

GOVERNMENT LEGISLATION FOR CHINESE SECRET SOCIETIES IN THE STRAITS SETTLEMENTS IN THE LATE 19TH CENTURY

CHENG SIOK-HWA

Before dealing with the various legislative enactments passed by the government in the attempt to solve the extremely difficult and complex problem posed by the existence of secret societies, it would be necessary for a better understanding of the issues involved to describe briefly the origin, development, and nature of Chinese secret societies in the Straits Settlements.

The Chinese had been coming down from China to this region since remote times, but it was only during the first half of the nineteenth century that the stream of Chinese immigrants grew into a flood due to the conditions of security, increased trade, and economic growth accompanying the introduction of British administration in the Straits of Malacca. Other factors causing the influx were the disturbed internal conditions of South China itself and the opportunities for profit offered by the nascent tin mining industry of the west-coast Malay States. The powerful immigrant flow meant that the Chinese population in the Straits Settlements became increasingly important.¹ Still, there was no direct contact between the British Government and the mass of the Chinese people.

During the period of the East India Company's rule in the Straits the main concern of the British administration was the development of trade. The Chinese were left to their own devices and it was only when fights and riots broke out, endangering life and property and impeding the conduct and development of trade, that the British Government began to realize the urgent need to control the Chinese. Even then the administration lacked the means to do anything effective. An essential requisite of effective control was knowledge of the Chinese, their language and customs; but until 1871 there was no European Government official with a sufficient knowledge of the Chinese.² In addition, the small police force was inadequate for the task; for example, the whole police force in 1831 numbered eighteen for a population of 16,000.³

¹ For example, in Singapore, the Chinese population numbered in 1824, 3,317 (31.0%) out of a total population of 10,683; in 1840, 17,179 (50.6%) out of a total population of 33,969; and in 1860, 50,043 (61.3%) out of a total population of 81,734.

² In 1871, W. A. Pickering was appointed the first European to be Chinese Interpreter to the Government of the Straits Settlements.

³ C. V. Buckley, *An Anecdotal History of Old Times in Singapore: 1819-1867* (Kuala Lumpur, reprint 1965), p. 213.

For these reasons the British left the Chinese very much alone, a condition which, together with the Chinese propensity for associations, led to the establishment of self-governing secret societies. The Chinese immigrants came from the provinces of South China, notorious for clannishness and turbulence. They brought with them their regional antagonisms and rivalries, and the resultant friction led to an increased tendency to organize separate and exclusive associations. Their turbulence, recklessness, and lawlessness increased in the new land where they were without the restraining influence of women and elderly Chinese. There were many criminals, political refugees, and paupers among them, and almost all the immigrants were sojourners who intended to return to China as soon as they had acquired some money. It would, therefore, have been an extremely difficult task for any government to control the Chinese. Another factor added to the difficulty. Coming from the lowest stratum of society, the immigrants had too often come into contact with Chinese governmental corruption, extortion, injustice, and misrule. So they came with a strong innate prejudice against constituted authority. Taking all these factors together, it is not surprising, therefore, that on their arrival here the Chinese should combine themselves into powerful, self-governing secret societies.

The societies were branches of the Tien-ti Hui (known also as the Triad Society, the Hung League, and the Ghee Hin Society) whose origins were shrouded in antiquity and which, after the Manchu conquest of China in 1644, had the purpose of overthrowing Manchu rule in China and re-establishing the Ming Dynasty.⁴ Outside China, however, the main object ostensibly was combination for mutual benefit in times of poverty, sickness, and death. These aims were harmless enough, but in reality the societies also provided for mutual support against any inconvenient consequences of law-breaking. Thus thieves, pirates, murderers, etc., who belonged to the societies, were sheltered from arrest and helped to escape. Obnoxious prosecutors were made to disappear and witnesses directly threatened until they denied all knowledge of incriminating evidence. In short, the secret societies brought justice to nought and formed a virtual *imperium in imperio*. Moreover, they used force, terrorism, extortion, and blackmail to establish a reign of terror over the people; and on the slightest provocation—a dispute over the takings of a brothel, a fight between two men belonging to rival societies—a full-scale riot might break out.⁵

Doubtless, such a state of affairs should not be tolerated by any self-respecting administrative body. But until 1867, the Straits Settlements Gov-

⁴ For an account of the origins, organization, rituals, etc., of secret societies, see Leon Comber, *Chinese Secret Societies* (New York, 1959) and M. L. Wynne, *Triad and Tabut* (Singapore, 1941).

