CABINET.

MALAYA.

Memorandum by the Secretary of State for the Colonies.

I CIRCULATE herewith the Report of Sir Samuel Wilson, Permanent Under-Secretary of State for the Colonies, on his visit to Malaya last year.

I propose to present this Report to Parliament as a Command Paper about the middle of April. Advance copies have been sent to Sir Cecil Clementi, Governor of the Straits Settlements and High Commissioner for the Malay States, by mail this week in order that simultaneous publication in this country and in Malaya may be effected.

The Report is the sound and practical piece of work which I should have expected from its author. I think the line of policy which he advocates is right; and, unless I find that there are any strong reactions in Malaya which lead me to reconsider this view, I propose to adopt generally the recommendations in the Report.

(Initialled) P. C.-L.

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G.C.M.G., K.C.B., K.B.E.,
Permanent Under-Secretary of State
for the Colonies on his
VISIT TO MALAYA
1932

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to Parliament by Command of His Majesty,
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To the Right Honourable
SIR PHILIP CUNLIFFE-LISTER, G.B.E., M.C., M.P.,
Secretary of State for the Colonies.

SIR,

I was instructed by you to proceed to Malaya in the autumn of last year with a view to discussing with the High Commissioner, the Malay Rulers, and the leaders of public opinion, the proposals which have been made to decentralize certain public services in the Federated Malay States.

You took this course because you wished His Majesty’s Government to have the fullest information at first hand on all aspects of the matter.

I left London on 20th October, 1932, and, travelling via Marseilles, reached Penang on 10th November, 1932. In addition to paying visits to Penang, The Dindings, Malacca, and Singapore, I visited during my stay in Malaya the following Malay States in the order mentioned:—Kedah, Perlis, Perak, Selangor, Negri Sembilan, Pahang, and Johore; and in all cases I had the opportunity of discussing with the Rulers, and in some cases their State Councils too, such matters as they wished me to bring to your notice. At Kuala Lumpur and Singapore at both of which places I stayed for some days I had the advantage of being able to confer, in the presence of the High Commissioner, with the officers of the Federated Malay States and Straits Settlements Governments. At the end of a month’s stay in Malaya I proceeded, in accordance with your instructions, to visit Hong Kong and Ceylon, eventually embarking for England at Colombo on 18th January, arriving at Marseilles on 3rd February and in London on 4th February. A full itinerary of my tour is given in Appendix I.

As regards the controversy during recent years concerning the system of government in the Federated Malay States, I intend to confine myself to giving a brief summary of the events which have led up to the situation that exists to-day, since in my opinion little is to be gained by repeating the arguments which have been put forward on one side or the other.

I propose to face facts as they are now, and to suggest to you what appears to me a possible solution of the delicate problem of reconciling the natural political aspirations of the Rulers with the practical difficulties, economic and administrative, of decentralizing a system of government in a territory the size of Malaya.

I would, however, say in this introductory note that I think that all those who have given the situation in Malaya serious thought very much regret the difficulties that have arisen from time
to time in the past twenty years between successive High Commissioners and the officers holding the post of Resident-General, or Chief Secretary, at Kuala Lumpur, culminating as they did some years ago in the unconcealed friction that existed between the holders of these two posts. So far as I have been able to ascertain, the situation then created has been to a great extent responsible for the change that, I am told, has taken place in the spirit of co-operation and goodwill that had always existed between all sections of the community before then. Further, I am led to believe that the same situation paved the way for the growth of the feeling of suspicion and mistrust which appears to exist to-day between the Colony and the Federated Malay States.

In dealing with the different aspects of the decentralization proposals I have done so in what appears to me to be their order of importance, viz., political, financial and economic, and administrative. I mention the point because I think that there is a tendency in Malaya to exaggerate the administrative difficulties that may arise if changes are made and to forget that in all cases the administrative machine exists for the benefit of the country and its people and not vice versa.

I am much indebted to the Governor and High Commissioner for the very excellent arrangements which he made in order to enable me to carry out my task. I also owe a deep debt of gratitude to the High Commissioner and Rulers and all those who gave us such a warm welcome and extended to us so much kind hospitality.

I have also to thank Mr. Gent of the Colonial Office who accompanied me as my Private Secretary and has rendered me invaluable assistance.

Finally I wish to record my deep appreciation of the courtesy of the Malayan Press, which, interested as it was in the whole question of decentralization and the High Commissioner's policy, refrained during my tour in the country from publishing any controversial matter on the subject.

S. H. WILSON.

25th February, 1933.
CHAPTER I.*

Constitutional and administrative developments up to the post-War period.

The original Treaties concluded with the Rulers of the Malay States were not identical in terms, but each provided for British protection and for assistance in administration by the appointment of a British officer by the Governor of the Straits Settlements to reside in each State. The advice of that officer was to be asked for and acted upon in all matters other than those touching Mohammedan religion and custom.

The first of these Treaties was the Treaty of Pangkor concluded with the Chiefs of Perak in 1874. In the fifteen years which followed, British Residents were also appointed in Selangor, Negri Sembilan, and Pahang. At that time the exploitation of the tin-ore resources by foreign, chiefly Chinese, enterprise was leading to a rapid opening up of the country: and the Malay Rulers and Chiefs had neither the administrative organization nor the resources to exercise proper control.

The result was that the British Residents had no option but to gather the reins of government into their own hands in spite of an explicit statement by the British Government that their functions were not administrative. This statement explained that a Resident was placed in a Native State as an adviser, not as a ruler, that his functions were the giving of responsible advice, and that he was not to interfere more frequently or to a greater extent than was necessary in the minor details of administration. But it did not take full account of the administrative inexperience of the Malay Rulers and the limited resources at their disposal, or of the fact that at the time the Malay Governments maintained a precarious existence and were to all intents totally lacking in proper organization. It does not require a great stretch of the imagination to understand how, in the circumstances, the Residents were forced to create and control the administrative systems in the States and to expand and adapt them to meet the needs of a rapidly developing country.

The Malays, who shared in the growing prosperity which resulted, accepted the new régime without resentment, but the rapidity of the country's material development outstripped the advancement in education of the Malays. The result was that Asiatics differing in religion and customs of life from the people of the Peninsula were recruited for employment in commerce and industry and

* A general description of Malaya and its constituent parts is given in Appendix II.
monopolized the most prized posts in the subordinate government services.

In 1893 the Marquess of Ripon, then Secretary of State for the Colonies, suggested federation which the Governor welcomed as likely to lighten his own work and to promote co-ordination between the four States concerned.

In 1895 a draft scheme of federation was approved by Mr. Joseph Chamberlain, who laid down that no pains should be spared to safeguard the position and dignity of the Malay Rulers, that they should be invited to continue to co-operate with their British advisers in promoting the advancement of their respective territories and subjects, and that they should be given the assurance that such changes as were to be made were solely intended to promote strength by co-operation. Further they were to be assured that in binding themselves and their States they would not be diminishing in the slightest degree the powers and privileges they then possessed nor would they be curtailing the right of self-government which they enjoyed.

In the result the Treaty of Federation of 1895, the terms of which are reproduced in Appendix III, was readily signed by the Rulers of the four States of Perak, Selangor, Negri Sembilan, and Pahang.

On a strict interpretation the terms of the Treaty are in some respects contradictory. It may however be maintained:

(a) That the Treaty itself conveyed no power of control to the Resident-General, whose office was created under Clause 4, nor did it in any way change the advisory status of the Governor’s representative.

(b) That the term “Federation” as applied to the form of union created by the Treaty was a misnomer, since the Treaty did not establish any central Government, did not make any attempt at a division of powers, but did on the contrary preserve all former State rights.

Various and conflicting as are the opinions which have been expressed by persons of knowledge and authority on the precise intentions of those who drafted the Treaty, there can be no doubt that it did in fact effect substantial changes.

For example previous to the Treaty the de facto executive power (matters concerning Mohammedan religion and Malay custom excepted) had been left by the Ruler in each State to his British Resident, who consulted the Ruler whenever he thought desirable. The creation, as the result of the Treaty, of a Federal Secretariat under a Resident-General, whose advice had to be followed in all matters of administration, removed many of the powers previously exercised by the Residents to a superior authority who was not in continuous and personal touch with the Rulers; and the same authority took over complete supervision of the rapidly expanding finances of the States: and the unified control which resulted was a great stimulus to commerce and development.
The State Governments, even if they had wished, were powerless to check centralization in the Federal Government and to escape from the ever expanding activities of the federal departments.

From time to time there were isolated protests from individuals against encroachments by the Federal Government; and in 1903 the Sultan of Perak, at an annual meeting of the Rulers, pleaded for the maintenance of State rights, but on the whole there can be little doubt that there was general acquiescence in the federal system, where there was not whole-hearted approval.

The first attempt to modify the system was made by Sir John Anderson in 1909, because at that date he considered there was a strong feeling on the part of the Malay Rulers against the loss of authority by the State Governments. He decided to curtail the powers of the Resident-General and the federal machine, by the creation of a Federal Council with the High Commissioner himself as President and including the Rulers and Residents as members. He also instituted conferences between the High Commissioner, the Resident-General, and the Residents with a view to keeping the High Commissioner in direct touch with the views of the Rulers. Finally he changed the title of "Resident-General" to that of "Chief Secretary to Government".

The Federal Council was accordingly constituted under the terms of an Agreement, concluded with the four Rulers of the Federated States in October, 1909. The terms of this Agreement are reproduced in Appendix IV (i).

This Agreement may be said to mark a definite attempt to create a genuine federal system. Legal critics have pointed out the inconsistencies of the actual terms of the Agreement, but, whatever its shortcomings may have been, it did create the Federal Council as the main legislative and financial authority for the Federated Malay States, and it did attempt a division of powers by allocating certain questions to the sphere of the State Councils.

The change of title of the Resident-General was also effected, but no actual steps had been taken to restrict his powers before Sir John Anderson's term as High Commissioner came to an end in 1911; and it is interesting to note in this connexion, that the first Chief Secretary in his Annual Report for 1910 recorded the change in title, but at the same time observed that the duties and responsibilities of the post would remain the same.

The years 1910-13 marked a great expansion in the rubber plantation industry, high prices in the tin mining industry, and phenomenal increases in Government revenues: and in the general rush of development, bringing with it increased prosperity, any discontent with the highly centralized bureaucracy at Kuala Lumpur seems to have been forgotten.

This period was followed by the War when everything was subordinated to the Empire's struggle for existence. During these critical years the Malay Rulers and their peoples were in the first
rank in their generosity and their eagerness to help the British cause.

The many difficult problems which arose in the Federation were ably handled by the Chief Secretary to Government and his assistants, and the many fresh extensions of bureaucratic control went unchallenged.

CHAPTER II.

Constitutional and administrative developments subsequent to the War.

When Sir Laurence Guillemard took up the duties of High Commissioner in February, 1920, he found that some of the Rulers of the Federated States were not satisfied with the position and were apprehensive that federal encroachment might grow worse.

The sequel was that the whole question of the future of the Malay States came under consideration, and in December, 1921, the High Commissioner was authorized to make a declaration in the Federal Council to the effect that it was not the policy of His Majesty's Government to extend the Federation to embrace any of the States not already included, unless at their own wish, but to aim at friendly co-operation between the Colony, the Federated States, and the Unfederated States on all matters of common interest.

In the following year it was announced in the Federal Council that the question of the transfer of power from the Federal to the State Governments was under consideration, and that it was hoped to increase the powers and functions of the State Councils in some important respects; and assurances were given from time to time during this period, that it was the intention of His Majesty's Government to give effect to a policy of decentralization.

Slow progress was made, however, in giving any practical effect to these assurances, and the first step which calls for notice was the passing of an enactment in April, 1924, which empowered the Chief Secretary to dispense, by notification in the Gazette, with those statutory provisions which necessitated the approval of the Chief Secretary being given before a Resident could take action in certain matters.

