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Title of paper

Urban Growth and Municipal Development in Colonial Port-town Penang 1786-1830

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Urban Development**

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Urban Growth and Municipal Development in Colonial Port-town of Penang 1786-1830

By

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Penang's early municipal history is poorly documented and there are few records available to make a closer study possible. Penang, one of many EIC colonies in the East, was first headed by a Superintendent (Francis Light, from 1786-1794), then by a Lieutenant-Governor (the first being George Leith 1800-1803)¹, and finally by a Governor in 1805². In the early period, the EIC establishment in Penang was very small, consisting of Francis Light as Superintendent, J. Gardyne as storekeeper, Mr. Bacon, as monthly writer, Adam Ramage as Beachmaster, Long, a Malay writer and Nakhuda Kecil who was the security guard³. All official correspondence was sent from Penang to Calcutta and then from there to London for the final decision⁴. Although the British gained possession of the settlement in 1786, it was not until August 1794 that the Superintendent, Francis Light, was issued with a set of instructions on legal matters by the Governor-General in Council in Calcutta. These instructions constituted the first regulations for

¹See, for example, "Notices of Pinang", *JIA*, vol 5, 1851, pp. 400-429.

²In September 1805, a new administration was formed for Penang, headed by a Governor and Council. Phillip Dundas was appointed as Governor and Treasurer. Governor Dundas had previously served in the Bombay marine and had been Master Attendant there. A nephew of Lord Melville, he was selected for the post of Governor of Penang because of his knowledge and experience of nautical affairs, qualifications suited to the aim of turning Penang into a naval depot and ship building port. Governor Dundas was assisted by his Council. At that time, the first and leading officer was John Hope Oliphant, the Warehouse Keeper and Paymaster. He was allowed a commission of 3% on sales of Company's goods and his income, including his commission, was to be revised annually. The second was Alexander Gray, Superintendent and Paymaster of marine, and a naval and military storekeeper. He was also allowed the same commission in addition to his salary. The third was Colonel Norman Macalister. The other officers included Henry Shephard Pearson, who was the Council secretary; Thomas Raffles, assistant secretary; James Phillip Hobson, Accountant and auditor; William Robinson, Assistant accountant; Quintin Dick Thomson, Sub-warehouse-keeper and paymaster; W.E. Phillip, Collector of customs and land revenue; John Erskrine, Assistant to the Superintendent and storekeeper of marine and marine paymaster; William Dick, Surgeon; and 2 Assistant Surgeons and 10 writers. For further reference, see, "Notices of Pinang", *JIA*, Vol. iv, 1852, pp.18-22.

³See, "Notices of Pinang", *JIA*, Vol. iv, 1850, p. 661. See also A.M. Skinner, "Memoir of Captain Francis Light", pp. 1-17.

⁴C.H. Phillips, *The East India Company 1784-1834*, p. 8. Phillips points out that "...each week the court of Directors met at least once, on Wednesday, and often 3 times. All letters from India and appeals from their servants were taken to court, final decisions were taken on reports of sub-committees and dispatches for India were read and signed by at least 13 Directors".

the settlement and were called 'Lord Teignmouth's Regulations'⁵. The regulations authorized Francis Light to be the Superintendent of the island and granted him power and authority⁶.

From 1786 until 1867 many changes took place in the administration. Between 1786 and 1805, Penang was administered from Calcutta in India but in 1805 it enjoyed the same status as the three other Presidencies of Bombay, Madras, and Calcutta⁷. Another important change was effected in 1826 when Singapore, Melaka and Penang became known collectively as the Straits Settlements with Singapore as the administrative centre or headquarters. Although these possessions were initially administered separately as Presidencies this was found to be too costly so their status was reduced to that of Residencies in 1830. As such, they came under the control of the Governor of Bengal in Calcutta. In effect, this meant that the Straits Settlements were administered as if they were part of the Bengal Presidency. Then, in 1851, the Straits Settlements were placed under the direct control of the Governor-General of India to reduce the financial expenditure of the administration. Due to much agitation from local merchants and British officials, the Straits Settlements along with Labuan (ceded to the British in 1846) were separated from India in 1867. They were then administered directly by the Colonial Office in London⁸.

Early British administration of Penang

When Penang was ceded to Francis Light in 1786, his first municipal act was to dig a well at the beginning of Light Street for the supply of water for the settlers. No other amenities were provided for the early settlers and all the houses were built from attap⁹. This material, however, was easily inflammable so that it was not surprising that a fire broke out in the town in 1789. The town was also swampy and without good drainage thus contributing to the spread of fever and illness. The poor drainage system took its toll when Light himself became the victim of malaria, which eventually led to his death in 1794.

Light was replaced by Philip Manington in 1795. During Manington's term of office John McIntyre was appointed as Clerk of the Market and as Scavenger beside having to cope with the municipal administration of the town¹⁰. Since there was an increase in the municipal expenditure, Manington proposed a tax on the houses and shops owned by natives in the bazaar. It was left to McIntyre to collect the ground tax or rent property in the town as well as taxes on houses and shops¹¹. These taxes were implemented for the first time in 1795. The taxes were used for

⁵For further reference, see, for example: M.B. Hooker (eds.), *The Law of Southeast Asia Vol. II: European Laws in Southeast Asia*, Butterworths, 1988, pp. 299-446; See also, Tan Soo Chye, "A Note on Early Legislation in Penang", *JMBRAS*, 23(1), 1950, pp. 100-107; and, A.M. Skinner, "Memoir of Captain Francis Light", pp. 1-17.