⁵ In fact, society headmen encouraged riots since these occasioned the levying of extra subscriptions supposedly to pay lawyers and false witnesses and to support the families of those killed, sentenced to death, or imprisoned. However, much of the money collected went into the pockets of the headmen. See R. N. Jackson, *Pickering, Protector of Chinese* (Kuala Lumpur, 1965), pp. 51-52.

ernment had no power to legislate against secret societies, since that power lay in the hands of the Supreme Government in India, which unfortunately was ignorant of the nature of the problems in the outlying Straits Settlements. With the transfer in 1867 of the Straits Settlements from the India Office to the Colonial Office,⁶ the Straits Settlements Government acquired the right to legislate fully for the needs of the Colony. At about the same time, in 1866, G. Schelegel's work on the Tien-ti Hui supplied the much-needed information about the very complicated working of the Triad Society. Further insight was provided by the Report of the Commissioners on the Penang Riots of 1857.

In 1867, the Dangerous Societies Suppression Ordinance was passed.⁷ The title of the Ordinance is misleading, for the practical result of the Ordinance was not suppression but formal registration. In fact, the Ordinance inaugurated a period of unrestricted registration from 1870 to 1881. This system of registration necessarily involved some recognition of the secret societies. W. A. Pickering, who became Head of the Chinese Protectorate when it was established in 1877, wrote in an article in *Fraser's Magazine* for August, 1876, that in his opinion the Ordinance of 1869 was not effective as a measure to control the secret societies, and "the opinion of every respectable Chinese in the Straits Settlements is that the recognition of the Triad Society is a disgrace to our Government."

In practice, the system of registration proved a farce as oaths, rules, and membership lists were faked to mislead the authorities. "Men of straw" were put up so that the real "wire-pullers" were not known and the activities of the secret societies continued as in the past while their membership continued to grow. Registration was also a failure in putting a stop to riots for in Singapore alone, where control could best be exercised, riots broke

⁶ One reason for the transfer was the discontent of the local European mercantile community regarding the lack of an officially determined policy towards the secret societies.

⁷ The main features of the 1869 Ordinance were:

- (1) All societies and associations of ten or more persons, except commercial companies and lodges of British freemasonry, must register.
- (2) If any society, whether registered or not, should appear to the Governor to have an illegal object or to be likely to prove dangerous to the public peace, it could be called upon to furnish the following particulars:
 - (i) Name, address, and occupation of all office-bearers and all members.
 - (ii) Copy of rules, orders, instructions, by-laws, and regulations of the society.
 - (iii) Statement of all payments required of members and the sources of all income of the society.
 - (iv) Copy of all engagements, obligations, or promises taken and given, proposed, or tendered by members.
 - (v) Explanation of all signs and pass-words used by members.
 - (vi) Description of ceremonies used by the society.
 - (vii) Particulars of every proposed change, alteration, or addition to the above.
- (3) The Registrar was given power to refuse registration when the above particulars were of a warlike or aggressive character or showed an illegal purpose.
- (4) The Governor could require bonds with two sureties up to one thousand dollars from the manager or office-bearers of any society registered under the Ordinance.
- (5) The administration of oaths of any kind was prohibited.
- (6) Notice of meetings of any registered society was to be given to the Registrar.

out in 1870, 1871, 1872, 1874, and 1876, the last-mentioned being particularly serious as it was an anti-government riot.

In 1870, 1872, and 1877 amendments were passed to strengthen the 1869 Ordinance, but it was found that secret-society influence was far from abating. After ten years of an unsatisfactory registration system, Pickering in his annual report on the Chinese Protectorate, 1879, wrote that under the 1869 Ordinance there was no provision for the suppression of a society once it had been registered. He stressed the need for another amendment which would give the Governor power to suspend or cancel the registration of any society which proved to be dangerous to the public peace. The situation was made worse by the increased participation in secret-society activities of Straits-born Chinese and Malays who, because they were non-banishable, became extremely bold.⁸

Ordinance IV of 1882 amended and re-enacted the 1869 Ordinance such that membership of registered secret societies was confined to immigrant Chinese; non-banishable persons would be prevented from becoming members. Malay secret societies—the Red Flag Society and the White Flag Society—and all societies counting non-banishable persons or persons of non-Chinese descent as members, were declared unlawful societies. Another Ordinance clause provided for the suppression of registered societies which proved to be dangerous.