During a visit to England in August, 1924, His Highness the Sultan of Ferak took the opportunity to visit Mr. J. H. Thomas, then Secretary of State for the Colonies, to ask for the restriction of the powers of the federal authority and the transfer to the State authorities of the control of their domestic affairs.

In 1925, Sir Laurence Guillemard, the High Commissioner, visited England and discussed the question with Mr. Amery, who was then Secretary of State for the Colonies.

As the result of these discussions, an official announcement was made in the Malayan press to the effect that it had been common ground for years past that the administration of the Federated Malay States was too highly centralized and that the root of the
difficulty lay in the great powers of control which were vested in the Chief Secretary; and it was stated that the whole question was under consideration.

Sir Laurence Guillemard, who returned to Malaya towards the end of 1925, explained in December of that year to the Federal Council that the Government was committed to a policy of decentralization and that the logical outcome of that policy was the gradual devolution of the powers of the Chief Secretary until the office as then constituted practically ceased to exist. The High Commissioner also suggested to the Federal Council the possibility of the Rulers electing in due course to withdraw from membership of the Council to the serener atmosphere of an Upper House or periodical Durbar; and he expressed the view that it might be found to be a good thing if only members of the State Councils were eligible for appointment as unofficial members of the Federal Council.

Opposition to the policy of decentralization concentrated on the proposal to reduce the powers and status of the Chief Secretary: and the subsequent controversy showed that the European and Chinese unofficial members of the Council, and practically the whole commercial community took the same view. They argued that a reduction of the powers of the Chief Secretary as proposed would, to a large extent, release the State Governments and the Residents from the control of the Federal authority, and would shake public confidence in the financial stability of the Federated Malay States.

Progress towards giving effect to a policy of decentralization was made in two respects before Sir Laurence Guillemard's term of office (which had been extended for one year on account of the proposals) came to an end in 1927. These were:

(a) The rearrangement in 1927 of the various Heads of Expenditure in the Annual Estimates in three categories as follows:

(i) Federal Services to be provided for in the Federal Estimates.
(ii) Reserved (State) Services to be shown in the State Estimates.
(iii) Unreserved Services to be regarded as not yet finally allocated, and to be susceptible of classification in either the Reserved (State) Estimates, or the Federal Estimates and to be shown in a volume "Unreserved Services."

(b) The conclusion in 1927 of a new Agreement* with the Rulers for the reconstitution of the Federal Council. By this reconstitution the Rulers withdrew from active membership of the Council though retaining the right to be present at any meeting if they wished; the unofficial membership of the Council was enlarged to give it a more representative character and its legislative and financial authority was defined.

* For the terms of this Agreement see Appendix IV (ii).
No further steps towards giving effect to a decentralization policy were taken during the time that Sir Hugh Clifford held the post of Governor and High Commissioner, and it was not until 1930, when Sir Cecil Clementi took up the appointment, that the question of taking further steps was raised.

In this year (1930) the four Rulers re-opened the question of decentralization at the Annual Durbar, and in the following year the High Commissioner, who was home on leave in England, discussed the matter with Lord Passfield, who was then Secretary of State for the Colonies.

As the result of this discussion, the Secretary of State wrote to the officer who was acting as High Commissioner informing him that he agreed with Sir Cecil Clementi's views as to the existing Constitution being capable of improvement, and added that, as a preliminary measure, it was desirable to explore the question of how far the defects in the existing relations between the several States and Settlements in the Peninsula could be remedied. At the same time the Secretary of State pointed out that the problem was a large one and would require full consideration in Malaya before any definite proposals were submitted to His Majesty's Government for consideration: and he explained that he had authorized Sir Cecil Clementi on his return to Malaya to discuss his proposals with the Rulers and to ascertain their views.

In August of the same year, Sir Cecil Clementi, after his return to Malaya explained to the Rulers at a Durbar held at Sri Menanti his proposals for giving effect to a policy of decentralization: and he dealt with the matter still further in an address to the Federal Council on 14th November, 1931, and at a Durbar held at Pekan in April, 1932.

It was in connexion with these proposals that I was instructed by the Secretary of State for the Colonies to visit Malaya, and they are consequently fully dealt with in the succeeding chapters of this Report. I will confine myself therefore, at this stage, to giving a brief summary of their scope.

The proposals as adumbrated by the High Commissioner at the Sri Menanti and Pekan Durbars provide for:—

(a) The transfer to the State Governments of the control of the following departments, viz., Agricultural, Co-operative, Educational, Electrical, Forestry, Medical, Mining, Public Works, and Veterinary.*

(b) The strengthening of the State Councils and an extension of their powers.

(c) The abolition of the post of Chief Secretary as now constituted.

* The Drainage and Irrigation Department which is now a separate department was at this time included in the Public Works Department. The Prisons Department has been subsequently added to the list.
(d) The control of the Railways by a new railway board to be appointed in addition to the existing Advisory Board; and the control of Posts, Telegraphs, and Telephones by a postal board.

(e) The organization of certain services such as Customs and Surveys on a pan-Malayan basis.

(f) The discontinuance of the system of having in the Colony and the Federated Malay States separate heads of certain departments, and the creation of a single head of each service for the whole of Malaya, these officers being vested with executive powers in the Colony but only with advisory powers in the Malay States.

(g) The abolition of that volume of the Estimates entitled "Unreserved Services", thus reducing the number of volumes of Estimates in future from six to five, the services shown at present under "Unreserved Services" being shown in either the Federal volume or the State volumes; those whose final allocation is not decided being marked with a note to that effect.

The announcement of the High Commissioner was welcomed by the Rulers of the Federated States, but many of the proposals, and particularly that for the abolition of the post of Chief Secretary, were soon the subject of public criticism. Indeed, very considerable opposition has been shown by the business community as a whole—European, Chinese, and Indian—to the proposed abolition of the post of Chief Secretary. The reasons for this opposition are similar to those which underlay the criticism of the proposals made by Sir Laurence Guillemard some seven years earlier.

It is interesting to note that the criticisms of Sir Cecil Clementi’s proposals show a particular apprehension that what will result is not so much decentralization in the Federated Malay States as centralization in Singapore. The possibility of such a situation arising appears to be viewed with dismay by the commercial and business communities in the Federated Malay States, who freely express the view that in such circumstances their interests would be sacrificed to those of the Colony.

CHAPTER III.

Political aspects of decentralization proposals.

From a purely economic point of view it would no doubt be advisable in a country the size of Malaya to have one Central Government administering the whole territory.

There is, however, the political aspect of the problem; and as pointed out in the previous Chapter, the creation outside the terms of the Treaties and Agreements of the highly centralized bureaucracy that exists at Kuala Lumpur to-day has led in recent
years to a growing wish on the part of the Rulers for a transfer to the State Governments of more control of their own affairs, and for the assimilation of the position of the Rulers of the Federated States to that of the Rulers of the Unfederated States. Further there can be little doubt that the events of recent years have encouraged the Rulers to believe that it is the intention of His Majesty’s Government to adopt in the near future a policy of decentralization: and the adoption of any other course now would, I am afraid, shake to a great extent the confidence of the Rulers in the bona fides of the British Government. Without doubt the Rulers one and all expect some considerable measure of decentralization.

Moreover it seems clear that the maintenance of the position, authority, and prestige of the Malay Rulers must always be a cardinal point in British policy: and the encouragement of indirect rule will probably prove the greatest safeguard against the political submersion of the Malays which would result from the development of popular government on western lines. For, in such a government the Malays would be hopelessly outnumbered by the other races owing to the great influx of immigrants that has taken place into Malaya during the last few years.

Politically everything seems to point to the desirability of the Rulers and their respective Governments being allowed to have control of their own domestic affairs without interference except in those cases where a unified policy is clearly necessary.

That this should be the ultimate political relationship between the different Governments of Malaya appears to be the High Commissioner’s view, having regard to his pronouncement at the Sri Menanti Durbar in August, 1931, and to the decentralization proposals that he has formulated during his three years’ tenure of office which are designed to assimilate the position of the Rulers of the Federated States to that of the Rulers of the Unfederated States.

Some closer assimilation is obviously an essential preliminary to any scheme for the promotion of co-operation between the constituent parts of Malaya as a whole, and until the knot now tied so tightly in the Federated States can be loosened it would appear hopeless to suggest that the Rulers of the Unfederated States should come into any form of Malayan League, or even agree to meet together periodically to discuss matters of common interest. A possible explanation of why the High Commissioner has not made a more explicit statement in regard to his proposals for decentralization is firstly the fact that the Secretary of State has not yet approved a decentralization policy as a whole, and secondly a reluctance on the part of the High Commissioner to do anything that might arouse a suspicion in the minds of the Rulers of the Unfederated States that there was an intention of forcing them against their will into any form of closer union.
Any such suspicion would, as I have pointed out to those Rulers whom I have had the honour of meeting, have been quite unjustified because, as I was authorized to tell Their Highnesses the Sultan of Johore and the Regent of Kedah, His Majesty's Government have no intention of requiring the Ruler of any Unfederated State to enter against his will into any kind of Malayan League or Union.

On the other hand, and while there is no such intention on the part of His Majesty's Government, it is obvious, as I have pointed out to Their Highnesses the Sultan of Johore and the Regent of Kedah, that there must be many questions on which joint discussion could not but be of advantage to every constituent part of Malaya; and, as I have suggested to these Rulers, this can be done without interfering to any great extent with their natural desire to retain their independence in the administration of the domestic affairs of their States.

However, from my discussions with Their Highnesses it appears to me that these two Rulers would be very reluctant to commit themselves at the present time to any closer co-operation than there is to-day with the other Governments in Malaya: and from what I learnt from the British Advisers in Kelantan, Trengganu, and Perlis, the Rulers of those States would take the same view.

Everything seems to point to its being some considerable time before the Rulers of the Unfederated States are likely to agree to do more than take part in occasional Durbars, or Conferences, for the discussion of questions of interest to Malaya as a whole; and I think also that the day is a long way off before it will be practicable, or desirable, to decentralize to such an extent in the Federated States as to put the Rulers of these States in exactly the same position as that in which the Rulers of the Unfederated States are to-day.

Time and experience alone will show to what extent it will be possible to assimilate the positions of the two sets of Rulers.

I am of opinion, however, that for political reasons there is everything to be said for the gradual substitution in the Federated Malay States of a genuine federal system for what the High Commissioner describes as the "amalgamation" of to-day, and I am of opinion that, as the first stage in carrying out such a policy, effect might be given to the proposals adumbrated by the High Commissioner at the Sri Menanti Durbar in August, 1931, for putting the Agricultural, Co-operative, Educational, Electrical, Forestry, Medical, Mining, Public Works, and Veterinary Departments under State control.* It is not possible at the present time to visualize what changes may prove desirable in the subsequent

* The Prisons Department has since been added to this list and I see no objection to its inclusion. The Drainage and Irrigation Department which was part of the Public Works Department has been separated from it.
stages, but those which one can foresee as likely to be most urgent will be primarily financial and administrative and they are dealt with in the two following Chapters.

As another political aspect of the problem of decentralization, I should mention that the representatives of the Chinese and other non-Malay communities strongly pressed their claim that the interests of non-Malays born in the Malay States should not suffer as the result of any decentralization proposals that may be approved. I deal with the anxiety shown by these communities in Chapter VII.

It is also right to mention in this Chapter that the increase that has been made recently in the composition of the State Councils is likely to strengthen the demand on the part of the Rulers and the State Governments for more control in the administration of their own affairs.

