

LEGAL SOURCE MATERIALS IN THE NATIONAL ARCHIVES OF MALAYSIA¹

The purpose of this paper is to introduce the legal researcher to the National Archives of Malaya and to provide some information on the facilities it provides for reference and research. An attempt is also made to provide a rough guide on the legal source materials in its custody.

THE NATIONAL ARCHIVES OF MALAYSIA

Until 1948, no serious consideration was given by the British administrators of Malaya to establish a government department similar to their Public Record Office to receive and preserve this country's records and archives.² In March 1948 the Secretary of State for the Colonies forwarded to the Malayan Government a questionnaire connected with public records prepared by the British Public Records Office. Although its primary purpose was to assess the effects of the Second World War on Malayan public records, the questionnaire also served as a preliminary survey on the need for proper preservation of government records. The exercise prompted the colonial authorities in Malaya to appoint a Committee on the Preservation and Destruction of Records under the Chairmanship of the Solicitor General of Malaya. This Committee recommended that a suitable government agency should be created to carry out the important task of receiving and preserving the nation's records and archives. In May 1955, Mr. H.N. Blakiston of the Public Records Office, London, arrived in Kuala Lumpur to study the local situation and make more definite recommendations and on 1st December 1957, a new government department named the Public Records Office was established. This department was renamed the National Archives of Malaysia in 1963 and is at present housed in the Government Offices Building in Jalan Sultan, Petaling Jaya.

The National Archives of Malaysia has described its objectives in the following manner:³

¹ The writer wishes to acknowledge his gratitude to the staff of the National Archives of Malaya, particularly its Acting Director-General, Datin Zakiah Hanum Nor, for the valuable assistance received during the preparation of this paper.

² For a full account of its history see *The National Archives, First Ten Years* (The National Archives of Malaysia, 1967).

³ The Expenditure Budget of the Federal Government, (The Government Printer, Kuala Lumpur) p. 617.

- “(a) To increase knowledge and promote national awareness for the importance of national unity by assembling, preserving and providing facilities for research into the nation’s cultural and historical heritage; and
- (b) To promote greater efficiency in the government administrative machinery, thus achieving economy by the implementation of a modern and systematic records management in Government agencies in the following ways:
 - i) Assemble, arrange, preserve and thus provide facilities for research into the archives materials; and
 - ii) Carry out the task of prompt appraisal, transfer and disposal of non-current records from Government agencies and thus promote maintenance of administrative records in the registries of Government agencies.”

THE NATIONAL ARCHIVES ACT 1966

The National Archives Act 1966 (hereafter referred to as “the Act”) regulates the organisation and function of the National Archives of Malaysia. Section 4(1)(b) of the Act imposes a duty on the Director-General of the National Archives to provide facilities for research and reference. Public access to the materials deposited in the National Archives is provided by section 12(1) which reads as follows (emphasis added):

“Subject to the conditions under which any public records are made available or are deposited in the National Archives, public archives shall be made available to the public for the purpose of reference or research, in accordance with any regulations made under this Act.”

As is made clear by the wording of section 12(1) of the Act, the government and other agencies and private individuals who deposit their records with the National Archives can impose conditions restricting the access of the general public to the records deposited. It should also be noted that the right of the general public to consult, refer, and to carry out research is restricted under the section to “public archives”. The term “public archives” is defined by section 2 as:

- “(a) public records
 - i) which are more than twenty-five years old;
 - ii) which are specified by the Director as being of enduring national or historical value or both; and
 - iii) which have been transferred to the National Archives or any such place as the Director may from time to time direct; and
- (b) any document, book or other material acquired for the National Archives by the Director.”

The term “public archives” therefore is not restricted to public records but includes documents, books “and other material” of private bodies and

individuals acquired for preservation by the National Archives. Nor is the term "public records" restricted to *papers and documents*. The definition of public records as provided by section 2 is:

"paper, documents, records, registers, printed materials, books, maps, plans, drawings, photographs, microfilms, cinematograph films and sound recordings or any kind whatsoever, officially received or produced by any public office for the conduct of its affairs or by any officer or employee of a public office in the course of his official duties."

Although a public record may take any of the forms mentioned in section 2 as a general rule it must, to become archives, and therefore become available for research, be more than twenty-five years old, specified by the Director of the National Archives of Malaysia as being of enduring national or historical value or both and which has been transferred to the National Archives or any such place as the Director from time to time may direct. However the rule requiring twenty-five years does not affect *printed and published* material like reports, gazettes, legislation and parliamentary proceedings. These documents need not attain that age to become available for reference.

