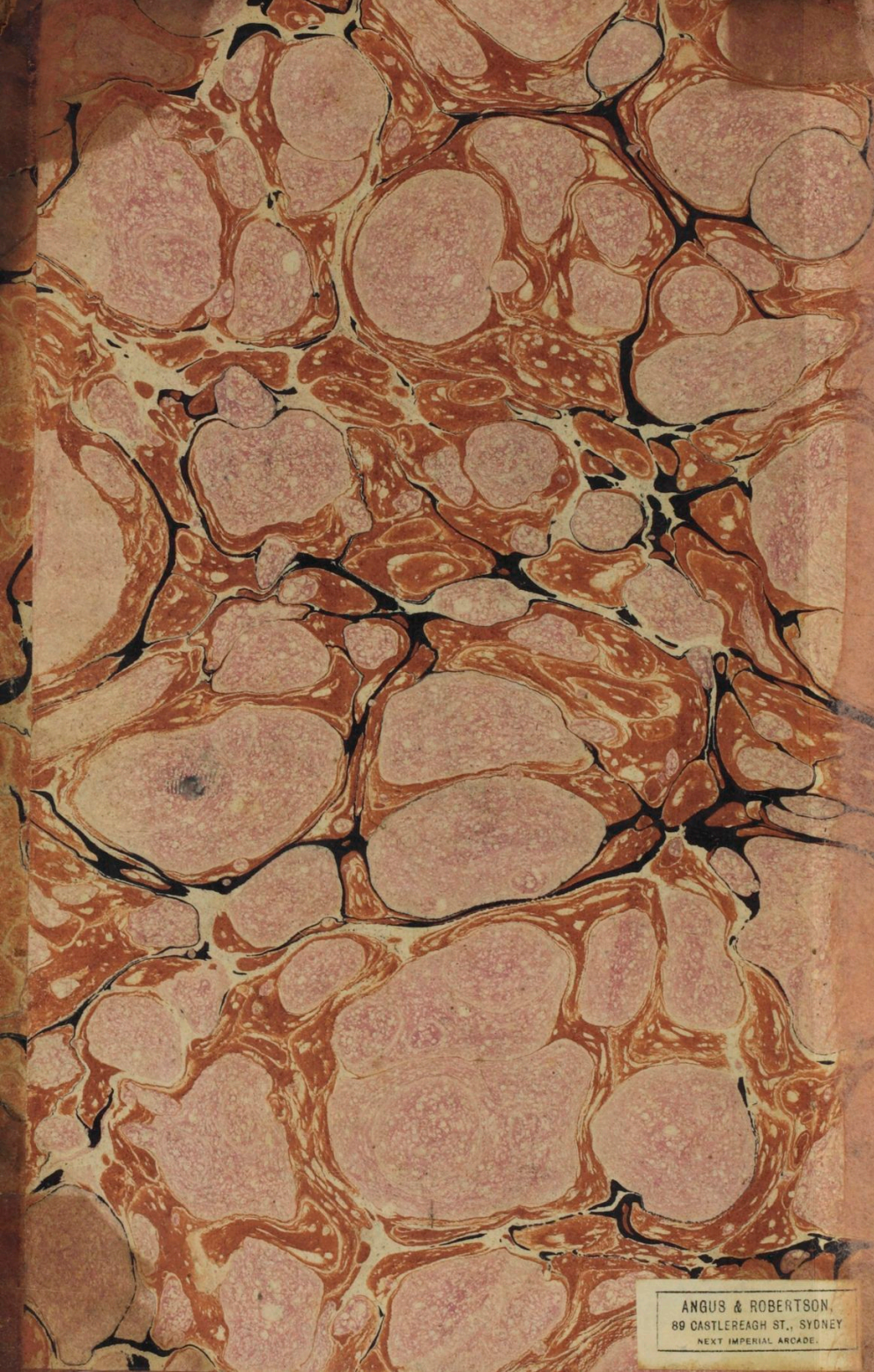




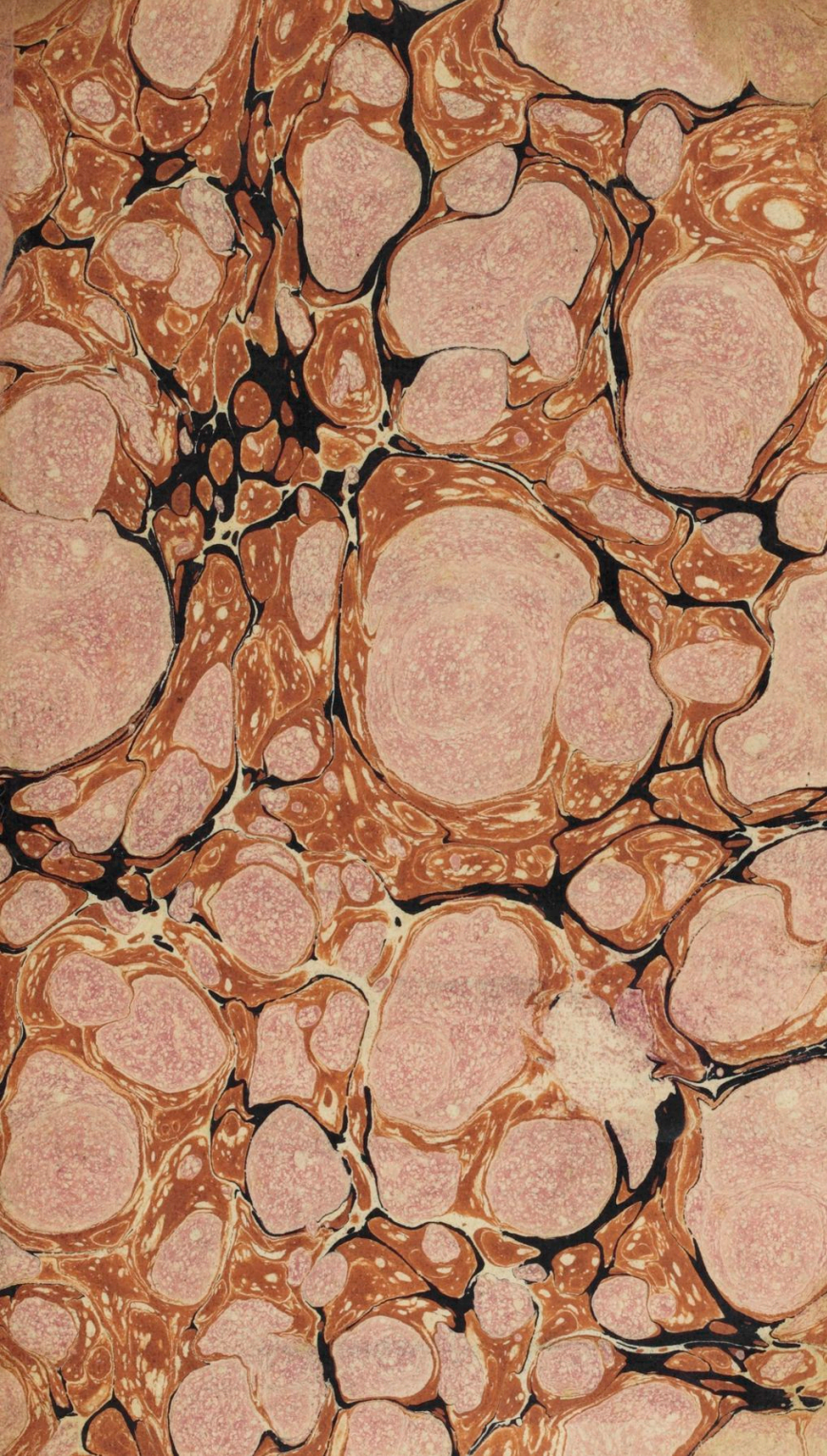
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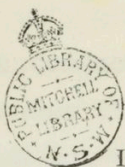
REVIEW

OF THE

ADMINISTRATION, VALUE, AND STATE

OF THE

COLONY OF JAVA



WITH

ITS DEPENDENCIES,

AS IT WAS,—AS IT IS,—

AND

AS IT MAY BE.

LONDON:

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1816.

REVIEW

OF THE

ADMINISTRATION, FINANCE, AND STATE

OF THE

COLONY OF JAMAICA

WITH

REPORTS ON ITS DEPENDENCIES

FOR THE YEAR 1851

BY

JOHN W. WATKINS

LONDON:

Printed by Cox and Baylis, Great Queen Street,
Lincoln's-Inn-Fields.

1851



REVIEW,

&c. &c.

THE conquest of Java by the British arms in September 1811, and the establishment of the British flag, for the first time, throughout the Eastern Archipelago, or what may for distinction be termed East Insular India, will, no doubt, form a memorable era in the future history of these times; and its effects on the civilization and happiness of a nation, who were then, for the first time, released from feudal bondage, and placed in the enjoyment of civil liberty and property, will render the event not less interesting to the philosopher than to the historian. With this view, and to aid the collection of materials for a more perfect acquaint-

tance with this interesting subject, is the object of the following observations. They are not intended to comprehend a history, even political, of this island; for the mass of information in every branch of knowledge and science is here so great, that it would be unpardonable to mislead, by fanciful conclusions, or by a hasty and partial collection of materials. But though the more minute details which constitute the essence of history must be postponed, the leading points of political administration are more immediately useful; and it can never be too soon to point out the actual state of this valuable colony, to remove the veil which, from ignorance or from interested motives, has been cast over it by its former possessors, and to shew it, what it really is, among the very first of valuable European colonies in any part of the world, and improvable to a degree at least equal to any of them. It will also be both interesting and gratifying, to contrast what the state of the native population was under the Dutch government with what it is now; to prove, by a recital of recent measures and their

effects, that the conquest of this island has been a blessing to the Javanese ; and to shew, that the liberal and humane principles of the British administration, which knows no undue distinction of colour, but dispenses freedom to all its subjects, have neither been overlooked nor neglected since the British flag was pre-eminent in these seas.

To do justice to this subject, and to form a judgment of its merits, it is necessary to take a view of the mode of administration under the Dutch government, and some repetition of a long-told story is unavoidable. Its conciseness, however, shall be as great as can be consistent with perspicuity.

Until within the last fifty or sixty years, the Dutch Company possessed no part of the island east of Cheribon : and even now a distinction is made by the Colonists between the old and later dominion ; for in proceeding from Batavia to Samarang, they talk of making a journey to Java, as if it were not the same island. To this

may, in a great degree, be attributed the general mistake in Europe of confounding Batavia with the Island of Java: and hence, the prevailing, but erroneous distinction, that it is the grave of Europeans. The local administration of the Eastern Districts and of the Metropolis were also so distinct, that they might almost be termed a separate government.

A Governor General and Council exercised the immediate controul and administration in Batavia, Bantam, the Preanger Regencies, and Cheribon. The Members of Council were, at the same time, executive and deliberative officers, being separately charged with the public sales and purchases, with the superintendence of public institutions, as the Lombard Bank, Orphan Chamber, &c. and thus individually performing duties on which they had collectively to pass judgment. They were also ill paid, and supported their station by illicit trade, and by acknowledged indirect* emoluments. The

* All the illegal revenues were called indirect emoluments:—they were,

consequences of this system of administration could not be otherwise than prejudicial to the public interests, if it were only under the continued opposition between personal interest and public duty;* and while the Members of the Council were thus employed in duties inconsistent with

1. *Contraband Trade.* The sale of articles the monopoly of Government.

2. *Surplus Produce.* Balances in the stores in excess to the fixed contingents, and which were sold to the Company at a stipulated price.

3. *Short Weight.* In issues of stores.

4. *Contributions.* Presents or bribes paid on the sale of public farms, &c.

5. *Gifts,* on the new year, public anniversaries, journeys, &c. In this class are to be reckoned the supply of cattle and daily necessities, from rice to flowers for the table. At Samarang, the Regents furnished clothing and beetel to the Governor's slaves and other persons of rank.

6. *Feudal Services.* Employment of the people as labourers and artificers without payment.

* Marshal Daendels has noticed the nature of this administration in detail. He observes, in his Memoir on Java:—"A third defect arose from the manner in which the Council itself was formed, and from the circumstance,

each other, the Governor General having his time occupied in discussing trifles in Council, when his mind should have been devoted to the general cares of his government, was involved in the local intrigues to which so many personal interests necessarily gave rise, and in a word, under the appearance of extensive power, became little more than an automaton.

“ that the members of it were generally selected from
 “ among the Governors of Dependencies and Residents of
 “ Districts, who were charged with the conduct of inferior
 “ administrations, and with the correspondence of the Out-
 “ Settlements, and bringing before the Board collectively
 “ such matters only as appeared of importance to require
 “ it. The indulgence towards their successors in the Out-
 “ Settlements and Residencies, and a mutual indulgence
 “ towards each other in the separate administrations with
 “ which they were individually charged, presented so
 “ many additional obstacles to that exact superintendence
 “ and controul necessary in every good government. This
 “ mutual indulgence was inevitable, because the public
 “ servants of the higher, as well as of the lower classes, re-
 “ ceived inadequate salaries, and were compelled to look
 “ out for indirect emoluments, in some instances even to
 “ pay the *Ambt Geld* (a tax on salaries), which exceeded
 “ the total amount of the salary itself.”

The judicial and police administrations in Batavia were exercised by a Supreme Court of Justice and a Court of Schepenen; the former took cognizance of all civil and criminal cases in which the servants of the Company were concerned, while the latter exercised a similar jurisdiction over all other classes; and had a distinction been made between the limits of their jurisdiction, respectively, the objects of justice might have been obtained: but the same neglect of the native population, which will be observed in the other institutions of the former government, existed here;—the Court of Justice could, without difficulty, exercise its controul within the precincts of Batavia and the suburbs, where the European colonists, with few exceptions, resided; but the authority of the Court of Schepenen was made to extend also through the environs of Batavia.

The part of the country between Batavia and the mountains of Buitenzorg to the southward, and the country of Bantam and Crawang on the western and eastern boundaries, is

termed the Environs of Batavia. They came into the possession of the Dutch Government on the destruction of the kingdom of Jacatra, and the policy of the times was to drive out or withdraw the native chiefs, as quickly as possible—from this cause, the national Javanese institutions have, in a great measure, ceased, and the emigration of the native population, produced as well from the tone of the measures of government as from the loss of their chieftains, rendered the country of little importance in point of revenue. The population, even now, is much less numerous than in any other part of the island; and near Batavia, it is not purely Javanese, but a mixed race, descendants of Buggese, Chinese, and other foreigners, and far below the general mass of the Javanese people in civilization and knowledge. A few years after this possession, portions of the newly conquered country were sold to Europeans and others indiscriminately; and the sale by Marshal Daendels, in 1810 and 1811, of the lands that had hitherto been reserved and attached to the Government House at Buitenzorg, has ren-

dered the whole of the environs of Batavia private property. The nature of the tenure of these lands would occupy too many considerations to be adverted to at present.

In the period of the Dutch Company's government now alluded to, the country about Batavia, for about twenty miles, was divided into fifty portions, the police of each of which was superintended by a Wyke-master. Two native commandants also gave their assistance in collecting people when required, and were conspicuous characters in the public ceremonies and parade, which occupied no small portion of the Governor General's attention; and the whole of the environs, including the Preanger Regencies, were under the general charge of an officer, styled Commissary of Native Affairs. While, however, the inattention to minor details continued, and an indifference with regard to the great mass of the population, except in Batavia itself, did not deem it necessary to do more than prevent actual insurrection, the judicial administration that existed was found

wholly inadequate to the preservation of tranquillity and good order; the few Europeans, or the Mandoors residing on their estates, were insufficient to restrain the commission of crime, and the number of dead bodies which in those days, were brought by the rivers through the town, attested the excesses that were going forward in the interior. The evil was further increased by the mode of proceeding adopted in the Court of Schepenen. Trials before this Court were held in Batavia only, and consequently, the parties concerned were brought from a considerable distance, and often detained a considerable time, from the pressure of business in the Court. It was customary to bring the criminal and the evidences together, and retain the whole in confinement at Batavia till the trial came forward; and since the property of the parties thus brought from their homes was necessarily endangered, if not lost, by their absence, and their families exposed to the revenge of the opposite party, it ceases to be surprising, that in the disorganized state of society which then existed in the environs, the

people preferred redressing their injuries by personal revenge and murder, rather than wait the delays and uncertainty of an appeal to the laws.

It was one of the first acts of Marshal Daendels to abolish the existing state of things in Batavia and its environs; and the ideas of military command, to which he had been accustomed in Europe, were soon engrafted on the colonial administration of Java. He withdrew into the hands of the Governor General the greater part of the influence and authority which had been exercised by the Members of Council; he confined the authority of the Bench of Schepenen to the town and suburbs of Batavia; and he appointed an European Landrost in the environs, with European scouts or constables in fixed divisions of the country: but the remedy was only partial. These scouts being men of inferior situation in life, and tacitly authorized by former practice and by present example, exacted from the native inhabitants the usual gratuities on mar-

riages, passage of goods for sale, &c. &c.; and the experience resulting from some cases of public inquiry, since the establishment of this government, has proved, that whatever might have been the apparent public orders to the contrary, the scouts in the environs, like other public officers of higher rank, continued to levy from the people as much as they could persuade them to give. The practice was less avowed, but not less notorious.

Under the general system of administration adopted by the Dutch Company, and which had for its object nothing more than the collection of colonial produce for commercial returns, the Preanger Regencies would appear to have been not much attended to. They are inhabited by a peculiar class of the Javanese population, speaking the Sunda dialect of the language, and forming a distinct race of mountaineers, who have never acknowledged the supremacy of the Mahomedan sovereign. At an early period of the European settlement, and when the Dutch had obtained possession of

the country adjacent to Batavia, they became their allies, and formed a barrier against the power of the Javanese prince who possessed the whole of the country eastward of Cheribon. They have never furnished any contingents, as in the eastern parts of the Island; and their principal produce is coffee, the whole of which has long been held in monopoly by Government. Their population is less civilized than the Javanese generally, particularly among the interior mountains, where they are half naked, and have a wildness in their gestures and appearance almost characteristic of the savage; yet still their character is generous and peaceable, and it is a striking fact, that the Preanger Regencies continued tranquil during all the tumults and rebellion on either side of them in Bantam and Cheribon, and that without the awe of any military force.

Bantam had, for many years, been the scene of tumult and disorder. The Dutch Government, from early periods of their settlement, exercised an immediate influence and authority

in that country ; but when the export of pepper became of less value, they appear to have been deterred by the proverbial unhealthiness of the low lands of this province. When, however, Marshal Daendels resolved on enforcing the coffee culture, and constructing works in Mew Bay, and afterwards in Marak Bay, the direct influence of the European government was again more exercised, in order to obtain the feudal service and labour he required. His demands on the population were so unusually great, that a general dissatisfaction arose. The Sultan was then declared to be responsible, and was accused of fomenting the discontent, till at length an order was sent to him to deliver up his prime minister, who was supposed to be a prime cause of the difficulties complained of. Upon the Dutch Resident at the Court proceeding to the palace to urge this measure, and it is said, imprudently following to the interior apartments, he was murdered. A war commenced, which terminated in the conquest of Bantam and the deposition of the Sultan. The disaffection continuing, another branch of the

family was placed on the throne, but still the country remained divided. An obscure chieftain, named Pangeran Achmet, rose to notice and authority; and at the period of the conquest of Java, Bantam was, in a great measure, abandoned to itself by the Dutch Government, and was under all the miseries of contending factions and a weak and unsettled administration.

Cheribon also had, for many years, been the seat of tumult and disaffection, and from having formerly been one of the richest and most valuable provinces of Java, had ceased to afford a revenue adequate to its own support and establishment. A rebellion broke out in the year 1810, and was occasioned by oppression on the inhabitants, both directly and through the medium of the Chinese, to whose rapacity they were abandoned. It was partially appeased in 1808, by the removal of the most obnoxious persons, and by concessions to the chiefs; but it never entirely ceased until the year 1812, when the chief, Bagoos Rangein, who had vowed never

to make terms again with Europeans, and had withstood in the mountains all the efforts of the Dutch Government, was pursued and taken prisoner with his principal adherents. The Sultans of Cheribon were little more than Regents, except in name. A greater personal allowance was granted to them, in consideration of their rank and family; but the same system of contingents and contributions were of late years introduced, which existed in the Eastern Districts.

These last-named districts include the whole of the Island of Java not already mentioned, with the immediate dependency of Madura and islands adjacent; and it is this country which contains the principal wealth, population, and resources of the colony. It was obtained from the Sùsuhùnán (the Emperor of Java) by cession about the year 1749; and as it forms the scene where the arrangements effected by the present Government are most important, and where the value of Java, as a European colony, is to be estimated, a more particular view of its administration becomes necessary.