To summarize, there is a strong case on political grounds for giving the Rulers of the Federated Malay States control of their own domestic affairs, and I recommend that as a beginning effect should be given during the next four years to the scheme proposed by the High Commissioner at the Sri Menanti Durbar in August, 1931, for putting the Agricultural, Co-operative, Educational, Electrical, Forestry, Medical, Mining, Public Works, and Veterinary Departments under State Control*.

CHAPTER IV.

Financial and economic aspects of decentralization proposals.

The great importance that must be attached to the financial and economic aspects of any scheme of devolution makes it desirable at this stage to consider the matter from these aspects.

A local committee which met for this purpose in 1932 expressed the view that, in no circumstances should a policy of decentralization be allowed to impair to any degree the financial stability and credit of the Federated Malay States as they exist to-day. The committee emphasized the fact that any changes made in the mutual relationship of the Federal and State authorities must not be such as to weaken that essential political cohesion and joint financial responsibility on which those who lent money to the Federation in the past confidently relied. The interests of others who have invested a large amount of capital in schemes for the development of the country and its resources should also be borne in mind in this connexion.

It seems unlikely that the future development of the country can proceed without recourse to the raising of loans from outside, and to use the words of the local committee which considered the matter it is essential that the Federation should be able “to

* The Drainage and Irrigation and the Prisons Departments should be added to this list.
enter the money market in the future with credentials no whit less convincing than those it carried in the past”.

From my discussions with the Rulers, I feel sure that they all agree with the view expressed by the local committee to the effect that “political devolution cannot be purchased at the price of financial dissolution”.

At the same time I submit that a measure of decentralization could be effected which, while giving to the Rulers and their State Councils practically a free hand in the administration of their own affairs, would at the same time safeguard the financial credit of the Federation by keeping the general control of finance in the hands of a central authority, on which the Rulers would be represented.

Again, I venture to think that, apart from the question of confidence, there will for some time to come be a need for some form of central fund in the Federation from which the development of the weaker and less wealthy States can be assisted, a development which must be regarded as a potential asset to Malaya as a whole.

When I express these views, I do not mean to imply that there is not a great deal to be said for handing over the control of the “spending departments” to the State Governments. It has been suggested to me that a good deal of the extravagant expenditure in recent years has been due to the fact that those who have urged the carrying out of certain services have not been responsible for finding the money to pay for them. Moreover the State authorities who are in close touch with the details of what is being done must be in a much better position to see that there is no unnecessary extravagance than the Heads of the Federal Departments who can only take decisions on the advice they receive from their State officers and can only at the best pay periodical visits to the different States.

In a genuine federal system there should be a clear division of legislative and other powers between the Central Government on the one hand and the State Governments on the other; but, if a policy of decentralization is introduced in the Federated Malay States, there will be for some time to come, and certainly during the transitional period, certain questions which as regards policy will have to remain subject to a common control, but as regards detailed administration can with convenience and economy be left to the State Governments. In this category I would include certain matters on which a uniform policy is of particular interest to the commercial community, such as regulations for dealing with mining lands, standard of health on estates, measures for prevention of floods, forest reserves, and so on.

I do not anticipate any practical difficulty in ensuring uniformity of policy on such questions although under State control, since my proposal is that for dealing with them the High Commissioner...
should have an Advisory Council* on which the State Governments will be represented; and in addition the Rulers are to be invited to appoint both the Legal Adviser and the Federal Treasurer of the Federated Malay States Government to be members of their State Councils, and these two officers, together with the Resident in each State, will be available to assist the Rulers and their State Councils with information as to the necessity for a uniform policy.

I am of opinion that from the point of view of finance there is a strong case for adopting a decentralization policy which, while retaining under a Central Government on which the Rulers are represented the general control of finance and of other matters of common interest, will in course of time make the State Governments responsible for their own domestic services.

But the question as to when or how effect should be given to such a policy is a matter for serious consideration, because the feeling is widely prevalent in Malaya that the Government are making too many proposals for changes at the same time; and there is a strong feeling amongst the business community that, with the slump in the rubber and tin industries, the present is an inopportune time to choose for making changes in the system of government under which the Federated Malay States reached the zenith of their prosperity. To those who argue on these lines I suggest that it was the abnormal development of the tin and rubber industries which was responsible for the prosperity of recent years rather than the actual form of government. I agree, however, that the present is an unfortunate time to effect any drastic changes.

I suggest, therefore, that from the financial point of view any changes should for the time being be strictly limited to those which will tend at once to check extravagant expenditure and strengthen the financial position of the Federated Malay States.

Towards the close of the year 1936 it may be possible to reduce debt charges by the conversion of the 6 per cent. Sterling Loan. By this time also the financial position ought, with rigid economy, to have greatly improved. In the circumstances I submit that from a financial point of view three to four years would appear to be a suitable period to fix for what might be called the first stage of a decentralization policy.

The proposals and changes which I think might reasonably be said to come under the category of those which would help to check extravagant expenditure are:

(a) The proposals made by the High Commissioner at the Sri Menanti Durbar in August, 1931, for putting certain spending departments† under State control. This change has already been suggested as desirable from a political point of view.

* This Advisory Council is not in any way intended to take the place of the Federal Council which will continue to deal with those matters which remain federal.
† For lists of Departments, vide page 10.
(b) The proposal of the High Commissioner to have only five volumes of Estimates instead of six and to dispense with the volume of Estimates entitled "Unreserved Services", the services now shown in that volume being included in future in either the Federal volume or one of the State volumes, with an appropriate note concerning those about which there may still be some doubt as to their final allocation.

(c) A change from the present system of "Supplementary Estimates": because although it may not directly affect a policy of decentralization there appear to be strong grounds for drastically reducing the number and amount of these Estimates.

As regards (a) I recommend that during the next four years revenue should continue to be collected and appropriated by the Federal Government, and that the Federal Council should vote a block grant to each State to meet the sum total of the cost of the services administered by the State. For the reasons mentioned above this arrangement should tend to economy.

As regards (b) about half the total expenditure in recent years has been for "Unreserved Services" and to meet this no revenue has been set aside in that particular volume of the Estimates. Indeed, owing to the complicated method of preparing the Estimates and the elaborate accounts that have had to be kept by the Treasury, it has not been possible to show any correlation between revenue and expenditure in the Estimates in their present form, and I suggest that they might well be misleading to anyone without a good deal of inside knowledge.

The possible result may have been that, when under consideration, the Estimates have not been subjected to the degree of criticism that they have deserved; and it has been suggested to me that it is only such a state of affairs that could have made it possible for the expenditure of the Federated Malay States to have been on such an extravagant scale as it has been since the War.

I suggest that the changes proposed by the High Commissioner in the arrangement of the Estimates cannot but help to check extravagance.

As regards (c), I realize that the question of Supplementary Votes is not directly relevant to the question of decentralization. Since, however, I have suggested the changes outlined above partly for political reasons and partly with a view to checking extravagance, I think it well to mention that "Supplementary Votes" seem to have been too freely resorted to in the past. With good estimating few, if indeed any, such Votes should be necessary.

I suggest that the second stage of financial devolution (i.e., after the four-year period) may well include arrangements for the collection and appropriation by the States of certain of the revenues which are not required for federal purposes, the object of this being to make the State Governments increasingly independent as regards their State services but at the same time still dependent
on the Federal Government voting money to balance their budgets, if necessary, or to meet such special or extraordinary expenditure as cannot be met from their own resources.

The subsequent stages of financial devolution might cover the transfer of other sources of revenue and the right to impose taxation so as to put the States in a position to meet all their expenditure without subvention from central resources.

As regards the final stages of financial devolution and the division of revenue between Central and State authorities, it has been suggested to me that all revenues should be collected by the States and that the Central authority should be financed by contributions from the State Governments. All precedents show that the better plan and the one least likely to cause friction is the collection and appropriation of certain revenues by the Central authority. There are, in my opinion, strong grounds for doing this in the case of the Federated Malay States and for appropriating to the Central authority such revenues in this way as will be sufficient (i) for the service of the debt, (ii) for meeting the recurrent expenses of the Central authority and, (iii) for the building up of an ample reserve fund.

All the above suggestions are subject to the essential necessity of not allowing the financial stability and credit of the Federation to be impaired in any way in the course of decentralization; and, in addition to certain safeguards with a view to effecting this object, the High Commissioner must retain his power to veto expenditure which he does not approve, and also the power in exceptional cases to insist on a State Government providing for such services as he may consider necessary.

The normal safeguards might include:

(a) The appointment of the Federal Treasurer to be a Member of each State Council.

(b) The submission for the concurrence of the High Commissioner of State estimates before they are submitted to State Councils.

(c) An instruction to Residents that they are to work in the closest touch with the Federal Treasurer; and that any case of disagreement must at once be referred to the High Commissioner.

(d) No State loan to be raised without the sanction of the Federal Council.

To summarise, I am of the opinion that there is a strong case on financial grounds for some measure of decentralization, and I recommend the following proposals:

(a) During the first stage extending over a period of about four years, the transfer to State control of certain departments (already recommended as desirable on political grounds, vide page 14); with a block grant to each State to be voted by the Federal Council each year to meet the sum total of the cost of the departments so transferred.
(b) During the second stage the collection and appropriation by the States of certain of the revenues which are not required for federal purposes with a view to making the State Governments increasingly independent.

during the final stages the transfer to the States of other sources of revenue and the right to impose taxation so as to put the States in a position to meet all their expenditure without subvention from central resources.

(d) During the process of decentralization there will be certain questions which as regards detailed administration can with convenience and economy be left to State Governments, but which as regards policy will have to remain subject to a common control. An Advisory Council* under the presidency of the High Commissioner and on which the State Governments are represented should be set up to deal with those questions from the point of view of a common policy.

In addition to the foregoing I recommend on general grounds the following two proposals which are not necessarily connected with decentralization.

(e) The High Commissioner's proposal for the abolition of the volume of Estimates entitled “Unreserved Services.”

(f) A change in the present system of Supplementary Estimates with a view to reducing the number and amount of such Estimates.

CHAPTER V.

Administrative aspects of decentralization proposals.

One thing has stood out perhaps more than any other in the controversy that has taken place in recent years over the proposal to adopt a policy of decentralization in the Federated Malay States, and that is the strong opposition to the proposed abolition of the post of Chief Secretary.

Without exception the representatives of the business communities and of the unofficial members, together with a large number of officials, take the view that the post should not be abolished unless it is intended to substitute for the Chief Secretary some senior officer, not necessarily with the same extensive powers, who will (i) reside at the seat of the Federal Government, (ii) be responsible for assisting the High Commissioner in co-ordinating policy on questions which remain federal, and (iii) be accessible to representatives of the public.

It is argued that so long as there are certain questions which necessitate a unified policy it would be impossible for the High Commissioner to carry out the work of co-ordination himself without the assistance of some such officer.

On the other hand there are many who advocate the retention of the post of Chief Secretary on other grounds and argue that it is essential to have a senior officer at Kuala Lumpur who can, * See footnote on page 16.
as it has been actually put to me, "fight the battles of the Federated Malay States against the High Commissioner and the Colonial authorities at Singapore." These people are inclined to forget that the abolition of the post as it exists to-day is an essential part of any policy of decentralization, and at the same time to overlook the fact that there is no intention of dispensing with the appointment until the policy of decentralization has been carried to such a stage that the greater part of the duties and powers of the post as it is to-day will have been transferred. Only actual experience will show when this state of affairs is likely to be reached.

As another argument against the adoption of a policy of decentralization, it has been suggested to me that the State Governments have not yet had sufficient administrative experience to justify any considerable delegation of power. I suggest that, although this may be a reason for the very gradual carrying out of a policy of decentralization, it is not an argument for rejecting such a policy altogether. Moreover the State Councils have recently been considerably strengthened by the addition of new members including unofficials, and as I have already mentioned it is the intention of the High Commissioner to invite the Rulers to appoint both the Legal Adviser and the Federal Treasurer of the Federated Malay States to be unofficial members of their State Councils.