In March, 1884, Sir Cecil Clementi Smith, the Colonial Secretary, assumed the administration of the government when the Governor went on leave. Equipped with his intimate knowledge of the Chinese language and customs, acquired through sixteen years' service in Hong Kong,⁹ he at once set about tackling the secret-society problem. Although only a *locum tenens* he attempted to strengthen Ordinance IV of 1882 by an amendment which empowered the Government to list in a gazette the names of Chinese secret societies and to outlaw membership in these secret societies with the penalty of a fine or imprisonment or both, except for China-born Chinese. The draft Bill was sent to the Secretary of State for the Colonies, Lord Knutsford, who replied that it would simplify matters if the Bill could provide for the suppression of all societies shown to be dangerous to the public peace, instead of making a separate case for China-born Chinese.¹⁰ Smith agreed that the policy of total suppression was most desirable but he realised that the practical difficulties involved were too great due to the lack of a sufficiently qualified staff. He wrote to Knutsford that he had consulted the Executive Council and those best able to judge, i.e., the Heads of the Protectorate and the Police, and they had expressed their unanimous opinion that the time had not yet arrived for such a policy. He added:

⁸ Wynne, pp. 389-91.

⁹ Smith was in Hong Kong from 1862 to 1878, first as cadet undertaking full-time training in the Chinese language, then as Head of the Chinese Department, and subsequently Colonial Treasurer.

¹⁰ *Open Despatch from the Colonial Office to the Governor No. 229, August 19, 1884.*

Although, therefore, personally anxious to take the earliest opportunity for getting rid of what is a blot on the reputation of the Colony, I am not prepared to recommend the adoption of any such course as the general suppression of so-called Dangerous Societies, but on the other hand I am wholly in favour of drawing the reins tighter and tighter, so that with improved and strengthened Government Departments it may be found possible at no distant date to adopt stronger measures than are now expedient.¹¹

In the face of these objections, Knutsford withdrew his counter-proposals and the Bill, as originally drafted by Smith, was passed as Ordinance IV of 1885. Within a few months, however, it was realised that the Ordinance did not produce the desired effect, for the secret societies continued their nefarious activities. Their membership increased alarmingly;¹² the Straits-born Chinese, Malays, and Indians secretly continued to take part in society activities; and the suppressed societies simply re-appeared again under different names or went underground.

In October, 1887, Sir Cecil Smith was appointed Governor of the Straits Settlements on the retirement of Sir Frederic Weld. Smith was the first Governor of the Colony with an intimate, first-hand knowledge of the Chinese, and he at once got down to the problem of secret societies. The attack on Pickering a few months before Smith's arrival perhaps focused his attention on this "challenge to Government." This attack, which took place in July, 1887, was a very ferocious attempt to murder Pickering by a member of the Ghee Hok Society. It was thought that the attack was due to Pickering's action in getting the Gambling Commission appointed in 1886 to find means of suppressing gambling, a source of much profit to secret societies.¹³

On June 20, 1888, Smith wrote a long despatch to Knutsford recommending a policy of total suppression and attached a draft Ordinance to put this policy into effect. Smith wrote:

The policy adopted up to this time as regards these societies is one that I have never ceased to regret since my first connection with this Colony ten years ago, for I believe it to be a weak policy, and most detrimental to the public interest Of this I feel quite confident that the complete suppression of the Secret Societies must be, at one time or another, carried out, and the longer it is delayed, the more difficult will be the task, and the more serious will be the conflict between the Government and the Societies.¹⁴

In his long and informative despatch to the Colonial Office regarding

¹¹ *Open Despatch from the Governor to the Colonial Office No. 502*, November 17, 1884.

¹² In Singapore alone, membership of Chinese secret societies grew from 49,000 in 1885 to 65,000 in 1888. *Straits Settlements Legislative Proceedings*, February 7, 1889.

