereign king.⁵² Hence, the court had to ascertain whether Syed Hussain masqueraded as the king of Aceh at the time

Aideed to Thomas Stamford Raffles, November 24, 1810; and BL Mss. Eur. D.742/1, f.10 Syed Hussain Aideed to Thomas Stamford Raffles December 1, 1810. John Anderson, *Aceh and the Ports on the North and East Coasts of Sumatra* (London: Wm. H. Allen & Co., 1840), 39.

47. IOR/G/34/60, minute by the Governor William Phillips, February 13, 1817 (FCCP February 20, 1817).

48. IOR/G/34/59, Appendix C: Petition of Naquedah Tuckaradeen, Bombay merchant, September 9, 1816.

49. IOR/G/34/59, Appendix C: Petition of Coonjee Hussain, Malabar merchant, September 9, 1816.

50. Nicholas B. Dennys, *A Descriptive Dictionary of British Malaya* (London: London and China Telegraph Office, 1894), 144.

51. Haji Abdul Rahim told the plaintiff explicitly that he should not worry about conducting business in Aceh because his master, the defendant Syed Hussain Aideed, was a wealthy man, and that he would pay for all their dealings. For his trouble, Haji Abdul Rahim was allowed 5% of all goods by Syed Hussain. IOR/G/34/59, statement of Syed Mohamed, November 7, 1816 (FCCP November 14, 1816), translated by Anthony Dragon; and IOR/G/34/59, sworn statement of Munnuckjee, sworn in open court, November 5, 1816 (FCCP November 14, 1816), translated by Anthony Dragon.

52. Rulers in the Malay world actively participated in trade. Wealth was a means of gaining political influence. Milner, *Kerajaan*, 27.

of transaction. The otherwise simple case of unpaid debts took a turn for the worse, and became a case of political usurpation of the throne of Aceh. The Recorder of the Court, Sir Edmond Stanley charged Syed Hussain with piracy, a crime that the English Court of Judicature of Prince of Wales Island was actually not qualified to rule on.

Syed Hussain received much support from merchants of all origins based in Aceh. Trade with Aceh was crucial to the Settlement of Penang, which imported rice, paddy tin, pepper, rattan, and betel nuts from their neighboring polity, in exchange for piece goods from Europe and India such as opium, salt, and ammunition.⁵³ Relations between Aceh and the British government at Penang had steadily declined since 1807, when an EIC representative was expelled from Aceh by the king.⁵⁴ In 1808, King Jauhar Alam began to set up trade monopolies, thus displeasing prominent Penang merchants including Syed Hussain, who had enjoyed trading privileges in Aceh for decades, which included exemption from tax duties as a descendant of a former king and a wealthy merchant.⁵⁵ This exemption was revoked by King Jauhar Alam in 1809. Relations between Aceh and the EIC government soured even more in 1813 when the king detained the British ship *Annapoorny*, manned by Tamil Muslims. A British warship towed *Annapoorny* back to Penang, to the displeasure of the Acehnese king.⁵⁶ British representative Captain John Canning was sent by the governor-general of Bengal in 1814 to investigate the seizure, angering the king of Aceh even further.⁵⁷ Continuing hostilities toward EIC authorities and Penang merchants by the king of Aceh were a hindrance to smooth trade in the Straits. In July 1814, frustrated Penang merchants sent a memorandum urging EIC authorities to prevent any Penang merchant from engaging in trade with hostile Aceh.⁵⁸

53. Anderson, *Aceh*, 222.

54. SOAS MS 40320/6, king of Aceh to Francis Light, 1818.

55. A monopoly, for example, was granted to John Dunbar for betel nuts, but most Penang merchants were not so fortunate. Monopolies were not usually instituted by rulers in the Malay world except under special circumstances. *Ibid.*, 18.

56. The ship was owned by a man in Nagore. IOR/G/34/40, deposition of Coomba Toomby and Noor Mahomed, July 24, 1813 (August 24, 1813). This incident caused a rift between the Chulia merchant community and the Acehnese king. Lee, *The Sultanate of Aceh*, 198.