In any case, the general question of policy must, I submit be decided on broad grounds of political and economic expediency and must not depend on the retention or otherwise of some particular appointment in the administrative machine or on the efficiency of any particular administration. For the reasons I have mentioned in the two preceding Chapters I am of opinion that there are strong political and economic reasons for deciding to carry out now a considerable measure of devolution in the existing system of government in the Federated Malay States, and as I have stated, the eventual abolition of the post of Chief Secretary as it exists to-day must be an essential part of any such policy.

The proposal referred to in Chapter VIII* to set up a Malayan Establishment Office cannot be said to be a measure of decentralization. It is, however, a change which cannot but directly affect any general reorganization of staffs; and I suggest that, so far as possible, effect should be given during the initial period to the proposals of the High Commissioner for setting up this Office.

I personally agree with the view which is almost universally held in Malaya that if a decentralization policy is approved the day is a long way off, if it ever arrives, before an executive head of what remains of the federal machine at Kuala Lumpur can be dispensed with altogether, and that it would be impossible for the High Commissioner to do the necessary co-ordination himself.

* Vide page 30.
It was for this reason that I had intended to recommend the substitution of a "Federal Secretary" for the existing "Chief Secretary" in a few years time when, with the progress of decentralization, the importance of the latter appointment will probably have dwindled to that of an executive head of a very much smaller federal machine than the one that exists to-day. Such a post might, I think, be filled by an officer of lower rank and drawing considerably less emoluments than the existing Chief Secretary. The nomenclature of "Federal Secretary" would in my view emphasize the fact that his duties, as compared with those of the present Chief Secretary, would be strictly confined to dealing with matters which still remained federal. The High Commissioner, with whom I discussed the matter before leaving Malaya, would much prefer, however, that the title of the post should continue to be that of Chief Secretary, so long as it is necessary to have an officer acting as executive head of what remains of the existing federal machine. I do not attach great importance to the title of the post, and I am prepared to accept the High Commissioner's view provided that:

(a) It can be made clear to the Rulers that the functions of the post will be strictly confined to that of an executive head of the federal machine and to dealing with purely federal matters, and that its importance from the point of view of responsibilities, functions, and emoluments is very different from what it is to-day.

(b) It is considered fair to ask an officer to accept the post with no change in the nomenclature and with a salary which will not enable him to maintain the same position, or entertain on the same scale, as the Chief Secretary of to-day.

I am not prepared to say whether it will ever be practicable to dispense altogether with what remains of the existing federal machinery and its executive head, as this will depend on the setting up of some new central machinery for dealing with matters of interest to Malaya as a whole and the absorption into it of what then remains of the existing federal machinery.

The officers of the Departments which it is proposed to decentralize are for the most part opposed to the proposal to transfer the control of these Departments to State Governments. They argue:

(a) That the proposals will result in loss of efficiency owing to the central executive control being done away with; and that the powers of visiting and inspection which are to be retained as one of the functions of the Departmental Head will be a poor substitute for the unrestricted power that they have now to issue orders to their subordinates.

(b) That difficulties will arise as regards the question of the transfer of officers from one State to another.

(c) That the interests of the officers in the Departments will suffer.
(d) That in the case of the Medical Service, it is contrary to all modern ideas to put the Medical and Health Services in a State under one Head.

While sympathizing with the natural desire of Heads of Departments to retain their present control over their Departments, I suggest that we must not lose sight of the political aspect of the question and the natural desire of the State Governments to control their own services.

Although I do not agree that with the will to make the proposed system a success there need be any great loss of efficiency, I take the view that, even if there is some such loss of efficiency, it will be the lesser of two evils, and I cannot believe that in the event of this happening it will not be possible to find a remedy.

In this connexion, I was interested to hear the view expressed that the officers of Departments have themselves partly to blame for the desire on the part of State Governments for the adoption of a decentralization policy, since in the past the officers of the Departments have in their zeal to carry out their duties been accustomed to visit States without informing the State Governments, or even paying the usual courtesies to the Rulers.

The need for working in the closest touch with the State Governments will be stronger than ever in the future because as the result of the recent enlargement of the State Councils the views held by the local authorities as to what may be termed "federal interference" will not remain inarticulate.

The proposals for the decentralization of Departments are briefly described in Appendix V.

It will be observed that the proposals for the future organisation of the Medical and Public Works Departments differ from those for the other Departments. In the Medical and Public Works Departments the "Director Adviser" will possess executive authority in the Colony only, whereas it is intended that the Heads of the other Departments shall be vested by the Ruler with executive authority in each of the Federated States.

The distinctive treatment of the latter group can be justified by reasons of economy and practical convenience. In the large staffs of the Medical and Public Works Departments there are many officers available with ripe experience of an administrative character to qualify them to exercise the chief executive control in the several States. In the other Departments it is desirable that the Head of the Department himself should be vested with the chief executive power.

To summarize, I am of opinion

(a) That the abolition of the post of Chief Secretary as it exists to-day, with his wide statutory and administrative powers, is an essential part of any policy of decentralization.
(b) That there is no strong objection on administrative grounds to the measures of decentralization which I have recommended in the two preceding Chapters, and that the carrying out of these measures will automatically result in relieving the Chief Secretary of the more important functions of the post as it exists to-day, thus making it possible to replace him as head of what remains of the federal machinery by an officer of considerably less status.

(c) That it is not possible at the present time to say whether it will ever be practicable to dispense altogether with what remains of the existing federal machinery and its executive head, because this will depend on the setting up of some new central machinery for dealing with matters of interest to Malaya as a whole into which what then remains of the existing machinery can be absorbed.

(d) That the statutory and administrative powers exercised by the present Chief Secretary should be transferred to the Rulers in Council in the case of State matters, and to the High Commissioner or the appropriate federal officers* in the case of matters which are to remain federal.

(e) That so far as possible, effect should be given to the proposal referred to in Chapter VIII, to set up a Malayan Establishment Office.

CHAPTER VI.

Suggested procedure in carrying out the policy recommended.

There is without doubt a strong feeling amongst a large number of the community, both official and unofficial, that there has in the last year or two been a tendency to try to redress too quickly any previous delay in implementing promises made to the Rulers.

During my tour in Malaya it has been brought home to me:—

(a) That the view is widely held that due regard has not been paid to public opinion and the necessity of keeping those interested informed of the actual meaning of the changes proposed.

(b) That the proposals made up to date have created an atmosphere of suspicion and misapprehension as to the intentions of the Government.

(c) That practically everyone whom I met, officials and unofficials, and the Rulers, take the view that the Government are trying to carry out too many changes at once, and that if a policy of decentralization is to be adopted it should be carried out very gradually.

(d) That there is a strong feeling that the interests concerned are not consulted by Government before decisions are taken and that consequently certain aspects of the question are ignored.

* The term "federal officers" includes the officer referred to in (b) at the top of the page who is to replace the Chief Secretary.
That there are many who feel that owing to the slump in trade a more inopportune time than the present could not have been chosen for proposing changes in the system of government to which everyone is accustomed.

That some people view with such mistrust what they call the proposals for centralization in Singapore that they advocate the creation of two separate posts, viz., one of High Commissioner at Kuala Lumpur and another of Governor (or Administrator) at Singapore.

That there is a certain amount of feeling over the comparisons which have been made between the present financial position of the Unfederated States and that of the Federated States, and that such comparisons are regarded as unfair in view of the benefits which it is said the Unfederated States have received in the past at the expense of the Federated States.

I think it most essential therefore, that if a policy of decentralization is approved, the steps to give effect to it should be carried out very gradually, or as the Sultan of Selangor advocated to me, step by step.

Various suggestions have been made to me as to the length of period over which the carrying out of a policy of decentralization should be spread, and these have varied from as much as five to twenty-five years.

Everyone will I think agree that, in changing from a highly centralized form of government such as that which exists to-day at Kuala Lumpur, much must depend on the experience gained in the actual working of each change, and I am of opinion that it would be unwise to do more at the present time than to suggest the changes which might be made in the next few years and to visualize generally the further changes that may then be found desirable. Indeed I am of opinion that it would be premature at the present time to attempt to dogmatize as to:

(a) The exact powers that can eventually be transferred to State control.
(b) When, and how it will be found desirable to revise the existing Treaties and Agreements.

Assuming that the proposals I have made for giving effect to a decentralization policy are approved, I visualize the position in three to four years time as follows:

(a) The control of the following Departments, viz., Agricultural, Co-operative, Educational, Electrical, Forestry, Medical, Mining, Public Works, Veterinary, Prisons, and Drainage and Irrigation, will have been handed over to the State Governments, and the expenditure incurred on them will be met by a block grant to be voted each year by the Federal Council to meet the sum total of the expenditure on the Departments so transferred.
(b) The High Commissioner will be in the same position vis-a-vis the Governments of the Federated States as regards the transferred Departments as he is now in with the Governments of the Unfederated States on similar questions and will himself deal through a Secretary with matters affecting those Departments with the Resident in each State.

(c) Any matters transferred to State control such as the standard of health on estates which as regards detailed administration can with convenience and economy be left to State Governments but as regards policy will have to remain under a common control, will be dealt with from the point of view of a common policy by an "Advisory Council" presided over by the High Commissioner and on which the State Governments are represented.

(d) The statutory and administrative powers exercised by the present Chief Secretary will have been transferred to the Rulers in Council in the case of State matters, and to the High Commissioner or appropriate federal officers (including the officer who has by then replaced the present Chief Secretary) in the case of matters which are to remain federal.

(e) The officer who has replaced the Chief Secretary will be the executive head of the Federal Government but his functions, duties, and powers will be reduced to dealing with such matters as it is decided must remain federal.

(f) The re-arrangement of the Estimates will have taken place. The volume now entitled "Unreserved Services" will have disappeared and there will be five instead of six volumes of Estimates.

(g) A Malayan Establishment Office will have been set up.

(h) A change will have been made in the system of Supplementary Estimates with a view to reducing the number and amounts of such Estimates.

Any changes which are not directly connected with the transfer of the control of the Departments whose decentralization is now recommended should be deferred for the time being, and I suggest that this rule should also apply to any changes which might appear to the Rulers of the Unfederated States as an attempt to bring them into any form of closer union, because I have already called attention to the fact that some of them made it quite clear to me that they would not look with favour at the present time on any move in this direction. I cannot but feel, however, that in course of time and when these Rulers fully realize that there is no intention of pressing them to agree to any constitutional change, they will be the first to recognize the great advantages that will accrue to their States, and to Malaya as a whole, by the creation of suitable machinery for discussion of, and, if agreed, the administration of matters of common interest.
So far as it is possible now to visualize generally the changes subsequent to the first period of three to four years they might include:

(a) As suggested in Chapter IV, the collection and appropriation by the States of certain of the revenues which are not required for federal purposes with a view to making them increasingly independent.

(b) The transfer to the State Governments of other sources of revenue and the right to impose taxation so as to put them in a position to meet all their expenditure without subvention from central resources, leaving the Central Authority to collect and appropriate such revenues as will be sufficient for (i) the service of the debt, (ii) meeting recurrent expenses for federal purposes and, (iii) building up an ample reserve fund.

(c) The ultimate abolition of the existing federal machinery and its executive head. This however depends on the setting up of some new central machinery for dealing with matters of common interest to Malaya as a whole and the absorption into it of what then remains of the existing federal machinery.

CHAPTER VII.

Non-Malay Asiatic Communities.