THE NATURE OF MALAYSIAN ARCHIVES

The largest group of materials which constitute Malaysian Archives is the paper produce of government departments after 1875. Thousands of linear feet of files, despatches, minutes, reports, documents, publications and other papers of Federal Departments, State Secretariats, District Offices and Land Offices, State Departments, superior and lower courts and Town Councils have been accessioned by the National Archives in the past twenty years. The majority of these holdings are in English. The Archives which originated in the state of Kedah, Kelantan, Johore and Trengganu are mainly in Jawi. In addition, (a) maps, plans, and charts, some which date back to the Dutch period, (b) historical photographs of events and personalities from the nineteenth century (c) treaties and agreements affecting Malaysia and (d) miscellaneous documents and publications, some of which may be of interest to a legal researcher, have also been accessioned. A good number of photographs of old court buildings and legal and judicial personalities are available. The department has an active purchasing programme under which it purchases copies of archives relating to Malaysia from foreign institutions, particularly the Public Record Office and the India Office in London. One group of archives which enjoys much popularity with visitors to the National Archives of Malaysia is its collection of English and vernacular newspapers. These serve as useful secondary source materials to researchers, particularly because many original sources have been either destroyed or have disappeared. The *Malay*

Mail, which is available from the day of its founding in 1896, contains many vivid accounts of legal and judicial events which a legal historian will certainly appreciate.

FACILITIES FOR RESEARCH

The National Archives realises that "if its materials were not made available to the public or if they would not make use of them, then the money and the effort spent in establishing and maintaining an archives institution would be wasted and meaningless."⁴ The department is open to Malaysian as well as foreigners and adequate facilities are provided for research. There is a comfortable Search Room which can accommodate about thirty researchers at any one time. Archives unlike library materials cannot be taken out of the building and must be consulted in the Search Room provided. However there are facilities for xeroxing and photocopying and where these are used a reasonable charge is made. No fee is charged by the institution for consulting its materials but all researchers are required to abide by the prescribed rules of research which are similar to those of archives institutions in other countries. These rules, embodied in the National Archives (Facilities For Reference) Regulations 1974, are made by the Minister charged with the responsibility of the National Archives by virtue of the powers given to him by section 17 of National Archives Act 1966. The rules give the Director-General of the National Archives powers to impose conditions before a researcher is allowed to use the archives. Under the Rules he has a discretion to exclude non-citizens from consulting the archives but the affected person has a right of appeal to the Minister charged with responsibility of the National Archives. Rules 9(3) and 9(4) are of great interest to a researcher. They read as follows:

"9(3) A copy of any book, article or thesis published or unpublished containing information obtained from the archives published or unpublished shall as soon as it is ready be presented to the National Archives.

9(4) Any writer or author of any book, article or thesis who contravenes any of the provisions of this regulation shall be liable for a fine of not exceeding five hundred dollars and may be ordered by the Court to comply with the provisions of this regulation."

It would appear that there is a duty to comply with section 9(3) even though only a very small portion of the completed book, article, or thesis is based on materials consulted at the National Archives.

⁴The National Archives, *First Ten Years*, op. cit., n. 2.

A researcher who is used to library arrangements and library finding aids may be warned that he will find that different systems of classification and finding aids are used in an archive institution. The catalogues and the index cards which he finds in a library are not always available in an archive institution. However the National Archives has to date produced many valuable and special finding aids. Of these the most notable is the "Accessions List 1957-1967" which is published in the form of a book. This is a cumulative list of the archives accessioned by the institution between the year of its founding and 1967. Details of archives acquired after 1967 are listed as appendices to the respective Annual Reports of the National Archives. A researcher who requires up to date information on the institution's archival holdings has to consult the "Accessions List 1957 - 1967" and the ensuing Annual Reports. The arrangement of archives and records in the "Accessions List" and the Annual Reports adhere to the archival theory of provenance which advocates that "public records should be kept in separate units that correspond to their source in a government agency."⁵ The word "source" does not mean the "creator" but the agency which transferred the document to the National Archives. Among the other finding aids that are available are card catalogues for photographs, hand lists for maps and descriptive lists for most of the institutions file-holdings. The last mentioned finding aid, as its title indicates, provides descriptive information not found in a more general finding aid like the Accessions List and is of immense value to a researcher who intends to consult the files of a department or a court.

LEGAL SOURCE MATERIALS

The legal source materials among the holdings of the National Archives may be broadly classified into the following groups namely: (a) Court Records (b) Documents and Publications (c) Gazettes (d) Legislation (e) Minutes and Proceedings (f) Reports (g) Miscellaneous Records. A modest attempt is made here to give some information about each record group and where the record group is small in size to provide a list of its contents. It must be stressed that the lists provided and the views expressed in this article are not the official lists or views of the National Archives and as such the department is in no way responsible for either of them. The lists provided are based on information available from the "Accession Lists 1957 - 1967" and the ensuing Annual Reports of the institution up to

⁵ For details of the theory of provenance, see T.R. Schellenberg, *Modern Archives* (F.W. Cheshire, Melbourne, 1956) pp. 187-193.

1976. Wherever possible the finding aid codes used by the National Archives e.g. (PEG 7), MISC 2) etc. are given to assist the researcher.