⁶See also the development of law and order in Penang and the problems faced by Mr. Dickens, judge and magistrate of Prince of Wales Island, regarding separation of power and authority between the Superintendent and the police magistrate and the court, in Appendix 1 in G/34/11.

⁷For further discussion, see for example, C.D. Cowan, "Early Penang and the rise of Singapore", p. 4.

⁸For further reference on the history of Straits Settlements, see M.C. Turnbull, *The Straits Settlements, 1826-67: Indian Presidency to Crown Colony*, OUP, Singapore, 1972.

⁹Attap or Artab refers to the palm leaves used in thatching and house-building.

¹⁰Letter from Phillip Mannington, dated 13 May 1795, in G/34/7.

¹¹This tax was to be collected on all houses and shops belonging to the Chinese, Malays, Bugis, Chuliars, Moors, Malabars either merchants, shopkeepers or tradesmen of different occupations according to the extent of the grounds around the house or the size or rental price of the houses, see, G/34/7.

clearing and draining the swampy areas of the town, constructing a proper system of sewage and drainage, and maintaining the streets.

However, disputes soon arose among the town's inhabitants over the taxes imposed. As a result, there was no income and hence no major improvements to the bad and unhealthy conditions in the town. In addition, the heavy rainfalls caused floods and adversely affected the roads. The drains too were clogged with dirt, filth and stagnant water, giving rise to unbearable smells.

Tropical diseases could spread easily in such unhealthy living conditions, exposing the residents to the risk of contracting serious diseases. Even the Superintendent who succeeded Francis Light, Philip Manington, suffered an illness which forced him to resign from his position in 1796. He was succeeded by Macdonald who held the post of Superintendent from 1796 to 1799¹². The new Superintendent realized the unhealthy living conditions in the town and made plans to move the administration centre to another vicinity¹³ located south of the island in a small town called Jamestown. However, the idea was abandoned because of lack of financial support from the higher authorities in Calcutta who were even then entertaining the idea of abandoning the Prince of Wales Island in favour of the Andamans¹⁴.

Macdonald was not on good terms with the majority of the people in Penang, especially the merchants¹⁵ but his term in office saw many changes which helped to transform the town. It was during his tenure that the government decided to construct the Customs House, Hospital, and Prison and streets were widened and a new road was constructed from the town into the interior of the island. Under him the streets and roads in the town were clearly marked and extended to sixty-five feet wide. They were also reconstructed in straight lines with intersecting streets meeting at right angles. Macdonald introduced many ideas to improve the standard of living of the town but his plans were interrupted by the Napoleonic wars in Europe (1789-1814) when the colony suffered financial problems and required financial assistance to strengthen its defence against French attacks in the East.

One potential source of revenue was taxes, in particular, municipal taxes. At the point when Macdonald left not much action had been taken to implement municipal taxes on property in the town probably because of his antagonistic relationship with the business community.

¹²Under his administration, Major Macdonald drew up a list of officials to govern the colony. This list consisted of: First Assistant (a confidential counsellor and magistrate); Second Assistant (a collector of revenue and guardian of farms); Secretary (a confidential assistant to Superintendent); Three European clerks (for Superintendent and Assistants); two or four boys (from orphan school); Clerk of the Marshal (as superintendent of the department and of that part of Police which respects cleanliness); two European clerks (as assistants to clerk of the marshal); Head Constable and Jailor; three interpreters; three Malay writers; 12 Peons; three Native Capitans and three writers for the three native capitans. See, "Notices of Pinang", *JIA*, Vol. 5, 1851, p. 111.

¹³The problems of the town were not only limited to the physical aspects, such as the hygienic level of the living quarters and the amenities but also the defence of the town. For further explanation on this, refer to a report prepared by Major Kyd in G/34/7.

¹⁴See, for example L.A. Mills, "Penang 1786-1830", pp. 36-59; C.D. Cowan, "Early Penang and the Rise of Singapore", pp. 3-7.

¹⁵John Cameron, *Our Tropical Possessions in Malayan India*, Smith, London, 1865, p.312. For further discussion on the disputes between Macdonald with James Scott and the English merchants and traders in Penang, see, "Notices of Pinang", *JIA*, Vol 5, 1851, pp. 93-119.

However, his successor, Lieutenant-Governor George Leith, was able to introduce taxes. In 1800 a proper planning and advisory body, the Committee of Assessors, was set up by the government to study the implementation of these taxes. The committee appointed by Leith consisted of three officials, namely, John Brown (Company officer), who held the posts of provost, sheriff, gaoler, coroner, bailiff, constable and police officer, James Scott (merchant), and David Brown (merchant).

Although its main purpose was to determine individual tax assessments the Committee of Assessors had wider functions which included the supervision of road construction and drainage systems. At its first meeting it decided that convicts would be used for constructing Bishop and Church Street and that major improvements in the town would be focussed on the commercial area as planned by Francis Light. This area included Light Street, Beach Street, Chuliar Street, Church Street, Pitt Street, King Street, Bishop Street, and Market Street.

A dilemma faced by the Committee of Assessors was to set a tax rate that would give the administration the revenue it needed for the development of the town but not invite opposition from its citizens. Leith had begun the practice of using more convicts as labourers and had requested the government in Calcutta to supply more convicts from India for constructing and maintaining the streets. The number of convicts employed in 1800 was 130, increasing to 772 by 1805. This cheap form of labour saved the financial budget and improved the living conditions of the town¹⁶. The convicts received a minimum wage of 40 pice monthly. With the low cost labour force, there was no good reason for the Committee of Assessors to impose a high tax on the town's inhabitants. Furthermore, the committee realized that if it were to impose a high municipal tax this would scare off prospective new settlers and the whole plan of transforming the colony into a new important settlement would fail.