In the Eastern Districts are contained the present residencies (formerly landdrostships) of Tagal, Paccalongang, Samarang, Japara and Joana, Rembang, Sourabaya, Passerwang, Probolingo and Bysukie, and Banjowangie, besides the separate provinces of the two Javanese princes, the Sùsùhùnán and the Sultan, usually termed Sultan of Djocjocarta. The first footing of the Dutch was obtained in the year 1678, when they procured from the Sùsùhùnán a factory at Samarang; and when, in the year 1740, the throne of the Sùsùhùnán was shaken by the rebellion of one of the princes of his family, (who afterwards established the separate kingdom of Mataram, and was acknowledged Sultan of that kingdom), the Dutch exerted every effort in his support, and their influence became so far extended at the termination of that war, that from the peace concluded in 1755, when the power of the Sultan of Mataram was established, the Company maintained a right of bestowing the territories of the Native Princes in feof, and of confirming the succession to the throne. In 1794, the reigning Sù-

sùhùnān ceded his whole empire and territories to the East-India Company, and consequently devolved to them the rights and prerogatives which he, as sovereign, had possessed. From this deed of cession, the Company obtained that sovereignty of the soil and those powers which the Prince had exercised; and, in this point of view, the British Government succeeded by conquest to the powers and authority which the Dutch Government had possessed.

By the Javanese institutions, the sovereign is despotic, and sole proprietor of his own dominions. The Prince bestows lands on his nobles on the principle of feudal grants, alienating for the time the revenues thereof, in compensation for services to be performed: but these grants, both of land and title, are not hereditary; they revert to the sovereign at the death of the possessor, and they convey to the party only the life revenue which he derives from that portion of the crop, and those dues and services, which the peasant would otherwise pay to the sovereign.

The judicial administration of the Javanese is also despotic. It is avowedly founded on the Mahomedan law ; but that law is modified by ancient custom, by national usage, and by the edicts of the sovereign. The chief to whom lands are thus granted, administers justice within them, aided by the Mahomedan law officer, and in civil cases by the chief priest. But it evidently results from the nature of his duties, that his principal residence must be at the court ; and the actual and impartial administration of justice must be precarious, were it not that the native village institutions have great influence in preventing crime, and the Javanese are by habit and education a peaceable people. It is a mistaken idea to confound the Javanese with the character of ferociousness and barbarity that has been attributed to the Malay. The Javanese have written annals to a period of a thousand years, and can produce monuments of antiquity, which prove the arts to have formerly attained a high degree of elegance and perfection among them. Their village institutions are simple and patriarchal. Quarrels are but

seldom known beyond the precincts of the village, where they are settled amicably by the elders and the priest. They want certainly the activity and energy that mark a free people, and the simplicity of character found among the peasantry does not exist in the higher classes of their society ; but it must be remembered that they have been for ages oppressed and enslaved, and since they had no prospect of reaping the fruits of their industry, they had little inducement to be industrious. The improvement that has already taken place, evinces that they are capable of appreciating, and desirous of obtaining the knowledge and the indulgences of civilized society ; and amidst all the disadvantages under which they have laboured, they have shewn themselves a quiet, well disposed, agricultural people. Ought such a nation to be again given up to the servitude from which they have been released ? or would it not, on the contrary, be worthy of the exalted station to which Great Britain has risen in the world, that she should step forward and take them under her own peculiar protection ?

Had the Dutch Government taken a broad and liberal view when the Eastern Districts of Java came under their immediate administration; had they then looked to the just rights of the people, and fixed their source of revenue on the fruits of honest industry, instead of arbitrary cultivation and vexatious impositions, this colony would have been a very different possession to them from what it has proved to be; but while they continued to rest their views only on commercial investments, and carried the principles of a counting-house into the administration of an empire, the failure of the commercial speculations ruined themselves, and the attempt to continue the same system of revenue collection impoverished and oppressed the people.

The government of the whole of the Eastern Districts, as above described, was vested in a Governor and Council residing at Samarang, the Council being composed of certain public officers, who by virtue of their office were Counsellors; and a Gazaghebber, or Deputy-Go-

vernor, with a similar Council, resided at Sourabaya. This officer, however, was subordinate to the Governor at Samarang (the Governor of Java as he was called), and the minor establishments were framed on the principle adopted at Batavia. At Samarang there was a Court of Justice,* composed likewise of public officers, members of the Court *ex officio* ; and a Landdrost, clerk, and a few invalids, composed the separate establishment of each Residency. The relations at the courts of the Native Princes were held by Residents, also under the immediate orders of the Governor of Java. No di-

* The Governor, or those immediately connected with him and under his immediate orders, was the President of this Court, and thus the whole military and judicial authority came into his hands. There were, indeed, Councils of Police, consisting of the Governor, the senior military officer, and five of the principal civil servants, and it was directed that their reports to the Governor General should be signed by the whole ; but their immediate dependence on the Governor rendered them his tool, and it served only to release him from the responsibility that would otherwise have attached to him.

Extract Marshal Daendels' Memoir. 3

rect correspondence with the Government was permitted, even from the Residents at the courts. The Governor also held the nomination and appointment of Native Chiefs; and although he had no fixed salary whatever, his revenues amounted to between three and four hundred thousand rix-dollars.

The Landdrosts of districts had no fixed salaries, but derived their revenues from the indirect emoluments already alluded to, which system was carried to at least as great an extent as in Batavia. Trade, gratuities,* wastage in the charge of public stores, and other such supplies were resorted to. The ordinary articles of domestic consumption were usually supplied by the Regents, and it was not uncommon to rent villages to Chinese as a source of private emo-

* It is affirmed that Han Tjan Pit, Captain Chinese of Sourabaya, paid the chief civil officer at that place 25,000 rix-dollars for the exclusive privilege of buying rice from the cultivators in the districts under his authority.

See Daendels' Memoir.

lument. The inherent vicious state of such a mode of administration needs no comment.

On the formal cession granted to the Company by the Sùsùhùnan, the Government had the opportunity of introducing such interior administration of revenue and police as the nature of the change required, in consequence of the abolition of those higher native offices which were held at the court; but it would seem that in their succession to the place of the sovereign, they gave no attention to the people. They appointed native chiefs, styled Regents, in lieu of the Tùmùngùngs who had formerly presided over the country, and exacted from them the delivery of such articles of produce as suited the commercial views of the Company; and the native system was so far adhered to, that the contingent of produce was drawn through the Regent: but no arrangements were made consistent with those moral obligations towards the people which were then acquired, and they were left, with regard to

their property and rights, almost entirely at the disposal of the Regent.

The Regent, on his appointment, entered into an engagement to deliver certain articles of produce at fixed rates, and to furnish such feudal services as were required. The interior police administration and revenue collection remained in his hands, with the assistance of subordinate chiefs, acting under his orders and authority. Through him the orders of the Government were conveyed and executed, and on his personal character and conduct depended in a great measure the protection afforded to the people; for as the Landdrost himself was neither required nor expected to frequent the interior of the country, the executive details, which most particularly affected the peasant, could be conducted without much apprehension of complaint against the proceedings of the chiefs.

The Regent was generally selected from among the more ancient Javanese families, but

not necessarily so ; and often was not born in the district over which he presided. He was appointed by the European authority, and removable at pleasure. Having executed his engagement with Government and paid the *douceur* usual on entering into office, it remained for him to adjust the proportion to be paid by each peasant, and to determine the feudal services to be performed : while he furnished his contingent to Government and his dues to the Landdrost, further inquiry was uncalled for. Can it be imagined, that such an administration could be otherwise than radically defective ? Could the Regent be expected to exercise his authority with the humanity and consideration which an hereditary chieftain feels for the people over whom his forefathers have presided ? or could the people calculate on having their complaints heard, when the Landdrost derived most of his indirect emoluments from the Regent himself, and had a personal interest in the services of the man, as well as a communication which neither party might be desirous to make public ? It would hardly indeed be cre-

dible, that an European nation could be so blind to the consequences that such a system must produce ; but the principle of commercial profits seems to have been recollected as a source of former greatness, and there was not courage to break through it, although the commerce of the world had fallen into new channels. Every report, however, of the Commissioners sent from Holland to this country, admitted the existence of the abuses complained of. The existence of the evil has been admitted ; but it was more easy to point out the remedy than to carry it into execution.

It will naturally be asked,—had the people no means of escaping from this state of things, and how happens it that they were not driven into rebellion? Emigration did take place ; and to this circumstance is to be attributed, in a great degree, the comparatively populous state of the territories of the Native Princes : and although the influence of the Regents and subordinate chiefs was not likely to be exerted against the Government, and the Ja-

vanese are very generally led by their chiefs, insurrections had, for a series of years, been frequent, and some of the provinces, particularly Cheribon, were in a state of rebellion. It may be added also, as no trifling proof of the Javanese character, and of the good effects resulting from a more liberal system of administration, that even in the later years of Marshal Daendels, it was considered unsafe to travel singly ; but at this time, the foot passenger, with very few local exceptions, can travel from Batavia to Bysuki, a distance of seven hundred miles, in perfect security.

Passing from the Eastern Districts, a few words are necessary on Madura, and on the Out-Settlements. The former, situated within a few miles of the Java shore, and administered on the same principles as the Eastern Districts of the Island, may almost be considered a part of them. The chiefs being allied to the family of the Sùsùhùnán, and having afforded essential services to the Dutch in the war of 1740; were treated with greater consideration per-

sonally ; but their power was the same as that of the Regent, and, like him, they furnished a contingent proportionate to the produce of their country.

With regard to the Out-Settlements, it may be sufficient to observe, that for some years previously to the arrival of the British forces they had ceased to be of much importance, and communication with them had in a great measure been cut off. The post of Macassar on Celebes was held by sufferance ; Banjarmassin had been formally evacuated and given up to the Sultan ; and the officers of the factory at Palembang were murdered, and all dependence thrown off by the Sultan of that country, prior to the conquest of Java by the British arms.

Very soon after the arrival of Marshal Daendels in Java, in January 1808, he proceeded to the Eastern Districts, where, after a detail of abuses and of neglect, he remarks :—" I found a

“ territory immense in extent, but without re-
 “ venue, or, at any rate, affording none to the
 “ Government ; I found the authority at Sa-
 “ marang in the hands of a Governor almost
 “ independent, and the Landdrosts following
 “ his example ; finally, I found in every quarter
 “ the Javanese harassed and oppressed.” He
 lost no time in issuing regulations tending to
 remove the most prominent evils ; but whether
 he did not perceive the grand foundation of the
 whole, or thought it an Herculean labour to
 cleanse the Augean stable that every where met
 his eye, it will be seen that he contented him-
 self with the surface only, and while, on the
 one hand, he forced the whole of his plans
 into action, in a manner disproportionate to the
 resources at his command, he, on the other,
 so blended together the principles of despotic
 monopoly, with the faint gleams of a more
 liberal system, that the whole was confused, and
 the state of the Javanese became more severely
 oppressed than at any former period of the
 Dutch Company’s Government.

Thus, while he abolished the delivery of many articles of colonial produce, which, though not the culture most pleasing to the Javanese, had from long habit become familiar to them (such as indigo, cotton, &c.), he by one single act fixed upon them the effects of the peculation before practised by the Landdrosts; for having ascertained by private information the amount of produce which each Landdrost was accustomed to receive beyond the established contingent, he passed a regulation, transferring to the Government the extra deliveries that used to be made to the Landdrost, and he continued, at the same time, the low rate of payment which the latter had used to pay for the same.

Another regulation, equally prejudicial and more oppressive on the people, was an order that the Regents should pay a portion of their contingents in money; while, at the same time, it was left in the power of these chiefs to levy such taxes on the population as they might think proper. The effect of the regulation,

therefore, though calculated to bring a greater revenue into the public treasury, increased the burdens of the people, since no means were taken to secure them from oppression, or to prevent a demand in addition to the amount now received by the Government. And was it natural, was it probable, that while the salaries of the Landdrosts still continued inadequate, and their official rank and situation the same, they would forego the influence they had so long possessed, or cease to draw from the people as much of their former emoluments as could be done without great risk of detection?

From this incomplete and partial reform, it followed, that although the general tendency of Marshal Daendels' regulations might, in many instances, have been rendered good, the mode in which they were carried into execution was defective and injudicious; and independently of any other hardship, the very extensive works carried on during his administration were intolerable, and produced an active tyranny, which practically oppressed the popula-

tion beyond any former period. During the short administration of four years, he constructed a high military road through the Island, in some parts through a swamp, and in the Western Division over the mountains of the Preanger Regencies. He built Fort Ludowick, at the entrance of the Straits of Madura; constructed a jetty and arsenal, and other public buildings at Sourabaya; and commenced a harbour in Marak Bay on the Coast of Bantam. All these labours were performed by feudal service, without costing Government more, as Marshal Daendels himself observes in his Memoir, than the salaries of the overseers to superintend them; but at a constant and heavy demand on the labours of the people, and in some instances, with the sacrifice of some thousands of lives. His government was military and despotic. It sufficed that a plan was deemed advisable: it must be executed forthwith, without consideration to the expense or labour required; and the disbursements that were incurred were furnished by measures equally tyrannical and fallacious. Of this

nature was the practice of appropriating to the treasury of Government, the funds of public institutions and charities; the demand on individuals for voluntary loans, as they were called; the creation of 4,000,000 rix-dollars paper currency, nominally by the European Orphan Chamber, but in reality by the Government, and when the existing paper bore an enormous discount; together with sale of the valuable districts of Probolinggo, comprizing a population of about 150,000 souls, as a private property, to Han Kiko, a Chinese; on which sale a million of rix-dollars paper was brought into immediate circulation by Government, to be paid off in ten years by half yearly instalments, as the purchase money was paid at these stated periods by the purchaser.

But it is not my present object to discuss the merits of the administration of Marshal Daendels. Some notice of it was necessary, because an idea has gone abroad, that he relieved the colony from the poverty and ruin to which it had been rapidly falling for many

years; and all I am anxious to impress is, that although great credit is due to Marshal Daendels for the energy and decision of many acts of his government, and for his removal of many prominent abuses, the effects of his administration were but partially felt, and inconsistent with their apparent intention. He neither improved the revenues and resources of the Government, nor ameliorated the condition of the Javanese population; for the addition he made to the public contingents was far overbalanced by the prodigality of his expenses, and the nominal release of the people from former payments to the Landdrosts was lost, by leaving them without the direct influence of Government, and exposed to the mercy of the immediate chiefs.

General Janssen held the Government of Java for a few months only; there was not time, therefore, if even any intention had been manifested, of introducing a better system of internal administration. But it must be acknowledged that the public talents of the

General do not stand so high as his personal qualities ; and it would seem that he was more intent on cancelling the acts of his predecessor than adopting any system of his own : whatever change, therefore, did occur during the short period of his government, was only a retrograde movement towards the system of mildness, or more properly speaking, of abuses, which had existed in the late years of the Dutch East-India Company ; and Java may be considered to have been placed, at the moment of its conquest, very nearly in the state in which it was left at the departure of Marshal Daendels.

Such, then, was the state of Java in September 1811, and when the presence of the late Earl Minto with the army, changed its destinies, and formed a new era in its history. It is understood, that an idea had existed of withdrawing the European Government, and delivering up the Island to its Native Princes ; but it was soon perceived, that under the actual state of its possession, such a plan

would neither be just nor practicable; and that point being determined, it appeared to the enlightened mind of Lord Minto, that the opportunity should not be lost of bestowing on a whole nation the freedom which is everywhere the boast of British subjects: perhaps he also contemplated the prospect, thus offered, of establishing a new empire to Great Britain. His views were generous and extended; they admitted the Dutch colonists to participate in the details of a provisional government, they held out injunctions to ameliorate the condition of the people, and established the grand outline of British liberty, leaving it to the Colonial Government to arrange and extend its application.

Before, however, I proceed further, let me pause to offer a humble tribute to departed worth. While the history of these times shall continue, and the actions of those who have deserved well of their country shall be on record, the name of Lord Minto will be distinguished in higher strains and by abler pens

than mine ; but in speaking of his Lordship's arrival in Java, the reflections of attachment and veneration which are here united with his name are too strong to be suppressed. The colonists revere it, from the remembrance of the generosity which saved their fortunes from ruin ; the Javanese connect it with their release from feudal service and oppression ; and all who have witnessed his Lordship's proceedings in Java, attach to it the fond recollections of a benefactor, a parent, or a friend.

By the first proclamation of the Governor General, all His Majesty's subjects in Java enjoyed the immunities and privileges of British-born subjects. Trial by jury was established, and mutilation and torture abolished ; and intimation was given, that the vexatious system of government monopoly would be modified and revised. At the same time, by an act of generosity, which the colonists had no right to expect (since the protracted defence of General Janssen, without means of effectual resistance, had compelled him at length

to an unconditional surrender), the colonial paper currency found in circulation at Batavia was respected by the British Government, and declared a legal tender, at the rate of discount which existed at the moment of the conquest; a declaration being also at the same time made, that payments and receipts at the Government Treasury would be made one-third in silver, and two-thirds in the colonial currency above-mentioned.

A concise view of this paper currency will serve to shew, more strongly, the importance of this measure to the interests of the colonists and other inhabitants of Batavia. Its creation commenced soon after the war between Great Britain and Holland, in the year 1780, from which period the best informed men on this Island date the rapid decline of the Dutch East-India Company's affairs in these colonies. For some years it maintained its value in the market; but as its amount increased and the distresses of the Government augmented, it

became depreciated, and in the year 1809 the local Government deemed it advisable to acknowledge the discount of sixty per cent., and to re-issue the paper at that rate. In the year 1782, the measure had been taken of ordering all the public institutions and charities, such as the Orphan Chambers, Church Funds, &c. to pay into the Government Treasury the specie they possessed, and receive in exchange thereof an equal amount in paper; and the expenses of Marshal Daendels' administration so far exceeded the available revenue of the Island, that the amount of the paper currency was doubled during that period. Thus the amount in circulation (and it was not current except in Batavia and its environs) exceeded, at the time of the capitulation of Java, 7,500,000 rix-dollars, and it was acknowledged by the proclamation of Lord Minto at the rate of six and a half rix-dollars paper for one Spanish dollar in silver: a depreciation at which it was found, and which gives a discount exceeding four hundred and fifty per cent.

When it is considered, that this paper currency was almost the only circulating medium at Batavia; that the private fortunes of the individuals, as well as the property of the Orphan institutions and others, which, by the acts of the former government had thus become in fact, insolvent, would have been lost and ruined by leaving it to its fate, it was an act worthy of the British nation to stretch forth the hand of mercy to the conquered. But they had no right to expect it: the refusal of their government to capitulate at an earlier period, when they might have treated on equal terms, had ended in an unconditional surrender; and the condition proposed by General Janssen, that, “the British Government shall acknowledge
 “and retain in circulation the paper-money of
 “different kinds which have been created and
 “are in circulation by authority of the colonial
 “government,” was expressly declined, on the principle that as “General Janssen has adopted as the rule of his conduct, the principle of
 “entering into no capitulation, while any resources remained, however inadequate to ul-

"timate success, it necessarily deprives him of
 "any title to favourable terms (except such as
 "may indicate the esteem due to his person
 "and to the few men who may remain around
 "him) when he is at length constrained to sur-
 "render, by the total absence of all means to
 "protract the contest." The act, therefore,
 must be considered to have been wholly spon-
 taneous, and its tendency to embarrass the
 finances of the newly established government
 enhances its value and obligation. But its ef-
 fects will more properly come into considera-
 tion in the view of the financial arrangements
 that have since followed.

About six weeks after this establishment of
 the British government in Java, under the pro-
 visional administration of a Lieutenant Go-
 vernor in Council, immediately subject to the
 superintendence, orders, and instructions of the
 Governor General in Council in Bengal, in like
 manner as every other part of the Honourable
 Company's possessions in India, the late Earl
 Minto returned to Calcutta. On his departure,

his Lordship pointed out the relative powers of the chief civil and military Authorities, modelling them on the principles established in the Honourable Company's Presidencies in India, and vesting in the Lieutenant Governor the power of passing legislative provisions as circumstances might appear to him to require, or of acting on his own personal judgment and responsibility; such cases being, as soon as practicable, referred to the decision of the superior authorities. He also left instructions for the occupancy of the Out-settlements of Macassar, Banjarmassin, and Palembang; to check and discountenance the traffic in slaves; to abolish, by degrees, the vicious system of farming the public revenue, and to abandon the unjust, unequal, and oppressive system of forced cultivation and contingents of produce. On this point his Lordship has justly observed: "Contingents of rice, and indeed of other productions, have been hitherto required of the cultivator at an arbitrary price. This, also, is a vicious system, to be abandoned as soon as possible. An abolition of the contingents,

“ and a perfect freedom in the cultivation and
 “ sale of rice, will soon render it unnecessary
 “ for Government to provide immense stores of
 “ grain for the food of the people, whom a free
 “ market will supply, without the intervention
 “ or providence of authority. This system of
 “ contingents did not originate in a mere soli-
 “ citude for the supply of the people, but was
 “ a measure alone of finance and controul, to
 “ enable Government to derive a revenue from
 “ a high price imposed on the consumer, and
 “ to render the whole body of the people de-
 “ pendant on its pleasure for subsistence. The
 “ principle of encouraging industry in the cul-
 “ tivation and improvement of the land, by
 “ creating an interest in the effort and fruits of
 “ that industry, can be expected in Java only
 “ by a fundamental change in the whole system
 “ of landed property and tenure. On this branch
 “ nothing must be done that is not mature, be-
 “ cause the exchange is too extensive to be sud-
 “ denly or ignorantly attempted. But fixed
 “ and immutable principles of the human cha-
 “ racter and of human association assure me of

“ ultimate, and I hope not remote success, in
 “ views that are consonant with every motive
 “ of action that can operate on men, and are
 “ justified by the practice and experience of
 “ every flourishing country in the world.”