COURT RECORDS

The researcher looking for material on the evolution of our present court systems, statistics of workload of the courts and other details of how the judicial system operated should also consult the Annual Reports of the various state and Federal Governments which contain a wealth of information on these matters. For example the Annual Reports of the State of Kelantan between 1903 and 1906 contain vivid (and even amusing) accounts of the old Kelantanese judicial system and of the attempts at reform by Graham, an Englishman employed as Adviser to the Kelantanese government by its Siamese overlords. Details of these Annual Reports are given under the heading "Reports" at a later part of this paper.

The archives listed below are courts record created by the courts themselves. The length of the records in linear feet is given in brackets.

Kedah

Supreme Court, Alor Star
Files, 1946-1953 (3 ft)

Kelantan

High Court, Kota Bharu
Files 1923 (0.25 ft)

Mahkamah
Files, 1911-1925 (17 ft)

Mahkamah Tanah
Files, 1937-1944 (17 ft)

Pabang

Judicial Commissioners' Court (Pekan)
Files, 1920 (0.25 ft)

Perak

Supreme Court, Kuala Kangsar
Files (Administration Suits) 1909-1942

Magistrate's Court, Batu Gajah
Files (Civil Suits), 1889-1890,
1892-1895, 1905-1941 (3.25 ft)

Magistrate's Court, Dindings
Files 1936-1937 (0.75 ft)

Magistrate's Court, Ipoh
Files, 1948-1960 (28 ft)

Magistrate's Court, Telok Anson
Files, 1897-1925 (1 ft)

Register of petitions for L.A. and Probate,
1898-1919, 1 vol.

- Register of Appeals 1913-1948, 1 vol.
 Register of Penghulu's Court Cases
 1922-1923, 1 vol.
 Registers of Bills of Sale 1923-1926,
 1929-1934, 6 vols.
 Registers of Powers of Attorney
 1925-1926, 1929-1934, 4 vols.
 Registers of Bonds 1925-1939, 2 vols.
 Registers of Criminal Cases 1930-1931, 1 vol.
 Registers of Bond to appear and receive
 judgement, 1932-1946, 1 vol.

Negeri Sembilan

- High Court, Seremban
 Files, 1905-1930 (32.5 ft)

Selangor

- Chief Magistrate's Court, Selangor
 Files 1889-92 (1.25 ft)
 Supreme Court, Kuala Lumpur
 Files, 1946-1956 (22 ft)
 Sessions Court, Klang
 Files 1944-1963 (22 ft)

Trengganu

- High Court
 Files, 1911-1933 (12 ft)
 Magistrates Court, Kijal
 Files AH1347-1348 (1.5 ft)
 Magistrates Court, Kemasek
 File AH 1354-1357 (2.5 ft)

DOCUMENTS AND PUBLICATIONS

These category can be broken up into (a) Constitutions (b) Treaties and Agreements (c) Miscellaneous Documents and Publications. Among the miscellaneous documents held by the National Archives is the first Charter of Justice by which English Law was officially introduced to Penang in 1807. The National Archives holds many booklets issued by the Ministry of Information on such topics as citizenship, income tax and social security. As these do not contain detailed information they have not been included in this list. The lists provided below for all three categories are meant to be neither comprehensive nor detailed:

*Constitutions**Federal*

- Federation of Malaya 1958
 Federation of Malaysia 1963

States

Johore Agreement 1948 and Constitution	
Kedah Agreement 1948 and Constitution	
The Laws of the Constitution of Kedah 1963	
Kelantan Agreement 1948 and Constitution	
Constitution of the State of Kelantan 1963	
Constitution of the State of Malacca 1963	
Negeri Sembilan Agreement 1948 and Constitution	
Laws of the Constitution of the State of Negeri Sembilan Amentment 1954	
Pahang Agreement 1948 and Constitution	
Constitution of the State of Pahang 1963	
Constitution of the State of Penang 1963	
Perak Agreement 1948 and Constitution	
Constitution of the State of Perak 1963	
Perlis Agreement 1948 and Constitution	
Laws of the Constitution of Perlis 1963	
Selangor Agreement 1948 and Constitution	
Trengganu Agreement 1948 and Constitution	

Treaties and Agreements

Agreement with the King of Quedah [Kedah] for the Cession of the Prince of Wales Island	1786
Treaty with the King of Quedah [Kedah]	1791
Treaty with the King of Quedah [Kedah]	1800
Treaty between Temenggong Abdul Rahman and Sultan Hussein Muhammed Shah and Raffles	1818
Agreement between Sultan Hussein Muhammed Shah and Engku Temenggong Abdul Rahman and Raffles and Farquhar	1819
Johore Treaties	1855-1927
Pangkor Treaty	1874
Treaties and Engagements - The Native States of the Malay Peninsula Part I	
Treaties connected with the Native States of the Malay Peninsula	1877 1888
Treaty of the Federation	1895
The Anglo-Siamese Treaty	1909
Agreement made between His Majesty's Government and the Rulers for the rendition of fugitive offenders between the Federated Malay States and the United Kingdom	1913
Amendment to article 111 of the Agreement between the British Government and the Sultan of Johore, 1885	1914