Although many changes took place during the Macdonald and Leith administrations, the problem of keeping the town healthy remained a deep concern. In 1805, the administration discovered that within the limit of the Penang municipality, particularly within the boundary ditch northward and southward of Lieth street, the swamps and jungle extending to the south and the ditch itself was injurious to the general health of the town¹⁷. Since the town was expanding, the European cemetery which was an isolated area in earlier days, was soon surrounded by houses¹⁸. The town was still unhealthy due to the practice of planting paddy in its vicinity. This resulted in the problem of stagnant water, encouraging mosquitoes to breed and attracting rodents, especially during harvesting, thus aggravating further the poor conditions, health-wise, in the town¹⁹.

During investigation, the authorities discovered that the tract of land south of the town, extending from the sea three or four miles inland, was unhealthy because it was covered with jungle and swamp. It was also bounded on the sea front by a mud bank. The authorities were convinced that the acute infections of the liver, bunions, fevers, influenza and dysentery which

¹⁶See, for example, Kernial Singh Sandhu, "Tamil and other Indian Convicts in the Straits Settlements AD 1790-1873", *Proceedings of the 1st International Conference of Tamil Studies*, Vol.1, Kuala Lumpur, 1968, pp. 197-208.

¹⁷Report by B. Loftie, acting head surgeon, 14th February, 1810 in G/34/9.

¹⁸Ibid.

¹⁹Ibid.

occurred during the Southwest monsoon, which lasted five months annually, arose from the wet conditions²⁰. At the same time newly cleared jungle areas for cultivation close to the town and a poor drainage system created a breeding ground for malaria. But while authorities were fully aware of the situation they were helpless due to lack of funds for the construction of a proper drainage system in the newly cleared areas. Illness related to the poor conditions became a common occurrence in Penang. In 1805, 302 Europeans were admitted to the hospital although a total of 292 were discharged and found fit for duty and only nine or 2.9 per cent died. Among the natives 211 were admitted, with 202 discharged and six losing their lives²¹.

Penang, however, had one saving grace and that was the highland it had in its hinterland which had a temperature equivalent to that experienced in a European spring. Its cool temperature which seldom deviated from 62 to 68 degrees Fahrenheit, was 12 degrees lower than that in the low lying areas, so that it was seen as an ideal retreat for the European community to escape from the heat or to recover from sickness²². However, at that stage, this highland, was only assessable after a two hour journey.

As mentioned earlier, Penang's early municipal history is poorly documented and there are few records available to make a closer study possible. The only early evidence of town administration was the appointment of John McIntyre as Clerk of the market and scavenger in 1795. A Mayor appeared to have been appointed but the date of his appointment is not available and his function and power were not clearly defined in the documents. The sole clear trace of the town Mayor was a case of his abuse of power through violence against a Chinese in 1807²³. In addition to the civil servants who administered the colony, there were also two important bodies regulating the daily life in town, the Committee of Assessors and the Capitans of the various communities.

The Committees of Assessors

From 1800, it seemed that the town was ruled and governed by several Committees of Assessors elected by the Governor in Council for the improvement of the town. The aim of forming various Committees of Assessors was to discuss, study, and solve social and economic problems that affected the lives of the town's population. In effect, they were advisory bodies which could not pass or enforce regulations on their own. These were not permanent institutions as they only existed for a specific purpose and term. Although the appointment of a Committee of Assessors was done on an ad hoc basis, it was, nevertheless, an important body as it assisted the government in making policy decisions. Each committee was chaired by a government official and its other members consisted of distinguished native chiefs and eminent Europeans not in the service of the government. In practice, the Europeans and natives who were nominated by the government to sit in the Committees of Assessors were from the wealthy section of the society.

²⁰Ibid.

²¹Ibid.

²²Ibid.

²³Complaint made by a Chinese shopkeeper named Gee against Captain Drummond, Town Mayor, 9th February 1807, in G/34/17.

A Committee of Assessors might exist for a few weeks or months depending on the task it was appointed to perform. For example, if it was felt necessary to build a road into the interior part of the country or to widen existing roads or build new bridges, the government would form a Committee of Assessors to discuss matters relating to their construction. This committee would then discuss and decide on the funding, cost, planning and building of the infrastructure.

From 1796 to 1814, as noted in Table I below, thirteen Committees of Assessors were formed by the Governor in Council:

Table 1: Committees of Assessors formed in Penang 1796-1814

Name of Committee of Assessors	Date/Year formed
Committee of Assessors on obtaining a revenue from trade	1796
Committee of Assessors for the valuation of property for assessment	1800
Committee of Assessors on Kellner the police magistrate	18 August 1806
Committee of Assessors on Kellner the police magistrate	22 August 1806
Committee of Assessors on the regulation on the market	8 September 1806
Committee of British Inhabitants of Prince of Wales Island	1806
Committee of Assessors on constructing water works and supply	1806
Committee of Assessors on maintenance and building of roads and bridges	1807
Committee of Assessors on Land Holder of Penang	1807
Committee of Assessors to formulate regulations on road users	1807
Committee of Assessors to abolish slavery	1808
Committee of Assessors on the fire of 1814	1814
Committee of Assessors to guard against the possibility of future fire	1814

“Notices of Pinang”, *JIA*, Vol.5, 1851, p. 97; G/34/14; G/34/13; G/34/18; G/34/20; G/34/10; G/34/45.