It has been suggested to me that the future treatment of the people of non-Malay origin has no direct bearing on the question of the decentralization proposals. This may be true to a certain extent, but, while I was in Malaya, I have had the opportunity of meeting representatives of the communities concerned and they have left me under no illusion as to the anxiety which they feel. This anxiety, as I have pointed out in Chapter III, must be regarded as one of the political aspects of the proposals to transfer considerable powers from the Federal to the State Governments.

The population of the Federated Malay States is comprised of:

<table>
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<tr>
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<th>Per cent.</th>
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<tbody>
<tr>
<td>Malas (including all indigenous peoples of the Peninsula and Archipelago)</td>
<td>34.7</td>
</tr>
<tr>
<td>Chinese</td>
<td>41.5</td>
</tr>
<tr>
<td>Indians</td>
<td>22.2</td>
</tr>
<tr>
<td>Others</td>
<td>1.6</td>
</tr>
</tbody>
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It will be seen, therefore, that the Chinese and Indians form the major part of the population.

According, however, to the Census Report, the number of the Chinese population which has been for a long time in the country is relatively very small and the number of those who were born there and expect to end their days there is smaller still. The Report also states that the same is true of the Indian immigrant, so that the number of non-Malays who have adopted Malaya as
their home is only a very small proportion of the whole population of the territory, and the increase that is taking place in this number is hardly appreciable. That the people who come under this category form only a small proportion of the total population must not, however, be allowed to affect the way in which they are treated; and indeed, when I have explained in detail the cause of their anxiety, I think it will be agreed that the smaller their numbers the more easy will it be to ensure that they receive fair play.

Those who have been born in Malaya themselves, or whose children have been born there, call attention to the fact that they have acquired great interests in the land of their adoption and have contributed in no small degree to its prosperous development. They state that in a great many cases those concerned have never seen the land of their origin and they claim that their children and their children’s children should have fair treatment.

That the anxiety of these communities has increased of late appears to be due to:

(a) The cry of Malaya for the Malays which has recently been heard much more than in previous years.

(b) The proposals expounded by the High Commissioner at Sri Menanti for transferring considerable powers to the State Governments, and the fear that the reduction of the powers of the Chief Secretary will expose them to discrimination, since they appear to regard this officer as their protector against any unfair treatment by the State Governments.

(c) The fact that the progress of education amongst the Malays has resulted in more appointments in the Government services being given to Malays than previously.

(d) The fact that the alienation of so much land in recent years for the development of the rubber and other industries has led to a longer view being taken of the land needs of the Malays: and a correspondingly greater use of the Government’s powers under the Malay Lands Reservation Enactment.

Because of the facts mentioned in (c) and (d) above, the non-Malay communities are inclined to the view that the Government have adopted a new policy. This is not so, since for some years past the Federated Malay States Government have recognized the claims of the Malays to preferential treatment in the matter of appointments in the Public Service and to the reservation of suitable and sufficient land for their needs. Indeed some of the non-Malay gentlemen whom I met went so far as expressing the view that this was in their opinion not unreasonable in the territories of the Malay Rulers; but what they appear to object to is discrimination in principle and the extension of the preferential treatment to immigrant Malays from the Dutch Archipelago who are Dutch subjects. Some of them would, I think, willingly support a policy of fair chance.
The non-Malays who have made Malaya the country of their adoption, form a loyal section of the community and it has been the policy of the Government to accord full recognition to their status as British subjects (in the case of those born in the Colony) and British protected persons (in the case of those born in the Malay States).

No one will deny the important part that the non-Malays who have made Malaya their home have played in its development, and the share they are destined to take in helping its future progress, and I think that for this reason alone they are entitled to an assurance that their interests will not be allowed to suffer as the result of effect being given to a policy of decentralization. Moreover, subject to the policy of preferential employment of qualified Malays in the Government Services, and the reservation of sufficient lands for Malay needs, I take the view that the persons born in the Malay States of non-Malay parents (although only British protected persons) should be treated in those States in exactly the same way as persons born in the Colony of non-Malay parents (who are British subjects) and should have the same professional and business opportunities as European British subjects.

I should record that some of the representatives of the non-Malay communities whom I met raised questions in connexion with educational facilities, representation in the Councils and in other public bodies, the restriction of alien immigration and so on. I had to explain that these were matters not directly relevant to the decentralization proposals, but that I would bring their representations to the notice of the Governor and High Commissioner, which I subsequently did.

CHAPTER VIII.

Miscellaneous proposals not affecting decentralization in the Federated Malay States.

I propose to deal briefly in this Chapter with certain proposals which, though not affecting a policy of decentralization in the Federated Malay States, have inevitably become associated with the proposals made by the High Commissioner at the Sri Menanti Durbar* and in some instances were in fact included in his announcement on that occasion.

Railways; Posts, Telegraphs, and Telephones.

Both of these Departments are at present federal; and at the Sri Menanti Durbar the High Commissioner explained his proposals for putting them under a single central management on which each of the Governments interested would be represented.

* Held in August, 1931.
(i) Railways.

The railways throughout the Peninsula are owned by the Federated Malay States Government except in the case of Johore, where, under a revised Agreement only concluded very recently, the Government of Johore has undertaken to lease the railway through the State to the Federated Malay States Government at a peppercorn rent. In return Johore is to be entitled to a share in any railway profits without any obligation to contribute towards any losses that may be incurred. The scheme explained by the High Commissioner at Sri Menanti contemplates:

(a) The control of the railways by an Executive Board, which is to be created in addition to the existing Advisory Board, in order to give a share in the control of policy to the Colony and to each of the States served by the railways.

(b) The acceptance by the Governments of the Colony and of the Unfederated States concerned of a portion of the liability in respect of the capital cost of the railways. This is to be done in consideration of the advantages that have accrued to them in the past from the construction and operation of the railway by the Federated Malay States.

The Federated Malay States Railway, in common with many other railways throughout the world, no longer shows a sufficient profit to provide for a return on the capital invested; and it appears to me more than questionable whether in the circumstances any condition such as that mentioned in (b) above is likely to prove acceptable to the Governments concerned.

(ii) Posts, Telegraphs, and Telephones.

The proposals for the re-organization of the service of posts, telegraphs, and telephones contemplate:

(a) The creation of a Postal Union for the Colony, the Federated States and any of the Unfederated States which may elect to come into the Union.

(b) The control of the activities of the Union by a Board under the Chairmanship of a Director-General of Posts and Telegraphs and including representatives of the Colony and each of the participating States together with official and unofficial members to be nominated by the High Commissioner.

(c) The issue by each of the Governments belonging to the Union of its own distinctive postage stamp, subject to the Regulations of the "Universal Postal Union of the World" which require, inter alia, the design of all stamps of any postal administration to bear an indication, as far as possible in Roman characters, of the country of origin, which in this case would be "MALAYA."
(d) Legalizing the use of the stamps of the different Governments belonging to the Malayan Postal Union throughout the administrative areas of the participating States; the revenue and expenditure being apportioned between the Governments concerned on an agreed basis.

Before I left Malaya I was led to believe that it is intended to form a Postal Union comprising the Colony and the Federated States without delay and that the question of the participation of the Unfederated States was not to be allowed to delay the formation of the Union. I suggest that this is wise, and I feel sure that, when the Rulers of these States realize that the creation of a Postal Union for Malaya, as a whole, cannot but be the most economical and efficient method of organizing this public service, they will decide to co-operate.

**Customs.**

The four States comprising the Federated Malay States form a Customs Union and the Customs Department is a federal unit; and there is no intention of any measure of decentralization within the federation.

Both the Unfederated States and the Federated States have, as the result of the Ottawa Conference, granted certain additional preferences on British goods.

The Colony has always adhered to a policy of free trade, but has nevertheless imposed a few duties most of which give preference to British goods. There is a strong body of opinion which is apprehensive that some change may be made which they argue would be disastrous to the Colony. The matter is a very complicated one, and I have assured those concerned that they need not be afraid of any change being approved unless the Secretary of State is quite satisfied that it will not be to the serious detriment of the interests of the Colony.

The tariffs in the Unfederated States are not uniform and a Customs Union for the whole of Malaya could only be agreed after considerable negotiations with these States.

The possibility of forming a wider Customs Union than exists to-day is still under examination by the local authorities.

One committee has already reported on certain aspects of the question, the report of a second committee is awaited, and a third committee has just been appointed to consider questions relevant to the trade of the Colony. It would not be practicable or desirable to offer an opinion on the matter until the facts are available.

**Malayan Establishment Office.**

The present organization of the Malayan Services is inherited from the days of separate and distinct services for the Colony on the one hand and the Federated States on the other. The
Unfederated States have never, except in respect of certain isolated appointments, developed European services of their own and their European staff has been seconded from the establishment of the Straits Settlements, or from the joint Federal Establishment. This system which allows of one member of a Malayan Service being on one establishment and another on a separate establishment, has not conduced to efficient and smooth working or to contentment within the services.

There appear to be strong grounds in the interests of efficiency and smooth working for adopting a scheme which will put all European officers in the same position, and bring the Federated States, the Unfederated States, and the Colony into line as regards the supply of European officers; and thereby eliminate the anomalies attendant on the present system of seconding. It is proposed:

(a) To create a single Malayan establishment on which all European personnel will be borne.

(b) To set up a Malayan Establishment Office in charge of an Establishment Officer who will work under the direction of an Establishment Board representative of the interests of the Colony, the Federated States, and the Unfederated States.

(c) To arrange if possible for an agreement between the Colony, the Federated States, and the Unfederated States under which all agree to employ a specified number of officers in each of the Malayan Services and jointly and severally to accept liability for recruitment charges, salaries, pensions, passage and leave expenses, etc., and for the cost of the Establishment Office.

It is obvious that a large amount of detailed negotiations will be necessary between the different Administrations before such an Office as that proposed can be set up, and I understand that the proposals are now under consideration.

Reorganization of the Supreme Courts of the Colony and the Federated Malay States.

The Supreme Court of the Colony is constituted by Ordinance and exercises within the Colony jurisdiction and authority to an extent similar to that of His Majesty's High Court of Justice in England. As the Court of Appeal it also has appellate jurisdiction.

The Supreme Court of the Federated Malay States is constituted by a Courts Enactment of the Federal Legislature and comprises the Court of Appeal and Judges' Courts.

There is at present a Judge resident in each of the Federated States except Pahang, where Assizes are held from time to time.

Under a Colonial Ordinance the Judges of the Federated Malay States are, subject to the possession of the necessary professional qualifications, Judges *ex officio* of the Supreme Court of the Colony.
and under a Federal Enactment the Puisne Judges of the Colony, but not the Chief Justice, are Supernumerary Judges of the Federated Malay States.

The Governor and High Commissioner has proposed that the separate entity of the several Federated States should be recognized by constituting a High Court of Justice for each State to take the place of the present Judges' Courts. He further proposes that in order to promote co-operation and the fullest use of the available judicial strength a single Supreme Court of Malaya should be created having jurisdiction over the Colony and the Federated Malay States with a single Chief Justice at its head. This Supreme Court would comprise a High Court of Justice in the Colony (replacing the present Supreme Court in its original jurisdiction), the State High Courts, and a Court of Appeal having jurisdiction to hear appeals from all the High Courts.

If the Unfederated States were to elect to use the services of the Court of Appeal its jurisdiction could be extended accordingly.

It is not necessary in this Report to give more than the above brief outline of the scheme which is under consideration.

I found that there was an important conflict of opinion in the Federated Malay States as to the desirability of creating a single Supreme Court with one Chief Justice for both the Colony and the Federated Malay States, and I promised to bring to the notice of the Secretary of State the representations made to me by the Bar Committee of the Federated Malay States. Both political and administrative objections have been urged against the proposal and these will certainly require the fullest examination before any change is approved.