Agreements between the United Kingdom and Johore, Kedah, Kelantan, Negeri Sembilan, Pahang, Perak, Perlis, Selangor & Trengganu (MacMichael Agreements)	1946
Agreement for the Constitution of a Malayan Establishment	1948
Federation of Malaya Agreement	1948
Perjanjian Persekutuan Tanah Melayu	1957
Agreement between the Government of Malaya and Singapore and the Malayan Airways	1957
Agreement on reference to the Judicial Committee between the United Kingdom and Federation of Malaya	1958
Public Officers Agreement between the United Kingdom and Federation of Malaya	1959
Agreement between the UK and the Federation of Malaya on External Defence and Mutual Assistance	1957

MISCELLANEOUS DOCUMENTS AND PUBLICATIONS

Adat – Some Customs of the Dusuns of Tambunan and Ranau (1953) (MISC 4)	
Adat – Some Customs of the Dusuns of Tuaran (1953) (MISC)	
Adat – Customs Regulating Inheritance amongst the Kwijau Tribe (1953) (MISC 4)	
Adat – Customs Regulating Inheritance amongst the Nabai Tribe of Keningau and the Temogan Tribe of Tenom (1953) (MISC 4)	
Advocates and Solicitors, List of, 1940, 1947–1960 (P/KH2)	
Adat Melaka (undated) (in microfilm)	
Adat Perpatih, Naning (undated) (SP/MISC)	
Catitan-catitan mengenai peraturan-peraturan dan undang-undang dsbnya bagi Negeri Johor, Kelantan dan Singapura (undated) (SP/MISC)	
Chinese Marriage Law and Customs (1961) (P/BPP 4)	
Citizenship Proposals of the Malayan Union, Official Statement on (1946) (P/PEN 4)	
Constitutional Documents 1958, 1962 (P/PEG)	
Evidence, Principles of the Law of, (1875) (P/PEG 11)	
Federal Legislative Council, Memorandum on the introduction of elections to the, (1954) (P/PR 4)	
Income Tax in Malaya, The case for and against, by Francis Cooray (1940) (P/HDN 4)	
Income Tax, Personal, (1963) (P/HDN 4)	
Index to the Law of North Borneo 1952 (P/PEG 6)	
Jejebu, Its History and Constitution (1912) (N/MISC)	
Justices of the Peace in Malaysia, Powers and Duties of, (1963) (P/PEG 11)	
Labour and Trade Union Organisation in Malaya by Awberry and Dalley, (1948) (P/BPP 4)	

- Labour Law in Malaya by C. Gamba, (1957) (P/BPP 4)
- Land Administration, Papers laid before the Straits Settlements Legislative Council (1883-1889) (SS 7)
- Land Law, Summary of the differences between the former Land Laws of the Straits Settlements and the Federated Malay States (1944) (P/PTG 3)
- Land Office, Kinta, Note books dealing with
- (a) Acquisition of land (1901-1912)
 - (b) Record of Evidence under the Probate and Administration Enactment 1920, 1930-37
 - (c) Commissioner of Lands and Mines Note Book 1902-1908 (A/PTK 4)
- Land Office, Kuala Kangsar, note books dealing with
- (a) Distribution Suits 1905, 1926-1940
 - (b) Foreclosure 1921-23, 1932-51
- Land Office Procedure, Instructions to Land Officers on, (Kelantan) (undated) (P/PTG 2)
- Land Officers, Instruction to, (1911) (P/PTG 4)
- Land Revenue, A Handbook for Collectors for (1950) (P/PTG 4)
- Landed Tenures of Prince of Wales Island, Minute on the (1823) (MISC 19)
- Law Review, University of Malaya, (1959) (P/PEG 7)
- Legal Service, Staff List of the Colonial (1913-39) (MISC 6)
- Malayan Union and Singapore, Summary of Proposed Constitutional Arrangements (1946) (P/PEG 4)
- Local Government in Malaya by W.C. Taylor (1948) (MISC 19)
- Penal Code, Notes and Commentories (1951) (P/PEG 11)
- Penal Code, Commentories on the, (1860) (P/PEG 11)
- Privy Council Practice in relation to Malaya (1958) (P/KH 2)
- Prosecutors in Malaya, Handbook for, (1939) (P/PEG 11)
- Public Trustee, Official Pamphlets (1955) (P/AR 2)
- Reid Constitutional Commission, Memorandum to, (P/PEG)
- Registration of Titles in the F.M.S. by J.R. Innes (1907-13) (P/PTG 4)
- Revenue allocation in Malaya, Scheme for, (1954) (P/HDN 4)
- Risalah Pengajaran bagi Hakim-hakim Kelantan (1928) (D/MISC)
- Title Rules 1969 (issued by Council of Religious Affairs & Malay Customs Perak, 1969) (A/HEUI)
- Taxes, Schedule of, Negeri Sembilan (1904) (P/HDN 4)
- Torts, Law of, (India) (1910) (P/PEG 11)
- Trade Union Law, Federation of Malaya, Notes on (undated) (P/SEK 3)
- Treaties and Engagements Affecting the Malay States and Borneo By Maxwell and Gibson (1924)
- Year Books, Federated Malay States (1924-32) (MISC 2)

JMCL

- Year Books, Malayan (1935-39) (MISC 2)
- Year Books, Federation of Malaya (1956-1959, 1961-62) (MISC 2)
- Year Books, Malaysia 1971, 1973
- Wakaf Rules, Perak (1959) (A/SUK)
- Wages Council Ordinance, Notes on, (undated) (P/PSEK 3)

GAZETTES

The Federal and State gazettes available are listed below. There are occasional gaps.