From the thirteen Committees of Assessors above the most important were the committee for obtaining revenue from trade²⁴, the body for looking into the actions of the police magistrate which brought about fundamental changes to the administration of the market²⁵, and the one on the building and maintaining of roads²⁶.

²⁴This committee was formed by the new Superintendent of the colony after the death of Francis Light. It comprised Major Macdonald (Superintendent and President) Messrs Mc Intyre, James Scott, Lindsay, Hutton, Roebuck, Young, David Brown, Sparran, Mackrell, Nason. Young served as Secretary. This committee consisted of the mercantile community of George Town. See, “Notices of Pinang”, *JIA*, vol.5, 1851, p. 97.

²⁵On 18th August 1806, a special Committee of Assessors was formed in order to investigate the allegation that the Police Magistrate had misused his power through corruption. This Committee comprised W.E. Phillips as Chairman, and its members included James Scott, George Seton, Thomas Jones, John Dunbar. N.B. Bone and N. Bacon. This group was appointed to represent the European community. In addition, Tegua, Chewan, Chee Im, Nakhuda Tamby Sahib, Jalanbeese, Cauder Moodeen @ Kadir Maidin, Che Amaat and Che Amat Gee, and Gee Pootee were elected on behalf of the native members. However, the Committee of Assessors was not able to make further investigations on the activities of the police magistrate. This led to the appointment of new members to sit on the Committee on 22 August 1806. The new Committee consisted of John Dickens, Chairman, J.P. Hobson, and James Carnegy. It was chaired by the magistrate who later charged and prosecuted the police magistrate for corruption. The police magistrate was found guilty of all the charges. The Kellner case created a great impact on the administration, leading

A difficult task for any committee was to raise funds or revenue. The Committee of Assessors for obtaining revenue from trade had as its term of reference the seeking of more income for the administrative expenditure of the town and for the colony as a whole. No tax, however, was levied on the port of Penang as its founder, Francis Light wanted it to be a free port in order to attract more merchants and traders. But, with Light's death the new Superintendent of the colony decided to abolish the island's free port status. Macdonald hoped that the imposition of a tax would generate more income which could then be utilized for the town's administration and thus further benefit the community²⁷. But he was opposed by a very strong group of English traders and merchants on the island and according to an observer, "Major Macdonald however appears to have been a man of more firmness if not severity of disposition than Mr. Light and he went heartily to war with the difficulties that surrounded him. Under a friendly administration of the first Superintendent [Francis Light], and the three years interregnum which appears to have followed, the merchants had grown into as the major terms it "a most contumacious body" and he directed his attention first to the reduction of these traders to a proper understanding of their position"²⁸.

As a result of his confrontational stance, the merchants united under their leader James Scott to oppose the taxes²⁹. These merchants had earlier worked with the government but had resigned to venture into trade and business so that their interests were not necessarily in tune with those of the administration. They took Macdonald's actions to be a personal attack on them and were of the opinion that the administrator was envious of their wealth and success. The ill feeling engendered led to serious disputes and a strained relationship developed between the Superintendent and the merchants in the town. James Scott, the leader of the merchant community, and a powerful person in Penang, in particular, did not get on well with Macdonald, a factor which was partly responsible in forcing the latter to resign as Superintendent of the island in 1799. The idea of imposing a custom's tax was only successfully implemented during George Leith's period.

Two Committees of Assessors were set up to investigate the police magistrate Kellner³⁰. In colonial Penang, the police magistrate administered law and order in the town and territories. His jurisdiction ranged from the administration of justice to the administration of the markets, the bazaar, the streets of the town and the island. With such extensive powers, the possibilities of

to the formation of a special Committee of Assessors. The Committee was set up to legislate market regulation and its first meeting was held on 8th September, 1806, chaired by W.E. Phillips, with George Seton, John Dunbar and N. Bacon as the European members. The native community was represented by Che Wan, Chee Im, Gee, Gige Pootee and Nakhuda Tombee Saib. The Committee passed a resolution that, in compliance with the direction of the Governor and Council, the Committee was required to submit suggestions for the administration of the markets of Penang. See proceedings of a special Committee of Assessors on 25th August, 1806, in F/4/262 5837.

²⁶See the discussion during the meeting of the Committee on 17th February, 1806, in G/34/13. See, also "Notices of Pinang", *JIA*, Vol.5, 1851, pp. 400-429.

²⁷See, "Notices of Pinang", *JIA*, Vol. 5, 1851, pp. 93-119.

²⁸John Cameron, *Our Tropical Possessions in Malayan India*, p.312. For further discussion on the disputes between Macdonald with James Scott and the English merchant and traders in Penang, see, "Notices of Pinang", *JIA*, Vol. 5, 1851, pp.93-119.

²⁹For a discussion on the position of the merchants see, Chapter Two: The Straits of Melaka and the Trading World and also Chapter Four: Geography and Trade of Penang 1786-1830.

³⁰See letter dated 12 August 1806 in G/34/14 from Douglas Wilson, a merchant in Penang, to the secretary to Governor regarding a protest related to an act committed by Kellner in G/34/14.

abuse and corruption existed. Even as early as 1800, there was evidence of anger and resentment among the inhabitants of Penang, with reports sent to the Governor and Council alleging abuse in the market by the police magistrate. However, a committee was only set up in 1806 to investigate the allegations and, even then, due to the power and influence of the police magistrate, it ended in failure. A new committee was set up, under an official of higher ranking than the police magistrate. Strong evidence was obtained that the police magistrate was indeed corrupt and had abused his power by manipulating the prices and weights of goods in the market. Following the inquiry, he was replaced.