I am aware, however, of no such substantial objections to the Chief Justice of the Colony being empowered to sit as a Judge in the Federated Malay States; and, at the time when I left Malaya, the High Commissioner contemplated getting the consent of the Rulers to the necessary amendment of the Federal Enactment to permit of this, and had decided to leave for further consideration the larger scheme which has no direct bearing on the decentralization proposals proper.

Secretariat for Chinese Affairs.

For the last twelve years there have been two separate appointments of "Secretary for Chinese Affairs"—one in the Colony and one in the Federated Malay States.

With a view to ensuring a uniform policy throughout Malaya in relation to Chinese immigration and the control of Chinese aliens, the Governor and High Commissioner has proposed the creation of a single appointment of "Secretary for Chinese Affairs" instead of the two existing appointments. Up to date the Secretaries have not exercised any direct authority over the Protectors of Chinese in the Unfederated States, but from time to time the
active assistance of the Secretary at Singapore has been sought by the State authorities when important questions have arisen, because the High Commissioner on behalf of His Majesty's Government is responsible for the ultimate control of Chinese policy throughout Malaya.

The new proposal contemplates a change, therefore, in so far as it provides for putting the "Secretary for Chinese Affairs" in the same position as the existing "Controller of Labour"* and making him the executive officer responsible to the High Commissioner for the control of the Protectors of Chinese throughout Malaya.

It has been suggested that the proposed pan-Malayan Secretary for Chinese Affairs should reside at Singapore, since it is the chief point of Chinese immigration and the chief centre of Chinese activity in Malaya. I understand that this suggestion has led to criticisms by the authorities in the Malay States who, as already indicated in this Report, are generally apprehensive of any element of administrative control from Singapore, since it is contended by them that the interests of the Malay States are not the same as those of the Colony. Again there is a further reason, viz., the fear of the strong influence that the Chinese community at Singapore may exercise.

I suggest that these apprehensions are at least exaggerated and I have no fears that the interests of the Malay States would be overlooked if the proposed organisation is adopted. The question is one, however, on which all the authorities concerned will have to be consulted, and I cannot but feel that when each Government has been shown that the proposed scheme makes full provision for the consideration of their own particular views there ought to be no difficulty in getting them to acquiesce in its adoption.

CHAPTER IX.
Summary of Conclusions and Recommendations.

CONCLUSIONS.

(i) From the purely economic point of view, it would no doubt be advisable in a country the size of Malaya to have a single Government administering the whole territory.

* The duties of the "Controller of Labour", who is of pan-Malayan status, are mainly concerned with the control of Indian immigration and of the terms and conditions of employment of Indians throughout the Peninsula: and in carrying out these duties he acts as the chief adviser and agent of the Governor and High Commissioner in dealing with various political questions which arise from the presence of such a large Indian community in Malaya. As the greater part of the Indian labour employed in Malaya is working in the Federated Malay States, the Controller of Labour resides at the Federal Headquarters at Kuala Lumpur.
There is, however, a political aspect of the problem, and there can be no question that the events of recent years have encouraged the Malay Rulers to believe that it is the intention of His Majesty's Government to arrange for a transfer to the State Governments of more control of their own affairs.

The creation of a highly centralized bureaucracy at Kuala Lumpur has been undoubtedly one of the main causes of the request on the part of the Malay Rulers for decentralization.

The maintenance of the position, authority, and prestige of the Malay Rulers must always be a cardinal point in British policy, and the encouragement of indirect rule will probably prove the greatest safeguard against the political submersion of the Malays which would result from the development of popular government on western lines.

From a political and financial point of view, there is a strong case for adopting a policy of decentralization and for gradually substituting in the Federated Malay States a genuine federal system for what has been described by the High Commissioner as the "amalgamation" that exists today.

There is no strong objection on administrative grounds to a policy of decentralization.

The closer assimilation of the position of the Rulers of the Federated Malay States to that of the Rulers of the Unfederated Malay States is obviously an essential preliminary to any scheme for promoting co-operation between the constituent parts of Malaya as a whole on matters of common interest.

Although, as I pointed out to the Rulers of Johore and Kedah, there is no intention of requiring any Unfederated State to enter against its will into a scheme of closer union, the Rulers of the Unfederated States appear nervous that some policy of this kind is in contemplation, and it is evident that they would be reluctant at the present time to agree to any closer form of co-operation than there is today. At the same time I think the Rulers would all agree that there must be many questions on which joint discussion could not but be of advantage to every constituent part of Malaya.

Time and experience alone will show (a) to what extent it will be possible to assimilate the positions of the two sets of Rulers, and (b) whether some system of periodical Durbars for discussing questions of common interest can be arranged.

The non-Malay Asiatic communities feel considerable anxiety as to the extent to which their interests may be affected by the adoption of a policy of decentralization.

The recent addition to the State Councils in the Federated Malay States of unofficial members is likely to strengthen the desire of the State Governments for more control of their own affairs.

Any changes made in the mutual relationship of the Federal and State authorities must not be such as to weaken that essential political association and joint financial responsibility on which the
prosperity of the Federated Malay States has been built up, and there can be no question of purchasing political devolution at the price of financial dissolution. The general control of finance must remain, therefore, in the hands of a central authority, on which the Rulers are represented.

(xiii) From the point of view of checking extravagant expenditure, there seems to be much to be said for handing over the control of the "spending departments" to the State Governments.

(xiv) It is argued that the State Governments have not yet had sufficient administrative experience to justify any considerable delegation of powers. Though this may be a reason for proceeding slowly, it does not appear to be a strong argument for not adopting a policy of decentralization at all.

(xv) It is argued that the transfer to State control of certain services will result in loss of efficiency and administrative difficulties in dealing with the personnel of the departments affected. With the will to make the new system a success, there need not be any great loss of efficiency. If there is it can probably be remedied, and in any case, everything points to its being the lesser of two evils.

(xvi) The abolition of the post of Chief Secretary, as it exists today, must be an essential part of any policy of decentralization, since there can be no place in any such scheme for an officer at the head of the Central Government holding such wide statutory and administrative powers as this officer does today.

(xvii) The representatives of the business communities and of the unofficial members are strongly opposed to the abolition of the post of Chief Secretary, but I think that they, together with a large number of officials who likewise fear its abolition, would not feel as strongly as they do about the matter if it were the intention to substitute in the place of the Chief Secretary an officer of reduced status who could act as the executive head of what remains of the administrative machinery for dealing with federal affairs.

(xviii) So long as there are certain questions which have to be dealt with by the federal machinery, it seems likely that it will be necessary to have an executive head of what remains of that machine, and I agree with those who take the view that it would be impossible for the High Commissioner to do the necessary coordination himself.

(xix) The view is prevalent amongst members of the business communities in the Federated Malay States that, owing to the clash of interests between those States and the Colony, the importance of having a senior officer at Kuala Lumpur who will be available to look after the interests of the Federated Malay States cannot be overestimated.

(xx) The view is widely held that due regard has not been paid to the necessity of educating public opinion as to what the proposed changes actually mean, with the result that an atmosphere of suspicion and misapprehension as to the intentions of the
Government has been created. The Rulers, Officials, and unofficials almost without exception take the view that the Government have been proposing too many changes at once, and that if a policy of decentralization is to be adopted it should be carried out very gradually, step by step.

(xx) There is a strong feeling that the interests concerned are not consulted by Government before decisions are taken, and that consequently certain aspects of the question are ignored.

(xxii) The view is widely held that owing to the slump in trade and the urgent necessity for considering retrenchment the time is an inopportune one for carrying out any material changes in the system of government to which everyone is accustomed.

(xxiii) Some people view with such mistrust what they call proposals for centralization in Singapore, that they advocate the establishment of two separate posts, one of High Commissioner at Kuala Lumpur, and another of Governor (or Administrator) at Singapore.

(xxiv) A certain amount of feeling is shown about the comparisons which have been made between the financial position today of the Unfederated States and that of the Federated States. Such comparisons are regarded as unfair in view of the benefits which it is said that the Unfederated States have received in the past at the expense of the Federated States.

(xxv) Time and experience alone will show to what extent decentralization can be carried and to what extent it will be practicable to assimilate the positions of the Rulers of the Federated and Unfederated States; and it would be unwise at the present time to attempt to dogmatize as to what can be done after the first period of four years.

(xxvii) As in the case of all bureaucracies, there has been a tendency for that at Kuala Lumpur to get more power into its hands year by year, and for the number of experts to grow and grow.

(xxviii) If the proposals for decentralization are approved a greater proportion of the time and attention of the Governor and High Commissioner is likely to be taken up with matters concerning the Malay States, and it will probably be necessary for him to spend more time in those States than has been the custom in the past.

(xxix) Various views are held as to the length of period over which the carrying out of a policy of decentralization should be spread, and these vary from as much as five to twenty-five years.

(xx) It is not necessary or desirable to consider the revision of the Treaties and Agreements until experience has shown what are to be the eventual relations between the State and Federal authorities. This is not likely to be for some considerable time.

(XXX) Too great importance should not be attached to uniformity in details and no undue pressure should be brought to bear on the Rulers of the Unfederated Malay States to conform to what is being done elsewhere unless as regards essential matters.
(xxx) In changing from a highly centralized form of Government, such as that which exists to-day at Kuala Lumpur, it is only the experience gained in the actual working of each change which will show at what pace the process should proceed.

(yyy) A period of about four years seems a reasonable one to allow for rearranging the financial relationship of the Federal and State Governments on a satisfactory basis, and also for strengthening generally the financial position of the Federated Malay States; and the first stage of decentralization might with advantage correspond with this period.

RECOMMENDATIONS.

I am of opinion:—

(a) That a definite policy of decentralization should be adopted forthwith.

(b) That the changes involved by the adoption of such a policy should be carried out very gradually.

(c) That the first stage of such a policy should cover a period of about four years, corresponding with the time required for rearranging the financial relationship of the Federal and State Governments on a more satisfactory basis than it is to-day and for strengthening generally the financial position of the Federated Malay States.

(d) That during the first stage the decentralization measures should be strictly limited to the following:—

(i) The transfer to State control of the following Departments, namely—Agricultural, Co-operative, Educational, Electrical, Forestry, Mining, Medical, Public Works, Veterinary, Prisons, and Drainage and Irrigation; with a block grant to each State to be voted by the Federal Council each year to meet the sum total of the cost of the Departments so transferred.

(ii) The setting up of an "Advisory Council" presided over by the High Commissioner and including representatives of the State Governments, to deal from the point of view of a common policy with questions which as regards detailed administration can for convenience and economy be left to the State Governments, but as regards policy will have to remain under a common control.

(iii) The transfer of the statutory and administrative powers exercised by the present Chief Secretary to the Rulers in Council in respect of those matters which are transferred to State control, and to the High Commissioner or appropriate Federal Officers (including the officer who is to replace the present Chief Secretary) in respect of those matters which are to remain federal.
(e) That during the first stage of decentralization effect should also be given to the following proposals, which are not, however, directly connected with decentralization:—

(i) The abolition of the volume of Estimates entitled "Unreserved Services".

(ii) The setting up of a Malayan Establishment Office.

(iii) A change in the system of Supplementary Estimates with a view to reducing the number and amounts of such Estimates.

(f) That it would be unwise to try to lay down precisely what further changes can be made in the direction of decentralization subsequent to the first stage referred to above (since this must depend on experience) but that they might include:—

(i) During the second stage the collection and appropriation by the States of certain of the revenues which are not required for federal purposes, with a view to making the State Governments increasingly independent.

(ii) During the final stages the transfer to the States of other sources of revenue, and the right to impose taxation so as to put them in a position to meet all their expenditure without subvention from central resources, leaving the central authority to collect and appropriate such revenues as will be sufficient for the service of the debt; meeting the recurrent expenses of the central authority; and building up an ample reserve fund.