57. IOR/G/34/48, king of Aceh to governor of Penang, January 4, 1815 (FCCP January 11, 1815).

58. IOR/G/34/44, memorandum from the merchants, Sayd Mohsen, J. Baird, N. Bacon, Tho. Halyburton, Oglivie Hutton (?), Jenol Abdeen, Tho. Perkins, How. Revdey or Reseley, Lueas, I. or J. Jackson, R. Inadden, A.B. Bane, Adjee Cassim, Anthony Dragon, Sheck Sah, Chee Gee Ho, Che Ang Ho, Che Inang, Kadir Medeen, Syed Harrows, Faheer Momet, A. McIntyre, Johanis Simon, Kewan Marhall, G. Anachell, Mahomed

Syed Hussain, and some other merchants, adopted a different strategy. He decided to take control of Aceh instead. As a descendant of a former Acehnese king, he believed he had a valid claim to the throne.⁵⁹

Tensions further escalated between the EIC government and King Jauhar Alam in 1815, when the latter implemented a policy that prevented merchants sailing under English colors from trading freely at ports under his rule.⁶⁰ It became clear to the EIC that they, too, would benefit from having an ally in Aceh. Because direct intervention was not an option for EIC authorities, with little support from the Bengal government, Syed Hussain's ambition to dethrone Jauhar Alam functioned as a convenient proxy. In August 1815, Acehnese chiefs paved the way for Syed Hussain's "return" to this rightful throne as the descendant of a former king. With the help of a medley of "fighting men," consisting of EIC sepoy, Europeans, Malays, Bengalis, and "Arab lascars,"⁶¹ Syed Hussain sailed to Aceh under English colors with his son the following month. Events unfolded quickly from then on. Syed Hussain and his son were subsequently appointed "the great king" and "the little king," respectively.⁶² However, instead of keeping the crown, he later installed his young son solely on the throne of Aceh. According to Captain Taylor based in Penang, Syed Hussain was "a man who might have been king of Aceh, but who preferred living under the protection of an English Government."⁶³ Nonetheless, it seemed that real power and control continued to lie in Syed Hussain's hands. During trial, Syed Hussain's son, Sayful Alam, was constantly referred to as the former, and rarely by name by witnesses and EIC legal officials. This

Abdulla, and Caseem Momet to the governor-general of Penang, July 23, 1814 (FCCP July 30, 1814).

59. He claimed to have descended from a former king of Aceh who ruled from 1703 to 1726. Nordin Hussin, *Trade and Society in the Straits of Melaka: Dutch Melaka and English Penang* (Copenhagen: NIAS Press, 2007), 77.

60. He also rejected an embassy from British India, and refused to receive the letter from the governor-general of Bengal. IOR/G/34/181, government of Penang to Court of Directors, December 13, 1815.

61. Some of the sepoy were supplied by opium merchant John Palmer. Oxford Bodleian Library MS Eng. Lett, c. 88, p. 148, John Palmer, Calcutta to Syed Hussain, Penang, April 17, 1820. IOR/G/34/59, Translation of exhibit no. 4, a letter from Haji Abdul Rahim Shabundar at Aceh to Toonkoo Syed Hussain, undated. (FCCP November 14, 1816); and IOR/G/34/59, Exhibit no. 7, translation of a Malayan paper from Syed Hussain to Syed Mohamed Potee, February 1816 (FCCP November 14, 1816). Translated by Anthony Dragon. IOR/G/34/59, sworn statement by Syed Sallee, sworn in open court November 5, 1816, translated by Anthony Dragon.

62. IOR/G/34/59, sworn statement of Syed Mohamed, translated by Anthony Dragon, October 30 1816.

63. Charles E. Wurtzburg, *Raffles and the Eastern Isles*, (London: Hodder and Stoughton, 1954), 49, 132.

implied that his father was the one responsible for most of the political dealings leading up to his royal ascension and after.⁶⁴ EIC correspondence revealed that Sayful Alam referred to himself as king and that even Governor William Petrie recognized him as such.⁶⁵ By September 1816, however, the new Governor of Penang, William Phillips, referred to Sayful Alam more tentatively as “present possessor of the yet disputed throne of Aceh” in his correspondence with other EIC officials.⁶⁶

In EIC court, Syed Hussain proved that he was adept at advancing arguments about the legality of his actions. He argued that he could not be accused of being seditious precisely because EIC authorities were complicit in all his alleged wrongdoings in the past. Before he sailed to Aceh in September 1815, he assuaged British fears of any potential violence in the Straits of Malacca that could be harmful to trade. He wrote to John MacInnes, who was also a translator for Governor William Petrie of Penang:

[M]y friends says that I cannot be permitted to equip a force in this port or make any preparations for hostility against the present king of Aceh.—Nothing can be more distant from my mind than any such design— I have no vessels of war, or any implements of war, for I am a mere merchant—my wish is only towards my trading vessels in such a manner, that if at sea they chanced to meet with any pirates they may be capable of defending themselves, I at present intend to proceeded to Aceh straight because there I have a sister whom I wish to visit and also to perform funeral rites at the tombs of my ancestors. . .I take nothing belonging to me saving my own person, to Aceh, my children, family and all my property being all left here under English colours, to the fastening shelter of which it is my own intention to return. Being a British subject, I shall in no respect deviate from the orders of Government, my reason for undertaking this Aceh business is to further the prosperity of Penang of which I am myself an inhabitant.⁶⁷

He diligently informed Governor William Petrie, his most ardent supporter in Penang of his plans to travel to Pedir on the east coast of Sumatra.