After the departure of the magistrate, a new Committee of Assessors was appointed to regulate market administration³¹. New regulations were introduced and changes in the management of the market which followed were effective in reducing manipulation of prices, and regulating the import of food products from Kedah. Under the new rules the police had to ascertain that goods were sold and purchased according to the proper regulations and not sold in huge quantities. However, these regulations did not have any effect on suppliers from Kedah who sold most of their goods to traders in large quantities. In order to preserve stability in the markets and good negotiations between buyers and sellers, an official was appointed as a superintendent of the markets.

The Superintendent of the markets was given an assistant to help him carry out his duties. He was required to maintain a register of all imported goods and daily internal suppliers, to enable the Committee to determine prices at a specific period. The committee had suggested that the Superintendent should be vested with discretionary powers but in cases which were beyond his capacity, reference should be made to the police magistrate. The Superintendent was to be well equipped with adequate scales, weights and measures for his job in the market. He and his assistant were prohibited from buying and selling, either directly or indirectly, any of the restricted goods such as rice and meat. Nobody, except the bazaar guard, was allowed to wear any form of identification, such as a badge.

The new regulation was effective in curbing violence and aggression against the retailers. In addition, trading hours were specified, starting at seven o'clock in the morning and ending at six in the evening. These hours however, did not apply to the sale of fish and vegetables which could be sold at most times. During the regular market hours, the superintendent or his assistant was to be constantly present. Since the committee felt that no native was competent enough to be the superintendent that post was entrusted to a European who understood Eastern languages. An Englishman who professed a good command of Chinese and Malay languages named McIntyre was appointed as the first superintendent of the market.

The committee also set up regulations for the bazaar and market of Penang, specifying that all persons were prohibited from selling fowls or other kinds of poultry in Penang except within the bazaar. If they broke the law, the punishment was in the form of fines as follows: one fowl, one *copang* and for every duck or goose, two *copang*. Part of the proceeds of the fine

³¹See the discussion during the meeting held on 8th September 1806, of the committee of assessors to formulate market regulation in Penang in G/34/14. The committee was presided over by W.E Phillips while the European members were George Seton, John Dunbar and Nath. Bacon. The native members consisted of Chee Wan Chee, Eam Gee, Gigeo Pootee and Nakuda Tombee.

would be given to the informer and the rest used for expenditure for the maintenance of the streets.

With the enforcement of the new rules and regulations for the market, new problems emerged, especially in relation to the implementation of the new law on the sale of poultry. McIntyre declared that those who boarded prows/boats and fixed the value of the poultry based on their own self interest had caused problems and had deterred the natives from supplying goods to the market. The clerk of the market had to then appoint a *Panglima Pagar*³², a security guard, to reside in the market for a specific period of time, from eight until 12 in the morning and from two to six in the evening. This person was also to act as an intermediary between the buyer and the seller when necessary and should, as far as possible, seek justice for both parties. One of the main tasks of the *Panglima Pagar* was to act as an arbitrator in cases of disputes. A respectable Malay was chosen for this office and was paid a sum of SpD 25 per month.

The Office of the Capitan

Apart from the Committees of Assessors, the English administration in Penang instituted the practice of appointing a Capitan or Headman for each ethnic Asian group. The power and the function of this office was similar to that of the Capitans in Dutch-Melaka³³. When first introduced, the Capitan was empowered to administer justice and exercise social control in his own community. However, the capitan's judicial functions were abolished after 1808, when the Court of Judicature was set up and no more capitan was appointed by the government. Despite this, the Chinese, Malays and Chuliars continued to take their disputes to their elders rather than to the Recorder's Court³⁴.

During the period when the capitan had judicial powers, the proceedings of the Capitan's court which was held every Monday and Thursday at the Capitan's premises during which he was assisted by two persons called assessors. All judgments in cases of debts under SpD10 were considered final. But in cases where the debt exceeded SpD10 and a litigant was dissatisfied with the Capitan's verdict, he could lodge an appeal at the Magistrate's Court³⁵. The power given to the Capitans covered small disputes that happened in their own communities³⁶. They also had to assist the police department by rendering their help in fighting crime. Each Capitan was provided with five peons who also acted as police constables performing beat duties in the town during the day and night. In addition, the Capitans had to keep a register of the births and marriages of their own ethnic group, report new migrants, keep a regular count on the numbers of their ethnic

³² The term *Panglima* means 'warrior' while the word '*Paga*'r literally means 'fence'. Hence *Panglima Pagar* is a person who secures a premise.

³³See, "Notices of Pinang", *JIA*, Vol.5, 1851, p. 106.

³⁴For further discussion on the function of this court and the early problems of the administration of justice in the town, see, "Notices of Pinang", *JIA*, Vol 5, 1851, pp. 292-305.

³⁵Wong Choon San, *A Gallery of Chinese Kapitans*, Government Printing Office, Singapore, 1964, p. 9.

³⁶See, for example, an application by Syed Hussain who asked for a written declaration to allow the Muslims to practice Islamic law, in the letter from Captain Light, dated 30th July 1792, to the Governor-General in Council at Fort William, in G/34/5.

community, regulate assessments of the standard of living, and manage social and religious activities³⁷.