Such were the views and intentions of the noble founder of the British Government in this part of the world: they breathe the mild spirit of philanthropy and benevolence which marked his private character and virtues; they display that enlightened and extended view, worthy of a British statesman, who in the wish to give freedom and happiness to millions of his fellow creatures, would not wait to consider whether the tenure of the conquest were temporary or otherwise; and they add one more proof of the foresight and knowledge of mankind, which have marked the late Earl Minto in a long and eminent career of public life. Let us proceed to the inquiry, in what manner they have been carried into execution.

We may readily conclude, that after the es-

tablishment of the new government in a colony imperfectly known, of extensive relations, sunk in poverty and distress by the measures of its former governors, and including various opposite and contending interests, little could be done for several months, beyond the detailed arrangements of taking possession, and the collection of materials on which to found a more sure and certain judgment for future plans. The dependencies, also, still remained to be occupied; and so little could previously have been known, under the acknowledged system of secrecy and exclusion practiced by the Dutch, that it must have required no small share of judgment and ability, to discriminate between the contradictory information that will have been obtained. The alteration of the Dutch courts, however, as directed by the Governor General, were forthwith made: the judicial administration of justice and the police were separated; the practice that before existed, of compounding crimes and offences for payment of money, was strictly forbidden; the Court of Schepenen was abolished, and magistrates were

appointed, with the powers and authority entrusted to such officers in the British settlements; and although no hasty or immediate steps were taken to abolish the existing system of monopolies and feudal services, a beginning of this principle was made in abolishing the farm of Custom-house duties in the principal ports, and in permitting the free progress of commerce (except in the article of opium) therein.

It is not within my present object to follow all the different measures of the local Government, or to advocate their propriety, advantage, or necessity. They are so important in their nature and effects, they have produced so decided and lasting a change on the state of this colony and on the condition of its inhabitants, and they afford so wide a field of speculation to the philanthropist and to the philosopher, that it would be doing them an injustice to discuss them with the brevity that is essential on the present occasion. That they were obviously useful, that they were necessary to the moral

and financial improvement of the island, will be evident, in reflecting upon the mode of administration pointed out in a former part of this memoir; and that they have been essentially useful, in bringing to light and in augmenting its resources and value, will appear, on the further consideration of what it now is, and what it is capable of becoming. But although I cannot, at present, do justice to this part of the subject, and the effects, rather than the means of execution, are now to be considered, some concise view of what has been done in Java is necessary to the due consideration of its future importance.

The grand results that have arisen under the present administration, are; the more perfect and real independence of the Javanese princes; the establishment of a general system of land rental paid direct to the Government, and consequently relieved from the unauthorized and vexatious exactions before demanded, while it is at the same time, in a great degree, independent of commercial profits,—the abolition

of all feudal services and forced deliveries of produce ; the gift, in short, of personal rights and protection, and the establishment and regulation of provincial courts, framed in accordance with the national usages of the Javanese themselves, and securing to them the prompt administration of justice, as well as the safety derived from an efficient and regular police.

The political state of affairs at the courts of the Sùsùhùnán and Sultan of Mataram demanded the early attention of the new Government. The Sultan, of an enterprizing and unsocial character, had long submitted with unwillingness to the restraints imposed upon him by his relations with the Government ; and even in the more military administration of Marshal Daendels he had been able to oppose them, if not on equal terms, at least with determined resistance. After a war, in which the Marshal proceeded to the gates of Djocjocarta, a treaty was concluded in the year 1810, in which the heir apparent of the throne was raised to a joint authority with his father ; but a treaty thus in-

complete, and which, without accomplishing the full objects of the European Government, tended to render the enemy more disgusted and hostile, could hardly be conclusive or satisfactory to either party, and the Sultan anxiously watched the opportunity of recovering what he had lost. The moment of the conquest seemed favourable to his views, and he availed himself of it to remove his son from all authority, withheld certain districts which he had agreed to deliver over to the Dutch, and put to death his prime minister, an officer appointed with the express sanction of the Government, and consequently demanding their support and protection. These proceedings, of themselves, were sufficiently hostile to have justified a demand for ample satisfaction; but the new Government deemed it advisable to admit of the troubles of the times as an excuse for what had passed, and concluded a treaty with him, in which he acknowledged and agreed to abide by the same relations in which he stood with the Dutch, and, in return, was permitted to retain the exclusive administration of Djocjo-



carta. A similar treaty, acquiring the relative rights of the former Government, was about the same time concluded with the Sùsùhùnan.

Notwithstanding the indulgence thus shewn to the Sultan of Mataram, he was not of a character and disposition to remain quiet. Very shortly afterwards it was found, that he increased his military force, constructed defences, and by a sullen deportment and unfriendly conduct, evinced his restless anxiety to throw off his dependence on the European authority. He refused to deliver over the districts to which the British Government had acquired a claim, not only by their right of conquest, but also by the treaty concluded with him in January 1812; and it was discovered that he opened a secret correspondence with his former rival, the Sùsùhùnan, and also with the chiefs of Bali and Celebes, to obtain their concurrence in his views. When required to explain this conduct, he remained sullen and silent. At length a British force marched against Djocjocarta, in June 1812; and after offers had been fruitlessly

made to him to abandon the projects which had led to this extremity, and, as a security for the future, to resign the administration of the country into the hands of his eldest son, his palace was carried by assault, himself made prisoner, and the son succeeded him on the throne.

During this period, the Sùsùhùnan had marched out his troops and evinced very suspicious intentions, which were further proved by the letters that fell into the hands of the Government on the capture of the palace at Djocjocarta : but he is of a more timid and undecided disposition than the Sultan, and the successes at Djocjocarta were followed by his immediate submission.

On the accession of the new Sultan and this submission of the Sùsùhùnan, treaties were concluded with them, which secure that complete dependence on the European power, which was before acknowledged to be due, but was not actually obtained. They have disbanded their troops, and entrust the protection of their do-

minions to the general Government of the colony; they have delivered over the districts which they had before ceded to the Dutch; and they continue to leave at the disposal of the Government the monopoly of edible birds' nests, with the collection of the farms on the consumption of opium and on the tolls or transit duties. On the other hand, they retain the exclusive disposal and administration of their own territories, and they receive from Government a liberal stipend in money, the amount of which is about equal to the sum realized by the farms above-mentioned within their dominions. It may fairly be said, therefore, that these princes are gainers by what has happened. They lose a nominal power in the reduction of their retainers, but, on the other hand, they gain an actual benefit in the certainty of the income they now receive: and it is an advantage of no small value to them, that they are now relieved from the speculation and avowed system that before existed in the courts.

It is not to be supposed, that under the ge-

neral prevalence of indirect emoluments which before existed, the native courts could escape. In fact, the financial interests of the Company do not appear to have been at all considered in the connexion; and the little vigilance that elsewhere existed, was here allowed to sleep. The Native Princes and their subjects were fair game, and it would be as endless as it is a disagreeable task, to repeat all the anecdotes that are told of abuses carried on under the apparent sanction of authority. Thus much, however, may be observed, that the office of minister at the court of Solo was avowedly synonymous to a princely fortune; and the emoluments derived in it, extended from the lowest officer of the Minister's establishment to the Governor General himself, who personally derived a portion of the profits arising from them. Could it be otherwise than an important benefit to be relieved from these shackles?

Under the system of British Indian administration they could not continue. The representatives of the British Government at the courts

were appointed with liberal but fixed salaries, and the sale proceeds of opium and edible birds' nests, which had before formed a fund from whence the Government derived no benefit, were ordered to be paid exclusively into the public treasury.

It is not, therefore, too much to assert, that all parties have benefited by what has happened: the Native Princes, by the certain income they have obtained, and the comforts they can bestow upon their numerous families in consequence, instead of wasting it on a useless body of armed retainers; the people, in the removal of prospects of war; and the Colonial Government, by the full establishment of their authority throughout the island: for as the Sultan of Bantam has voluntarily transferred the immediate management and administration of that province, there is no longer any Native Power in Java that can be considered formidable, if even it were unfriendly.

What Bantam was at the period of the con-

quest, has been sufficiently shewn in the former part of this narrative. The prince was in poverty, and the people suffering under the misery and habits resulting from long continued war and internal tumult. In such a state, the country naturally afforded very little revenue to the sovereign ; but since the year 1813, when the Sultan voluntarily gave over the judicial and revenue administration of the country, in consideration of an annual stipend exceeding the revenue which he himself was able to realize, the country is becoming considerably more quiet and productive. It has been extremely well managed, and agriculture is increasing fast. Some years, however, must elapse, before Bantam, valuable as it once has been to the Dutch, can equal the productiveness of the eastern districts of Java.

Cheribon, in the narrative of what has been done by this government with regard to the princes, requires no particular observation. The Sultans of this province were scarcely more than Regents in other districts ; and they have,

in the ordinary course of things, fallen into the general arrangement for an introduction of the amended system of land rental, which is now to be noticed.

It must strike even a superficial observer, without his entering into any extended view of the resources of this valuable island, or considering the question otherwise than in a financial point of view, unconnected with the higher principle of ameliorating the condition of a numerous population, that the greatest revenue of Java, and its principal value as a colony, is to be found in its eastern districts: and the neglect of this consideration has probably, at least, as much as any other cause, brought about the distress of the Dutch East-India Company, and prevented that improvement of revenue which might have saved them from bankruptcy. Having been for a long period confined to the vicinity of Batavia, and vested their property there in extensive buildings and lands, the Dutch colonists were induced, by habit as well as by the more powerful influence

of self-interest, to refer every thing to Batavia, and to consider this pestilential swamp as the seat of their eastern empire ; but had they enlarged their views as they extended their dominions, had the Executive Authority in Java been able so far to overcome those feelings of self-interest, as to execute the intentions which appear at some periods to have actuated the Authorities in Holland, they would have considered the town of Batavia as the site of their warehouses only, and looked to some source of profit to the Company beyond the out-turn of their commercial consignments from thence. The few, however, who took a just view of those resources which have been developed since the establishment of the British Government, were ridiculed as enthusiasts ; and the Executive Authority at Batavia could not concur in reforms which lessened their immediate perquisites, and by the probable result that was to be expected, *viz.* the removal of the seat of Government to the more salubrious and fertile districts in the centre of the island, were likely eventually to injure their local property.

It seems probable, that even if the enlightened judgment of the late Lord Minto had not induced him to leave instructions for revising the existing system of revenue collection, it would very soon have attracted the attention of the new Government, unfettered as it was by the local prejudices and interests above alluded to. But it was a measure of too great importance to be hastily undertaken. Some time was requisite for local information, and no exertions appear to have been spared to render that information complete. The districts transferred by the Sùsùhùnan and Sultan, and among which is comprized the extensive and valuable province of the Cadoe, were the first in which the direct system of land rental was introduced. It succeeded extremely well there; and in the year 1813, it was successively extended in Cheribon, and other districts in the territories belonging to the Government.

The first settlements can hardly be considered conclusive, for they were framed without that knowledge of localities which has since been

abundantly obtained ; but they served to prove that the judgment and foresight, under which the plan had been persevered in, by the personal exertions of the head of the government, were well founded ; and that the opinion which from personal observation he had formed on the character of the Javanese, and on the capabilities of the country, was not over-rated. The settlement of the rental was made for one year, and at present continues on that footing ; but as experience and time have allowed it, all the cultivated lands have been measured and carefully assessed, according to their relative produce and consequent value ; and a rate of payment is established for the rental of the lands, being calculated on the market price of the staple produce of paddy.* The coffee grounds are in most instances separately rented.

On these principles, the detailed village settlement, nearly as adopted on the Coast of Coromandel, is introduced throughout the

* Rice before it is thrashed.

Eastern Districts of Java, including Cheribon, and in the province of Bantam; and it is remarkable, that none of the difficulties that were apprehended, as well from the supposed ignorance and apathy of the people, as from the risk of displeasing the chiefs, have been experienced. The former readily appreciated the benefits which they would enjoy under the new order of things; and the latter, who, from the nature of their office and appointment, possessed no hereditary rights, have been amply provided for without loss of personal rank, partly in the rental of lands attached to the office of Regent, and partly by the allowance of a commission on the net revenue collected.

The great question, indeed, on which the introduction of this amended system of land rental might be supposed to hinge, was,—how far its restrictions on the authority of the Native Chiefs would affect their just rights and immunities, or, in a political point of view, be likely to render them inimical to the measure? But a reference to the nature of Javanese institu-

tions, as noticed in a former part of this inquiry, will shew, that such an apprehension need not exist. The Regents being removable at pleasure, and possessing no land in property, had no claim beyond what might be considered to depend upon their actual possession of authority and influence at the moment of the change, and, in justice, might have been removed, if policy had not rendered it advisable to conciliate them, and retain their services. Whatever arguments were applicable to the Regents, were of course still more strongly so to the subordinate chiefs, who acted under their orders and authority ; and thus, in effecting the emancipation of the peasantry, it seemed only essential to secure the good-will of the present Regents and Chiefs, by concessions to their vanity and interest, trusting to the slow but certain effects of time to make the peasantry less dependent upon them, and consequently less influenced by them.

This has been the principle adopted :—The Regent retains his name and rank ; in short,

all but his direct and political influence : he is the chief police officer of the district, acting under the immediate orders of the European Resident ; but he is no longer the executive officer in the collection of revenue : he can no longer levy tolls and taxes, or proportion the quantum and kind of produce to be delivered : he has no interference with the property or labours of the peasantry, but he still maintains his superior rank in their society, and his influence is now employed in the preservation of the tranquillity of the country.

The European Resident, instead of being unacquainted, as before, with the internal state of the country, must now be personally known to the people, of whose rights he is the guardian. The subordinate Chiefs feel that he is the dispenser of favour and of justice, and though under the immediate direction of the Regent, it is to him they will look for support. He is now, in fact, what a representative of the Government ought to be ;—restricted by all the wholesome ties of regulation and law against

personal interest, either in the commerce or cultivation of the country; possessed of a salary which renders petty gain unnecessary and disgraceful; connected with the people by frequent personal communication, and himself possessing the means to observe, that the orders and instructions which he has to issue, are duly executed and obeyed. In short, amidst all the change that has been effected, the chain of administration, as it is brought home to the peasant, is apparently the same: no breach is made in the orders of society that have heretofore existed; but though the machine is entire, the mover of it is changed.

It had been said, that “ when we consider
 “ the state of the natives of Java, their natural
 “ love of indolence, their blind and implicit
 “ obedience to the orders of their chiefs, we
 “ can hardly conceive them as feeling any re-
 “ pugnance to the feudatory system of the
 “ country.” But this is an extremely narrow
 view, and unjust to the character of this people.
 They are neither sunk in barbarism, nor worn

out by effeminacy : they have been both mistaken and misrepresented ; they are neither so indolent as to refuse to labour when they feel that the fruits of it are their own, nor so ignorant as to be indifferent to the comforts and luxuries of civilized society. The fixed principles of the human mind, as they have been traced in the different stages of civilization elsewhere, are not peculiarly fettered in Java. If the Javanese appeared indolent, it is sufficient to remark, that when their industry was exerted, they could never be secure that themselves, or their children, would inherit its fruits. If they have hitherto implicitly followed the orders of their chiefs, let it be noticed that they had no sensible knowledge of a higher authority, and had no access to any superior protection ; and in proof that their character was more justly appreciated by those who thought more favourably of them, let us only advert to the fact, that since the cause of their habits has been removed, the effect has ceased ; that the cultivation of the country is acknowledged to have increased and to be increasing, and that the

inhabitants of the island have been capable and willing to engage in labours almost new to them, or to which they have for many years been unaccustomed. It is not just, therefore, to attribute either extreme indolence or apathy to their character.

If proof of this position be required, it is only necessary to advert to the progress recently made in the culture of indigo and in ship-building. Within these last two years, an indigo factory has been established in the Regency of Paccalongan. The gentleman who superintends it has stated, that the facilities of this manufacture considerably exceed those which he has found in Bengal; that the Javanese willingly enter into engagements to rent their lands to him, and to cultivate indigo on his account; and that, in consequence of the certainty of the seasons in this island, added to comparative price of labour and the security derived from his being under no obligation to make advances of money to the cultivators, he will be enabled to produce indigo, equal in

quality to Bengal indigo, at the rate of seventeen stivers per pound. In Bengal its average cost is understood to be one sicca rupee per pound. Independently, therefore, of the certainty of irrigation, the want of which so often ruins the fairest prospect of indigo planters in India, the article will thus be manufactured in Java at forty per cent. less than its cost in Bengal. When the readiness with which the Javanese have been found to engage themselves in this culture, and the extreme fertility of the soil are considered, it will be acknowledged, that the introduction of capital only is wanting, to bring this branch of its produce to any extent that may be required.

On the subject of ship-building I will only observe, that a vessel of between five and six hundred tons has lately been launched: others are in progress; and a ship of twelve hundred tons burthen is about to be put on the stocks in the eastern part of the Island. The most valuable teak forests are situated there, and the convenience is afforded of floating down

the teak timber by means of the Solo River, near to the spot where the building yard may be constructed. Ship-building is rapidly increasing on this island, and will be the means of bringing capital to it at no distant period.

To return, however, from this digression. That the revenue system and regulations adopted since the establishment of the British Government in this colony have ameliorated the condition of the native population, and removed many of the greatest abuses that before existed, can hardly be denied,* when reference is had to the state of government that before prevailed. That it has been abundantly productive to the revenues and resources of the colony, will be seen by a moment's comparison with the direct revenues derived from the Island of Java at any period of the Dutch Government; and if policy and justice had not fully justified the adoption of the

* See Appendix: Revenue Regulations and Judicial Regulations.

measure, the necessity that existed for some improvement to the existing resources of the island, would alone have accounted for the partial attempt.

Lest, however, the financial difficulties which did exist in the first years of the establishment of the British Government in Java, and which are wearing off entirely since the operation of the present system of revenue has become established, should lead to a misapprehension of the real value of this colony, let us take a view of the circumstances which led to an embarrassment of the newly established Government.

A paper currency was found at Batavia, in amount far beyond any demand for its use, depreciated to an extent of nearly five hundred per cent., and not available in any shape as a remittance, or even in circulation beyond the vicinity of Batavia itself. This paper currency was the only circulating medium, except what specie had been thrown into circulation by the British army and its followers. The colonists

resident in and near Batavia (and there were scarcely any wealthy men resident elsewhere) had long been accustomed to estimate their property by this standard, and consequently it formed the general medium of transactions between them. It was the only currency, also, for which any public sales were conducted; and a class of men had arisen, who obtained a livelihood by buying and selling, and trusted to the length of credit (six months) which was given on these occasions, in order to find the means of paying for their purchases: it was therefore the interest of every one to depreciate the paper currency, because any increase of *agio* between the day of purchase and the day of payment was so much gain to the purchaser. While, on the one hand, the paper currency thus became liable to depreciation, it on the other hand had to struggle against a constant competition with specie in all the commercial transactions of British merchants, and in every case where a remittance from the island was required. Under such circumstances, it could not do otherwise than fall in value; and in

November 1812 it had fallen nearly one hundred per cent. below the rate at which it had been recognized by the proclamation of the Governor General.

The local Government must be acknowledged to have been placed in considerable difficulty. They considered themselves bound to respect and to receive the paper at the rate at which it had been recognized, but it could not be re-issued at the same rate ; and, at the same time, the Dutch system of revenue, unproductive as it was in its best days, now produced less than in the days of Marshal Daendels, because the rigid monopoly by which it was upheld could not continue to be enforced. The Government, therefore, felt its means decreasing, while, besides the expenses demanded in their first establishment of a conquered colony, they were burdened with establishments unnecessarily large.

I am not prepared to guess to what extent the revenues of this colony, during the first and

even the second year, may have fallen short of its disbursements ; but I can readily imagine they did so considerably, and that the demands requiring to be made, in consequence, may have given rise to an idea, highly unfavourable to the resources of the colony. But it is of importance that this matter be fully explained, in order that it may not tend to discourage expectations for the future. Without, therefore, discussing further the particular circumstances of want of interior commerce, and local difficulties that united with the depreciation of paper currency in producing this effect, it may be sufficient to remark, that the difficulties were temporary, arising from a state of political uncertainty, and in no way connected with the permanent administration of the colony ; that they have ceased to exist, since the improved system of rental has brought forward the resources of the country ; and that the determined reduction of expense in each branch of the service, which was effected when time had removed all internal apprehension, and had pointed out where and to what extent such reductions could

properly be made, has come in aid of the improvement of the revenue, and not only removed all financial difficulty, but enabled the Government to shake off a great portion of former burdens. This we cannot but see, in the frequent occasions on which the Government securities have lately been recalled and destroyed, and in the promptitude in which the regular disbursements of the Government are made ; and from this we may with justice conclude, that the expectations which were entertained have been realized, and that time and perseverance in the present plans are only necessary to obtain sufficient revenues for all the local expenses of Government, and to furnish a surplus revenue to the Mother Country, by remittance of colonial produce and consumption of European manufactures.