64. John James Erskine almost exclusively referred to Sayful Alam as “the Syed’s son.” For example, see IOR/G/34/56, minute by John James Erskine, undated (FCCP September 21, 1816).

65. Sultan Seyf Al-Alam to Governor Petrie of Penang. September 21, 1816 (FCCP September 21, 1816).

66. IOR/G/34/56, minute by William E. Phillips, September 20, 1816 (FCCP September 21, 1816).

67. IOR/G/34/50, Translation of a letter from Tooankoo Syed Husayn to Captain J. MacInnes, August 21, 1815 (August 24, 1815). Translated by John MacInnes. Visitation of tombs of family members and saints was a common phenomenon in the Indian Ocean. See Engseong Ho, *The Graves of Tarim: Genealogy and Mobility Across the Indian Ocean* (Berkeley: University of California Press, 2006).

“When I went to Aceh I acquainted the Hon’ble William Petrie Governor of Pinang as well as the Governor . . . the Governor in Council knew the whole and sent to examine my actions through the channel of the police magistrate and found no fault [with] me. I accordingly went and returned in two months and three days, having dated twenty three days at Aceh, and when my son had become Rajah I returned at Penang.”⁶⁸

For his part, not surprisingly, Petrie would later be blamed for unnecessarily interfering with local politics in the region,⁶⁹ but at the time, Syed Hussain’s calculated move to inform the governor certainly paid off.⁷⁰

Decline of Other Legal Forums

To Syed Hussain’s disappointment, the very jurisdiction that propelled him to success turned against him in 1816. He attempted to retreat to his own private jurisdiction, which he deemed to be his privilege as head of the Malay community. When the first lawsuit was brought against Syed Hussain in 1816 by two Indian merchants in a bid to compel him to pay his debts, he requested that the EIC government let the matter be settled outside of EIC court, as the case involved only Muslims.⁷¹ His request was denied by the EIC Court of Judicature, mainly because the plaintiffs had voluntarily brought the case to the EIC court. In his petition to the Court of Judicature of Penang, Syed Hussain Aideed stressed that he had been “for many years under an express assurance from the English Government that his rights and privileges should be secured and that any differences of disputes which might at any time arise between him and other natives here should be decided according to the laws and customs of Mussulmen.”⁷²

68. IOR/G/34/57, Translation of a petition from Syed Hussain Aideed to William E. Phillips, Governor of Pulo Penang, October 31, 1816 (FCCP November 14, 1816). Translated by W.J. Cracroft.

69. Petrie was held responsible by Lord Stanley for contributing to “anarchy on land, piracy on sea and the stoppage of all trade.” “The Native States,” *Straits Times*, January 8, 1876, 1.

70. Petrie’s response was an optimistic, resounding ‘yes,’ a huge contrast to his colleagues William Philips and John James Erskine, Assistant Superintendent of Marine who advised caution against involvement in Achenese affairs in their detailed minutes. IOR/G/34/44, minutes of Mr. Petrie, August 9, 1814 (FCCP August 10, 1814).

71. The fort was built by Francis Light in the northern part of the island. IOR/G/34/59, petition of Coonjee Hussain, September 9, 1816 (FCCP November 14, 1816); IOR/G/34/59, petition of Naquedah Tuckaradeen, September 14, 1816 (FCCP November 14, 1816).

72. IOR/G/35/59, petition of Syed Hussain Aideed, FCCP October 1, 1816.

He requested the court to “refer this matter to any four respectable Mohamedans in the Island, or to any four of the respectable men who whom this court may name. . . two to be named by the plaintiff and two by [him], and that with their verdict, or judgment [he] is ready to abide.”⁷³

Likewise, in a second case brought to English court in 1818 by two Chinese merchants whose vessel had been seized by Syed Hussain Aideed, the latter claimed that one of the principal witnesses was a Muslim who hoped to settle the case privately in a Muslim legal forum away from the eyes of the EIC court judges.⁷⁴ Syed Hussain maintained that his legal forum could arbitrate disputes between Muslims and non-Muslims. He was denied this right by the EIC court, which determined that not all parties involved were Muslim. EIC authorities cited his second clause that stated that disputes between non-Muslims should be arbitrated by EIC authorities, although Syed Hussain maintained that disputes between Muslims and non-Muslims lay within his jurisdiction.