Federal Gasettes

Federated Malay States	1909-1941
Malayan Union	1945-1948
Federation of Malaya	1948-1963
Malaysia	1963-1977

State Gazettes

Johore	1911-1918, 1922-1941, 1948-1977
Kedah	1925-1941, 1948-1977
Kelantan	1948, 1950-1977
Malacca	1948-1977
Negeri Sembilan ⁶	1898-1909, 1948-1977
	Japanese Gazette 1943
Pahang	1898, 1900-1908, 1936, 1948, 1950-1977
Penang	1948-1963, 1965-1977
Perak	1888-1909, 1948-1957, 1959-1977
Perlis	1948-1977
Sabah	1948-1951, 1954-1977
Sarawak	1903-July 1910, 1911-1940, 1947-1957, 1959, 1962, 1964-1977
Selangor	1891, 1896, 1898-1909, 1948-1977
Sungei Ujong	1894-1896
Trengganu	1939, 1948, 1950-1977

LEGISLATION

This is perhaps the largest group of legal source materials available in the National Archives of Malaysia and it is not possible to give a complete list of the many Acts, Ordinances, Enactments, Orders and Subsidiary

⁶ See also Sungei Ujong below.

legislation that comprise this group. The holdings include the legislation of the following Federal and State governments namely, the individual states of Malaysia, the Federated Malay States, the Malayan Union, the Federation of Malaya and Malaysia. This record group contains occasional gaps and the researcher may be warned that the legislation he is looking for may not be in the holdings of the institution. To cite one example legislation of the Straits Settlements during the period 1835-1922, 1926-27, 1929, 1932, 1934-1936 and 1941 are available but legislation of the years 1923-25, 1928, 1930-31 and 1937-40 are apparently missing apart from a few individual Ordinances of that period. The legal historian may be interested to note that most of the early legislation of the colonial period is available. The earliest dates of these and other legislation is as follows: Perak (1877), Selangor (1887), Johore (1873), Kedah (1908), Kelantan (1904), Pahang (1889), Sabah (1916), Sarawak (1863), Trengganu (1943 A.H.)

MINUTES AND PROCEEDINGS

As with the case of legislation this group of source materials is incomplete and contains occasional gaps. These gaps make it difficult to provide accurate and detailed information on the holdings available. The researcher looking for details must consult the Accession Lists 1957-1967 and the ensuing Annual Reports. With this warning the following is a rough guide as to the materials available.

Straits Settlements (SS17)

Legislative Council Proceedings 1867-1904, 1906-1939

Conference of Rulers (P/MR1)

Minutes, 1897

Dewan Negara (Senate) (P/P(DN))

Proceedings 1959-1976

Dewan Rakyat (House of Representatives) (P/P(DR)2)

Proceedings 1959-1976

Public Accounts Committee, Reports, 1960, 1962, 1962-1963, 1966-1967, 1969

Durbar, FMS

Proceedings 1939

Federal Council (P/P2)

Conference of Residents, Abstract of Proceedings 1902-1905
 Index of Proceedings, 1909-1929
 Proceedings, 1909-1940

Federal Legislative Council (P/P4)

Proceedings, 1949-1959
 Standing Committee on Finance, Minutes of Meeting, 1949-1951.

Malayan Union, Advisory Council (P/P5)

Finance Committee, Minutes of the Sub-Committee 1946-1947
 Proceedings 1946-1948

*State Institutions**Johore (J/DUN)*

Council of State
 Proceedings 1939-1941, 1948-1951
 State Legislative Assembly
 Proceedings 1962-1966, 1968, 1976

Kedah (K/DUN)

State Legislative Assembly Proceedings 1960-1975

Kelantan (D/DUN)

State Legislative Assembly Proceedings 1951, 1960-1968, 1971,
 1973-1976.

Malacca (M/DUN)

State Legislative Assembly Proceedings 1962-1967, 1971-1975.

Negeri Sembilan (N/DUN)

State Legislative Assembly Proceedings 1961-1969, 1971-1972.