Already has the present Government recalled from circulation the 7,500,000 rix-dollars paper currency, which were recognized at the period of the conquest. When it had reached the state of depreciation above described, a part of

it was called in by sale of public lands, &c. to the amount of about 500,000 Spanish dollars, and the rest of it has since come into the general treasury in the ordinary receipt of the Government dues : it has since been declared out of circulation. Thus the generosity of the British Government has cleared off a debt under which the Dutch were weighed down in Java ; and the total amount of Government securities, issued in lieu of that paper currency, has now been so far recalled and destroyed, that it is estimated there is not more abroad than it is within the command of the Government to recall when necessary.

It is not, however, to be supposed, that this arrangement would accord with the wishes of Dutch colonists, or would be effected without their serious representation. The command of paper currency to any extent they might require, and which for many years has been within their reach, has produced an imaginary value of property that could only exist under such circumstances. Large properties were usually

bought, without the purchaser being able to pay for them. He was enabled to mortgage to the extent of two-thirds of the estimated value (and estimated in paper currency), and the mortgage was commonly transferred with the purchase ; the rest could be borrowed : and thus many men are the nominal purchasers of large properties, who in fact have never paid for them, and can only look for the means of doing so in the facility of borrowing.

These remarks are not, perhaps, very relevant to the subject ; but they are useful, in estimating the state of society and of property in Batavia and its neighbourhood, and will be a further proof of what has already been advanced, that the local interests of Residents in Batavia can with difficulty be rendered compatible with the measures that are necessary to the general prosperity and improvement of the colony. Thus the restriction now placed on the loans of the Lombard Bank, and other measures of a similar nature, adopted by the British Go-

vernment to limit the issue of paper currency as much as possible, and the strict prohibition that now exists against the importation and traffic in slaves, cannot be expected to be very congenial with the views and wishes of the colonists in general; and it is natural that they should often be inclined to apprehend a political danger, where, in reality, the only danger is in the effect of prejudice. I am far from wishing to infer any want of liberality, and much less of humanity, among the class of land proprietors in Java. It comprehends many men of superior talent and amiable character: but where long established prejudices, and the ideas of personal interest, unite to oppose the abolition of slavery and feudal service, argument and reason are unable to convince; and although no one could, with justice or propriety, advise that their interests should be injured, it is difficult to persuade any one who looks through the former administration, that the vital interests of the nation have not formerly been sacrificed to them, or that Java, if that system were con-

tinued, can ever become what it may be, and what it will be, if administered on more extended and generous principles.

One essential measure of the British Government still remains to be noticed; the introduction of an efficient police, and of a direct judicial administration, which is felt by the body of the people. To effect this important measure, a reference has been had to the Javanese institutions, and the care of the Government seems judiciously to have been directed, as much to the prevention as to the punishment of crime. The constitution of a Javanese village is simple and patriarchal. The chief of it is selected by his companions, and is generally one of the most respectable and respected among them. With the assistance of the elders of the village and the priest, he settles trifling disputes regarding boundaries of land, and the ordinary duties of civil society. It is rarely, indeed, except in criminal cases, that the question is carried further; but should this be insufficient, it comes to the Chief of Division, and from

him to the Regent or to the Resident, the latter being the chief civil authority, and the representative of Government in the jurisdiction over which he presides.

The Resident holds a court composed of the Regent, Punghulù (chief priest), and Jaxa (Mahomedan law officer). This court takes cognizance of criminal cases, where Javanese only are concerned: the Jaxa pronounces the law, and the sentence is transmitted for the approval and confirmation of the Lieutenant Governor. If the Resident differs in opinion with the Court, he records his reasons for so doing; but sentence cannot be carried into execution without a previous reference. If the case is for a capital crime, it is referred for trial before the Court of Circuit, in which a member of the Dutch Courts of Justice presides, and the trial is conducted by jury. Civil suits are tried either in the Resident's Court, or in the Dutch Courts, at the option of the party aggrieved; and criminal cases, where Europeans or other foreigners are concerned, can be

determined only before the Dutch Courts of Justice, in which the trial by jury has been introduced since the establishment of the British Government.

From this hasty sketch it will be evident, that the Javanese have now the benefit of a direct and prompt administration of justice. The Resident holds his court in the interior of the country, in different places at different times; according to circumstances. From the nature of his duties in the collection of revenue, he cannot avoid having frequent personal communication with the peasantry, and must be personally known to them; and since both the orders of Government and the abolition of feudal service prevent this officer's assuming the retinue and state formerly practised, the people must be aware that they can obtain access to him: there is nothing, therefore, to prevent their complaints being received. The Circuit Judge also has no fixed place of holding his sessions, and proceeds quarterly, or oftener, when required by any urgent or important case.

The exercise of judicial administration, therefore, is as immediate and as local, as in such an extent of country can be practicable; and it is but due to the Javanese character, as well as to the present judicial institutions, to mention, that there is an acknowledged diminution of crime within these two years, and that the instances are few where a capital sentence is found necessary. In some parts of the island, the Resident's monthly report of his judicial proceedings comes in without one cause having come before him, and with a declaration, that nothing has occurred to disturb the peace of the country under his charge. In the Cadoe, in particular, a province which pays five lacs of rupees of rental annually, and contains a population of two hundred and fifty thousand souls, this has frequently occurred; and can there be a stronger proof of the good qualities of the Javanese character, or a greater reflection on the principles of administration that should so long have held this people in servitude and bondage? Simplicity and confidence are the characteristics of the Javanese peasant. He is

unsuspicious and credulous, for he expects no harm, being unconscious of intending it to others; he is obedient and docile, for his earliest precepts and observation teach him to respect his superiors: if he wants some of the bolder virtues and qualities of a civilized people, he is also free from many of their vices and bad habits; and in the practical effects of the detailed land settlement, which necessarily occasions the most rude and uninformed among them to become renters of land, he acquires and possesses the intuitive feeling of comfort and enjoyment, which will induce him to labour, now that he knows he will possess the fruits of it.

The habits of the Javanese are agricultural, their manners simple, and their customs unfettered by the prejudices of cast and religion that exist in many of the Asiatic nations. They profess the Mahomedan religion, but its tenets are not very strictly observed among them. Their domestic morals seem not to be very rigid, and divorce is as easy, and almost as common, among them as marriage: it is suffi-

cient that both parties consent in the presence of the priest ; each is then at liberty to take a new partner. The veneration of children for their parents is extreme, and their attachment to the tombs of their ancestors is proverbial. They hire themselves or their families occasionally for payment of a debt, and this mode of procedure prevails throughout the island : but they have no slaves ; and it is a fundamental law among them, that a Javanese cannot sell himself or his family. They are, therefore, as different from their opposite neighbours in Borneo and in Celebes, in disposition and in habits of life, as in language and character. The Javanese chiefs, it must be acknowledged, have more of the vices of civilization than the peasantry, and are not much checked by the moral restraints of civilized education ; yet even they have shewn themselves a peaceable quiet race of men, though they are by no means wanting either in that energy of character, which would enable them to act otherwise. In fact, we have heard of no dissatisfaction among them throughout the recent changes ; on the contrary, they

seem to enter cheerfully into their new duties :
 and it may without hesitation be declared, that
 there are few colonies of such extent, I would
 almost venture to say none, where a more un-
 disturbed tranquillity and satisfaction prevail,
 or where the gradual and certain improvement
 that is every where found to result from the
 peaceable pursuits of industry is more likely to
 be conspicuous than in Java. Nor is it to be
 forgotten, that the Javanese nation, amounting
 at present to about four millions, are possessed
 of a soil peculiarly fertile, and a climate ex-
 tremely salubrious. They have more unculti-
 vated than cultivated land ; and, consequently,
 are provided with the requisite support and
 employment of an increasing population, with-
 out the necessity of war or foreign means to
 provide for and feed the excess of it. Will it
 not be admitted, that such a people deserved
 more consideration than has been given to them
 under their former masters ; and that, under the
 view of mutual benefit, they may prove a mine
 of wealth to the European nation who fosters
 and protects them ?

It has been observed by Dr. Horsfield, a naturalist whose scientific talent and knowledge have been proved by his researches in this island, that he has found in his botanical researches six classes of plants indigenous to six varieties of climate. It is also known, that the temperature varies in different situations from thirty and thirty-five to ninety degrees of Fahrenheit's thermometer ; and independently of the fertility of soil which this island possesses from its volcanic origin, it has also a command of water and facility of irrigation peculiarly great. From this an inference may be drawn of the variety of productions that are or might be found in the different temperatures of climate with which it is gifted. The mountains are in many instances cultivated nearly to their summit. It would seem, indeed, that in ancient times the Javanese resided principally in the interior or in the hilly parts of the country, since all the splendid ruins of ancient architecture (and there are ruins that evince a grandeur and advance in the arts of sculpture and design that could only have existed among a polished people), are in these

situations ; and the natural productions of the island rise from the cocoa-nut to the Alpine fir, which is found in the Tanger mountains south-east of Sourabaya, or from the swampy rice lands along the coasts, to the wheat, oats, and other productions peculiarly adapted to European climates. Whether, therefore, this colony be considered as capable of furnishing produce that would be in demand in the markets of Europe, or as possessing a population likely to increase the consumption of European manufactures, it is perhaps at this moment one of the most capable colonies in the world, at the same time that it is one of the most healthy to European constitutions with which we are acquainted.

But to bring forward this capability, to bestow on the numerous people of this extensive range, the knowledge of civilization and the blessings of freedom, and to reap, in consequence of such endeavours, the mutual benefits which they would produce, requires a very different administration from that which has

formerly prevailed, and a principle of action in the mother country, very different from what Holland has adopted towards these colonies. The influence of old habits and prejudices, the local interests of the Dutch colonists, and the exclusive system of commercial monopoly which has been the guide and object of the Dutch government in Java, are alike unfavourable to the practicable improvement and advance of civilization here ; while, at the same time, the poverty and want of domestic manufactures at home, will tend to defeat, in a great degree, the advantages that are to be contemplated in the possession. And shall such a nation as the Javanese, such an extensive population as are within the controul and influence of the government of this colony, be again abandoned to the feudal bondage and humiliation under which they have groaned ? Shall Great-Britain, to whose lasting honour it is on record that slavery has been discouraged or abolished in every country where her dominion or influence extended, permit the population of Bali, of Celebes, and of the isles

adjacent, to be again made the subject of traffic in Java? Shall she not rather embrace the moment, when the triumph of her arms has opened the way to a new empire in these seas, to stretch a protecting hand over the Eastern Archipelago, and establish the amelioration and prosperity of its inhabitants, by placing them under her own government and protection?

Let us look round the numerous islands dependent on or connected with Java, and view it as the centre of an Eastern Insular Empire, from the Straits of Malacca to the kingdom of Japan and to New Holland. We shall find that they have a mutual interest and dependency on each other, and, on the whole, repay with ample profit the cares and beneficence of the European power.

Java is by nature formed to be the centre of such an empire. Having a population numerous and of the character already described, it now furnishes a revenue beyond its own charges.

Its superabundant produce supplies the neighbouring islands with rice, salt, and other articles of necessity : in return, Banca furnishes its tin, Palembang its pepper and rattans, and Borneo its gold dust. The situation of Java, also, points it out as the emporium from whence the spices should be circulated ; for it has been found by experience, that they incur considerable damage during a voyage to Europe, unless re-packed and picked after having quitted their native atmosphere. The returning vessels would convey the supplies necessary for the consumption of those islands, and thus economy and convenience unite in recommending the natural course of this branch of Oriental commerce. Moreover it must be observed, that the Moluccas, if not held by the same European power which possesses Java, would require a defensive military establishment, equally expensive and destructive in those unhealthy islands.

Thus the local produce of Java, added to the returns of its dependencies, secures a pro-

fitable commercial intercourse, both with India and with Europe. The Banca tin and edible bird's nests have a sure and certain market in China: the teak timber and rice, also, have been found to answer well. In return may be had the teas of China, and other articles that are purchased for the Europe market with bullion, or by a losing barter for European manufactures; and with Japan the trade is acknowledged to be even more beneficial.

I am not competent to say to what extent this trade may be carried; but thus much may be asserted, on the authority of what has passed since the establishment of the British Government, that the re-establishment of the British flag in Japan is not only not impracticable, but has been principally prevented by the intrigue and misrepresentation of the power already there, who wished not the introduction of another European power however friendly. Those who have been engaged in the commercial adventures undertaken from Java during the last three years, have reported that the

Japanese are inclined to receive British visitors ; that though they have been induced to imbibe a prejudice unfavourable to the British name, they study its language and are aware of its character ; and that, although the jealous spirit of their government would render a free or general trade impossible, they have not the decided aversion which has been attributed to them, and would be glad to extend the commercial intercourse mutually, much beyond what has of late been carried forward. Copper, camphor, and lackered-ware, are the principal exports from Japan to Java, in return for European manufactures (especially woollens and hardware), India piece goods, and a small quantity of the produce of these islands ; but there seems great reason to think that the importations of Japan might be very considerably extended, and besides the articles hitherto brought in return, tea may be obtained, in quality equal to that of China, and a variety of drugs which are in demand in Europe. The population of Japan exceeds thirty millions. Their character is declared to be frank, honest,

and high-minded ; the very reverse, in short, to that of the Chinese : and the climate of their country brings many of the European manufactures into general use, whenever they can be procured. To draw further inferences from these circumstances, would be a repetition of what has already been advanced. But it would not be practicable, on the present occasion, to go through a complete review of the commercial facilities of this colony, and to enter into a narrative of its commerce with Europe and India, or the mutual benefit that would result in a few years, by establishing a constant intercourse between it and New Holland on one side, and Ceylon on the other. The conveniences of its local situation in the trade between Europe and China, the consumption of many manufactures of India in this colony, its powerful rivalship of India in many of those products which form exports from thence to Europe, and the general economy and advantage of rendering it a half-way house and depôt in the commerce between Europe and the countries east of the Malay

Peninsula, would form subjects of consideration too important and too extensive to be at present entered upon. That they do exist, however, will probably be admitted without much discussion; and it may be sufficient, on the present occasion, to express an opinion, that the more they are examined, the more will they, in all probability, be found to strengthen the argument which has been adduced in this sketch.

Nor is it of slight importance, that experience has now proved the climate of Java to be fully as congenial to the constitution of Europeans as that of most parts of India. Since the first effects resulting from the change of habit and diet after a long voyage, and an arduous though short campaign, had ceased, and a greater knowledge of the country had led to the establishment of cantonments inland, it has been shewn by the military returns, that the European troops are more healthy in this island, than on the continent of India. His Majesty's 59th Regiment of Foot proceeded to Bengal, a few months ago, about a thousand

strong, and had not more than fifty men sick. His Majesty's 78th Regiment, now on the island, are equally healthy; and so well are the Sepoys become satisfied and comfortable in Java, that it is notorious many petitions were made among them to remain, when, lately, one of the battalions returned to India.

The habits and prejudices of the Bengal Sepoys prevent their eating food that is cooked on shipboard; their diet, therefore, during a voyage, is not sufficiently nourishing, and it renders them less able to undergo immediate fatigue afterwards. In the expedition to Java, the divisions from Bengal had a voyage of nearly five months, with the intervention of one month passed at Malacca; and hard service following immediately on their previously debilitated state, produced a very general sickness. Some time of rest was required to remove the disposition to disease; the mortality was great among them, and they became dispirited and disheartened. It was at this time that they were hastily declared to be unfit for the colonial

service of Java : it was then that the opinion of a commander, whose valour was more conspicuous than his judgment, pronounced them to be unfit for any foreign service ; but the experience of time has shewn, that this opinion was erroneous in every point of view. The Sepoy corps are now less sickly than in the provinces of Bengal Proper. They are contented, and they are efficient in any service that may be required of them : they are far, very far, superior to any colonial troops that could be formed against a foreign enemy ; and for any interior warfare they may, without hesitation, be said to be as serviceable as Europeans. I have dwelt the longer on this subject, because if this colony be a British possession, the inferences that may be drawn are by no means unimportant. With such a nursery of soldiers as is to be found in the East-India Company's dominions, and from whence it could hardly be difficult to find recruits, provided the service be for a limited number of years, and the engagement made with the men be adhered to, the Eastern Islands might be

garrisoned by Great Britain at little expense, either of money or of men. With the majority of the garrison composed of Sepoys, no great number of Europeans would probably be thought necessary; and, at any rate, though a larger proportion of Europeans would necessarily be required, if besides that species of troops there were only colonial regiments recruited from the islands of Bali and Celebes (for the Javanese do not willingly fall into military habits of life), it has, even in that case, been estimated on undoubted authority, that two European regiments, in addition to colonial troops, would be adequate to all the ordinary purposes of defence and security.

If it could be certain, that the newly established sovereignty of the Netherlands would for ever remain in ties of amity and defensive alliance with Great Britain; if it were sure, that the British nation would obtain for ever the just reward of her sacrifices and of her generosity, by being admitted to an equal share of the commerce of these seas; it might be less a

matter of importance, whether the administration of Java and its dependencies reverted to its former possessors or not: but such is the uncertainty of political events, that even family alliance is but a feeble barrier against political expediency; and admitting even that Great Britain could be satisfied with giving back her conquest, on condition of obtaining for herself a future share in this commerce, and securing to the numerous population who now look up to her for protection, a promise that the freedom which has been given to them shall be continued, it is impossible to calculate on a certainty of the future. The distance from Europe, the difficulty, not to say impossibility, of obtaining redress of injury from such a distance, and the local opposition of interest, backed by all the prejudices of long established feelings on this subject, would effectually prevent it. And shall the page of history be forgotten? Shall the experience of past times, when Great Britain had factories and colonies in these seas, be lost?

Let Great Britain, then, consolidate her eastern empire by retaining the command of the Eastern Archipelago. It is not necessary that she should exclude other nations from a participation in its commerce ; but let the British flag continue to wave in the colonies, where it has now for the first time been pre-eminent ; and let the numerous population, who, I will affirm it without danger of its being disproved, will deeply regret the day when they are returned to their former masters, and who have in many instances expressed their fears and apprehensions that it should be so, be secured under a government, where the feudal rights and bondage which are in the mouths of the European colonists in Java, cannot be put in practice. Even security of the present British empire in the east recommends, though it may not demand, such an arrangement ; for had the projects of Buonaparte been equalled by his means, had a few years of peace been allowed him to throw in the force for whom the barracks and supplies were ready, not only would it have been extremely difficult to have conquered this

Island, or to have prevented the extending monopoly of its government, but its fertility and productiveness in much of the produce of British India, and its superior facility of connection with China, would, after a few years of peaceable possession and administration, have rendered it a troublesome rival to our eastern possessions. Change but the name, and the same situation of things may again occur. Besides, this colony cannot be to Holland what it may be to Great Britain. Its prosperity and its benefit to the mother country depend chiefly on a steady perseverance in the principles of extensive and liberal commerce, and on an amelioration of the state of the native population ; but the present commercial poverty of the Dutch nation would prevent her being able to undertake the former, and the local interests and prejudices, resulting from a vitiated habit of centuries, would continue effectually to oppose the latter, whatever might be the intentions of the authorities in Europe.

APPENDIX.

No. I.

REVENUE INSTRUCTIONS.

THE Honourable the Lieutenant Governor in Council having taken into mature consideration the state of the Land Revenue of this Island, and being impressed with the necessity of establishing one uniform, equitable and adequate system for its assessment and realization, has been pleased to direct that the following instructions be sent to the Residents, Collectors, and other officers, to whom are consigned the charge of the several provinces under his authority.

1. It is the object of Government to separate, in a great measure, the Revenue from the Judicial branches of the internal administration, it being deemed that a more lucid and simple arrangement of the public business will be formed thereby; and that the relieving the Residents from a part of their at present too extensive and complicated duties, will ensure so much easier and better execution of the remainder, as fully to counterbalance any additional expense that may be incurred by the adoption of the measure.

2. For this purpose it has been resolved, that Collectors shall be appointed immediately to the various

districts, whose office shall consist in the sole and entire superintendence of the land revenue, and to whom therefore shall be made over by the Residents the complete charge of that department, with all such papers, documents, &c. as are in any way connected with it.

3. In some instances, however, from strong local, political, or other reasons, it is considered advisable, that the several branches of the public duty remain still vested for a time in the Resident alone. As this necessity shall cease, care will be taken, by the introduction of separate Collectors, to attain uniformity. But, in the meantime, it is particularly enjoined to such Residents as are continued in this double capacity of Revenue and Judicial Superintendents, to take due care that these several branches be not blended in the execution, but that each part of their duty be discharged according to the department to which it belongs, and that their several proceedings be recorded in their proper departments only, distinct from all others.

4. A similar line of conduct will be observed in the maintenance of the establishments necessary for carrying on the business of these several departments; these establishments being kept as much apart, and as much confined to their distinct details, when the duties of Collector and Judge and Magistrate are exercised by the same person, as when there are different officers appointed for the superintendence of each.