¹³ Wynne, however, contended in his *Triad and Tabut*, p. 372, that the attack was an attempt by the Ghee Hok Society or Tokong to damage the prestige of the rival Ghee Hin Society or Triad of which Pickering was an "honorary" member. W. L. Blythe, in the preface to the same work, disagreed with Wynne's thesis.

¹⁴ *Open Despatch from the Governor to the Colonial Office No. 292*, June 20, 1888.

the suppression of Chinese secret societies, dated June 20, 1888, Smith pointed out that previous legislation—the 1869 Ordinance together with subsequent amendments—had failed to achieve control over the societies. He quoted extracts from the reports of the Inspector-General of Policy, Colonel Dunlop, and the Protector of Chinese, W. A. Pickering, to point out the dangerous nature of the secret societies and their capacity for creating trouble. Pickering, in his 1887 report, recommended that the Ghee Hok Society, in particular, should be suppressed, and that it was time the Government used all possible means towards the gradual abolition of dangerous societies throughout the colony. Upon this recommendation, Dunlop wrote the following:

I have given this matter my most serious consideration, and I submit that the time has come for Government to suppress entirely Chinese Dangerous Societies. It may be possible to do it piece-meal, as suggested in this letter, but in my opinion it would be better to make bold stroke and suppress all the existing Dangerous Societies at once.¹⁵

Smith advanced his arguments for the complete suppression of secret societies. First, he pointed out that these societies were prohibited in China, the Dutch colonies, Hong Kong, and the Protected Malay States. In short, only in the Straits Settlements were they allowed “to exist, to flourish, and to increase in number and power—a standing menace to all good government, and a great scandal to British administration.”¹⁶ Second, the government was now better equipped to cope with the problem than in 1869 when the first Ordinance dealing with the societies was passed. At that time there was not a single officer of the government who had any knowledge of the Chinese language and customs. Since 1871 the government had enjoyed the valuable service of Pickering, and the Chinese Protectorate had developed till it was second to none in importance. There were also other officers trained in the Chinese language as well as in public service.¹⁷ In Smith’s opinion the government was strong enough to “give to the Chinese inhabitants a real and honest protection in lieu of that protection which they believe they obtain by joining a Secret Society.”¹⁸ Third, the activities of the Chinese secret societies were not confined to the Straits Settlements but extended to the Malay States and Siamese territory so that disturbances in these territories might affect the peace of the Straits Settlements and vice versa.

Fourth, he argued, an *imperium in imperio* had no place in a properly administered colony. It was a most intolerable situation in which officers

¹⁵ *Ibid.*, paragraph 7.

¹⁶ *Ibid.*, paragraph 11.

¹⁷ In 1888 there were ten government Officers who had qualified in Chinese and therefore could deal with the Chinese without interpreters, while three more were studying. “List of Straits Settlements Officers Who Have Qualified Or Are Now Qualifying in Chinese,” *Straits Settlements Legislative Council Proceedings, 1888*, p. C-67.

¹⁸ *Open Despatch from the Governor to the Colonial Office No. 292, June 20, 1888*, paragraph 13.

of the government had to depend on the assistance of headmen, who gave or withheld assistance according to their own interests, for the detection of crime, the arrest of accused persons, and the control of large numbers of Chinese during some temporary excitements such as a riot. Smith urged: "The Government must be the paramount power, and it is not so in the eyes of many thousands of the Chinese in the Straits Settlements."¹⁹

Smith, therefore, framed the Societies Bill to suppress dangerous societies altogether. Briefly, the main features of the Bill were:

- (1) No society could register without the previous approval of the Governor in Council;
- (2) No society could lawfully exist unless registered;
- (3) The Governor in Council could order the dissolution of all the existing secret societies; and
- (4) Arrangements were made for the prosecution of unlawful societies and their office-bearers and members.²⁰

When the Bill became known in government circles, the Protector of Chinese and the Inspector-General of Police voiced their opposition. Pickering alleged that neither he nor Dunlop had been consulted in the drafting of the Bill, although Smith claimed that they had held many discussions on the subject. In July, 1888, Pickering and Dunlop wrote a joint letter of protest to Knutsford, stating that their chief objection to the Bill was that, if it were passed as it then stood, they would lose all control over the 165,000 registered members of Chinese dangerous societies. The Bill did not provide for an alternative to the "control already existing." Pickering and Dunlop suggested some amendments which would make the Bill workable, and a later date when total suppression could be attempted.²¹