Edmond Stanley declared that November 1816 that Syed Hussain was guilty of “treasonable and Piractical acts.”⁷⁵ However, he admitted that “perhaps the court here was not a competent tribunal for trying offences of the nature the Syed was charged, with but it was his duty as a magistrate to take the necessary steps for making him appear to answer such charges at any other tribunal, it may afterwards be found expedient to send him to.”⁷⁶

Edmond Stanley immediately deemed Syed Hussain a dangerous person who should remain in custody pending further investigation.

Syed Hussain’s fate was, however, redeemed by widespread public indignation at Stanley’s decision. He received widespread support from other Penang merchants of all origins who clamored for his release in court, much to Stanley’s frustration. They created such a ruckus during legal proceedings earlier that Stanley had to adjourn several times. Twenty-nine Arab, Malabar, and Malay inhabitants representing Syed Hussain and his family sent a petition to the governor requesting him to release Syed Hussain from jail on account of his old age and ill

73. *Ibid.*

74. The junk had sailed from Penang to Aceh, and was supposed to sail onward to Padang. IOR/G/34/66, petition of Che Toah and Che Leong, July 28, 1818 (FCCP August 6, 1818). The term “Chinese” could refer to “any native of China or its dependencies, or of any island in the China Seas, or any person born of Chinese parents.” *Straits Government Gazette*, February 5, 1858, 41.

75. IOR/G/34/57, Richard Caunter, Superintendent of Police, to William A. Clublely, Secretary to Government, November 12, 1816 (FCCP November 14, 1816).

76. IOR/G/34/57, Richard Caunter, Superintendent of Police, to W.A. Clublely, Secretary to Government, November 12, 1816 (FCCP November 14, 1816); Charles B. Buckley, *An Anecdotal History of Old Singapore, Volume 1* (Singapore: Fraser and Neave, 1902), 229; Lauren Benton, *A Search for Sovereignty*, 137, 158.

health.⁷⁷ The prominent opium merchant John Palmer of Calcutta wrote of the imprisonment of the “poor old Syed” to his fellow merchants in order to drive up sympathy for his friend.⁷⁸ Even Governor William Philips recognized that public opinion sided with Syed Hussain and recommended “that the restraint imposed (upon) him should be as mild, and as little injurious to the feelings of the individual and of his respectable connexions, and numerous adherents, as is compatible with the precision of the law.”⁷⁹

Although the population of Penang was stratified according to ethnicity, merchants associated with Penang tended to be regarded as a collective whole, united by common business interests which usually involved trading in similar commodities while purposefully staving off the Dutch monopoly of trade in the region. A letter by King Jauhar Alam of Aceh to the governor of Penang referred to the five principal merchants of Penang collectively as “Carnegy Syed Hussain Mr Brown Mr Prince Wm Grant.”⁸⁰ When the first committee was elected to manage funds for infrastructure in 1807, European and Asian representation was almost equal in number, which implied that European and Asian merchants were on equal footing in the settlement.⁸¹

Because of pressure from local merchants, even the Superintendent of Police, Richard Caunter, was reluctant to hold Syed Hussain in custody. He urged the recorder to permit Syed Hussain to remain in his own house, under a guard, causing the latter to exclaim “I consider him the custody of the Law!” Although Stanley strongly felt that Syed Hussain should be detained in jail, government authorities believed that “the respectability of character, the rank, respect and influence, attached to him as the head of the Malay deputation not only on this island, but some degree the adjacent states meant that detention in jail would signal indelible dishonor that could cause serious political inconvenience.”⁸²

77. They claimed that Syed Hussain had been afflicted with a bowel complaint. IOR/G/34/57, translation of a petition addressed to governor in council by Arab, Malabar, and Malay inhabitants of Penang, November 9, 1816 (FCCP November 14, 1816). Translated by W.J. Cracroft.

78. Palmer not only referred to court proceedings as “atrocious” but also believed one of the court’s members was “unjust and oppressive.” Oxford Bodleian Library, Ms. Eng. Lett 85, p. 96. John Palmer, Calcutta to Captain Coombs, Penang, December 9, 1816.