5. Those Residents, therefore, to whom will still be entrusted the collection of the land revenue, will consider the following instructions to Collectors as



addressed to themselves in that capacity.—Each Collector shall forward to Government a list of such establishment (with the salaries to each individual that he would recommend) as he deems adequate to carrying on the business in his head office, where the general papers, accounts, &c. will be prepared, and which will be conducted under his own immediate inspection.

6. This establishment may consist of one Native Assistant and such number of Writers (Javanese and English), Opasses, and other servants, as may be necessary. This Native Assistant ought to be a man of rank, respectability, and information, that he may be at once competent, by his knowledge of the manners, characters, and habits of the native inhabitants, to assist the Collector in advising measures best suited to each occasion, and by the estimation in which he is held by the people, to lend a considerable aid in carrying those measures duly into execution.

7. His salary may amount to from one to two hundred rupees per month, or a quantity of land equal to such sum may be allowed him rent free.

8. It may be advisable to employ for this situation some of the Bopaties, Patihs, or Tumangungs, who have been, but are not now, in the actual service of Government. This, as salaries or pensions are, in many instances, already allowed in the manner of sinecures, may prove a considerable saving to Government; and, at the same time, the having a duty annexed to their present receipts, which will carry with it a considerable degree of authority and consequence, may be more pleasing to many, than the idle enjoy-

ment of a sum of money, for which they must feel that they are at present making no adequate return.

9. For the outer establishments, those necessary for carrying on the details in each village or division, it is not intended to create any new officers; those at present entertained, and who have as yet very well executed the double duties of Police and Revenue, being deemed the most competent and best fitted for continuing to manage the business of these several departments.

10. It is not the additional expense which would arise from the appointing a new description of Revenue Officers, that is alone considered in this arrangement. The formation of a distinct Revenue Establishment throughout the interior is, on many other accounts, deemed an innovation that would be attended with considerable trouble, that would prove less pleasing to the inhabitants themselves, and that would not be nearly so adequate to the management of the collections, as the collection of the combined establishment at present existing.

11. The head inhabitant of a Javanese village has, from immemorial usage, been considered to have vested in him the general superintendence of the affairs relating to that village, whether in attending to the police, settling the minor disputes that occur within its limits, or of collecting its revenues, or more often its services. For this purpose, his office has been elective, and the powers he exercises entrusted to him by his fellow inhabitants.

12. A Writer, Priest, and other subordinate officers and servants, completed its regular establishment.

From harassing wars, long oppression, feudal tyranny, and European innovation, it is true that, in many parts of the country, scarcely a vestige remains of that species of constitution; but it is universally acknowledged that such was once its pure form throughout the island, and such is it still existing in many places.

13. This simple mode of village administration, Government cannot but admire and entirely approve of; and deeming it at once the best suited to the genius of the people, and as promising to be the most conducive to the interest of the ruling power, they have resolved that such system shall be acknowledged and encouraged, by every means in their power, throughout the provinces under their authority.

14. The head inhabitant therefore (whether recognized under the name of Petingi, Bukul, Leera, Kuwu, Mandor, or otherwise, according to the custom of the country) shall have entrusted to him the management of the revenue concerns of his village; a duty which his personal influence, and minutely intimate acquaintance with the situations and concerns of the several inhabitants of it, will render him better than any other qualified to discharge. He shall furnish such accounts and statements as he may from time to time be required to do; and shall obey such orders as he may receive directly from the Collector or his Assistant, or from the Officer of the Division in which his village is situated.

15. These Officers of Division shall likewise be continued in the double capacity of superintending both the judicial and the revenue proceedings within the limits of their official range. This practice, in-

deed, is consonant with the immemorial customs of the country, and deemed most calculated to render benefit in the conduct of either department.

16. By the judicial regulation lately enacted, the Officer of Division has been empowered to settle such minor disputes as may be considered as belonging to the revenue branch, such as the determining contested boundaries, trespass, irregularity in the dispositions for irrigation, &c. and by extending this authority so as to empower him to take regular cognizance of all transactions respecting revenue collections, and to inspect, whenever he pleases, the several village accounts. It is deemed that his office will become one of very great utility; serving, in future, by its records, to refer to on every occasion, when it may be wished to ascertain the precise nature of any permanent property or local usage within the division.

17. To them, therefore, shall be considered in every way subordinate the heads of villages; and it is trusted that they will prove a most useful check on them.

18. The Officer of Division shall furnish to the Collector all such papers as may be required, and shall diligently execute any orders that they may receive, either from him or from his Native Assistant.

19. Respecting the salaries for these inferior servants of government, they have already been in most instances fixed; certain allotments of land, rent free, or sums of money monthly, being given to them.

20. The money salaries of those servants who are connected with the Resident shall be continued to be paid by him as they are at present,

21. The allotments of land shall fall under the Collector's superintendence, and he shall set down among the charges of collection, sums of money equal to what would be the monied rent of those lands were they not free. For this purpose, they shall be assessed and regularly entered among the other lands in the general lease of the village: but the collection of this assessed rent shall not be actually made;—it shall only appear in the accounts, as that it had been realized, and paid to the several officers.

22. For the other Officers attached to the Collector, namely, those in his head office, some it is concluded will be paid by portions of land being made over to them, others by monthly sums of money. The accounts of the former will be settled as already mentioned. The salaries of the latter will be drawn for by bills on the Resident, who will continue to be the sole treasurer of the district.

23. The Collector will accordingly forward to him the several sums of money he may receive in his collections, whenever they amount to five hundred rupees.

24. It is trusted, that the placing the Heads of Villages and Officers of Divisions, in some measure, under two authorities, to whom they must separately report, will not be attended with any eventual evil or confusion. When these arrangements become well matured, and the exact limits of their several duties clearly defined, the subordinate officers will not find any difficulty in their execution. For the attainment of this desirable end, however, much must depend upon the conduct of the Resident and Collector. They

are placed in these districts, not as persons who are to serve in any way as checks upon each other, but who are required to act together for the general good, mutually to assist each other to the extent of their power, and by preserving between themselves a good understanding, to carry on better their respective duties.

25. Should, in any case, a disagreement of opinion arise on any subject between them, a reference will be immediately made to the Honourable the Lieutenant Governor, who will without delay pass on it his decision.

26. It need hardly be observed, that the Collectors will possess no magisterial authority whatsoever : application will be regularly made by him to the Resident, as judge and magistrate, whenever it becomes necessary to call on that officer for aid in either capacity, whether to punish the misconduct of servants, or to realize by civil suit any part of the dues of Government. The process to be observed, in either case, will be precisely similar to what is prescribed where the two parties in the suit are private individuals : Government by no means wishing to enjoy themselves any better security of rights, than that which they would ensure to the meanest of their subjects, nor to possess a greater facility of redress than is provided by their regulations to be offered to any individual, who shall consider himself as aggrieved.

27. As the first step towards the introduction of an adequate system of internal administration, it becomes positively necessary that Government should be

furnished with the fullest and completest view of the actual resources of the country.

28. The minutest details must be collected, arranged, and considered, before any system can be properly reduced to practice, or any assessment can be justly made.

29. But when once this body of information is obtained, the business of the revenue settlement will become comparatively light, and will be able to be proceeded with on the clearest and most equitable principles. It will serve, too, on all future occasions, as a complete collection of the most valuable data to which to refer back for any purpose, or on which to ground any measures that may, in future, be deemed advisable. The obtaining this, Government are fully aware, must be a work the most laborious; but placing the fullest reliance on the zeal, industry, and talents of those officers through whom they expect to derive such information, they look forward with confidence to its accomplishment in a manner as complete, and in a period as short as are possible, where enquiries are to be made at once so minute and so extensive.

30. It must be considered, too, that however heavy, at first, this compilation may prove, it will ultimately most materially save both the time and trouble of the Collectors. Daily occurrences will constantly require that information which it is now desired should be at once obtained; and by possessing such a standard for conducting the business, a simple reference to it will very often be sufficient, when otherwise there would arise a necessity for instituting inquiries of the same nature, numberless and troublesome on every new, however trivial, occasion. Every Collector, in

short, who is anxious to perform well the duties entrusted to him, must wish to be in possession of such a mass of information as is now proposed to be collected.

31. The best mode to be adopted will be as follows :—

The Collector, attended by his Native Assistant and such servants as are necessary, must himself proceed to the chief station in each division, where he will cause to be assembled the head inhabitants of the several villages contained in it. To these he must clearly explain the nature of the information desired; and through their means it is expected that it will be obtained without difficulty.

32. Whenever it may be necessary, the Collector will visit the village itself, and on the spot cause such inquiries to be made as are requisite.

33. The Officers of Survey lately attached to the Residents will accompany the Collectors through this tour, and give such professional aid as may be desired.

34. They will make one general survey of the whole collectorship, forming therefrom a map, on an uniform scale of one English inch to an English mile: in this the limits of each village and of each division will be accurately defined, and the direction and situation of forests, rivers, roads, mountains, &c. will also be correctly delineated.

35. By this general plan, the Collector will know exactly the amount of land to be accounted for by each village; and the several lesser sums, as they will be thus brought together, will serve to prove the truth of the aggregate statement.

36. These Surveyors will further take any such lesser surveys or measurements as they may be directed to do by the Collectors.

37. The papers to be furnished by each village are three; forms for which are the enclosures, marked A, B, and C. Some observations are necessary in explanation of these.

38. From the detailed papers of cultivators, and householders not cultivators, will be framed the general account of the village. The reason for separating the inhabitants into these two classes is obvious. It is wished that the exact resources of the country may be seen at one view, to know what part of the population are actually employed in the cultivation of the soil, and to learn in what way the remainder are disposed of. It is also considered but just, that to equalize in some measure the payments from all ranks of people, a tenement tax (or more properly a small rent for the ground on which their houses stand) should be levied from those who contribute nothing to the land rents.

39. But as the extension of this through all the petty villages might be deemed vexatious, and as, in reality, in those very small communities the payment by any party is virtually a payment by the whole of the inhabitants, it is resolved that such tax shall not be levied there. But there is no reason for including in this indulgence the inhabitants of towns; these, as in some places already ordered, shall by means of such tax contribute their just share of the payments to Government.

40. The assessment and collection of this shall form part of the Collector's duty. The principle on

which it must proceed will be to divide the houses into three classes, according to their size and the general circumstances of their owners.

41. These will be assessed according to the class, at three, two, or one Java rupee per annum; and where, in any instance, from the indigence of the householder, even this small payment could become a hardship, the Collector shall not include him at all in the assessment. This measure will secure a considerable revenue to Government, and by experience in some districts, already, it is known that it will not be considered as vexatious or unjust by the inhabitants: they will deem it no hardship to pay so small a sum annually, to be secured in the unmolested possession of the ground and enclosure in which their houses stand; more especially now that they are freed from all forced deliveries and services, without adequate payment either to government or to the native chiefs, and are left at liberty to enjoy the fruit of their labour.

42. The paper C. requires few observations: it explains itself. Every householder shall have a number given to him; for in registering names alone, very great confusion may arise, not only by the same being possessed by numerous individuals, but by the singular practice which frequently occurs among the Javanese, of persons, from the most capricious motives, assuming new appellations. The number being once fixed for each, there will be no difficulty in always identifying them.

43. In the paper B., for the same reason above given, a number will be added to each individual

cultivator's name; that is, to each who will, in the detailed system to be carried into effect, become an actual renter of land from Government.

44. With respect to the quantity of land, of produce, or of money, as it is most desirable that there should be one uniform standard for the whole island, to which every other measurement, weight, or currency may be reduced, a circular letter has been written, dated 11th February 1814, on the subject of currency, weights, and measures, and the Collectors will be in future strictly guided by that, keeping their accounts only in the terms therein authorized.

45. In estimating the produce, the average of several former years will be the surest criterion. All sawah lands will be considered solely as to what quantity of paddy they might produce. Where other species of cultivation occurs, it shall nevertheless be estimated only with reference to this standard, or what might have been the value of the crop had the land been sown with rice.

46. In similar manner, the taggal lands (under which description are comprehended all lands not subject to irrigation) shall be estimated, in their produce, at what would be the quantity of maize from them were that the sole crop.

47. These two kinds of cultivation are the most usual throughout the island for these descriptions of land, and it will be easy to form an assessment where these two are only considered. The profit or loss, in substituting other crops, must be the sole concern of the individual cultivators.

48. In the value of the produce, the prices for both the paddy and the maize must be taken as they exist

in the cheapest season of the year, and actually procurable on the spot.

49. By assuming other rates than these, as for instance, the prices the articles may bear in periods of the year when a greater scarcity prevails, or at what they would sell were they disposed of in large towns, a false estimate will be taken ; and depending on such contingencies, a failure in the realization of the assessed revenues might frequently occur.

50. In the remarks that may be made opposite to each cultivator, if necessary, any circumstance may be entered that may be deemed by the collector deserving of mention ;—but principally will fall under this column the statement of such reasons as entitle the individual to a remission of rent, such as the being an officer of Government, a pensioner, &c. The general account A. will throw into one view the whole resources and actual state of the village.

51. Each of these villages must have a number given to it by the Officer of Division.

52. On the principles of complete survey, even the smallest quantity of land must be accounted for ; and the general division into such as are or are not in use, naturally suggests itself. These are again subdivided into other classes. The “ Cultivated Land ” will be formed by bringing together the totals of the paper B. “ Free Land ” will include generally all such as are at present enjoyed by the village inhabitant, free of assessment, as the area of the village itself, with its gardens, commons, &c. The “ Coffee Grounds ” still remaining in the possession of Government will be next entered ; but it will be the duty of the Collector to let these out, where they can, like other lands, to

be converted to whatever purpose the tenants may please.

53. The extent of the "teak forests" must likewise be given; and to this will follow what are termed "government lands," that is, generally, whatever is held by them for their own or the public benefit, exclusive of the two foregoing classes. In the "general remarks" it will be necessary to advert to the particular nature of this entry, specifying what lands have formed it.

54. Of "lands not in use," the most important part is that which specifies what are capable of being cultivated. The several qualities of these cannot in every instance be quite correctly defined; but as far as practicable, it is desirous to arrange them in the manner pointed out, that is, into the two general descriptions of Sawah and Taggal. Next will follow lands decidedly "unfit;"--and finally, what are termed "jungle lands;" these are such as do not produce teak. In the "general remarks," it will be necessary to take notice of this latter class, specifying, as far as possible, to what kind of land they belong, whether by clearing they might be susceptible of cultivation, or are naturally unfit for it. The remaining heads in the paper need no observation: they explain themselves, and will be at once filled up from the accounts B. and C.

55. Each Officer of Division shall, from these village accounts, frame one general one of the district under his authority. The form is shewn in the paper D. The only additional information to be furnished by him in it, is the quantity of lands lying waste and uninhabited, which have not been portioned out into villages; and in the "general remarks" subjoined, it

will be necessary to advert to these, pointing out their nature, and the reasons for their being in such desert state.

56. Each division shall be regularly numbered.

57. The account marked E. is intended to give to Government one general view of the whole collectorship; at once shewing into how many divisions it is portioned out, and in each of those how many villages there are,—the general population under its several descriptions,—the total amount of land,—what quantity of it is cultivated,—how much is capable of being so,—the estimated value of the entire produce,—the riches of its inhabitants, which are chiefly comprised in the number of buffaloes and horses possessed by them, &c. &c. And attached to these any such observations may be made as may suggest themselves to the Collectors.

58. The collection of papers thus framed, will, it is deemed, put Government fully in possession of all the information they require.

59. On the first attempt by the British power to introduce an amended system of land revenue through this island, from our paucity of information on the subject, and the extreme caution with which it was necessary to proceed, it was thought necessary to have recourse to an intermediate class of persons between the actual sovereign and the cultivator of the soil, or to let out the whole lands of each village to its principal inhabitant.

60. But by this mere grant of lease, it was not by any means understood that any acknowledgement was made of proprietary right to the soil existing in those heads of villages. It was simply a step, arising from

the necessity of the occasion, from the impracticability of at once entering upon a more detailed plan, and which at the moment of its adoption was meant to be considered as temporary, to be no longer adhered to, if, on the acquisition of further knowledge, a more particular system of management should be deemed advisable.

61. The nature of landed tenure throughout the island is now thoroughly understood. Generally speaking, no proprietary right in the soil is vested in any between the actual cultivator and the sovereign ; the intermediate classes, who may at any time have enjoyed the revenues of villages or districts, being deemed merely the executive officers of Government, who received those revenues only from the gift of their lord, and who depended on his will alone for their tenure. Of this actual proprietary right there can be no doubt that it originally vested solely in the sovereign ; but it is equally certain, that the first clearers of the land entitled themselves, as their just reward, to such a real property in the ground they thus in a manner created, that whilst a due tribute of a certain share of its produce for the benefit of being well governed was paid to the sovereign power, that in return was equally bound not to disturb them or their heirs in its possession. The disposal of this Government share was therefore all that could justly depend on the will of the ruling authority, and consequently the numerous gifts of lands made at various periods by the several sovereigns, have in no way affected the right of the actual cultivator :—all that any Government could alienate was merely its own revenue or share of the produce. This subject has come under full discus-

sion; and the above result, as regarding this island, has been quite satisfactorily established.

62. The continuance, therefore, of the village system, becomes only a matter of consideration, on the grounds of whether it is more beneficial than any other to Government, or most likely to be conducive to the general prosperity and welfare of the mass of the population.

63. No doubt, however, remains on the minds of Government on this question. The agency of the immediate Renters is considered as quite unnecessary to be adopted in future. It is deemed, that such a plan of settlement will leave the interest of the bulk of the people entirely at the mercy of a set of numerous petty chiefs, who, however well they may have hitherto conducted themselves, would certainly, in such case, possess an utility of injury and oppression, against which the ruling power would have left itself no adequate means of prevention or redress, and which cannot therefore be permitted, consistently with the principles of good government.

64. It has, therefore, been resolved, that this intermediate system be entirely done away, the Government determining to act, in future, through its immediate officers, directly with each individual cultivator, and to stand forward, in short, the sole collector and enjoyer of its own revenues.—On every view, indeed, of the subject, the *tianghalit* (or as it is termed in Western India, where it is understood to have been advantageously introduced, the *ryot-war* settlement) is considered as that which will at once prove most satisfactory to the people, and most beneficial to the Government.

65. In the period that has elapsed since the first settlement, a sufficient knowledge has been obtained, by the most scrupulous investigation into the whole minutiae of the revenue affairs of the country, to render Government now fully competent to carry into execution that more detailed plan, which it was always in their contemplation to introduce, as early as might be practicable.

66. The several Collectors will therefore take suitable measures for carrying into effect the desired change, as soon as this may, from local or other circumstances, be possible.

67. Of course, the expiration of the former leases, must, in every instance, be awaited; but the several preliminary steps may be proceeded in without further delay. On no account must such leases be renewed.

68. As the term of the greater part of them will be closed by the ensuing Poasa, and as the business of the assessment and survey, as above ordered, may with great advantage be carried on together, the principles on which that settlement will proceed will be briefly laid down here. Much however must be necessarily left to the discretion and judgment of the Officers to whom its conduct will be entrusted, and on whose zeal, industry, and ability, this Government fully relies.

69. As a general rule for the guidance of the Collector, he shall continue in possession all such persons as he finds actually holding and cultivating land, and shall receive them as the renters from Government in the new settlement. Even though such cultivators shall not be able to adduce proofs of any real property in the land, yet long occupancy, improving cul-

ture, and general good conduct while in its possession, are deemed to be claims of no weak nature, and certainly constitute a right, in equity and sound policy, of being considered preferably to any others, who have no such claims; and this right Government is determined to respect.

70. It must, however, be clearly understood, that no positive rights of any nature will be infringed by this settlement. Every claim to property in land must be freely heard, and fully inquired into, by the Collectors; and it is necessary, in doubtful cases, to submit the claim for the decision of the Honourable the Lieutenant Governor.

71. There have been, it is known, in many parts of the country, grants from the Sovereign of lands in perpetuity, which are regularly inheritable, and relative to which the original documents still exist. Of these some have been made for religious purposes, others as rewards or provision for relatives or the higher nobility. These alienations, as far as it was justly in the power of the Sovereign to make them, will certainly not be set aside. Equity and good faith forbid it; but they equally enjoin, that the extent of these alienations be clearly defined, and that the rights of others be not compromised by them. The Government share, where granted away, will not be claimed, for this affects the Government alone. But there are certain other rights, those of the Cultivators, which cannot be admitted to have been in the slightest degree affected by such grants; and in the enjoyment of them, therefore, they must be duly protected by the Government. Such proprietors of revenue, as they may be termed, shall in short be allowed to act, with regard

to the Cultivators, only as Government themselves act towards theirs ; that is, receiving a fixed share of the produce : but whilst that is duly delivered, neither exacting more, nor removing any individual from his land.

72. On these subjects it will become the duty of the Collector to be particularly careful and circumspect ; to hear all claims, but to admit none lightly, giving to each the fullest investigation prior to acknowledging their validity.

73. When the Collector shall have thoroughly acquainted himself with the actual state and resources of each village, he shall proceed, as quickly as he can, to the assessment of the land revenue, to be realized, not from the village generally, but from each individual cultivator inhabiting it.