The earliest known Capitan of the Chinese was Cheki³⁸ alias Chu Khee³⁹ alias Patcan alias Koh Lay Huan alias Chewan who was appointed in 1794⁴⁰. Sometime in the early nineteenth century, he was succeeded by Teaquah. The first Capitan of the Malays was Tuanku Syed Hussain⁴¹ and for the Chuliars it was Kadir Maiden alias Cauder Maydeen⁴². As the functions of the police department began to grow in maintaining law and order, the power of the native Capitans began to diminish and subsequently, they merely held a ceremonial status in their ethnic group. However, the informal power of these Capitans was still very strong within their own ethnic group. For example, the majority of the Chinese still went to their Capitan to solve their socio-economic problems like settling land or family disputes⁴³. Some of the Capitans were also very influential and the government usually sought their assistance in dealing with specific social problems. For example, during the outbreak of a cholera epidemic in the Chuliar community in 1819 the government requested the capitan's assistance to explain the disease to the community in order to help curb its spread⁴⁴.

Fires and Loss of Property

Most colonial towns had, at some time or other, suffered from outbreaks of fire which caused much destruction of property and loss of lives. For example, Melaka suffered many fires in its early history as a result of which the VOC enforced very strict regulations regarding building materials and the layout of the buildings in the town. Only brick buildings were allowed and those unable to afford them were forced to move out of the town. Fire fighting facilities and fire fighters were always on alert in case of fire incidents. Thus, by the end of the eighteenth century Melaka was better planned to cope with fire hazards. However, Penang, which was then in its early stage of development was without any fire regulations or firemen. It was also an ill-planned town without any strict regulations on building materials. Most of its houses were built from materials prone to catch fire.

³⁷Wong Choon San, *A Gallery of Chinese Kapitans*, p. 10.

³⁸This name appeared in the list of mortgages granted at Prince of Wales Island on 24th February, 1795. On 5th August 1794, Cheki, the Chinese Capitan mortgaged his pepper plantation at Sungai Kluang to James Scott for Spd1,300 with an interest of 12 percent per annum, see, G/34/7.

³⁹See the list of Chinese inhabitants residing in Georgetown, Prince of Wales Island, in December 1788. Chu Khee came from Kedah together with 18 members of his family. He was mainly a merchant. See G/34/3.

⁴⁰A detailed account of Capitan Koh Lay Huan can be found in Wong Choon San, *A Gallery of Chinese Kapitans*, pp. 12-15.

⁴¹See, Report of Committee, 26th October 1819, in F/4/634 17218. See, also, H.P. Clodd, *Malaya's First British Pioneer*, p.119.

⁴²Information regarding Cauder Maydeen is limited and scattered. Nevertheless, his name appeared in some of the meetings of the committees of assessors. For example, his name appeared in one meeting regarding the curbing of cholera affecting most of the Chuliar community. See report of Committee 26th October 1819 in F/4/634 17218.

⁴³According to Wong Choon San in his, *A Gallery of Chinese Kapitans*: "...there is negative evidence to suggest that most of the disputes amongst the Chinese were dealt with by their elders without recourse to the English way of administration of justice", see p. 10.

⁴⁴"Police regulations", in F/4/262 5837.

Since the town's establishment there were three major fires, namely, in 1789⁴⁵, 1812⁴⁶ and 1814⁴⁷. These fires burnt down almost the whole town. The first outbreak on 23rd April, 1789 burnt down Malabar or Chuliar Street, including fifty six houses belonging to the Chuliars. Most of the shops situated on this part of the town were owned by Chuliar merchants, as was noted before. As retailers of Indian cloth, many of these merchants had their warehouses and godowns on this street. In the confusion caused by the fire, petty thieves took advantage of it to steal goods from the shops and warehouses so that many bales of Indian cloth were stolen and hidden away. The authorities appeared to have succeeded in recovering the goods and apprehending the thieves. Some of the stolen goods were found on ships anchored in the port and in houses and shops in Aceh Street and the petty thieves who were caught were whipped and exiled from the island. The cause of the fire could not be ascertained but the loss was said to amount to Spd20,000. Those who suffered losses were given assistance by the authorities.

The authorities later encouraged the town dwellers to build brick premises and helped them by reducing the price of bricks to Spd3.00 per mill. Other expenses required for the rebuilding of houses made from brick were also reduced⁴⁸. Since fire had destroyed many valuables and property belonging to the merchants and traders in the town, they became more conscious about the question of safety in their neighbourhood. Many responded by rebuilding their shops and other premises with bricks although petty traders and small business merchants, perhaps due to the high expenses involved, still rebuilt their shops with materials that could catch fire easily.

However, a more cautious attitude or some degree of civic mindedness developed and the administration began to receive petitions regarding acts of negligence or disregard for the safety of others. Thus if a neighbour's mode of business and premises were thought to have the potential to endanger property and life, a complaint was lodged with the authorities. When complaints were filed, the authorities had to investigate the premises. For premises prone to fire, the owners were ordered to dig more wells and to have more fire fighting facilities, like buckets, fire fighters, and wells filled with water⁴⁹. Premises such as those used by arrack distillers were considered as unfriendly⁵⁰.

Although the first fire caused many property losses and made the authorities aware of its adverse effects, many town dwellers remained negligent and continued to take risks. Thus, another fire broke out in 1812, which burnt down nearly half of the town area. The only place that was saved from the fire was the Beach Street area, which housed most of the government warehouses, godowns, and marine store houses. This fire appeared to have destroyed a lot of the

⁴⁵See, Captain Light's letter, dated 18th July 1789, in G/34/3.

⁴⁶Minute by Governor Seton, 2th July 1812, in G/34/35.

⁴⁷See the report of the fire in G/34/10.

⁴⁸After the 1789 fire, Francis Light and Captain Glass built ten brick houses, shops and warehouses and encouraged the town dwellers to follow his example by reducing the prices of bricks and chunam. He also requested 20 bricklayers and 30 coolies from Bengal to be sent to Penang to help in rebuilding the houses. See Captain Light's letter dated, 18th July 1789 in G/34/3.