79. Ibid.

80. IOR/G/34/48, King of Acheen to Governor William Petrie, Signed by Geo. Thamhorst, 4 January 1815 (FCCP 11 January 1815).

81. This phenomenon developed in India too from the mid-1780s onwards according to Travers, *Ideology and Empire in Eighteenth-Century India*, 232–233. Outside of the mercantile sector on the island however, European presence actually remained constantly tiny which meant that their representation was, in fact, disproportionate. *Penang Past and Present*, 10.

82. IOR/G/34/57, William Phillips and John James Erskine to Edmond Stanley, November 9, 1816 (FCCP November 14, 1816).

Subsequently, Syed Hussain was only detained in prison in Fort Cornwallis for a few days and did not receive further punishment for his transgressions. Upon his release on the morning of November 12, 1816, Syed Hussain wrote a letter to the governor telling him his family's distress and the utter disgrace he has experienced, especially when his circumstance had been "noised about in all the countries of the Malay Rajahs."⁸³ Clearly, his reputation had been sullied in the series of trials that began as a commercial lawsuit.

Immediately afterwards, Sir Edmond Stanley resigned from his post as recorder.⁸⁴ He had become deeply unpopular amongst merchants. The trials clearly revealed the cleavages among EIC authorities, specifically between legal authorities who generally opposed the merchant Syed Hussain's unencumbered actions, and executive government authorities who were more sympathetic to Syed Hussain, mindful of his worthy contributions of the colony as a whole since its inception as an EIC settlement in the 1780s. Evidently, even though the political ambitions of "merchant-rulers" were undermined by EIC legal authorities, their illustrious lineages still exerted some power over local subjects and merchants of various origins in the early nineteenth century. For that reason, Syed Hussain Aidede was never sent to a more "competent tribunal" (most probably a court in Bengal) as advised by Stanley. Instead, he was allowed to remain in Penang till his death in 1840.⁸⁵

Conclusion

The trials of Syed Hussain spearheaded more intense EIC campaigns to monitor, and if possible, curb the authority of local rulers in the region. For the sake of smooth trade, Syed Hussain was initially supported by the EIC government in 1815 to depose another leader, the sultan of Aceh who actively disrupted trade in the Straits of Malacca from 1807 to 1814. By 1816, Syed Hussain had fallen out of favor, when his actions caused Acehnese politics

83. IOR/G/34/57, translation of a letter from Syed Hussain, son of Abdulrahim Aidede, to the governor, November 12, 1816 (FCCP November 14, 1816).

84. IOR/G/34/57, Edmond Stanley to William Phillips, Governor in Council of Prince of Wales Island, undated (FCCP November 14, 1816); to have government policy thwarted by a judicial court, especially with regard to colonial subjects, was generally felt to be humiliating to the EIC government. John Turnbull Thomson, *Some Glimpses to Life in the Far East* (London: Richardson and Company, 1865), 188.

85. His considerable property later helped to finance educational institutions in the Straits Settlements, such as the Singapore Institution and Penang Free School. The executors of his will were mortified, because the money was supposed to be for prayers and alms, but the Recorder of the Court, Sir William Norris disagreed. Even in death, judges did not see eye to eye with Syed Hussain. Buckley, *An Anecdotal History*, 714.

to be too volatile and risky for the EIC. When rival claimants to a single throne battled it out, the EIC hedged their bets on eventual victors. To the EIC's disappointment, Syed Hussain's interference in Aceh eventually resulted in a marked decline in commerce in the Straits of Malacca.⁸⁶ In tandem with the reduction in trade, the war engendered by the succession crisis caused a split in the Penang mercantile community between those who supported the deposed king in one camp and Syed Hussain's supporters in the other.⁸⁷ In order to restore the status quo in the Straits of Malacca, EIC authorities decided to rein in Syed Hussain's authority in Aceh.