74. The Head of the Village shall be considered as the Officer of Government to be employed in the collection of the revenue, for which a certain portion of land shall be allowed to him. In consideration of this, and possessing, as he will, due powers for its realization, he shall be considered as responsible for its whole amount. By this means, every advantage of the general village settlement will be obtained, without any of its evils.

75. It must be observed, that all allotments of land, whether as pensions or salaries, are to be made only provisionally ; and in such grants, the Government share will be all that is to be affected by them.

76. One lease shall be made for the whole village, according to the form laid down in enclosure F.

77. This will give to each individual a full knowledge of his rights, and of what are the only dues to

be expected from him by Government. No extortion or injustice can then exist, without being liable to instant detection and punishment. To attain still further this end, it is ordered, that a copy of this lease be lodged with the Officer of Division, and another be kept for public inspection in the village office.

78. The Head of the Village shall also give to each Renter an extract account, according to the form in enclosure G.

79. By this the Renter will know exactly the state of his affairs, and the examination of these lesser papers will at once discover any fraud on the part of the village officer; for he must on each receipt of money or kind mark it in their accounts.

80. The Officer of Division will, in like manner, acknowledge on the back of the general lease the several sums received by him from the Head of any Village. The receipt of kind collections will, in the same way, be acknowledged at the Collector's Office, when they are delivered in.

81. The manner of assessing the Government share will proceed, as far as practicable, as follows:

82. As the inferior description of land require greater labour in their cultivation, and as the actual quantity of produce left from each for the use of the Renter is wished to be nearly the same, a different rate in assessing must be observed for each.

83. The following is considered as the fairest scale for fixing the Government share from each species of land, and ought to be referred to, as much as possible, as the general standard:

For Sawah Lands.

1st sort, one-half of the estimated produce.

2d, two-fifths of.....ditto.

3d, one-third of.....ditto.

For Tagal Lands.

1st sort, two-fifths of the estimated produce.

2d, one-third of.....ditto.

3d, one-fourth ofditto.

84. It must be expected, that less than this will be levied in many places for some time to come. Various reasons will induce a low rental being established at first, as the energies of many impoverished and long oppressed districts are to be brought forth by every encouragement that Government can give; but when cultivation has reached what may be considered as its state of perfection, and the settlement is completely matured, the above must form the general rates of assessment.

85. Government think it necessary also explicitly to declare, that they will be satisfied when the land revenue shall be productive to them in these proportions, determining, at no future time, to raise that scale; that the inhabitants, being thus exactly acquainted with what will form the utmost demand on them, and resting in full confidence that Government will not exact any thing further, may, in that security, enjoy their possessions in undisturbed happiness, and apply their utmost industry to the improvement of their lands, assured that, while they conduct themselves well, that land will never be taken from them, and that the more productive they may be able

to render it, the more beneficial will it be to themselves.

86. The Head of the Village will deliver his money collections to the Officer of Division, in such instances as may be directed by the Collector; but all payments in kind must be made actually into the Collector's office at the head station, the expenses of bringing it falling entirely on the Renters. This is done chiefly with a view to discourage such species of payments, Government wishing to receive, as far as practicable, their revenues in money alone. In ordering this, regard has also been had to former custom, the contingent under the Dutch administration having always been thus delivered in.

87. The option of kind payment is still left to the Renter on many accounts; in consideration, partly, of the present scarcity of specie throughout the country, partly as being agreeable to their ancient usages, which will always be paid the greatest attention to; but chiefly, as by leaving this double mode of payment open, the assessment, both in this and future settlements, will be able to be proceeded with on the justest and best principles. Enhancement or remissions will be equitably regulated by it; and, in short, by keeping the actual produce always in view, the shares of the Government and of the Cultivator must always preserve their due relation towards each other.

88. Paddy or rice, however, are the only two articles to be received. Maize is considered, in estimating the produce of the Taggal lands, to produce the justest assessment; but this must be invariably commuted for a money rent on fair principles. To Sawah

landholders only will the option of paddy or rice deliveries be given. As Cultivators, in most cases, hold some of each description of land, this distinction will not be felt as a hardship.

89. To guard against any failure in the estimated revenues, the value of the produce will be calculated at the sum which it commonly sells for in the village itself, immediately after the gathering in of the harvest; and the money commutation will proceed on this principle. The Renters, therefore, will obviously be encouraged to pay money preferable to kind; but should they nevertheless give in the latter, the Head of the Village must, if he can, turn it into specie, so that the estimated value be obtained. Should, in spite of these precautions, any quantity of paddy or rice arrive at the head station, the Collector will deposit it in the store-houses, and report in what manner he is of opinion it can be most advantageously disposed of. Generally speaking, Government wish to derive no extra profit from this branch of their revenues, and will approve of immediate sale, in every instance where the assessed price can be obtained.

90. As arrears are to be as much guarded against as possible, remissions of rent must sometimes be made. The mode of regulating these will be as follows. When such calamity of season, or other cause, occurs, as may be supposed to entitle the Cultivator to indulgent consideration in some deduction of rent, a report must be made by the Head of the Village before gathering the harvest, and the Collector will then order the Officer of Division, or send some trusty servant from his own office, to survey the crop,

and inquire into the causes of its falling short of the estimate. Such orders will afterwards be issued, whether remitting any part or the whole of the dues of Government, or enforcing their strict collection, as may be deemed necessary. Whenever a real, unavoidable suffering has been sustained, a remission of rent must be granted, Government deeming it far preferable to conciliate their subjects by every reasonable favour, and even to submit to a slight loss, than to disaffect them by the continual harassing, which the strict exaction of heavy arrears must occasion. Nor will, indeed, any real gain accrue from being thus always unrelenting; for, in most cases, the liquidation of the debts they may have incurred will only be effected by the sale of buffaloes, horses, and other property, on the possession of which must entirely depend the good performance of their future engagements; so that, in fine, by resorting to this measure, the debt may be discharged, but very frequently the Cultivator will be lost.

91. As the first settlement, according to this amended system, cannot be expected to attain as accurate an assessment as is desirable, it is not deemed advisable that the leases to be granted should exceed the period of one year.

92. From the nature of the foregoing instructions, the Collectors cannot fail to observe the importance and extent of the obligations imposed on them by the office entrusted to their charge. It is not enough that the Government lay down the principles of a benevolent system intended to introduce the practical freedom which has been bestowed on all the nations subject to the Honourable Company's dominions; it is

with them that the application of these principles is entrusted, and to their temper, assiduity, judgment, and integrity, that the people have to look for the enjoyment of the blessings which it is intended to bestow upon them. They have, in short, the national character, as well as their own personal reputation to support; and while the Lieutenant Governor in Council feels it unnecessary to rouse that spirit of public virtue in which it is the pride of a Briton to excel, or to advert to the shame that must follow a neglect of these important duties, he deems it proper to remark, that his most vigilant attention will be given to the progress of the great work which has been commenced, and that it will always afford him the highest gratification to bring to public notice, and reward the examples of industry, honour, and integrity, which he confidently expects to meet with.

Buitenzorg, Feb. 11, 1814.

No. II.

REGULATION,

A. D. 1814,

PASSED BY THE HONOURABLE THE LIEUTENANT
GOVERNOR IN COUNCIL,

On the 11th of February 1814,

FOR THE MORE EFFECTUAL ADMINISTRATION OF JUSTICE

IN THE

PROVINCIAL COURTS OF JAVA.

THE Honourable the Lieutenant Governor in Council being deeply impressed with the necessity of framing one adequate, impartial, and consistent code, for the prompt and equitable administration of justice, in the Provincial Courts of this Island, with a view to give to all ranks of people a due knowledge of their rights and duties, and to ensure to them an enjoyment of the most perfect security of person and property, has been pleased, that the following Regulation be enacted; which, by assuming as its basis, rather the ancient usages and institutions of the Javanese, than any new innovations founded on European systems of internal government, may confidently be expected to be, at once, the most pleasing to them, and the best adapted to the existing state of their society.

Power of the
Resident.

1. The Resident shall be the Chief Judge and Magistrate in his districts; but the administration of police and justice, in the towns of Batavia, Samarang,

and Sourabaya, shall, as heretofore, be entrusted to the particular Magistrates and other officers, appointed by Government for those places.

2. The Bopaties, or chiefs of districts, and all other public officers, who may be retained to carry on the duties of this department, are placed under the immediate authority and controul of the Resident himself, or of his Deputy duly empowered by him. These various duties, whether relative or direct, will be clearly defined in the course of the following sections.

Of the Bopaties.

3. To render more easy the attainment of justice, and to carry on better the general police of the country, a subordinate jurisdiction shall be constituted in the following manner.

Subordinate jurisdiction to be formed.

4. The Residency shall be divided into such number of districts, as extent of land, population, former custom, or other circumstances may render necessary. Each of these shall be consigned to the care of a Bopati, or native chief, with such an establishment, as being deemed by the Resident adequate to the purpose, and by him submitted to Government, shall have received their sanction.

Division of the Residency into Districts.

5. These districts, again, shall be subdivided into divisions, the extent and limits of each of which will be clearly marked out and made known. Their size must, of course, entirely depend on the greater or less propinquity of the villages they contain, and on the more or less numerous population by which these are inhabited; but, generally speaking, no division shall be less than ten, or more than twenty square miles in extent. It must also be observed, that the

Of the districts into divisions.

limits of the division follow those of the villages; it being quite contrary to a system of good police, that inhabitants of the same place should be subject to different authorities.

Stations of
police.

6. In each division there shall be fixed a station of police, to which shall be appointed a competent officer, with such number of inferior Mantris, Peons, &c. as shall be deemed necessary for the execution of the various duties allotted to his office, and the due maintenance of tranquillity in his division.

Heads of Vil-
lages.

7. In each village there shall be a Head-man (whether recognized under the name of Petingi, Bakal, Lurah, Kuwu, Mandor, or otherwise, according to the custom of the country), to be freely elected by the inhabitants of the village itself from among themselves; the only requisites on the part of Government being, that he actually reside and hold land in it. Should any of these be found unfit to carry on their respective duties, or other good objection arise to their being continued in the posts they hold, a representation to such effect will be made by the Resident to the Villagers, who will accordingly proceed to the nomination of some other person, who, if approved of by the Resident, shall then receive his confirmation.

Their respon-
sibility.

8. These Head-men shall, in every respect, be considered as the representatives of the villages, and shall be held responsible for all such acts committed within them, as fall justly under that controuling and preventative power vested in them by their fellow inhabitants.

Of their elec-
tion,

9. This mode of election and consequent power, it must be observed, are no new introductions, but

subsist in immemorial usage, and their nature and limits are well understood by the Javanese throughout the Island.

10. The Heads of Villages will receive and carry into execution all such orders as Government, either directly by the Resident, or through the medium of the Bopatis and Officers of Divisions, may be pleased to issue to them; and they will furnish, at all times, such oral or written information as may be required from them.

Duties of
Heads of
Villages.

11. The care of the police, in their respective villages, shall be entrusted to their charge; and for the due preservation of peace, the prevention of offences, and the discovery and arrest of offenders, they are required to be particularly careful that a sufficient night watch be regularly maintained. For this purpose they are authorized to require each of the male inhabitants to take his turn in the performance of this duty; and, at any time, to call on all to aid in the pursuit and apprehension of offenders, or to execute generally any of the other duties that may occur.

Police duties.

12. The Heads of Villages will also be held responsible for the amount of all property belonging to travellers, which may be lost within their villages, provided however that the same shall have been placed under their charge; and they are required to take charge of all travellers' property which may be brought to them for that purpose.

Property stolen, and charge of property.

13. They are directed to keep a register of all persons under their authority, describing the name, age, country, occupation, size, and appearance of each individual, with any other remarks that may be deemed necessary. They will also, with the assist-

Registers of inhabitants, and of births, deaths, &c.

ance of the Village Priest, form a register of the births, marriages, and deaths, which occur within their jurisdiction.

When to be prepared.

14. These will be drawn up every six months, according to forms to be furnished to them by the Resident. A copy of each will be retained in the village, and another will be forwarded to the police officer of the station, to be kept by him as records, and to furnish the grounds of such reports as he may be called on to give in.

New settlers or persons emigrating.

15. Whenever a stranger arrives for the purpose of settling in a village, or any one of its former inhabitants absconds, the head of it is required to furnish immediately to the Officer of the Division a detailed account of the particulars relative to either circumstance; who will accordingly take such measures for the apprehension or pursuit of either, or forward such intelligence to his superiors, as the case may require.

When to be allowed to settle.

16. Any person producing the express permission of the Resident, shall be allowed to settle in a village; but without this, or unless he can procure two respectable inhabitants to become securities for his good behaviour, he shall not be permitted to do so.

Vigilance and prevention of night travelling.

17. As well Heads of Villages as Officers of Divisions are required to keep a watchful eye upon all new settlers, to ascertain, if possible, their several characters, from their former places of abode; and to observe, most particularly, the conduct of such individuals as have no ostensible means of earning a livelihood. They will, too, follow vigilantly the motions of armed persons, preventing them, as much as they can, from travelling together in large bodies; and as far as may be practicable, they ought to hinder

individuals of every description, but most especially such as are armed with spears, swords, &c. from travelling at all after eight o'clock at night.

18. After this hour, they are authorized to stop, and detain in their custody till the next morning, all such persons as may, by having with them more than usual property, or in any other way, justly give grounds for suspicion. But on a summary examination, should nothing further appear against them, they must on no account keep them detained beyond eight o'clock the next morning; nor ought detention at all to take place, if the account they first give of themselves be deemed satisfactory.

To stop suspicious persons, and how to act regarding them.

19. Should any thing further appear against them by complaint or otherwise, they will then be proceeded with as with other accused persons, relative to whom directions will be given in a subsequent section.

Further directions.

20. In the above case, only, it is competent to the Officers of Police to apprehend any person of their own authority, unless detected in the actual perpetration of crime; or to release any person once apprehended.

Not to apprehend in other cases of their own authority.

21. It having been represented, that though when the inhabitants are settled in one place, in habitations contiguous to each other, the duty of the Head of a Village becomes easy of execution, yet that it is extremely difficult for him to perform it adequately, when, from caprice or other cause, any of its members are allowed to leave the main part, or Désa, to go and reside in lonely and remote spots, forming thereby small settlements of two or three cottages only together, termed Dukus, which being necessarily from their distance without the guard of night watches,

Of out-settling in Dukus.

&c. must frequently become liable to be attacked and plundered, or more often, perhaps, from the absence of all controul, will themselves form the resort and shelter of robbers and other abandoned characters; and, on the other hand, it not being wished to repress too much this out-settling, as by the creation of new villages (which must owe their formation to such small beginnings), a great part of the land, at present waste, may be brought into cultivation; it is ordered, that the following be the line of conduct to be observed in these cases.

How to regulate this.

22. The Head of a Village shall, in every instance, report to the Officer of Division when such an out-settlement takes place; who shall then proceed to the spot, and forming a committee of three Heads of Villages (not to include the one in which the circumstance has occurred) shall judge whether or not it be expedient, for the benefit of agriculture, to permit its continuance, and measures shall be taken accordingly. If the new settlement be allowed to remain, a vigilant eye must be kept over its infant state, both by the Officer of Division and Head of the neighbouring Village; and when it shall have grown to a size that may admit of this, it ought to be separated from the authority of the mother village, and a similar constitution be bestowed on it.

General duties of the Heads of Villages.

23. It is the duty of Heads of Villages, generally, to preserve tranquillity, as far as their authority extends; to obey zealously the orders of their superiors, to furnish every useful information, and in short to contribute, all in their power, to the establishment and preservation of a good state of police.

24. Their rewards for this will be a certain portion of land in each village, and the favouring eye and protection of Government. Reward.

25. The Police Officers of Divisions are to be considered as immediately under the authority of the Bopatis. They will furnish to these all such accounts, reports, &c. as may be required, and will act always on the orders received from them, or, of course, directly from the Resident himself. Police Officers.

26. To the Bopatis, or Chiefs of Districts, they will forward every six months abstract accounts of births, marriages, and deaths, which have occurred in their division, and of the general state of cultivation and population, with such remarks accompanying them as may seem requisite. Papers to be furnished by them.

27. Of these and other papers forms will be furnished them, and they will prepare them from the general account obtained from Heads of Villages, whom they will, at any time, require to supply them with such further information as may be deemed necessary. How to frame them.

28. On every Saturday they will give in to the Bopati, or Chief of the District, a detailed statement of the occurrences of the preceding week, the crimes committed, offenders apprehended, number of new settlers, their employment, from whence arrived, what individuals have emigrated, causes of emigration, and in short, whatever has happened out of the common track of occurrences. To report the occurrences of the week.

29. The Officers of Divisions shall be held responsible for the due administration of the police within their respective jurisdictions; and to enable them better to execute their assigned duties, the Heads of Responsibility and duties.

Villages are placed immediately under their authority. They shall accordingly be watchful, that these vigilantly and zealously perform such services as may be allotted to their situation ; and they shall report fully to the Bopati of the district, on the conduct of any Heads of Villages who may prove neglectful of their charge, or in any way appear remiss in the execution of the duties entrusted to them.

How to act
with regard to
revenue mat-
ters.

30. They shall, on no account, exert their police authority in any undue interference with the collection of the revenues, that being considered a distinct department, to which they will only render their assistance when called upon under the distinct rules laid down in another Regulation for the guidance of their conduct in it ; here only it is considered that they are to lend their aid at such times, and in such manner as may be expressly pointed out to them in orders from their superiors. But they are at all times, on a regular application being made to them by the inferior Officers of Revenue, to take charge of, and give effectual escort to treasure passing from or through their divisions ; and after receipt of the same, they will be held responsible for it until such treasure shall have been by them delivered to the next constituted authority.

Peons to go
their rounds.

31. The Peons and other inferior servants attached to their offices, shall of course be employed in the serving summonses, apprehending offenders, giving escort, and in other regular duties ; but when not in any way thus engaged, they shall, as leisure admits, be sent to make the rounds of the division ;—acquiring, by this means, not only competent information of all that is transacted within it, but serving also, by

this occasional and uncertain visitation, materially to prevent the undertaking of nefarious acts.

32. As before observed, the Officers of Divisions and those subordinate to them, shall only of their own authority apprehend such persons as are taken actually in the commission of crime. They are never empowered to seize others (with the exception of those mentioned in Section 18 of this Regulation) but when a written order for that purpose has been received from their superiors, or when a regular charge of an original nature has been given in against them by any respectable individual.

Police Officers not to apprehend of their own authority.

33. In these cases, they will take suitable measures for the apprehension and securing of the persons complained of; and when once apprehended, they will, on no account, of their own authority again liberate them.

To apprehend where a complaint has been lodged or order given.

34. Should the persons have been so arrested in consequence of orders received to that effect, the Officers of Divisions will, in forwarding them to their destinations, be careful to observe such instructions as they may have received on the subject.

How to act when an order has been given.

35. But should the prisoners have been apprehended on complaints, or other proceedings originating in the division itself, they will, on their arrival at the police station, cause to be written a clear and summary statement of the offence alleged, and of the facts in the case which have come under their observation, whether witnessed by themselves, or borne testimony to by any persons present.

How when a complaint has been lodged.

36. They will then, with this statement accompanying, forward under a sufficient guard the prisoner or prisoners, together with the persons complaining or

To send the prisoner to the Resident.

aggrieved, and the witnesses of the facts, towards the chief town of the district where the Bopati resides.

Not to detain him.

37. Under no pretence whatsoever, shall any persons be detained at the police station longer than twenty-four hours after their arrest.

Mode of sending him.

38. Should the division in which the arrest has taken place be not that in which the chief town of the district is situated, the officers of it shall make over the charge of persons and papers to the Police Officers of the Division next in the way; and, in similar manner, they shall be forwarded on from station to station, to the chief town of the district, or from thence to the principal seat of the Residency.

No unnecessary delay to occur.

39. In this transmission, the Officers of Divisions will take particular care that as little delay as possible occur; any unnecessary infringement on the personal liberty of the subject, being that of which this Government will ever be most jealous.

When a dead body is found, or a death is attended with any suspicious circumstance, how to act.

40. Whenever a human body is found dead, of which it is not certainly known that the death was natural, or even though such illness precede it as might be considered as possibly the cause, should any suspicious circumstances or appearances attend the death, it will become the duty of the Head of the Village in which this may occur, to take cognizance of the fact; and ordering it so that every thing remain in the state first found, he shall report the circumstances, without delay, to the Officer of the Division, who will immediately appoint a commission of three Heads of Villages, assisted by himself or officers, to proceed to the actual spot where the body lies, and there make due inquiry into every particular that may serve to eluci-

date the affair. For this purpose, such evidence will be taken as may, in any way, be thought to bear on the subject.

41. When the investigation is completed, the persons appointed for the inquest shall deliver to the Officer of Division a statement of what they have done, seen, or heard, and annex to it the opinion they have finally formed of the manner of death, or degree of guilt any where attaching.

Report on
the inquest.

42. The Officer of Division shall forward this statement, without delay, to the superior authorities; from whom, in return, he will receive instructions.

To be for-
warded.

43. But should any degree of guilt be imputed, in the opinion expressed by the commissioners acting on this inquest, the Officer of Division shall, without loss of time, proceed to apprehend the suspected person or persons, and take such other measures upon that opinion, as he would, had a complaint to the same effect been regularly lodged.