Their protests however did not deter Smith from proceeding with his scheme. Knutsford regretted that Pickering and Dunlop "have somewhat modified the view which they formerly expressed on this subject"; but, apart from informing Smith to "carefully consider the best means of dissolving the societies . . . and before taking action decide upon the measures to be adopted after suppression, for the management of that portion of the Chinese population which require control,"²² Knutsford took no further notice of the letter. For this treatment, Pickering and Dunlop could only blame themselves for the inconsistent advice they had given the government over the last few years as to the best means of controlling the societies. At one time they had advocated complete suppression; now their stand had

¹⁹*Ibid.*, paragraph 12.

²⁰The above principal points of the Bill were mentioned in *ibid.*, paragraph 14. There is no trace in government records of this Bill or of the amendments suggested by Pickering and Dunlop, nor of other amendments made before the Bill became law.

²¹Pickering and Dunlop's letter to the Colonial Office dated July 9, 1888, enclosed in *Governor's Despatch No. 347*, July 30, 1888. In January, 1889, while on sick leave in London, Pickering wrote a long, not very coherent letter (enclosed in *Confidential Despatch from the Colonial Office to the Governor*, January 25, 1889) against the Bill, but the Colonial Office did not pay much attention to it.

²²*Colonial Office Despatch No. 342*, October 22, 1888.

changed, and they were content to advocate a long-term policy of gradual abolition, spread over a number of years, and the continuation of the system of registration and control. In contrast to this vacillating attitude was Smith's consistent and definite policy of total suppression.

Knutsford, however, did not accept all that Smith put forward. He thought that the Hong Kong method of legislation was preferable to that proposed by Smith.²³ The Hong Kong Ordinance of 1887 declared dangerous societies to be unlawful while Smith proposed the roundabout process of empowering the government to refuse registration to any particular society, thereby outlawing all unregistered societies. The difference was that under the Hong Kong Ordinance the government had to prove that the character and objects of a society were unlawful to ensure conviction, whereas Smith's scheme threw the onus of proving its innocence on the society itself.

At this time the Attorney-General, J. W. Bonser, was in England on leave. Knutsford learned from him that in his opinion Smith's scheme would be more effective. Knutsford then directed Smith and his Executive Council to consider which procedure would be effective while at the same time producing the least friction and danger of opposition. The Executive Council unanimously agreed that the Hong Kong Ordinance would not be so applicable to the circumstances of the colony as the draft Bill.²⁴

In February, 1889, the Bill was introduced to the Legislative Council. There was a long debate which extended over two sittings. Every member with the exception of the Auditor-General took part. Though all voted against the Bill, the unofficial members did not present a united opposition. Some opposed the principle of total suppression while others approved of total suppression but objected to the manner in which it was to be effected.²⁵ Despite this opposition the official vote carried the Bill.

Before the Bill became law there were some delays caused by the memorial sent by the powerful Ghee Hin Society of Penang to Knutsford, begging his "kind intercession" on their behalf. The memorialists emphasized the good work done by the Society among the poor and sick, but of course ignored entirely their less commendable activities. They claimed that the headmen helped the government control the Chinese population, and they challenged the government to find a better substitute which would help control the masses of the Chinese population. They even went so far as to declare that, legislation or no legislation, the societies would continue to flourish as actively as ever, for "it is in the nature of the Chinese to run together into secret associations," and that the result of suppression would be "the existence of really secret bodies made hostile by legislation,

²³ *Ibid.*

²⁴ *Governor's Despatch No. 52*, February 9, 1889.

²⁵ *Straits Settlements Legislative Council Proceedings*, February 7, 1889 and February 8, 1889.

with leaders proscribed and irresponsible to the authorities which [sic] can neither be controlled nor utilized."²⁶

Smith reported on this memorial:

This society is the most dangerous in the whole of the Straits Settlements. The evil influence of the Society is so great that the little good done by its subscriptions to charitable objects must be shut out of all considerations when steps necessary for the peace and good order of the Colony have to be taken.²⁷

Knutsford accepted Smith's representation and gave his sanction to the Ordinance. Thus Ordinance I of 1889, entitled "An Ordinance to Amend the Law Relating to Societies," came into force on January 1, 1890, with six months' grace for the secret societies to wind up their affairs and dispose of their property and funds.

