



A postcard showing Singapore's Supreme Court building around 1950.

Maria in court

This series of stories about Maria Hertogh began with the events that led to a court case. Now, read about the trials that took place in court to understand why they caused riots to break out in Singapore.

Imagine two of your friends arguing about something for days. Neither side will give in. Then, they ask you to listen to each of them and decide who is right. This was what happened when two families had a big quarrel about the young Maria Hertogh. Unable to reach an agreement, the two sides took their case to court for a judge to settle the matter.

The quarrel

It all started in Indonesia during World War II. Maria's birth mother, Adeline Hertogh, was struggling to cope with the war-time hardships of World War II. She said she asked her good friend, Aminah Mohamed, to help

by taking care of five-year-old Maria for a few days. Cik Aminah agreed. But, according to Cik Aminah, Mrs Hertogh had asked her to adopt Maria.

Through a series of unfortunate events, the two families lost touch with each other. Cik Aminah and her family moved to Cik Aminah's hometown in Malaya. After the war, the Hertoghs returned to their homeland, the Netherlands. The Hertoghs continued looking for Maria but could not locate her. They even asked the Dutch government for help. The Dutch authorities, in turn, informed the British authorities in Malaya about the missing girl. They searched for four years.

In September 1949, British officials found Maria in Terengganu, Malaya. They informed the Dutch Consulate in Singapore. The Dutch Consulate was the only office that the Dutch had in Southeast Asia at that time. The Dutch authorities hoped to send Maria back to her birth family in the Netherlands immediately.

However, matters were not so simple. Maria had been looked after by Cik Aminah since she was five years old. By now, she was thirteen years old. She had not seen or heard from her Dutch family for more than seven years. Maria was happy with Cik Aminah's family and did not want to leave them. Cik Aminah refused to send Maria back to her birth family. Instead, she took the matter to court.

The first court hearing

Since it was the Dutch Consulate in Singapore that was demanding Maria's return, the case went to Singapore's High Court. Singapore was then a colony of the British Empire.

The judge needed to decide whether to send Maria to her birth family (the Hertoghs in the Netherlands), or let her stay with Cik Aminah in Malaya. Meanwhile, the Social Welfare authorities put Maria in a children's home, the York Hill Home.

On 19 May 1950, the High Court ruled that Maria was to be placed in the **custody** of the Dutch Consulate, "with the liberty to restore her to her parents in Holland".

Pictures taken at the courthouse that day showed Maria clinging on to Cik Aminah, refusing to let go or enter the car that would take her to the Dutch Consulate.

Everyone there could see that both Maria and Cik Aminah were very upset. Some people heard them saying in Malay that they would rather kill themselves than be separated. It was only when Cik Aminah was assured she could **appeal** the court decision that they agreed to part ways for the time being.

Aminah's court appeal

By now, many people were very concerned about Maria. Members of the local community were supportive of Cik Aminah's efforts. For instance, the president of the Muslim Welfare Association, M A Majid, helped her to prepare for the appeal.

In her appeal, Cik Aminah argued that the court had not carried out the proceeding in the proper way. She pointed out that neither she nor Maria had been served copies of the court's orders. She also questioned whether the Dutch Consul-General really had the authority to receive Maria on the Hertoghs' behalf.

On 28 July 1950, the court ruled that there had indeed been defects in how the proceedings had been carried out. Maria could return home with Cik Aminah.

Maria gets married

When Maria was back with Cik Aminah's family, she was given in marriage to a young man named Mansoor Adabi. Mr Mansoor had been her English tutor at York Hill Home, and he was also the adopted son of Mr Majid. Mr Mansoor was 21 years old, while Maria was still only 13 at that time. Maria's marriage to Mr Mansoor was a "nikah gantung".

In this special legal arrangement between the families of the bride and groom, the bride would remain with her family until she was old enough to be with her husband.

The Hertoghs believed the marriage was just a tactic to stop the court from returning Maria to them. They wanted the court to declare Maria's marriage illegal. So, on 26 August 1950, the Dutch Consul-General submitted this request to the High Court in Singapore. The Hertoghs also asked the court to remove Maria from Cik Aminah's care while waiting for the court's final ruling.

On 4 September 1950, High Court Judge



Mansoor Adabi and Maria on their wedding day.

Justice T A Brown issued a summons for Cik Aminah, Maria, and Mr Mansoor to appear in court. Justice Brown ordered Maria to be returned to York Hill Home.

Back then, *nikah gantung* arrangements were accepted by Muslims in Malaya and Singapore. Therefore, many of them were upset that an English judge was doubting the marriage, and trying to separate Maria from Mr Mansoor and her mother.

The judge's decisions

The final court case started on 20 November 1950. Mrs Hertogh told the court that Maria had been sent to Cik Aminah only for temporary care. Cik Aminah disagreed. She insisted that an adoption had been agreed upon. Mrs Hertogh's older brother, Soewaldi Hunter, was a witness to the adoption process, and even provided handwritten testimony to this. However, on 2 December 1950, Justice

Brown ruled in the Hertoghs' favour.

Justice Brown's decision was based on his determination that Maria's country of **domicile** was that of her father, the Netherlands. The minimum age for marriage in the Netherlands was 16. As Maria was only 13 when she married Mr Mansoor, the judge said their marriage ceremony did not count.

The court declared that Maria's father, Adrianus Hertogh, still had official parental rights.

The judge ordered Maria to be placed in Mrs Hertogh's care until her return to the Netherlands. The Dutch Consul-General advised Mrs Hertogh to send Maria to a Catholic convent in Singapore while waiting to be taken to the Netherlands. Mrs Hertogh agreed.

The outcomes

Once again, Maria had to adjust to new surroundings. Newspaper reports, showing pictures of Maria in the convent, said that a weeping Maria had begged journalists for help. The news of Maria's transfer to a convent greatly angered some members of the Muslim community in Singapore. They believed she did not belong in a convent, since she had been raised as a Muslim for seven years.

They were also upset with the High Court's refusal to accept Maria's marriage to Mr Mansoor. The Muslim community viewed that the judge seemed to show a lack of respect for their religion despite Muslim law being recognised in Singapore.

Cik Aminah and Mr Mansoor appealed against the execution of Justice Brown's order to return Maria to Mrs Hertogh. On 11 December 1950, the Chief Justice dismissed the appeal, and that triggered the start of rioting on 11 December 1950.

The day after the trial, Mrs Hertogh and



Aminah Mohamed leaving the Supreme Court after her appeal was rejected.

Maria flew back to the Netherlands, where they were received as returning war heroes.

Interviewed by *Utusan Melayu* after Maria's departure, Cik Aminah said, "If other people are upset about this, then I am upset a thousand times more."

— By ZACHARY JOHN

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VOCAB BUILDER

custody (say "kas-te-dee"; noun) = the legal right to care for someone, especially a child.

appeal (say "e-peel"; verb) = ask the court to consider changing its decision.

domicile (say "do-mi-sail"; noun) = the country where a person lives permanently.

It is now over 70 years since the Maria Hertogh trials took place. Yet, the stories in this series still offer lessons that we can apply to our lives today. Read the other stories to learn more about the riots, Maria's life in the Netherlands, and what the world was like at that time. For the full series, visit our website, www.more.whatsup.sg.