How to act
if any guilt
be imputed.

44. As it is most necessary that the cultivators of the soil, and other industrious inhabitants of a village, should not, on every frivolous or inconsiderable occasion, be taken away from their labours to attend a distant seat of justice, where, even though it be more equitably and impartially administered, the benefit of this is, in many cases, quite counterbalanced by the loss of time and expenses of the journey and suit,—it is ordered, that there be a subordinate jurisdiction constituted, by means of which the distribution of justice will be rendered far more easy to the governing power, and the acquisition of redress will be presented to every one aggrieved, with the greatest facility, and the least possible expense of money or time.

Reasons for
establishing a
subordinate
jurisdiction.

H^eads of Villages their authority.

45. The Heads of Villages are required to look on themselves, and to act with regard to the persons under their controul, as fathers of families ; to maintain, to the extent of their power, a spirit of harmony and tranquillity in the villages entrusted to them ; to curb every approach to feud and litigation ; and, with the aid of their officers, to interpose their authority in settling, with justice and impartiality, all such petty quarrels as may arise among the inhabitants.

Courts to refer to.

46. Should, however, the dispute be of sufficient magnitude to entitle it to higher consideration, courts are regularly established to which it may be referred.

Officer of Division's court.

47. The Officers of Division shall, at least once a week, or oftener, attend in some open place at the station of police, with their Mantris, or other subordinate servants, for the purpose of inquiring into and deciding on all such complaints as may be given in to them, for petty offences committed within their divisions, as abusive language, and inconsiderable assaults or affrays.

Fines.

48. These, if satisfactorily proved, they shall be authorized to punish, by fine not exceeding ten rupees, of which fine the one-half shall be given to the individual or individuals aggrieved, the other be carried to the account of Government.

Civil cases.

49. They shall also be empowered to hear and determine on all such petty civil cases as may be referred to them, provided the amount at issue exceed not the sum of twenty rupees.

Lan dis. putes.

50. And further, they shall investigate the trifling disputes that may be brought before them about trespass, nuisance, the irregular distribution of water,

encroachment on boundaries, and other such minor grievances of usual occurrence in villages.

51. Whether civil or criminal, they shall not, in any case, be authorized to arrest or imprison. Not to arrest or imprison.

52. But the complaint having been given in, the person complained of, if not present, shall be summoned to appear by the next day of sitting, when the cause shall be heard and decided on without delay. In failure of attendance on the part of the plaintiff, the case shall be dismissed; on the part of the defendant, the cause shall be proceeded with *ex parte*. The sentence, whatever it may be, shall be carried into execution by means of the authority vested in the Heads of Villages. How to proceed.

53. Should any persons refuse to obey their award, they shall be committed for trial before the Resident, who will not only cause the original sentence to be carried into execution, but at his discretion, order a punishment suited to their contumacy. Punishment for contumacy.

54. An appeal may be made in the usual manner, in civil cases, from the Officer of the Division's Court to that of the Bopati at the chief town of the district; and any complaint for unjust or arbitrary proceeding, on the part of the subordinate Police Officers, will likewise be received there. Appeals from this court.

55. Of every proceeding of this Court a regular record shall be kept; one copy to remain at the police station, and another to be forwarded to the Chief of the District. Record of proceedings.

56. A fee of half a Rupee from each party shall be levied prior to hearing the cause, to be divided among the Officers of Police; and ten per cent. on the amount of the sentence in civil cases is, according to the cus- Fees and costs.

tom of the country, to be taken from the loser of the suit, to be carried to the account of Government.

General duties.

57. The Officers of Divisions will be held fully responsible for a zealous and conscientious discharge of these important duties entrusted to them, and shall meet with exemplary punishment, in the case of any negligence or corruption being established against them.

Of Bopatis and Patehs.

58. To the Bopatis, or Heads of Districts, is assigned the general superintendence and care of their respective districts. But as these high officers must frequently be required to attend at the place where the Resident himself lives, that their districts may not suffer any inconvenience from their absence, they are empowered to delegate their full authority to their deputies, or Patehs, who shall preside in their courts, and issue and receive orders, in every respect, like themselves.

Reports.

59. They shall, every six months, furnish to the Resident abstract accounts of the state of cultivation and population within their districts, according to forms which will be given to them, and accompanied with such remarks as may suggest themselves.

Weekly report of occurrences.

60. On every Monday morning, they shall deliver to the Resident a detailed statement of the proceedings of the foregoing week, containing an account of new settlers, persons emigrated, offences committed, offenders apprehended, and in short, of every thing remarkable.

Powers and duties.

61. The Heads of Districts shall receive all orders directly from the Resident, and take due measures for carrying them into immediate execution. The Officers of Divisions, Heads of Villages, and all other

Police Servants within the district, are placed immediately under their controul; and they will most vigilantly watch over the conduct of them, reporting instantly to the Resident, every instance of negligency or crime that may fall under their observation.

62. They will be open to receive complaints or petitions, of every description; reporting and issuing the necessary orders on them without delay.

Petitions or complaints.

63. In forwarding persons apprehended within their districts to the seat of the Residency, they will be particularly careful that the least practicable delay occur; no prisoner, on any account, being detained by them of their own authority, for a longer space of time than twenty-four hours.

Detention of prisoners.

64. In forwarding persons, papers, or treasure, they will observe the mode prescribed in Section 38 of this Regulation.

Mode of forwarding them.

65. On the receipt of an inquest report from the Officers of Divisions, it shall be submitted to the Chief Jaxa and Pangulu of the district for their opinion, and on this opinion the necessary measures shall be taken.

Inquest reports.

66. At the chief town of each district a regular court shall be established, in which the Bopati, or in his absence, the Patch, shall preside, assisted by the Jaxa, Panghulu, and other law officers appointed.

Bopati's court.

67. This court shall be held in some open spot in the town, at least twice a week, or oftener, if necessary.

When and where to be held.

68. Its authority shall, however, be confined entirely to civil matters; all cognizance of criminal cases, beyond that already allotted to the Officers of Divisions, being vested solely in the court where the Resident himself presides.

Extent of authority.

Appeals to be received.

69. In the Bopati's court shall be received appeals from those of the Officers of Divisions ; on institution of which the appellants shall pay a fee of one Rupee.

Mode of proceeding.

70. Before deciding on these causes, the record of the former trial shall be read, and such new evidence taken as may be produced.

If the former sentence reversed.

71. If the former sentence be reversed, the costs which shall have been kept in deposit shall be refunded to the appellant, and levied from the other party.

If the former sentence confirmed.

72. And in confirming it, an enhancement of these costs is left to the discretion of the court ; provided, however, the whole never exceed fifteen per cent. on the sum originally sued for.

No second appeal.

73. A second appeal to any other authority shall, in no instance, be permitted.

Extent of civil cases,

74. The Bopati's court shall be competent to receive complaints in civil cases, where the amount at issue is not less than twenty, nor exceeds fifty Rupees.

Proceeding adopted till the cause is decided.

75. This complaint being filed, a copy of it shall be sent to the person complained of, with an order to answer it at most within a week ; and on receipt of this answer, notice shall be given on what day (at farthest a week from the time of the receipt) the cause will be tried. Such witnesses as are necessary will be summoned ; and on the day prescribed, the complaint and answer being read, and evidence being taken, the Court shall give its decision.

If either of the parties fail to attend.

76. In failure of the complainant's appearance, the cause shall be dismissed ; and on part of the defendant, if he give not in his answer as required, or appear not when summoned, the case shall be proceeded with, and sentence given on *ex parte* evidence.

77. The Bopati, or his Deputy, shall require the Jaxa and Panghulu to assist him with their advice throughout the trial, and to expound the law where it is not sufficiently clear. Should their opinions concur with that of the President of the Court, he shall pass his decision, and carry it into execution without further delay; but when their opinions are at variance with his, he shall, previously to pronouncing sentence, refer the case, with the several reasons detailed which have influenced each opinion, to the Resident; who shall consult with the chief Jaxa and Panghulu of the Residency, and return his orders on the subject.

Jaxa and
Panghulu to
be consulted.

78. A fee of one Rupee shall be taken from each party, on giving in the complaint and answer; and ten per cent. on the amount of the sentence shall be levied from the loser of the suit. The fees to be divided among the Officers of the Court, and the costs to be carried to the account of Government.

Fees and
costs.

79. All proceedings are to be carefully noted down, and preserved as records. One copy to be kept in the archives of the Bopati, and another to be forwarded to the Resident.

Records to be
kept.

80. An appeal, in causes originating in this court, shall lie to that of the Resident; provided notice of the appeal being intended to be made, be given in on the day of trial, and the appeal itself be made within a week after.

Appeals to
the Resident,
with limita-
tions.

81. In this case, the costs shall nevertheless be immediately levied, and held in deposit till the appeal be decided on. Sufficient security shall also be given for the amount of the sentence.

Costs to be
deposited.

82. Moreover, on the first institution of all civil cases, in this and every other court, good security

Security for
costs.

must be taken for the amount of possible costs, both from the complainant and person complained of.

General duties of Bopatis.

83. The Bopati will be held responsible for the faithful and just discharge of these his high duties. To him does Government look, not only for the vigilant administration of police and impartial distribution of justice throughout his district, but for the zealous execution of every measure, that can at all conduce to the preserving that district in a flourishing and happy state.

Duties of Residents.

84. The duties attached to the office of Resident itself are fully explained in the general Instructions given to that officer on his first entering into his situation. In this regulation, only such parts of the charge committed to him will be dwelled on, as belong properly to the judicial department of his service, to his deliberative and executive powers as Chief Judge and Magistrate of the Province.

Powers of his deputy or assistant.

85. As, however, the due exertion of these powers may require a much larger portion of time than can be possibly devoted to them by a single individual, and more particularly, as much of his attention must be directed to other objects, he is empowered to delegate their full participation to his Deputy or Assistant, whether in presiding in his court, or in issuing and receiving such orders and instructions as the Government of his Residency may render necessary.

Oath to be taken by the Resident.

86. The several Residents, and their Deputies or Assistants, previously to entering upon the execution of the duties of their office, shall take and subscribe the following oath before the Honourable the Lieutenant Governor in Council, or such person as he may appoint to administer the same.

“ I — solemnly swear, that I will truly and
 “ faithfully execute the duties of my office ; that I
 “ will administer justice to the best of my ability,
 “ knowledge and judgment, without fear, favour,
 “ promise, or hope of reward ; and that I will not
 “ receive, directly or indirectly, any present, either
 “ in money or in effects of any kind, from any party
 “ in any suit or prosecution, or from any person
 “ whomsoever, on account of any suit, prosecution,
 “ or other legal proceeding to be instituted, or which
 “ may be depending, or have been decided in any
 “ court under my jurisdiction ; nor will I, directly or
 “ indirectly, derive any profits from my station, ex-
 “ cept such as the orders of Government do or may
 “ authorize me to receive.—So help me God.”

87. The Presidents of other subordinate courts shall take and subscribe before the Resident, oaths of a similar nature and form, to be administered by the priests, according to the custom of the country.

Oaths of other
officers.

88. The Jaxas and Panghulus shall likewise be required to take and subscribe an oath in the following form :

Oath of Jaxa
and Panghu-
lu.

“ I —, Jaxa (or Panghulu), do solemnly swear,
 “ that I will faithfully execute the office entrusted to
 “ me, I will answer truly to the questions put to me
 “ in writing, or by word of mouth, by any judge of
 “ the courts to which I belong, declaring or writing
 “ down freely, without fear or partiality, what is the
 “ written acknowledged law or local long established
 “ usage ; and I will declare or give in writing nothing
 “ that is not warranted by the law or custom. And I
 “ promise and swear not to accept of any considera-
 “ tion, in money or otherwise, for any opinion, or

“ declaration of the law or custom I may deliver, as
 “ Jaxa (or Panghulu) of any court.”

Landrost's
 court modi-
 fied.

89. In the sixth clause of the Proclamation by Government, dated 21st January 1812, provision was made for the establishment of a Landrost's court; but in the present state of circumstances, Government deeming it advisable that a considerable extension of the powers vested in that court, should be given for the more prompt and effectual administration of justice, it is ordered, that the following sections be considered as an enlargement and modification of that clause, and that in lieu of the landraad therein appointed there be constituted a court to be in future called the Resident's.

Manner of
 forming the
 Resident's
 Court.

90. This Court shall be composed in the following manner. The Resident or his Assistant shall sit in it as sole Judge or Magistrate. The Bopatis of the several districts, or their Deputies, shall attend to assist the Resident, through every stage of the proceedings, with their advice, or with such information as he may require. The head Jaxa and Panghulu shall be in waiting, to expound, where necessary, the law, to state the local usage, and to take down notes of the evidence. The Jaxa of that district in which any crime has been committed, shall be the public prosecutor, where no private one appears. The other native officers shall be such as have been used heretofore to compose Courts of this nature.

Where to be
 held and ex-
 tent of autho-
 rity.

91. This Court shall be held at least twice in every week, or oftener if necessary, in the Passerban, or Residency's public court-room, for the purpose of hearing complaints of every description that may be brought before it, of examining into all offences re-

ported to have been committed, and trying all causes, whether civil or criminal, that occur in the Residency; with the exception only of those that will in a subsequent section be pointed out, as belonging to another and higher authority, the Court of Circuit.

92. The Court shall be held open from the hour of ten in the fore to that of three in the afternoon. How long to be open.

93. For greater precision, the Court days may be fixed to the Monday and Thursday of every week. It is, however, left to the Resident to alter these days of sitting, whenever he may deem that there is sufficient reason for so doing, observing, in such cases, to give public notice of the intended change at least one court day preceding it. On what days.

94. The chief Jaxa, who will have the custody of all persons apprehended and brought into the town until regularly committed to gaol, shall immediately on opening the Court, present to the Resident a list of such prisoners as have been confided to his care since the last court day, stating from whence they came, what the nature of the offence alleged against them, the names of the witnesses brought to prove it, and other necessary information connected with their apprehension. Duties of the Jaxa.

95. The Resident shall then commence on the investigation of the cases, ordering in each that the report of the Officer of Division and original complaint be first read, and proceeding afterwards to the examination of the witnesses. Commencement of investigation.

96. Should it appear to the Resident that there is not sufficient evidence against the accused, and should the complainant not be able to adduce any further, If the charge be not substantiated.

the prisoner shall be immediately released out of custody.

If further evidence be proposed.

97. But should the complainant state that he can produce more witnesses, he shall be required to enter into a penalty-bond for their appearance on a given day (that day to be as little distant as possible, not, if practicable, to exceed a week from the time of this first examination), and the prisoner shall, in this case, be admitted to bail, provided the offence be of a bailable nature.

The accused to be committed to prison.

98. If the offence charged against him be one that does not admit of bail being taken, the Resident shall sign a warrant to the gaoler, to receive and hold him in safe custody until he shall be discharged by due course of law.

To be committed for trial.

99. On the second examination, should the innocence of the prisoner appear sufficiently clear, he shall be forthwith released; but should, on either the first or second day of inquiry, such presumption of guilt be established, as to render necessary a regular trial, the prisoner shall stand fully committed for it, and be remanded to jail, there to remain until that day of trial arrive.

If the crime capital, to be made over to the Court of Circuit.

100. If the crime imputed to him be murder, treason, gang-robbery, or any other for which the sentence may amount to death, the Resident shall not himself proceed further in the case, but commit him to prison, to take his trial before the Court of Circuit, of which more shall be said hereafter.

When committed for trial by the Resident himself.

101. Should the offence with which he is charged be one of any less magnitude than capital, the Resident shall, in ordering him to jail, notify to the prisoner on

what day his trial shall come on before himself. That day must not, without some good and sufficient reason, to be reported to Government, exceed the distance of a week from the day of his commitment to prison.

102. On the day of trial, the prisoner being brought up, the former proceedings shall be read, and the witnesses again examined, and such further evidence, on the part of the prosecution, be taken as may be necessary. The prisoner shall then be called on for his defence, and the witnesses adduced by him be heard and examined.

Manner of trial by the Resident.

103. The Resident shall finally sum up the evidence, and stating the reasons that have influenced his opinion, and the law of the case, pronounce sentence accordingly.

Summing up and pronouncing sentence.

104. In these, and all other cases, whether civil or criminal, which come before him, the Resident shall be guided in his decisions by the existing native laws, and ancient customs of the Island ; provided the same be not decidedly at variance with the universal and acknowledged principles of natural justice.

The law which is to be his guide.

105. In every instance where the opinions of the Panghulu and Jaxa are in accord with the judgment of the Resident, and in which the punishment fixed to the crime does not amount to imprisonment or transportation for life, the sentence of the Resident shall be final, and be immediately carried into execution.

Sentence when to be final.

106. But whenever the opinions of the Panghulu and Jaxa shall be in opposition to that of the Resident, or in which the punishment of the crime shall amount to imprisonment or transportation for life, all

When the opinions of the Panghulu and Jaxa are at variance with the Resident's.

the proceedings shall be immediately transmitted to Government, with the Resident's statement of the reasons and regulations on which he has formed his opinion ; but he shall delay the pronouncing sentence, until the approval of the Honourable the Lieutenant Governor shall have been obtained.

Statements to
be sent to
Government.

107. In all cases whatever of trial before this Court, the Resident shall transmit to Government, in English, a statement of the offence charged against the prisoner, the substance of the evidence on the prosecution and defence, the law of the case as it exists in the regulations of Government, or in the written or customary laws of the Island, and the particular reason on which he has formed his own opinion. The Jaxa and Panghulu are required to take notes of the evidence, and to state their respective opinions on the case, in the vernacular language ; which document, signed by them, shall be transmitted to Government by the Resident, together with his own statement of the case.

Civil author-
ity.

108. The civil jurisdiction of this Court shall be constituted as follows :

Complaints
and Appeals.

109. It shall be competent to receive original complaints of every description, and to try such appeals as may be made to it from the decisions of the Bopati's Court.

Complaints
to be referred
to inferior
Courts.

110. On receipt of this complaint, if the amount at issue exceed not twenty Rupees, the Resident, at his pleasure, may refer it to be inquired into and tried by the Court of the Officer of the Division, in which the matter complained of occurred ; or should the amount be not above fifty Rupees, he may make it over to the authority of the Bopati's Court of that district in



which the subject at issue has originated. But all complaints which concern a sum of money exceeding this, must be tried only by the Resident's Court.

111. It is also competent to this Court alone to take cognizance of any suits, however trivial the amount at issue, which may be considered as involving in them any of the rights of Government.

Suits which involve any right of the Government.

112. In trying appeals from the Bopati's Courts, after reading the proceedings on the former trial, and re-examining such old, or hearing such new evidence as may be adduced, the judgment which shall then be passed shall be considered as final.

Appeals from the Bopati's Courts.

113. In reversing the former decree, the appellant shall have refunded to him the costs which have been kept in deposit, and these shall be then levied from the other party; but if confirming the former judgment, it shall be left to the discretion of the Resident to enhance those costs as he may think fit: provided, however, that the whole sum do not exceed fifteen per cent. on the amount of the sentence.

When reversing or confirming.

114. The appellant, on the institution of the suit, shall pay such fees as are customary in the institution of original suits; but the other party shall not be charged with any fees whatever.

Fees from the appellant.

115. When an original complaint is given in, it shall be filed, on a fee of one Rupee being paid, and sufficient security given for the possible amount of costs.

Fee on original complaints.

116. A copy of this shall then be sent to the person or persons complained of, who shall be required, within a certain given time, not to exceed a fortnight, to send in the answer; at which time they will also

Answer to the complaint.

pay a fee of one Rupee, and give good security for the amount of possible costs.

Mode of trial.

117. On receipt of this reply, a day shall be appointed for the trial of the cause, notice of which shall be given to each of the parties; and both they and such others, witnesses or accessaries, as may be necessary, shall be summoned to attend on that day. The cause shall then come to a regular hearing, and be decided on, according to the mode already laid down for the inferior Courts.

Fees and Costs.

118. On the decision of the suit, a fee of two Rupees from the gainer, and of one from the loser of it, shall be received; and costs, at the rate of ten per cent. on the amount of the sentence, being the custom of the country, shall be levied from the party against whom the decision has been given.

Appeals to the Honourable the Lieutenant Governor.

119. In all causes originating in the Resident's Court, an appeal shall be permitted to the Honourable the Lieutenant Governor; provided that notice of such intention be given on the day of trial, that the costs be lodged in Court, and sufficient security offered for the amount of the sentence, or that amount be paid in, to be kept in deposit until the appeal shall have been determined on.

Limitation.

120. Appeals from the Resident's decisions are limited to the space of one month from the day of trial.

The former sentence altered, reversed, or confirmed.

121. The Honourable the Lieutenant Governor will of course, after due investigation, alter, reverse, or confirm the former sentence, with remission or enhancement of costs as to him shall seem best.

Where the parties wish to drop proceedings.

122. Whenever the two parties in a civil suit, in any stage of it previous to the decree, shall give in to

any of the Courts an agreement signed by both, stating that they are willing that all further judicial proceedings in the case be dropped, as being satisfied with what has already passed, or mutually content to settle whatever further is requisite between themselves, or by the arbitration of friends, the Court shall place this paper among their records, and cause the proceedings in such suit to be immediately closed.