The main provisions of the *Societies Ordinance, 1889* were:

- (1) All associations of ten or more persons were defined as "societies," except companies, businesses, and Freemasons' lodges.
- (2) All societies must be registered to be lawful. Unlawful societies could be prosecuted.
- (3) The Governor in Council could exempt any society or class of societies from registration.
- (4) Approval for registration did not make a society lawful, if the purposes and objects of the society were unlawful.
- (5) The Governor in Council could order the dissolution of any registered society by *Gazette* notification.

At the same time the government considered the setting up of a Chinese Advisory Board in each of the Settlements: to take over the useful, beneficial, and unobjectionable functions of the secret societies, such as giving advice and assistance to the government on matters especially relating to the Chinese community; to make known views on any new measure that might be introduced by the government; and to conduct arbitration between members of the Chinese community. Each Board was to consist of an approximately proportionate representation of the various Chinese dialect groups in the Settlement. The Protector or Assistant Protector of Chinese was to be an *ex-officio* member. These Boards were instituted in December, 1889, and proved a great success from the outset. Thus, many among those who had opposed the policy of total suppression were won over. The *Singapore Free Press* in its editorial column said that the confidence of the European population in the expediency of the policy was to a great extent secured by the "apparent alternative and preferable machinery that the new Board gives us."²⁸

In the first report on the progress of the Ordinance, Smith wrote to the Colonial Office that in Singapore the headmen and managers of all the ten

²⁶ "Memorial of the Penang Ghee Hin Society," with covering letter dated December 31, 1888, enclosed in: *Colonial Office Despatch* No. 52, February 15, 1889.

²⁷ *Governor's Despatch* No. 116, March 22, 1889.

²⁸ *Singapore Free Press*, January 13, 1890.

dangerous societies had delivered up their seals, flags, books, etc., and were quietly making plans to dispose of their property. In Penang, too, things went on smoothly. Smith concluded his report rather optimistically:

Thus, in short, all the Dangerous Societies in Singapore and Penang have been suppressed . . . , the operation of the law for suppressing the Dangerous Societies has been satisfactorily carried into effect, and the Colony has, by means of the law and the way it has been utilized, thus got rid of all the secret associations connected with the Chinese which have been for so many years fraught with evil to the public welfare.²⁹

The Annual Reports of the Chinese Protectorate in the years following 1889 also seemed to indicate that all was well, that the Ordinance was working smoothly, and that the condemned societies, after quietly winding up their affairs, were content to disappear altogether.

The above discussion, of course, gives only the official picture of suppression. The real position was far different. By declaring eligible for exemption from registration the societies formed for recreation, charity, religion, and literature, the Ordinance left the dangerous societies a loophole for survival. In the following years many of these apparently innocuous social and religious clubs and associations were really false fronts for underground secret activity. When the illegal nature of such associations was discovered, they were suppressed, but they could always reappear again under a different name or guise, so that a perpetual game of "same-man-different-hat" was played.³⁰

The official dissolution of the dangerous societies led to the breakdown of the large societies into "koon" or small gangs of thugs. Each gang had its own exclusive sphere of operation in which it claimed the sole right to levy tolls, collect protection money, and organize criminal rackets. These were the forbears of the gangs that roam the streets today.

However, it could be asserted that the breakdown of the few large societies into numerous small rival gangs lessened the discipline and power of the secret societies. Eventually, by the early 1920's it could be said that the once mighty Triad had become nothing more than gangs of street hooligans levying petty toll on shopkeepers, hawkers, brothels, gambling and opium dens. Occasional fights over boundaries of a "protection area" broke out, but the large-scale secret-society riots of the pre-1889 Ordinance period were things of the past.

The Societies Ordinance (1889) in force today is still basically the main legislation against secret societies throughout Singapore and West Malaysia, despite numerous amendments. Although it is far from eliminating the secret-society problem, it greatly lessens it. In fact it looks as though no completely satisfactory solution can ever be found. To quote Wynne:

The inherent weakness of toleration is encouragement; of registration, recognition; and of suppression, evasion.³¹

²⁹ *Governor's Despatch No. 111*, March 14, 1890.

³⁰ Wynne, *op. cit.*, p. 429.

³¹ *Ibid.*