Pahang (C/DUN)

State Council Minutes 1926-1941 (in microfilm) State Legislative
 Assembly Proceedings March 1951, 1960, 1962, 1964-1969,
 1971-1972

Penang (P/DUN)

State Legislative Assembly Proceedings April 1968, September
 1971-1974

Perlis (R/DUN)

State Legislative Assembly Proceedings 1966-1968, 1971

Perak (A/DUN)

State Council Minutes 1913-1940

State Legislative Assembly Proceedings July 1961, 1964-1968, Ogos 1973

Sarawak (S/DUN)

Council Negeri Proceedings 1948, 1950-1956

Sabah (B/DUN)

State Legislative Assembly Proceedings December 1972, 1971-1973, May 1974, 1975-1976

Selangor (B/DUN)

State Council Minutes 1977-1941, 1948-1959

B.M.A. Advisory Council Proceedings 1946

Malayan Union Advisory Council Proceedings 1946

Executive Council Proceedings 1948-1963

State Legislative Assembly Proceedings 1964, Nov. 1973, 1974-1975.

Trengganu (T/DUN)

State Legislative Assembly Proceedings 1971-1974

REPORTS

This group may be broken up into (a) Annual Reports of Federal and State Governments (b) Departmental Reports (c) Reports of Commissions and Committees (d) Law Reports and Legal Reports. In the list provided below, for convenience the subgroups (b) and (c) are grouped under the same heading and Commission and Committee Reports are listed under the related departments. The collection of Annual Reports of the various governments give valuable information and statistics on the administration of justice in this country. No explanation is necessary of the contents of the group "Law Reports" but something needs to be said of the "Legal Reports". These are reports on local legislation sent by the colonial authorities in Malaya for the perusal of the British Government in London. They originated as a result of a letter by Joseph Chamberlain dated 21.10.1896 to Governor Mitchell. The letter reads, "When the Federation Scheme for the Protected Native States has come into force, I think it would be desirable that in sending to this office for record copies of all the various orders in Council which may be passed in the States, you should in the case of orders in Council of special importance, or which are passed concurrently in all the States, transmit at the same time, a report by the Legal Adviser explaining the objects with the order has been passed." The reports on individual legislation give valuable information on their origin

and the reasons for their enactment. For example from the Legal Report for 1932 one learns of the origin of our Sale of Goods (Malay States) Ordinance and the reason why it does not include for instance, any provision on auctions.

DEPARTMENTAL AND COMMITTEE REPORTS

Attorney-General (P/PEG)

Constitutional Proposals for Malaya, Report on, (1946)

Constitutional Proposals for Malaya, Report of the Consultative Committee (1947)

Federation of Malaya Constitutional Conference, Report of the, (1956)

Federation of Malaya Constitutional Commission, Report of the, (1957)

Bank Negara (BK/BN)

Annual Reports, 1959-1971, 1973-1975

Central Bank in Malaysia, Report on the Establishment of a, by G.M. Watson and Sir Sidney Caine

Bank Pertanian (BK/BP)

Annual Reports, 1969-1971

Bank Rakyat (BK/BR)

Report on the proposed Bank Rakyat by P.R. Cohen

Bankruptcy Department (P/KBM)

Annual Reports, 1937, 1946-1949, 1953, 1958-1973.

Business, Registry of (P/PER1)

Annual Reports, 1948-1949

Central Narcotics Bureau Malaysia (P/PBN)

Commission on Narcotic Drugs, Report of the, 1974-1975

Companies, Registry of (P/PSH1)

Annual Reports, 1931-1933, 1937-1938, 1948, 1950, 1952, 1954-1970

Companies Legislation Committee, Straits Settlements, Reports (1939)

Custodian of Enemy Property (P/PHM)

Annual Report 1947

Election Commission (P/PR2)

Constituency Delimitation Commission, Report of the, (1954)

Delimitation of Constituencies for the first elections to the House of Representatives and State Assemblies, Report of the Election Commission on the, (1955)

Delimitation of Parliamentary and State Constituencies, Report of the Election Commission on, (1960)

Delimitation of State Constituencies in Sabah, Report on, (no date)

Delimitation of State and Federal Constituencies in Sarawak (1967)

Federal Legislative Council, Report of the Committee appointed to examine the question of elections to the (1953)

General Elections 1969, Report on the

Municipality of George Town, Report on the introduction of elections in the, (1951)

Parliamentary and State Elections 1959, Report on the,

Parliamentary and State Legislative Assemblies general Election 1964, Report on the,

Parliamentary and State Elections 1974, Report on the,

Estate Duty Office (P/PPES1)

Annual Reports, 1948-1949

Foreign Affairs, Ministry of (P/KHL2)

Federation of Malaya Delegation to the 14th session of the General Assembly of the United Nations, Report of the (1959)

Malaysia's case in the United Nations Security Council, Report on (1964)

United Nations Malaysia Mission Report (no date)

Inland Revenue Department, Federal (P/HDN1)

Annual Reports, 1949, 1950-1965, 1970-1972, 1975

Heasman's recommendation on Income Tax, Report of the joint Committee appointed to consider (1947)

Income Tax - a report to their Excellencies the Governors of the Malayan Union and Singapore with recommendations, including a draft bill and proposals for administration and staffing (1947)

Income Tax Committees, Report of the (1948)

Inland Revenue Department, Sarawak (P/HDN/S1)

Annual Reports, 1961-1967, 1969

Insurance Department (P/IN)

Annual Report 1972.