(iii) Ultimately the abolition of what remains of the existing federal machinery and of its executive head. This, however, depends on the setting up of some new central machinery for dealing with matters of interest to Malaya as a whole and the absorption into it of what then remains of the existing federal machinery.

(g) That the question of the revision of the treaties and agreements with the Malay States is not urgent and should be regarded as a matter for the future.
APPENDIX I.

Itinerary.

1932.

October 20th    Left London.
21st     Embarked in S.S. Ranpura at Marseilles.

November 10th–13th    At Penang.
13th–15th    In Kedah with a visit to Perlis on the 14th.
15th–19th    In Perak.
19th     Visited the Dindings and embarked in the S.Y. Seabelle II sailing from Lumut in the evening.
20th     Disembarked at Port Swettenham.
20th–21st    At Klang and Kuala Lumpur (Selangor).
21st–23rd    In Negri Sembilan.
23rd–29th    At Kuala Lumpur. (Selangor).
29th–30th    Spent night at Frasers Hill.

December 1st–3rd    At Kuala Lumpur. (Selangor).
3rd ...    Day at Malacca, and entrained in the evening.
4th ...    Day at Johore Bahru and drove to Singapore in the evening.
5th–10th    At Singapore.
10th     Embarked in S.S. Ranchi for Hong Kong.
16th–21st    At Hong Kong.
21st     Embarked in S.S. Sarpedon for Colombo.
25th–28th    In port at Singapore.
29th    In port at Port Swettenham.
30th    In port at Penang.

1933.

January 3rd ...    Disembarked at Colombo.
3rd–7th    At Colombo.
8th–12th    At Nuwara Eliya.
12th–17th    At Kandy with a visit to Anuradhapura on the 14th/15th.
17th–18th    At Colombo.
18th     Embarked in S.S. Strathaird for Marseilles.

February 3rd ...    Disembarked Marseilles.
4th ...    Arrived in London.

APPENDIX II.

General description of Malaya.

The group of territories which has come to be known as Malaya comprises (a) the three Settlements of Penang, Malacca, and Singapore, which, with the Settlement of Labuan off the coast of Borneo, constitute the Colony of the Straits Settlements; (b) nine Malay States, each with its Malay Ruler, and each in treaty relations with the British authority by virtue of which their States are placed under British protection.

Of these nine States four came under British protection in the course of the years 1874-1889, viz., Perak, Selangor, Negri Sembilan, and Pahang. They subsequently in 1895 concluded an Agreement constituting their countries into a Federation to be administered under the advice of the British Government. These four States are known as the Federated Malay States. The five States which are not included in the Federation are Kedah, Kelantan, Trengganu, Perlis, and Johore. The first four, which
lie between the Federated Malay States and Siam, came definitely under British protection in 1909 when Siam transferred to Great Britain her rights over those territories. The fifth, Johore, in the south of the Malay Peninsula, had by a Treaty of 1885 confided the control of its foreign affairs to the care of Great Britain, but it was not until 1914 that an Agreement was concluded with the Sultan, under which a British officer was appointed as General Adviser with authority similar in extent to that possessed by the British Advisers in the other Unfederated Malay States.

The total area of the Malay Peninsula is approximately 50,000 square miles of which the Colony of the Straits Settlements accounts for not more than 1,144 square miles, but to the total Peninsula population of approximately 4,350,000 the Colony contributes 1,100,000 and in the two great ports of Singapore and Penang lie the main channels of international trade and communication, not only with the Peninsula but also between Europe and the Far East.

Of the total population of Malaya the Malays (including for this purpose all indigenous peoples of the Malay Peninsula and Archipelago) are by a small margin the largest element numbering 1,962,000 or 45 per cent.

The Chinese number over 1,700,000 or 39 per cent. They constitute nearly 60 per cent. of the population of the Colony of the Straits Settlements, and they form the most numerous race in the Federated States of Perak, Selangor, and Negri Sembilan as well as in the Unfederated State of Johore. In the other States they form a numerically far less important element of the population and fall to a minimum of 5 per cent. in Kelantan.

The Indians in Malaya number 624,000 or over 14 per cent. of the total population, and are concentrated chiefly in the Federated States of Perak, Selangor, and Negri Sembilan, and in the Settlements of Singapore and Penang, and in the State of Johore.

In general, it is true to say that the bulk of the Chinese and Indians, like the Europeans, go to Malaya not to make it their home, but in the hope of making a living and possibly amassing wealth with which to return to their native lands.

The main occupation of the majority of the population is agriculture. In the Report of the 1931 census it was estimated that probably one-fifth of the working population was engaged in rice cultivation. The rubber cultivation industry was estimated to occupy probably one-third of the working population, while tin mining, which is from the economic point of view the other most important producing industry, employed no more than 4 per cent.

APPENDIX III.

TREATY OF FEDERATION, 1895.

Agreement between the Governor of the Straits Settlements, acting on behalf of the Government of Her Majesty the Queen, Empress of India, and the Rulers of the following Malay States:—that is to say, Perak, Selangor, Pahang, and Negri Sembilan.

(1) In confirmation of various previous Agreements, the Sultan of Perak, the Sultan of Selangor, the Sultan of Pahang, and the Chiefs of the States which form the territory known as the Negri Sembilan, hereby severally place themselves and their States under the protection of the British Government.

(2) The above-named Rulers and Chiefs of the respective States hereby agree to constitute their countries a Federation, to be known as the Protected Malay States, to be administered under the advice of the British Government.
(3) It is to be understood that the arrangement hereby agreed upon does not imply that any one Ruler or Chief shall exercise any power or authority in respect of any State other than that which he now possesses in the State of which he is the recognized Ruler or Chief.

(4) The above-named Rulers agree to accept a British Officer, to be styled the Resident-General, as the agent and representative of the British Government under the Governor of the Straits Settlements. They undertake to provide him with suitable accommodation, with such salary as is determined by Her Majesty's Government, and to follow his advice in all matters of administration other than those touching the Mohammadan religion. The appointment of the Resident-General will not affect the obligations of the Malay Rulers towards the British Residents now existing or to be hereafter appointed to offices in the above-mentioned Protected States.

(5) The above-named Rulers also agree to give to those States in the Federation which require it such assistance in men, money or other respects as the British Government, through its duly appointed officers, may advise; and they further undertake, should war break out between Her Majesty's Government and that of any other Power, to send, on the requisition of the Governor, a body of armed and equipped Indian troops for service in the Straits Settlements.

Nothing in this Agreement is intended to curtail any of the powers or authority now held by any of the above-named Rulers in their respective States, nor does it alter the relations now existing between any of the States named and the British Empire.

The above Agreement was signed and sealed by the under-mentioned Rulers and Chiefs of the various States in July, 1895:

- His Highness the Sultan of Perak.
- His Highness the Sultan of Selangor.
- His Highness the Sultan of Pahang.
- His Highness the Yam Tuan Besar of Sri Menanti.
- The Dato' Bandar of Sungei Ujong.
- The Dato' of Johol.
- The Dato' of Jelebu.
- The Dato' of Rembau.
- The Tungku Dewa of Tampin.

APPENDIX IV.

Agreements of 1909 and 1927.

(i) AGREEMENT FOR THE CONSTITUTION OF A FEDERAL COUNCIL, 1909.

Agreement between the High Commissioner of the Federated Malay States acting on behalf of the Government of His Majesty The King, Emperor of India, and the Rulers of the Federated Malay States of Perak, Selangor, Pahang, and Negri Sembilan.

Whereas by the Treaty entered into in July, 1895, known as the Treaty of Federation the above-named Rulers agreed to constitute their countries a Federation to be known as the Protected Malay States to be administered under the advice of the British Government, and whereas the above-named Federation was duly constituted as provided in the above-named Treaty, and whereas the above-named Rulers, further desire that means should be provided for the joint arrangement of all matters of common interest to the Federation or affecting more than one State and for the proper enactment of all
(1) That on and after a date to be fixed by His Majesty a Council shall be established to be known as the Federal Council of the Federated Malay States.

(2) In the first instance the following shall be members of the Council:

The High Commissioner.
The Resident-General.
The Sultan of Perak.
The Sultan of Selangor.
The Sultan of Pahang.
The Yam Tuan of Negri Sembilan as representing the Undang of the Negri Sembilan.
The Resident of Perak.
The Resident of Selangor.
The Resident of Pahang.
The Resident of Negri Sembilan.
Four unofficial members to be nominated by the High Commissioner with the approval of His Majesty.

The absence of any member shall not invalidate any proceedings of the Council at which he has not been present.

(3) If hereafter it should in the opinion of the High Commissioner be desirable to add to the Council one or more of the heads of the various public departments, he may do so subject to the approval of His Majesty, and may in such case and subject to the like consent also nominate not more than one additional unofficial member for every official member so added to the Council.

(4) A head of a department who is nominated to the Council shall hold office so long as the High Commissioner thinks fit. Unofficial members shall hold office for three years.

(5) The High Commissioner shall be President of the Council and in his absence the Resident-General shall be President.

(5A) The Legal Adviser of the Government may attend any sitting of the Council and assist in the discussion of any legal questions which may arise in the course of its proceedings but shall not be entitled to a vote; and any head of a public department may similarly attend and assist in the discussion of any matter affecting his department but shall not be entitled to a vote.

(6) If any of the Rulers above-named is unable to be present he may nominate one of the members of his State Council to represent him. In the case of Negri Sembilan, the nomination shall be by the Undang.

(7) The Council shall meet at least once in every year at a place to be appointed from time to time by the High Commissioner.

(8) Unless the President of the Council shall certify in writing that it is a matter of urgency every law proposed to be enacted by the Council shall be published in the Government Gazette at least one month before being submitted to the Council.

(9) Laws passed or which may hereafter be passed by the State Councils shall continue to have full force and effect in the State except in so far as they may be repugnant to the provisions of any law passed by the Federal Council, and questions connected with the Mohammedan Religion, Mosques, Political Pensions, Native Chiefs and Penghulus and any other questions which in the opinion of the High Commissioner affect the rights and prerogatives of any of the above-named Rulers or which for other reasons he considers should properly be dealt with only by the State Councils shall be exclusively reserved to the State Councils.
(10) The Draft Estimates of Revenue and Expenditure of each State shall be considered by the Federal Council, but shall immediately on publication be communicated to the State Councils.

(11) Nothing in this Agreement is intended to curtail any of the powers or authority now held by any of the above-named Rulers in their respective States, nor does it alter the relations now existing between any of the States named and the British Empire as established by previous Treaties.

The above Agreement was signed and sealed by his Excellency Sir John Anderson, G.C.M.G., High Commissioner for the Federated Malay States, on the twentieth day of October, 1909, having been signed and sealed before that date by the under-mentioned Rulers and Chiefs of the Federated Malay States:

His Highness the Sultan of Perak.
His Highness the Sultan of Selangor.
His Highness the Regent of Pahang.
His Highness the Yang-di-Pertuan Besar of Negri Sembilan.
The Dato' Klana Petra of Sungei Ujong.
The Dato' of Johol.
The Dato' of Jelebu.
The Dato' of Rembau.
The Tungku Dewa of Tampin.


Agreement between the High Commissioner for the Malay States, acting on behalf of the Government of His Majesty the King, Emperor of India, and the Rulers of the Federated Malay States of Perak, Selangor, Negri Sembilan, and Pahang.