⁴⁹Fort Cornwallis, 29th September 1814, in G/34/10; See also Collector of Customs and Land Revenue, 30th April 1806 in G/34/13.

⁵⁰See the complaint by Mr. Douglas to the Collector of Customs and land revenues regarding an arrak farmer who had his distillery near his warehouse which could endanger his property, 30th April 1806, in G/34/13.

property belonging to the wealthy Chinese in the town. Records show that the majority of the fire victims were Chinese followed by a small percentage of Malay and Chuliar merchants and traders who had their premises in the centre of the town's commercial area.

The real extent of the damage and the actual number of people who lost their property during this fire cannot be ascertained from the records as the list of fire victims (see appendix) only covered the town's major landholders and merchants. The majority listed were Chinese merchants and landholders but some revenue farmers were also included. Only a small number of individuals from the other ethnic groups were recorded in the list. The 1812 fire burnt down nearly all of the property that belonged to the wealthiest Chinese in the town, for example, Tequa, Che Em, Low Amee, Khoo Hooan @ Chewan, Baba Yair, and By That Poye. The property losses of the European and other Asian ethnic groups appeared not to have been as extensive as those of the Chinese. The only Malay who appeared to have suffered losses in the fire was Syed Harron who claimed that his property losses came to Spd10,000. However, there were many shopkeepers and house owners who suffered losses in the fire but whose names were not entered in the list. This can be surmised from the fact that the authorities reported a total of 500 shop owners and house owners as having been affected by the 1812 fire and that out of all premises destroyed, 227 were owned by traders and mechanics⁵¹.

The third fire which occurred in 1814 also destroyed almost half the town area. The worst affected areas included the whole of Chuliar Street, Armenian Lane, Market Street, the southern part of Beach Street, Penang Street, King Street, Queen Street and Pitt Street. The 1814 fire was believed to have started from Chuliar Street in a house belonging to a Chuliar named Cauther⁵². His house was attached to a shop selling prepared food. Many of the people interviewed about the fire confirmed that the fire started from the Cauther residence. At the time of the fire Cauther's child was ill from small pox and it was believed that while preparing medicine for his sick child he accidentally started the fire which spread immediately to the whole house and the neighbourhood. Cauther, however, denied the allegations.

In any case, the 1814 fire destroyed many of the town's residences, shop houses, warehouses and godowns owned mainly by wealthy Chinese, Malay and Chuliar merchants and traders⁵³. The table below shows that many of the properties destroyed were built from attap although a substantial number of brick buildings were also destroyed. The Chuliars suffered the most as 640 buildings belonging to them were destroyed. The Malays and the Chinese also suffered big losses but nowhere as close to the devastation that visited the Chuliar community. This was because the fire had destroyed the whole of Chuliar Street before spreading to some parts of Beach Street, Penang Street and King Street.

⁵¹List of persons who were the principal victims of the fire of, 29th June 1812 in G/34/37.

⁵²Superintendent of Police to the Secretary to the Governor in G/34/45; See also minute by W.E. Phillips in G/34/45.

⁵³See, for example, the petition made by Pulicat merchants Mahomed Syed, Mucktoon Saib, Boojoo Mahomed, and Ismail Mahomed dated 6th October 1814 in G/34/45.

Table 3: Number of Houses in Penang Destroyed in the 1814 Fire

Ethnic Group	Brick shops/ houses	%	Attap shops/houses	%	Total	%
Malays	34	25.00	131	17.28	165	18.45
Chuliars	67	49.26	573	75.59	640	71.58
Armenians	1	0.73	nil	0.00	1	0.11
Arabs	29	21.32	nil	0.00	29	3.24
Chinese	5	3.67	54	7.12	59	6.59
Total	136	15.21	758	84.78	894	100.00

G/34/10

The table below shows number of people affected by the 1814 fire. As can be seen, the Chuliars accounted for more than 68 percent, the Malays, 21 percent; and the Chinese 9 percent.

Table 4: Number of People Inhabiting the Houses/Shops destroyed in the 1814 Fire

Ethnic Group	Number of People	Percentage %
Malays/Arabs/Armenians Merchants	716	21.53
Chuliars/Pulicats/Surat Merchants	2,283	68.66
Chinese	326	9.80
Total	3325	100.00

G/34/10

Although as many as 2283 Chuliars were adversely affected by the fire, the principal victims among this group was smaller as can be seen from the number of buildings destroyed as well as the small number of brick buildings affected. This was because most of the Chuliars affected were workers who were temporary migrants, merchants or traders who had come to Penang during the trading period and therefore did not own real estate property. With the Malays, few were listed as fire victims because not all appeared to have reported their losses to the government, unlike the Chinese victims who usually reported their losses. Moreover, as with the Chuliars, the majority of the Malays affected in the 1814 fire were traders and merchants from the archipelago who came to Penang during the trading season. On the other hand, while the number of Chinese affected by the fire was smaller compared to the Chuliars and Malays, principal sufferers among them were higher compared to the other two ethnic groups.

The report from the committee of inquiry after the 1814 fire incident stated that all attap buildings in the town would be demolished and replaced with bricks and tiles which would be distributed free to the poor. The government also requested that Melaka bricks and tiles be used in rebuilding the town⁵⁴. The committee also discovered that actual losses in the fire had been exaggerated and that the actual loss sustained did not exceed the sum of 500,000 Spanish dollars. They also identified a number of poor people who had been victims but whose names were not included in the list. The committee also concluded that the actual loss suffered by the merchants from the Coromandel Coast and native merchants and traders was Spd150,000 dollars while the

⁵⁴Fort Cornwallis 10 October 1814 in G/34/10.

sum of Spd350,000 represented losses sustained by individuals and residents on the island. Out of the total amount that was evaluated, one third was determined as loss in buildings and the remainder in merchandise and sundries. The government also distributed aid to the poor by giving rice and charity and they were also given the opportunity to borrow money to rebuild their houses and shops provided the loan was repaid within 5 years⁵⁵.