Insurance Legislation, Report on 1960 (P/PEG7)

Islamic Religious Council, Kelantan (D/MUI)
Annual Report 1973

Judicial Department (P/KH1)
Annual Reports, 1946-1949, 1950-1957
Supreme Court, Kuching, Report of the, 1928-1941, 1946-1951
Administration of Justice in Selangor, Report on, 1889 (P/PEG7)

Judicial and Legal Service Commission (P/KH1)
Annual Reports, 1957-1959, 1963-1969

Kadhi's Office, Johor (J/KAD)
Annual Reports, 1935-1938, 1940, 1943, 1950
Johore Kadhi's Meeting, Report on 1936

Labour Department, Federal (P/BPP1)
Annual Reports 1931, 1933-1940, 1946-1949, 1953-1971
Commission of Inquiry on the Question of whether a Wages Council should be established with respect to any worker employed in controlled business as defined in Section 2 of the Weekly Holidays Ordinance 1950, Report of the, (1958)
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Labour Department, Sarawak
Annual Report 1957

Lands and Mines Department, Federal (P/PTG1)
Annual Reports, 1948-1949
Land Administration Commission, Report of the, (1958)
Land Code, Report of the Committee appointed to consider what amendments are necessary to, (1936)
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Lands and Mines Department, Perlis, Perlis (R/PTG)
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Lands and Survey Department, Sabah (H/TG1)
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Annual Reports, 1957, 1960-1969
Land Committee, Report of (1962)

Machinery Department (P/KS1)
Annual Reports, 1954-1956, 1958-1960, 1965, 1969-1975

Mines Department, Federal (P/G1)
Annual Reports, 1956-1955
Mining Conference, 1901, Report on the,
Mining Department and Mining Industry, Report on the 1921
Mining Industry of Malaya, Report by Sir Lewis Fermor (1923)
Tailings Commission, Report of the (1904)

Mines Department, Perak (A/G1)
Annual Reports, 1933, 1935-1938
Annual Report, Batang Padang 1907
Monthly Reports, Ipoh 1960-1907, 1909, 1911, 1914-1918

Official Assignee's Department (P/KBM)
Annual Report 1974

Police, Federal P/PDM2)
Annual Reports, 1920, 1931, 1935-1936, 1939, 1949, 1955, 1957,
1958, 1962-1965, 1969-1970
State of Crime, Report on, 1934, 1937-1938
Road Accidents, Statistical Report on, 1956, 1966, 1968-1971, 1974

Police, Sabah (P/PDM2)
Annual Reports, 1961-1962

Police, Sarawak
Annual Reports, 1957-1960

Police, Selangor (P/PDM/B1),
Annual Reports, 1881-1883, 1934, 1936

Prisons Department, Headquarters (P/PJ1)
Annual Reports, 1948-1954, 1973-1974
Prison Statistics, 1973-1974

Working Papers on the need to build a special prison for narcotic criminals, (no date)

Prisons Department, Sabah (P/PJ/H1)
Annual Report on the Treatment of Offenders, 1960-1962

Prisons Department, Sarawak (P/PJ/S1)
Annual Reports, 1955-1956
Annual Reports on the Treatment of Offenders 1960-1962

Prisons Department, Selangor (P/PJ/B1)
Annual Reports, 1906-1907

Public Trustee Department (P/AR1)
Annual Report, 1949, 1957-1961, 1970-1975

Social Security Organisation
Annual Report 1973

Societies, Registry of (P/PPT1)
Annual Reports, 1948-1949

Titles, Registry of (P/HAK1)
Registration of Titles in Penang, Report of the Committee appointed to consider the introduction of, (1955)

Trade Union Adviser's Department (P/PSEK1)
Annual Reports, 1946-1947, 1949, 1956

Trade Union Registry (P/KSEK1)
Annual Reports, 1946-1954, 1955-1974

REPORTS OF GOVERNMENTS

British North Borneo

Administration Reports 1908-1914, 1917, 1920, 1924-1927, 1930
(in microfilm)

Department Annual Reports 1934-1946 (in microfilm)

Brunei

Annual Reports, 1906–1939

Straits Settlements (SS 4)

Annual Departmental Reports, 1855–1867, 1886, 1899–1917,
1935–1939

Federated Malay States (P/PS2)

Annual Reports, 1895–1939

Annual Departmental Reports, 1901–1903, 1905–1908, 1910–1917,
1931–1939

Unfederated Malay States (P/SP2)

Annual Reports, 1913–1938

Malayan Union (P/SUMU2)

Annual Reports 1946–1947

Federation of Malaya

Annual Reports, 1948–1950

Jobore⁷ (J/SUK 1)

Annual Reports, 1910–14, 1916–22, 1925–1930, 1932–1933, 1937,
1946, 1947, 1949

Kedah⁷ (K/SUK1)

Annual Reports, Sep. 1905–Feb. 1908, 1909–1925, 1946–1947,
1949

Kelantan (D/SUK2)

Annual Reports, Aug. 1903–May 1905, 1909–1938, 1947–1948
(1909–1910 in microfilm)

Malacca⁸ (M/SUK1)

Annual Reports, 1887–1888, 1890–1891, 1893, 1946–1949
Administration Reports, 1941–1950 (in microfilm)

⁷Some of the missing reports may be found in the collected reports of the Unfederated Malay States listed above.