Whereas an Agreement was entered into between the High Commissioner for the Malay States, acting on behalf of the Government of His Majesty the King, Emperor of India, and the Rulers of the Federated Malay States of Perak, Selangor, Negri Sembilan and Pahang, and executed by the High Commissioner on the 20th day of October, 1909, having been executed before that date by the said Rulers, whereby it was agreed that a Council should be established to be known as the Federal Council of the Federated Malay States:

And whereas the Federal Council was duly established accordingly:

And whereas the constitution of the said Council was varied by two supplemental Agreements entered into between the same parties and executed by the High Commissioner on the 7th day of November, 1912, and the 9th day of July, 1924, respectively, having in each case been executed by the Rulers before the said date:

And whereas the parties to the hereinbefore recited Agreements desire to re-constitute the Federal Council and to define more clearly its powers and duties:

It is hereby agreed by and between the said parties as follows:

1. From the date of the execution of this Agreement the following shall be members of the Federal Council:

   - The High Commissioner.
   - The Chief Secretary to Government.
   - The Resident of Perak.
   - The Resident of Selangor.
   - The Resident of Negri Sembilan.
   - The Resident of Pahang.
   - The Legal Adviser.
   - The Financial Adviser.
   - The Principal Medical Officer.
   - The Controller of Labour.
   - The Director of Public Works.
   - The Director of Education.
One other official to be nominated by the High Commissioner.

Eleven unofficial members to be nominated by the High Commissioner with the approval of His Majesty. At least four of such unofficial members shall, if possible, be Malay, selected one from each of the States.

(2) If any unofficial member shall die or become incapable of discharging his functions as a member of the Council or be suspended or removed from his seat in the Council or be absent from the Federated Malay States or resign by writing under his hand the High Commissioner may provisionally nominate a fit person to be temporarily a member of the Council, provided that every such nomination shall cease to have effect if and when the same be disallowed, by His Majesty or on the termination of any such incapacity, suspension or absence as is hereinbefore referred to. Any provisional nomination may be at any time revoked by the High Commissioner.

(3) If hereafter it should in the opinion of the High Commissioner be desirable to add to the Council one or more heads of public departments or one or more unofficial members he may do so subject to the approval of His Majesty and to the preservation of an official majority on the Council.

(4) The official nominated by the High Commissioner under Article 1 of this Agreement and any head of a department nominated to the Council under the preceding Article shall hold office so long as the High Commissioner shall think fit, and an unofficial member shall hold office for the term not exceeding three years for which he was nominated.

(5) The High Commissioner shall be President of the Council and in his absence the Chief Secretary shall be President. In the case of an equality of votes the President shall have an additional or casting vote.

(6) The Council shall not be disqualified from the transaction of business on account of any vacancies among the members thereof; but the Council shall not be competent to act in any case unless (including the President) there be present at and throughout the meeting of the Council three members at the least.

(7) Suitable accommodation shall be provided at every meeting of the Council for any of the Rulers who may have signified their intention of being present.

(8) The Council may pass Standing Orders for the regulation of its proceedings, and may when it thinks fit suspend such Standing Orders.

(9) The Council shall meet at least once in every year at a place to be appointed from time to time by the High Commissioner.

(10) The Council shall pass all laws intended to have force throughout the Federation. Laws passed by the Council shall be enacted in the following words: "It is hereby enacted by the Rulers of the Federated Malay States by and with the advice and consent of the Federal Council," and shall be signed by each of the Rulers before coming into force, provided that the Yang di Tuan Besar of the Negri Sembilan shall sign on behalf of the Undang of the Negri Sembilan.

(11) Any law passed or which may hereafter be passed by a State Council shall continue to have full force and effect in such State except in so far as it may be repugnant to the provisions of any law passed by the Federal Council.

(12) Estimates of revenue shall be submitted to the Council and all expenditure shall be sanctioned by the Council by resolution or supply bill; provided that the Council may by resolution allocate to each State every year a lump sum to be expended without further
reference to the Council on such services as the Council may from
time to time determine.

(13) Subject to the provisions of Article 12 questions connected
with the Mohammedan Religion, Mosques, Political pensions, Native
Chiefs and Penghulus and any other questions which in the opinion
of the High Commissioner affect the rights and prerogatives of any
of the Rulers or which for other reasons he considers should properly
be dealt with only by the State Councils shall be exclusively reserved
to the State Councils.

(14) Nothing in this Agreement shall affect the validity of any
act done or law passed by the Federal Council as constituted before
the execution of this Agreement.

(15) Nothing in this Agreement is intended to curtail any of the
powers or authority now held by any of the Rulers in their respec­
tive States, nor does it alter the relations now existing between any
of the States named and the British Empire as established by pre­
vious Treaties.

In witness whereof the parties hereto have signed the present
Agreement and have affixed their Public Seals thereto.

Done at Kuala Lumpur, the 21th day of April, 1927:—

(Here follow the signatures and seals of
His Excellency Sir Laurence Nunns Guillemard, G.C.M.G.,
K.C.B.
His Highness Paduka Sri Sultan Iskandar Shah, K.C.M.G.,
K.C.V.O., ibni Idris, Sultan of Perak.
His Highness Ala’iddin Suleiman Shah, K.C.M.G., ibni
Almerhum Raja Muda Musa, Sultan of Selangor.
His Highness Muhummad, K.C.M.G., K.C.V.O., ibni Almer­
hum Yam Tuan Antah, Yang di per Tuan Besar of Negri
Sembilan.
His Highness Almoktasim Billah Al Sultan Abdullah,
K.C.M.G., ibni Almerhum Al Sultan Ahmad, Sultan of Pahang.
Manor bin inchc Kassim, C.B.E., Datoh Klana Petra of
Sungei Ujong.
Kamat bin Leman, Datoh Penghulu of Johol.
Abdullah bin Panglima Muda, Datoh Penghulu of Jelebu.
Abdullah bin Haji Dehan, Datoh Penghulu of Rambau.
Tengku Mohamed bin Tangku Dewa, Tengku Besar of
Tampin).

APPENDIX V.

Summary of Proposals* of High Commissioner for Decentralizing
Departments.

(i) Agriculture, Drainage and Irrigation, Education, Electricity, Forestry,
Minning, Prisons, and Veterinary.

The arrangement that is proposed for decentralizing the above Depart­
ments is designed to meet the case of those Departments of which the senior
officer stationed in each State is of comparatively junior rank. Under this
arrangement

(a) The Head of the Department is to be styled "Adviser."

* The proposals explained in this Appendix differ in some respects from
those adumbrated by the High Commissioner at the Sri Menanti Durbar in
1931; e.g., the Drainage and Irrigation Department at that time was part
of the Public Works Department and the Prisons Department was not
mentioned.
(b) The Adviser's powers as a federal officer in respect of the various States are to be advisory and inspectoral only, his executive powers being confined to federal property and institutions.

(c) The Adviser is to have executive authority in the various States, but to derive it from each State Government and not from the Federal Government as at present; the authority being vested in the Adviser personally by written warrant from each State Government under the hand of the Ruler in Council.

(d) The word "Deputy" is to be placed before the title of the senior officers of these Departments stationed in each State in cases where the existing title denotes independent charge, so as to make it clear that the Adviser is himself the chief executive officer.

(e) The Adviser as the chief executive officer is to be responsible to the State and not to the Federal Government for all executive action taken by his Department in the State.

(f) The Adviser (in his federal advisory capacity) is to retain the right to initiate correspondence with both the Federal and State Governments on any matters affecting the activities or policy of his Department.

(g) As Advisers the Heads of these Departments are to retain all the powers of visiting and inspection within the Federated Malay States that they now possess. The consent of each State Government to such visits will be general, and all that a visiting Head need do is to apprise the State Secretariats in good time of such visits. The Adviser will take pains to make the personal acquaintance of each Ruler.

(ii) Public Works and Medical.

The arrangement for the decentralization of these two Departments differs from that proposed for the other Departments in so far as it does not include the retention of executive functions in the Federated Malay States by the Head of the Department. The proposals provide for:

(a) The abolition of the particular posts of Director of Public Works, and Principal Medical Officer, Federated Malay States.

(b) The creation of the appointments of "Director of Public Works, Straits Settlements, and Adviser on Public Works, Malay States," and "Director of Medical and Health Services, Straits Settlements, and Adviser on Medical and Health Services, Malay States." The headquarters of these officers will be at Singapore.

The duties of each of the "Director-Advisers" in so far as concerns the Malay States will be amongst other things to supervise European personnel, to effect the transfer of officers after consultation with the administrations concerned, to pay periodic visits of inspection to each State and report the result to the Government concerned, to give advice on any matter referred to him by the Head of his Department in a State or by a State Government and keep the State Governments concerned informed of any interesting developments in other States, to compile a manual of instructions on purely professional or technical (as distinct from administrative) matters, and to ensure the proper administration of joint institutions.
Note on the work of the Board and Statement of Research and other Grants approved by the Secretary of State from July, 1926, to March, 1932. Cmd. 4121. 9d. (10d.).

Fruit Supplies in 1930. (E.M.B. 38.) 1s. (1s. 3d.).

Changes in the Demand for Butter. (E.M.B. 39.) 1s. (1s. 1d.).

Report on Development of Agriculture in the Bahamas. (E.M.B. 40.) 1s. (1s. 2d.).

A Preliminary Report on an investigation into the Control of West Indian Insect Pests. (E.M.B. 42.) 1s. (1s. 5d.).

Recent Advances in Pasture Management. (E.M.B. 43.) 1s. (1s. 2d.).

Dairy Research. (E.M.B. 44.) 1s. (1s. 2d.).

Transport and Storage of Bananas with special reference to Chilling. (E.M.B. 45.) 1s. (1s. 2d.).

British Empire Hardwoods from the point of view of Turnery. 2s. (2s. 2d.).

Wool Quality: A Study of the Influence of various contributory factors, their significance and the technique of their measurement. Cloth. £1 1s. (£1 1s. 9d.).

Australian and New Zealand Fruit Shipments. Report of an investigation into the deterioration in transit of Imported Australian and New Zealand Fruit, 1927-30. (E.M.B. 46.) 1s. (1s. 2d.).

Banana Breeding at the Imperial College of Tropical Agriculture. (E.M.B. 47.) 1s. (1s. 2d.).

Imperial Sugar Cane Research Conference, 1931. Report of Proceedings. 2s. 6d. (2s. 11d.).

Further Changes in the Demand for Butter, July, 1928, and July, 1931. Report of an Investigation into the Retail Marketing of Butter in Nottingham. (E.M.B. 48.) 1s. (1s. 1d.).

Fruit Supplies in 1931. (E.M.B. 49.) 1s. (1s. 3d.).

The Demand for Honey. (E.M.B. 50.) 1s. (1s. 2d.).

Milk Price Margins. A Report on the Differences between Producers' Prices, Wholesale Prices and Retail Prices of Liquid Milk in certain Large Cities in Different Countries. (E.M.B. 51.) 1s. (1s. 2d.).

Dairy Produce Supplies in 1931. (E.M.B. 52.) 1s. (1s. 3d.).

Empire Marketing Board. May, 1931, to May, 1932. (E.M.B. 53.) 1s. (1s. 3d.).

Survey of Vegetable Oilsseeds and Oils. Vol. I. Oil Palm Products. (E.M.B. 54.) 1s. (1s. 4d.).

Canned and Dried Fruit Supplies in 1931. (E.M.B. 55.) 1s. (1s. 3d.).

The Demand for Canned Vegetables. (E.M.B. 56.) 1s. (1s. 1d.).

Wool Survey. A Summary of Production and Trade in the Empire and Foreign Countries. (E.M.B. 57.) 2s. (2s. 6d.).

Cattle Breeding in Jamaica and Trinidad. (E.M.B. 58.) 1s. (1s. 2d.).

The Storage of Tropically-grown Tomatoes. (E.M.B. 59.) 1s. (1s. 2d.).

Control of Wastage in Bananas, with special reference to Time and Temperature Factors. (E.M.B. 60.) 1s. (1s. 4d.).

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G.C.M.G., K.C.B., K.B.E.,
Permanent Under-Secretary of State
for the Colonies on his
VISIT TO MALAYA
1932

Presented by the Secretary of State for the Colonies
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