

*THE CONSTITUTIONAL HISTORY OF SARAWAK*

*By*

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## ABSTRACT

Prior to U41, SaHowak mi just a smaJUL province of the Sultanate oi Snn.nu. and mi adminU.ten.ed by the Goufcwiot, wfio mi the Sultan'& reprulientative. Jmes Stooke acting in a pittvate capacity u an adventivwi and biadeA mi instimmental in blunging peace to the province in 1841. In return f,0l his aid Raja Muda Hashim, the Sultan'6 uncle and heir ptiesumptive of the Sultan of Stuinei, VvanfenAed the government of SaAamk to Stooke, who then styled himself "Rajah". This was the beginning of Satiawak modeim hiitoiujj The Snoohe family mled. SaAawak io/i about a centuAy till 1946.

Immediately after the Second World War, Sin ChanZes VyneA Stoofce, the Third,and last, White Rajah ceded SaAawak to Britain. Thai, SaAawak became a Oioian Colony in July, 1946. The ceiiion of SaAawak to Britain created a lot of "unhappineii" with certain portiom of the population tipecially with the Malays. As a result, "anti ceiiianist" movements were organised in Saiumak. Though unsucceiiul, theiA activities climaxed with the murder of Mr. Vuncan Stewart, the Second {Colonial) Governor of Sarawak in 1949. Comtitutionally, SaAawak develop at a much faster rate under the Wiitish Colonial administration, and the people were slowly but surely entrusted with the governance of their own country.

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## CHAPTER 1

### INTRODUCTION

In 1839, the Sultan of Brunei was Sultan Oman Al Salfuddin, the Second, and the Sultan's Governor in Sarawak was Fengiran Uakota. Due to Uakota's inefficiency in handling the rebellion of the Ualays and Land Ucuajaks, which was led by Vatak Fatinggl Ml, the Sultan sent Raja Uda Hashim, his uncle and heir presumptive of the Sultan of Brunei, to put down the rebellion. At that time it was just a small province in West Brunei (between Tanjung Vatu to Samarahan and Sadong River). The arrival of Raja Uda Hashim in Sarawak did not, however, improve the situation as the rebellion had become "protracted" for many years.

On August 15, 1839, James Brooke who was then a "young sailor-cum-explorer" arrived in Kuching for the first time with the mission of conveying a message of thanks and some presents from the Governor of Singapore to Raja Uda Hashim, who had helped some British sailors who were shipwrecked near the coast of Sarawak. James Brooke returned to Sarawak on August 29, 1840 and he was offered to be the Governor and Rajah of Sarawak by Raja Uda Hashim if he could help to fight against Vatak Vatlinggi Ml and the KebeH. With James Brooke's intervention, the rebellion was quelled and Fengiran Indera Uakota was dismissed as Governor of Sarawak, inter alia, for his bad rule and malpractices in the administration. As a result, on September 14, 1841, James Brooke was proclaimed as the

*the Rajah and Government of Sarawak as promised by Raja Muda Hashim. However, it was only on August 1, 1849 that the Sultan formally recognised him as Rajah of Sarawak, which thus rendered complete and unassailable. This was an important milestone in the history of Sarawak, which had developed slowly in a series of steps and starts, into its present shape and size as the longest state in Malaysia. This growth and its present size were largely due to the agency of two Englishmen, James Brooke and his nephew Charles (especially the first and second "White Rajahs" of Sarawak).*

*How effective, was Brooke's control and administration of the province, of Sarawak and other provinces of the Sultanate remains a doubtful question. James P. Ongkili was of the opinion that:*

*"Although Brooke claimed the whole, of present-day Sarawak as her territory, in actual fact the Sultanate had very little elective control of even the lower riverine and coastal settlements. The Brooke pengiran, and sometimes panglimas, who were the representatives of the Sultan usually governed fairly limited areas; and certainly the farther the ethnic groups were from the coastal areas, the more remote and independent the indigenous people were from Brooke or the Pangiran authority and demands*

*That the Brooke family was able to establish their foothold in the province of Sarawak and later extended their territory by annexation of other provinces, and they ruled Sarawak for about a century.*