Towards the tail end of his father's trial in 1821, Sayful Alam, requested more lenient treatment from the EIC government for his own role in the usurpation of the throne of Aceh.⁸⁸ Governor Phillips underscored that the authority of an English court of justice no longer depended either upon the will of the government or of the judges of the court, but was regulated by "the written law which law is above all other authority." Court judges, he stated, were now obliged to administer law "without distinction and without favor to high and low, to the rich as well as the poor."⁸⁹

By supporting certain rival claimants to multiple thrones in the region, competing royal genealogies were deliberately streamlined by the EIC. Legal practice was also streamlined in the process, as legal forums associated with these royal personages and other local authorities were either not recognized or phased out. EIC authorities emphasized Syed Hussain's second clause, that cases involving non-Muslims could not be tried in a Muslim legal forum. Syed Hussain, however, believed that quarrels between Muslims and non-Muslims could be tried in Muslim courts within his own jurisdiction. The EIC, by contrast, determined that Syed Hussain's highly specific laws only applied to Muslim inhabitants. As a result, his legal forums did not pertain to large swathes of the population. His four clauses were too specific, and

86. Whereas imports from Aceh in the year 1813–1814 were valued at \$233,935 Spanish Dollars, the following year the amount was down to \$150,602 Spanish Dollars. The value of exports suffered more, where the marked decline had begun a year earlier. Exports in 1813–1814 decreased to \$165,579 Spanish Dollars, down from \$355,355 the previous year, and then further down to \$154,801 Spanish Dollars the following year. IOR/G/34/181, Penang to Court of Directors, December 13, 1815; and Anderson, *Aceh*, 220–227.

87. Lee *The Sultanate of Aceh*, 231.

88. In March 1819, Stamford Raffles, who had earlier wanted to annex Aceh into an EIC settlement, eventually decided to depose Sayful Alam in 1819 under the auspices of the British government in a joint mission with Captain Monckton Coombs. In 1821, Sayful Alam was persuaded to return to Penang, but not without the promise of an annual pension by the EIC until his death, in exchange for relinquishment of all rights to the throne of Aceh. Buckley, *An Anecdotal History*, 714.

89. IOR/G/34/79, translation of a letter from the governor in council to Syful Allum, May 30, 1821 (FCCP May 31, 1821).

incapable of general implementation. Since his legal forum could not form a tenable regional governance regime, his jurisdiction faded into irrelevancy, foreshadowing the subsequent contraction of other Malay kings' jurisdictions over the course of the nineteenth and twentieth centuries in the region.

For most of the nineteenth century, legal enforcement was logistically impossible in the Straits of Malacca for any single authority including the EIC.⁹⁰ However, EIC officials, and later, British colonial officials, managed to chip away at the legal sovereignty exercised by local rulers. In March 1861, a civil case appeared in the EIC court of the Straits Settlements in Penang. The judge, Sir Peter Benson Maxwell ascertained that “[T]he Court has not now to consider and decide whether the Rajah (of Kedah) is such a sovereign prince as he claims himself to be, for it is not the truth of the plea which is now in question but its validity.”⁹¹

In order for the EIC “regional governance regime” to flourish in the Straits of Malacca, the EIC had to subordinate other networks and lock them out as soon as they became threatening to EIC aims to expand their trade in the region. This article demonstrates how these networks were undermined long before 1874, when British colonial officials were able to secure a firm footing in Malaya through the Pangkor Treaty that extended British control to most of the Malay Peninsula. Even in the absence of strong support from Bengal, the EIC officials in Penang embarked on semi-imperial efforts in the name of the firm through law. By catering to inhabitants of all origins, the EIC court filled the gap in jurisdiction, and, in the process, imposed a pervasive legality in the region.

The public trials of Syed Hussain Aideed in EIC courts were a watershed moment for the historical emergence of a system of legal pluralism in the Straits of Malacca dominated by the EIC. Syed Hussain Aideed, as the head of the Malay community, presided over his own separate jurisdiction, which was undermined by EIC authorities who refused to let him settle his commercial disputes within his own court. The gradual subversion of local independent jurisdictions within Penang directly led to the development of a plural legal system under the umbrella of English Common Law.

90. Crimes of piracy could not be tried in EIC courts before 1836, although the Straits of Malacca was notoriously known as a site of piratical acts. “Preface,” *Kyshe's Reports Volume 1 (Civil Cases)*. Historian Lauren Benton warned that the English campaign against piracy in the early eighteenth century should not be taken as representative of policies toward piracy in the long eighteenth century. Lauren Benton, “Legal Spaces of Empire: Piracy and the Origins of Ocean Regionalism,” *Comparative Studies in Society and History* 47 (2005): 700–724.

91. *Nairne v. Ahmed Tajudin Bin Sultan Zain Noor Rashid, [Rajah Of Quedah] And Wan Ismail [1861]* 1 Ky 145. For more on East India Company's negotiations with the ruler of Kedah over Penang, see R. Bonney, *Kedah, 1771–1812: The Search for Security and Independence* (Kuala Lumpur: Oxford University Press, 1971).