⁸Some of the missing reports may be found in the collected reports of the Straits Settlements listed above.

*Negeri Sembilan**Negeri Sembilan (N/SUK2)*

Annual Reports, 1888-1895, 1897-1917, 1946-1949

17,

*Pahang*⁹ (C/SUK1)

Annual Reports, 1888-1895, 1947-1949

*Penang*⁸ (P/SUK1)

Annual Reports, 1947-1949

17,

*Perak*⁹ (A/SUK1)

Annual Reports, 1888-1901, 1903, 1946-1948

Perlis (R/SUK2)

Annual Reports, 1909-1924, 1948-1949

*Sabah (H/SUK2)*Annual Reports, 1914-1915, 1918-1919, 1921-1922, 1949-1954,
1956, 1959-1963*Sarawak (S/SUK1)*

Annual Reports, 1956-1960, 1962

7,

*Selangor*⁹ (B/SUK2)

Annual Reports, 1886-1896, 1939, 1946, 1948

7,

*Trengganu*⁷ (T/SUK2)

Annual Reports, 1948-1949

Administration Reports 1909-1940 (in microfilm) (See Annual Report
(NAM) 1976, p. 120)

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Sungei Ujong

Annual Reports, 1883-1893

⁹ Some of the missing reports may be found in the collected reports of the Federated Malay States listed above.

MISCELLANEOUS RECORDS

In addition to the categories of records already dealt with above there are other miscellaneous records that a researcher may find useful. One example is the old files of specific government agencies held by the National Archives. These agencies include many Land Offices, the Estate Duty Office, the Selangor State Legal Department, the Labour Department and the Islamic Religious Council of Kelantan.

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UNDANG-UNDANG KREDIT DI MALAYSIA: SUATU TINJAUAN SOSIO-PERUNDANGAN

A. MUKADDIMAH

Sesungguhnya, penggunaan kredit sebagai satu punca untuk mendapatkan sesuatu benda bermula semenjak bermulanya tamadun manusia. Sejarah China dan Mesir tua merekodkan bahawa kredit tani dan tukaran barang sebagai sistem perniagaan telah wujud semenjak 5,000 tahun yang silam. Institusi kredit akan kekal menjadi sedarah sedaging dengan manusia. Ianya akan terus berkembang selagi ada cekarwala bulan dan bintang.

Makalah ini akan cuba meninjau secara selayang pandang beberapa peruntukan undang-undang mengenai kredit yang wujud di Malaysia pada hari ini, bagaimana ianya digunakan dalam sistem ekonomi moden, bagaimana-kah institusi kredit membantu orang yang berkehendakkan kemudahan kredit, dan setakat mana undang-undang kita dapat membantu orang-orang miskin untuk mendapatkan kredit, terutama dalam konteks Dasar Ekonomi Baru.

Dewasa ini terdapat 247 undang-undang mengenai kredit awam dan 22 jenis undang-undang mengenai kredit sendirian. Undang-undang mengenai kredit sendirian disenaraikan dalam Lampiran A. Senarai ini tidak termasuk 225 tajuk Akta, Ordinan dan Enakmen yang diluluskan oleh Kerajaan Persekutuan dan Negeri untuk membolehkannya meminjam dari orang ramai atau dari institusi-institusi dalam dan luar negeri.

B. PENGERTIAN KREDIT

Kredit ialah suatu bentuk transaksi di antara dua pihak di mana si piutang membekalkan barang-barang, perkhidmatan, jaminan atau memberi pinjaman wang dengan janji bahawa pembayaran balik akan dibuat oleh si berhutang kemudian kelak. Ianya merupakan suatu kontrak di antara dua atau tiga pihak. Kredit boleh diberi oleh institusi-institusi awam atau swasta dalam menyediakan kewangan untuk membolehkan aktiviti-aktiviti perniagaan, perdagangan, perindustrian, pertanian atau perbelanjaan pengeluaran dijalankan, ataupun untuk membiayai sesuatu projek kerajaan. Kredit cara moden boleh diberi melalui institusi kewangan yang khusus seperti bank-bank perdagangan, gedung-gedung kewangan, peminjam wang atau melalui agensi-agensi kerajaan. Walau bagaimanapun, kredit cara lama, iaitu hutang yang diberi oleh orang perseorangan masih kekal menjadi sebahagian dari cara hidup kita.

Maju mundurnya sesebuah negara adalah terletak di atas corak dan bentuk aliran kredit dalam negara itu. Ini adalah disebabkan oleh sistem ekonomi moden yang terlalu bergantung kepada kredit. Jika kredit di-