123. In these cases, half costs, or five per cent. only on the amount of the suit, shall be levied. Of this the two parties shall pay an equal share, or two and a half per cent. each, with a fee also of a Rupee each to the Court.

Costs in this case.

124. All fees will be divided among the Officers of the Court, and all costs be carried to the account of Government, for the purpose of defraying the expenses to which they are put in the establishment of these Courts.

Fees and Costs how to be disposed of.

125. The same attention shall be paid to the opinions of the Jaxa and Panghulu in civil as in criminal cases; namely, that when at variance with that of the Resident, reference shall be made to the Honourable the Lieutenant Governor, accompanied by detailed statements, and the decision only carried into execution when his instructions, in reply, shall have been received.

Jaxa and Panghulu's opinion to be taken.

126. A record of each trial shall be kept in the archives of the Court, consisting of the original complaint, the reply to it, a statement of the proceedings that ensued, and the Judge's final decision.

Record to be kept.

127. Copies of any of these shall be given to any one who may apply for them, on the payment of half a Rupee for each paper.

Copies to be given of any papers.

Registers to
be framed
and sent.

128. Registers shall be framed from these records, one in English and one in the vernacular language (of course separate ones for civil and criminal matters), stating the charges, names of parties, of witnesses, nature of evidence, sentence passed, &c. according to forms to be furnished to the resident; and of these, one copy shall be kept in the Court, and another shall be transmitted, before the 5th of every month, to the Honourable the Lieutenant Governor.

Of persons
apprehended
and released.

129. A register shall also be framed, and sent at the same time, of all persons apprehended but afterwards released, stating their names, crimes imputed to them, nature of evidence for and against, and reasons for releasing them.

Quarterly re-
ports and ab-
stract ac-
counts.

130. Quarterly reports shall likewise be furnished by the Resident of the general state of the districts entrusted to his care; and every six months abstract accounts must be forwarded of the increase or decrease of population, the general condition of the cultivation, number of new settlers and persons emigrated, and generally of whatever relates to the details of his administration, with such remarks and comments as he may deem necessary.

The cultiva-
tor not unne-
cessarily to
be summoned
by the Court.

131. In summoning persons to attend his Court, he shall have a certain regard to the loss or inconvenience those persons may sustain, in being taken away from their usual employments or duties. The cultivator of the soil, in particular, is not unnecessarily to be brought from his fields; and, in many cases, a slight delay of trial may be better than causing the industrious inhabitant to lose the fruits of his labour by attendance at Court, when harvest or other rural duty demands his presence and entire attention. This, however, is an

evil that cannot always be guarded against; but it ought to be so, to the extent of the Resident's power, and as far as the satisfying the more important ends of justice will admit of it.

132. As an additional check to its occurrence, a discretionary power is vested in the Resident, of punishing, by fine, the complainant in such suits as may, in the opinion of the Resident, be satisfactorily established to have owed its origin to grounds merely vexatious, and this fine will of course be given to the person who has suffered by the process.

Fine to be levied from the complainant in vexatious suits.

133. As it is most essential that access to justice and redress be rendered as easy and free as possible to the injured, the Residents are ordered to receive at all times, and to pay the utmost attention, to every petition that may be presented to them.

Petitions to be received.

134. But as, in the ordinary course, the officers or servants of Government, or others, may, from interested, partial, or resentful motives, find means to debar approach to the Resident in his house, he shall cause a box to be placed at the door of the Court, into which petitions may be dropped; of this he shall himself keep the key, and on going into Court open it with his own hand, and have the contents read to him. He shall, at the same time, in the open space before the Court, invite the giving in to him any complaints from persons who may consider themselves as aggrieved.

Petitions how to be invited.

135. It must be observed, that in all causes which come into the Courts, the respective parties in them shall plead in their own behalf. It not having been heretofore usual to employ Vakeels, or native lawyers, for this purpose, no persons of this description shall

No native lawyers to be allowed.

be admitted. And it is trusted, that litigation will be considerably reduced and discouraged by this measure, as the trouble of it will then fall heavily and entirely on the principals themselves; that class of people not being allowed to exist, who, as deriving from litigation their sole subsistence, may fairly and without invidiousness, be considered as having some interest in increasing the business of the Courts.

Persons in
confinement.

136. The Resident is particularly enjoined to pay the greatest attention to the state of the persons in confinement by his orders.

Resident to
visit the jail.

137. There shall be one jail only in each Residency, and that at the place where the Resident himself resides. He shall visit it at least once a fortnight, and redress all complaints that may be preferred to him by the prisoners of ill treatment, punishing amply every instance that shall come to his knowledge, of misconduct in the gaoler or other officers in charge of the prison.

Surgeon to
attend its
sick.

138. He shall take, too, the necessary measures for the preservation of the health and cleanliness of the prisoners; requiring the Surgeon of the Residency to visit them at least once a day and to administer to the sick. The Surgeon shall be further directed to deliver in a monthly report to the Resident on this subject, stating the number of sick, nature of disease, cause of it where assignable, and result of his medical operations in the several cases. To this may be added any suggestions that may be deemed beneficial.

Internal ar-
rangements
of the jail.

139. The internal arrangements of the jail ought to be so ordered, that the prisoners shall not be confined together promiscuously, but different apartments

be allotted, not only for persons of different sexes, but also for those in confinement for different gradations of offence. For the following descriptions of prisoners separate wards ought to be formed. Prisoners under sentence of death. Prisoners confined under sentence of the Court of Circuit or of the Resident. Prisoners committed to take their trial before the Court of Circuit. Prisoners committed to take their trial before the Resident. And one spacious and airy apartment should be reserved for such persons as are awaiting the preliminary examination in the Court.

140. All prisoners or witnesses detained in criminal cases shall be maintained at the expense of Government. But the subsistence of persons confined on civil accounts shall be furnished in the usual manner by the complainants in those suits.

By whom prisoners are to be maintained.

141. The rate of maintenance must depend on the general price of food in the district where the confinement takes place. It ought to be sufficiently ample to secure the necessaries of life, but by no means any thing further; it ought not, in short, to be higher than the price for which the lowest description of labour could be obtained. On this principle, the Residents will regulate the allowance for prisoners, and when settled and approved of by Government, it shall be considered as fixed, and be publicly made known.

Rate of allowance for the maintenance of prisoners.

142. The Residents finally shall see that the prisoners receive all the comforts compatible with their respective situations, and that the allowance granted by Government, or others, for their support, be properly applied.

That this allowance be properly applied.

143. With respect to the authority of the Resident's Court over Europeans, Chinese, or other foreigners,

Regarding foreigners settled in the interior.

though it has not heretofore been ordered that they be amenable to any but the Courts of Justice in Batavia, Samarang, and Sourabaya, yet as great inconvenience may be, and has been experienced, from their being under a separate jurisdiction from their fellow inhabitants, and as it is the wish of Government that they be allowed to partake of every benefit afforded to its other subjects, of which a prompt and easy access to justice must be considered as the chief, the following orders are issued respecting them.

Penalty bond,
under which
they will be
allowed to
remain.

144. No Europeans, Chinese, or other foreigners, at present settled, or who in future may wish to settle in the interior, shall be allowed to reside in any part of the country without the immediate limits of the towns of Batavia, Samarang, and Sourabaya, unless they present themselves to the Resident, to be regularly enrolled in a register to be kept for that purpose, and obtain from him a license for remaining. This license shall not be granted, unless each individual enter into a penalty-bond of five hundred Rupees, that he will abide by the civil decisions of the Resident's Court to that amount; but if this be agreed to, the license shall on no account be withheld, unless the Resident can and does give such reasons for withholding it as the Government shall approve of. No fee whatsoever shall be given for these licenses.

Further bond
if necessary.

145. Should it, at any time, happen that a cause, in which more than five hundred Rupees is at issue, should come before the Resident, wherein a foreigner living in the interior is concerned, the Resident shall call on him to execute a further bond, which may cover the amount of the suit; and in case of refusal to do

so, he shall not be permitted any longer to reside within his jurisdiction.

146. After taking out these licenses, foreigners shall, in every respect, be considered in the same light as other inhabitants, and sue and be sued precisely in the same manner as the natives.

No distinction to be then made between them and natives.

147. Should any foreigner, after these precautions, refuse to abide by the decision of the Resident, a report on his conduct shall be forwarded to Government, and he shall instantly be made to leave the interior, and be prosecuted for the amount of the penalty he has incurred, in the established, manner in the Courts of Justice at Batavia, Samarang, and Sourabaya.

Penalty to be exacted when incurred.

148. In criminal cases, where a foreigner is charged with any offence, the Resident shall execute the duties of a justice of the peace, issuing a warrant for his apprehension, examining into the evidence adduced, and according to circumstances, releasing him forthwith, or committing him to take his trial before the Court of Circuit.

When a foreigner is charged with a criminal offence.

149. It must be understood, that the term here of "foreigners" is intended only to include Europeans, Chinese, Arabs, Mussulmen from the various parts of India, or, in short, the natives of any country that is without the limits of the Malayan Archipelago. But as there will resort to the coasts of Java, in small trading vessels, very many of the inhabitants of the neighbouring islands, to whom the entering into bonds, or being subject to other such legal forms, would prove a serious inconvenience, serving perhaps eventually to discourage them considerably from engaging in such commercial adventures, which it is rather the wish of this Government in every way to promote; and as by the religion, laws,

Inhabitants of the neighbouring islands not included in the term "foreigners."

and usages of this and the various islands in the vicinity, being, both in form and substance, nearly identified (differing only in some few instances in shades slight and of little moment), it cannot be considered as repugnant to the principles of justice, that they be at once held amenable to the jurisdiction established for this Island, during their continuance on it; and it is therefore ordered, that they be looked on and proceeded with in manner no way differing from that prescribed for the actual natives of Java.

Effects of
deceased per-
sons.

150. In the event of the death of any British inhabitant or passenger within his district, it is the duty of the Resident to place the seals of office immediately on the effects of the deceased, after defraying the expense of interment, and to report the same immediately for the further orders of Government; and in the event of the death of Burghers, Chinese, Musulmen or others, he will be guided by the laws and regulations existing on that head. In all cases, he will be careful that no injustice be practised in this important subject, and that where arrears are due to Government, no property be transferred or sold until the same have been satisfied, or until the pleasure of Government is known.

Courts of
Circuit.

151. The Court of Circuit has already been established by the fifth clause of the Proclamation by Government, dated the 21st January 1812. But as the taking away at once the President and one Member from the Courts of Justice rendered those Courts in their absence incompetent to carry on the current business of their districts, and as a more particular definition of the duties attached to this department is deemed necessary, the following sections must be

considered as an enlargement and modification of that clause.

152. In order to ensure the regular, certain, and impartial administration of justice, throughout the different districts of the Island, one Member of the Supreme Court of Justice at Batavia, and of the Courts of Justice at Samarang and Sourabaya, shall four times in the year, at stated periods, or oftener if necessary, make a circuit through the districts under the jurisdiction of their respective Courts, for the purpose of hearing and trying all such offences and criminal cases within the same, as shall have been made over to them by the Magistrates appointed for that purpose.

Judges of
Circuit.

153. Previously to entering upon the execution of the duties of his office, each of these Judges shall take and subscribe, before the Honourable the Lieutenant Governor in Council, or any person appointed by him to administer the same, an oath in the same form as already laid down for the Residents in Section 86 of this Regulation.

Oath to be
taken by
them.

154. Upon the arrival of the Judge of Circuit, the Resident or Magistrate shall have in readiness to deliver to him a list of the persons committed to prison, or held to bail, for trial, together with copies of the charges preferred against each, their confessions if any have been made (but these, it must be observed, must always be received with circumspection and tenderness), or if they have pleaded not guilty, the depositions of the witnesses, and all other proceedings held by him in the respective cases, previously to their commitment to prison, or being held to bail.

Report to be
given to the
Circuit Judge
on his arrival.

List of persons discharged for want of evidence against them.

Officers belonging to the Circuit Court.

Place of holding the Circuit Court.

Jury to be appointed.

What class of people ought to form the Jury.

155. He shall likewise submit to the Judge of Circuit, on his arrival at the Station, a separate list of all such persons as he may, within the last three months, have apprehended and discharged for want of sufficient evidence against them; that is, of all such as would, had presumption of guilt been sufficiently established, have been made over to the Court of Circuit for trial.

156. The Judge of Circuit shall then proceed to hold his Court. Such officers shall belong to it as he may have brought with him for that purpose, and he shall be attended by all such others belonging to the Resident's establishment, as he may deem necessary.

157. The Court shall be held in the Passerban, or usual chief-room of justice belonging to the station; and the Resident, in carrying on any judicial or magisterial proceedings, during the continuance of the Judge of Circuit at his station, shall use for that purpose some other convenient place.

158. On opening the Court the head Jaxa shall present a list of persons summoned to act as Jurymen; out of which five shall be taken in the usual manner, and be empannelled.

159. The persons composing this Jury ought to be as near on an equality, as to rank in life, with the prisoner as possible. But no one under the rank of a Head of a Village shall be competent to act as a Jurymen, as persons below that office, or in the very lower orders of life, cannot be supposed to possess either independence or knowledge sufficient to qualify them to execute justly the duties of the situation. The person senior in dignity among them shall be appointed to act as foreman; and, for this purpose, it may be as well that one of higher rank than the other four

should be always selected in the first nomination of the jury.

160. A right of challenge shall belong, as in the English Courts, to both the prosecutor and the prisoner.

Right of challenge.

161. The Head of the Village in which the offence is alleged to have been committed, shall not be permitted to act as Juryman in the trial.

Disqualification for the office of Juryman.

162. No other prescribed disqualification exists against persons of that or higher rank ; the right of challenge being deemed sufficient to secure the forming of a competent, unbiassed, and independent Jury.

No other disqualification.

163. The cause shall then be proceeded with ; and sentence being passed, it shall become the duty of the Resident to see that it be carried duly into execution, a warrant for that purpose being given to him, under the seal and signature of the Judge of Circuit.

The Resident to carry into execution the sentence of the Circuit Judge.

164. The Circuit Judge, throughout the conduct of the cause, in his mode of proceeding, of summing up the evidence, receiving the verdict of the Jury, and passing sentence on the prisoner, shall be guided entirely by the established rules of his Court, the regulations of Government, and the general instructions he will receive.

Rules for the guidance of the Circuit Judge.

165. And with respect to the law which must guide him throughout, he must, in the first instance, take down the native law in the case as may be expounded by the Panghulu and Jaxa ; and modify thereon his decision, according to the provisions of the colonial law, and the acknowledged principles of substantial justice.

Law on which his decisions must be formed.

166. He shall not only try such cases as may have been made over to his Court, previously to entering

Causes to be made over to him while in the district.

the district, but also any such as the Resident may make over to him while there.

Full report of his proceedings to be transmitted.

167. He shall, on closing his Court at each station, forward to the Honourable the Lieutenant Governor, a clear and full report of all his proceedings, stating the names of the prisoners tried by him, the nature of the evidence adduced on behalf of both prosecution and defence, the verdict of the Jury, and his consequent sentence thereon.

When his opinion differs from that of the Jury.

168. If, in any case, his opinion differ from that of the Jury, he shall detail the reasons which have influenced him in that difference; and he shall always state any such circumstances as may warrant a mitigation, or even total remission of the punishment.

Approval of the Lieutenant Governor necessary.

169. The approval of these proceedings, and the instructions on them from the Honourable the Lieutenant Governor, must be received prior to his issuing his Warrants to the Resident.

How to proceed until this be received.

170. But as this communication and the reply to it may induce too great a delay, the Judge of Circuit must, on shutting his Court, remand the prisoner to jail, and move on himself to the next district he has to visit; from whence he will be able to send back the warrants to the Resident, when an answer to his report shall have been received.

Report on each district by the Circuit Judge.

171. Accompanying this report, the Judge of Circuit shall forward to Government a detailed opinion on the state of the Residency, with respect to its police, its general administration, and other circumstances connected with its actual condition; suggesting, at the same time, any such improvement as, in his opinion, would be conducive to its general prosperity.

172. It remains finally to be observed to the Residents, that as the police of different districts must be, in some measure, adapted to various circumstances and localities, they are authorized to enlarge upon these general regulations for the administration of that department within their respective jurisdictions, reporting their suggestions of improvement to Government. But it is recommended to those officers to become well acquainted with the ancient usages and institutions of the people placed under their authority; and in submitting their observations, they will be solicitous rather to improve upon the solid foundations of ancient regulations and customs, both acknowledged and understood by the people, than to invent new systems of administration, which for some time must, of necessity, be quite unintelligible to the inhabitants, and which, after the experience of a few years, may probably be found to be by no means congenial to their genius or habits.

Suggestions
by the Resi-
dents.

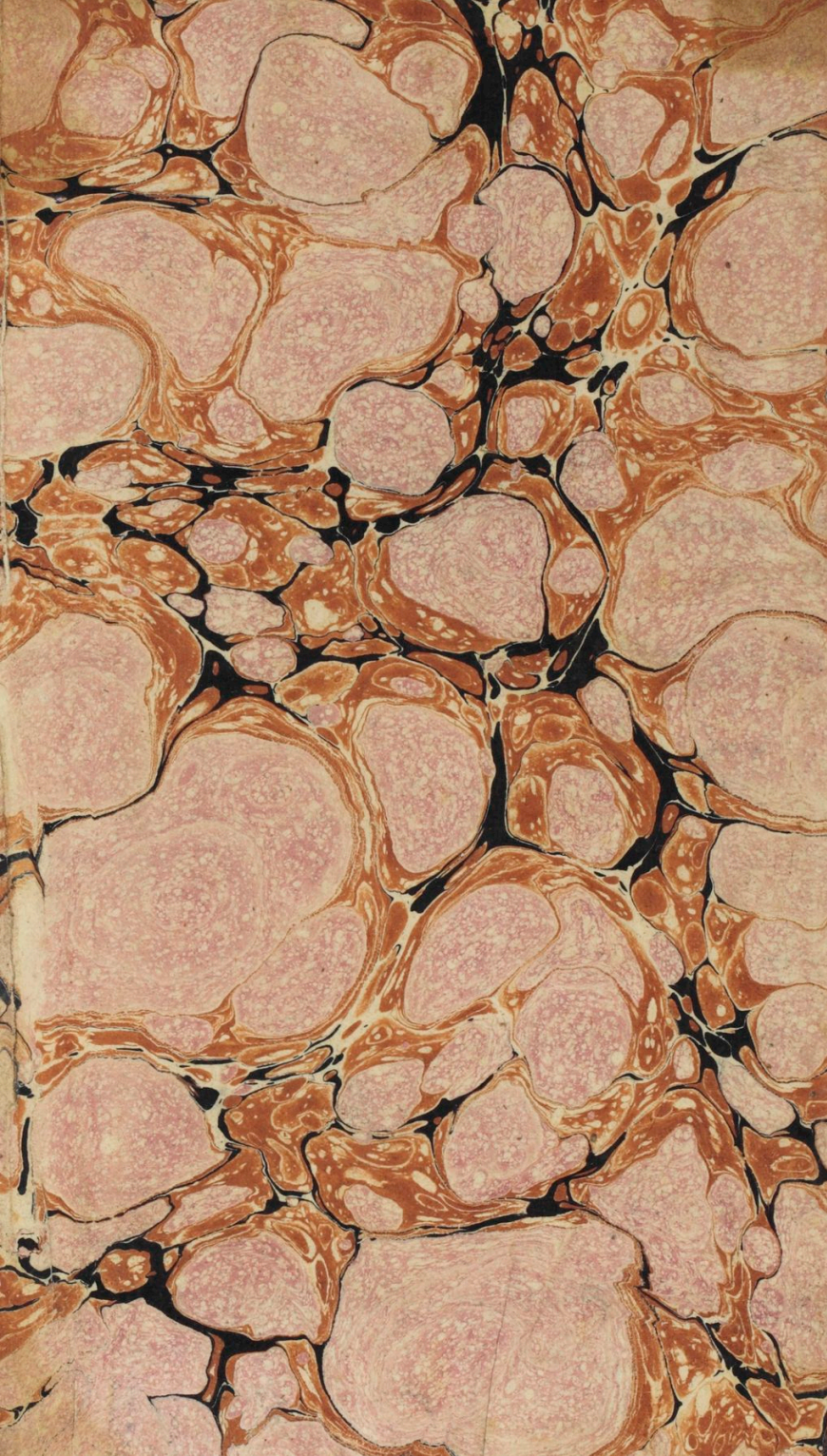
173. Copies of this Regulation shall be forwarded to the various Officers of Government concerned in the carrying it into execution; and translations of it, in the Javanese and Malay languages, shall be furnished to the Bopatis and other Native Officers. It shall be the duty of these to explain and cause to be made known its purport throughout the country; and for the doing this the more effectually, copies shall always lie on the tables of the several Courts, to be open for public reference and inspection.

Copies and
Translations
of this Regu-
lation to be
furnished to
the Officers of
Government.

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administration, value, and
state of the colony of Java
: with its dependencies, as
it was, as it is, and as it

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