In the aftermath of the fire, the government ordered that all brick buildings were to be built eastward of Pitt Street, which was to be widened to 120 feet and extended in a direct line as far as the Prangin river. All houses in the street were required to be constructed with bricks and roofed with tiles within five years. The committee also discovered that the many attap buildings in Beach Street and in the lower end of Bishop Street, belonging to carpenters and blacksmiths, were very vulnerable to fire and would affect the neighbouring warehouse. It was therefore suggested that buildings in the lower end of Bishop Street and on either side of Beach Street, as far as Armenian Lane, be demolished and replaced by brick buildings, with similar aid for rebuilding. The government also passed a regulation that all houses situated in Pitt street should be rebuilt using brick⁵⁶.

After the fire incident, the government prohibited the building of huts or houses with attap roofs and those who could not afford or who refused to use bricks and tiles were ordered to move out of the town area. Attap houses had to be built away from the commercial areas. Orders were issued for the immediate removal of all huts or sheds within the fort or near the commercial area and new regulations required that a space of not less than five to six feet should be left between each building. Further, wells for fire prevention had to be frequently checked and maintained. Military officials were used to conduct and submit a full report on all types of houses belonging to the Company (EIC) or rented by the government for public purposes. The failure of the fire engine during the fire also led the government to take immediate action to create a fire department with more manpower and equipment.

The fire which had destroyed the main area of the town had pressured the government into forcing the town dwellers to change their attitude when rebuilding their premises. Although the government was very firm about its policy of rebuilding the town with bricks and tiles imported from Melaka, the majority of the town people were still unable to afford the high cost of rebuilding their premises. Even officers in the committee owned attap houses in the commercial area of the town and they too refused to rebuild their houses with bricks⁵⁷. Rebuilding was still costly even though the government had reduced the prices of bricks and tiles. Moreover, the money loaned by the government and payable in five years created financial problems for certain merchants, traders, and house owners whose businesses were ruined after the fire incident. Most were unable to repay their debts and ended up insolvent.

The discussion about the physical development of Penang and the experiences the town went through during and after the fires, show that the new colonial port-town evolved and grew despite the ad hoc approach to its planning and teething problems it faced. As can be seen, from a small beginning when it was inhabited by only a few hundred Malays, Penang was turned by

⁵⁵Ibid.

⁵⁶Ibid.

⁵⁷Superintendent of Police, 18th January 1816, to Secretary to Governor in G/34/54.

the English into an important European colonial town with a multi-ethnic population and a port capable of rivalling Melaka in importance as a trading centre in the Straits of Melaka. With the arrival of the Chinese and Chuliars as well as other ethnic groups, the new town was transformed into a cosmopolitan centre inhabited by more than 90 percent immigrants who, along with the English administrators, helped to shape Penang into a viable colonial port-town

Conclusion

Penang, as the first English colony in Southeast Asia and the furthest of the EIC out-posts in Asia, was a frontier settlement. For many years after its opening in 1786, it was not considered a vital settlement by Calcutta so that its early history was one of struggle to prove that it could provide trade benefits and that its strategic location would enable the Company to control the Eastern trade route. No doubt this situation was an impediment to its development and shaped the way it was administered at least in the early years. The burden of opening a new settlement was further exacerbated by the lack of financial support from the EIC headquarters in Calcutta.

As we have seen, it was not until 1794, the year Francis Light died, that he was formally appointed as the Superintendent of Penang and received instructions from Calcutta on legal matters in the running of the new colony. In the circumstances, much was left to the ingenuity and resourcefulness of the pioneers who governed Penang. But it was founded by a country trader who, only later, became an EIC official and its early development was controlled by a few mercantile personalities whose main focus was on trade. This meant that less attention was given to the administration of the town until the pioneers were replaced by better trained administrators. Thus, it was only after Light's death that some semblance of an ordered administration began to emerge.

On the whole, Penang's administration was characterized by a make-shift and ad hoc approach to development. It was not until 1795 that a tax of some sort was introduced to raise revenues while social and public amenities remained poor for a long time. It is not clear whether the ad hoc nature of the administration was due to a minimalist approach to governance or a lack of financial means, but the practice of selling public land in the early years to raise money for development and then of buying back land to develop further, could be said to be symptomatic of haphazard management.

It could also be seen that the administration did not utilize the talents of Penang's population to the fullest. Although the official community was small, instead of integrating the community into the administration as was the case with the Dutch in Melaka, the authorities in Penang chose a system of occasionally appointing influential private individuals to help run the town. This was done through the system of appointing ad hoc committees instead of permanent bodies. Again it is not clear why this was the case. It could well have been due to the bad experience Macdonald went through with the mercantile community so that there was fear of giving their members more influence than they already had. But whatever might have been the reason, the temporary nature of the Committee of Assessors discouraged continuity and experience and would have worked, to some degree, against effective administration.

Nevertheless, on the whole, Penang progressed, albeit, slowly and stumblingly and the proof of its success was its ability to attract new arrivals who were not only traders but settlers who were prepared to engage in longer-term activities such as in agriculture and remain permanently. At the same time, as we shall see, the population of Penang created for themselves a social environment that had all the features of a viable and permanent society.