

ASIATICK RESEARCHES;
OR,
TRANSACTIONS
OF THE
SOCIETY INSTITUTED IN BENGAL,
FOR INQUIRING INTO THE
HISTORY AND ANTIQUITIES,
THE
ARTS, SCIENCES AND LITERATURE,
OF
A S I A.

VOLUME THE TWELFTH.

D. LONDON:
JOHN MURRAY, ALBEMARLE-STREET.

1818.

II.

*On the Maláyu Nation, with a Translation of its
Maritime Institutions.*

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THE opinion that the *Malays* possess no records whatever of their laws and customs, and that they are solely governed by long-established customs and usages, handed down by memory or tradition, seems to have been much strengthened by the observations contained in MARSDEN'S Account of *Sumatra*. This being the only standard book in the *English* language, which contains a detailed account of any of the eastern isles, appears by many to have been considered as applying, generally, to all the countries denominated *Malayan*, whereas the island of *Sumatra*, though exhibiting an almost inexhaustible fund for research and inquiry, can only be considered as one of the almost innumerable islands, and by no means the greatest in population or in extent, which compose that unparalleled *Archipelago* in which the *Maláyu* nation is established.

The island of *Sumatra*, as well as the islands of *Jawa*, *Tana Ugi* or *Bugis* land (*Celebes*), *Súlu*, and the *Moluccas*, which with *Borneo* compose what may be properly termed the *Malayan group*, are peopled by nations radically distinct from the *Malays*, who speak languages entirely different, and use various written cha-

racters, original and peculiar to each. These nations are governed by their several laws and institutions ; and if we except the state of *Menanggáw*, on the island of *Sumatra*, it is on the shores of these islands only, and in the *Malay* peninsular, that the *Malays* are to be found. Whatever may have been the origin of the *Maláyu* nation, the primary population of these various and extensive islands could never, according to any natural inference, have proceeded from the *Malays*, though the reverse may probably have been the case, whatever may have been borrowed from a more foreign source.

Notwithstanding, therefore, the idea of Mr. MARS-
DEN*, that the various dialects of the *Maláyu* tongue have experienced such changes, with respect to the purposes of intercourse, that they may be classed into several languages differing considerably from each other, I cannot but consider the *Maláyu* nation as one people, speaking one language, though spread over so wide a space, and preserving their character and customs, in all the maritime states lying between the *Súlu* seas, and the Southern Ocean, and bounded longitudinally by *Sumatra*, and the western side of *Papua*, or *New Guinea*.

The *Maláyu* language may no doubt be traced to a still further extent, and particularly among the South-Sea islands ; but as that point more naturally belongs to a dissertation on the origin of the nation and its language, it need not be attended to here, where the subject is only alluded to in order to fix those boundaries to which the *Maláyu* law extends, and for establishing such distinctions and general definitions as may assist in its explanation, and more ready comprehension.

* MARS-
DEN on the Traces of the *Hindu* Languages and Literature, Page 223, Vol. 4, *Asiatick Researches*.

The laws and customs of the *Malays* may be considered either separately, or as they have reference to those of the more ancient and original inhabitants of the eastern islands, with whom they are now so intimately connected. What may be termed the proper laws and customs of the *Malayu* nation, as it at present exists, will first be adverted to.

Independent of the laws of the *Korán*, which are more or less observed in the various *Malay* states, according to the influence of their *Arabian* and *Muhammedan* teachers, but seldom further than they affect matters of religion, marriage, and inheritance, the *Malay* states possess several codes of laws, denominated *Undang Undang*, or *Institutions*, of different antiquity and authority, compiled by their respective sovereigns; and every state of any extent possesses its own *Undang Undang*. Throughout the whole there appears a general accordance; and, where they differ, it is seldom beyond what situation, superior advantages, and authority, have naturally dictated. Many of the *Undang Undang* contain the mere regulations for the collection of the duties for trade, and the peculiar observations of the port; while others ascend to the higher branches of civil and criminal law.

From the comparatively rude and uncivilized character of the *Malay* nation, neither learned disquisition nor very close coincidence is to be looked for; but simple ideas, simply expressed, may illustrate character better than scientific arrangement or refined composition. And in this point of view, however local or particular the subject may be, the institutions and regulations of so extensive a maritime nation must be interesting.

Considering, therefore, that a translation of these codes, digested and arranged according to one general plan, might be as useful in facilitating and ensuring a

more secure intercourse, among this extraordinary and peculiar nation, as it might be interesting in illustrating the unjustly degraded character of so extensive a portion of the human race, hitherto so little known either with respect to what they are or what they were; I have long been engaged, as far as the severe duties of my public situation would admit, in collecting *Malay* manuscripts of every description, and, in particular, copies of the *Undang Undang Maláyu*, which, with the various collections of *Addat*, or immemorial customs, and what may be usefully extracted from the *Sejáreh Maláyu*, and *Akal Maláyu*, or annals and traditions of the *Malays*, comprise what may be termed the whole body of the *Malay* laws, customs, and usages, as far as they can be considered as original, under the heads of government, property, slavery, inheritance, and commerce.

On the eastern side of *Sumatra*, the *Malay* states of *Achí*, *Siác*, and *Palembang*, may be considered as of the most importance. From these states I have procured one copy of the *Undang Undang Achí*, with a short account of the *Undang Undang Siác*. Further copies of these, as well as of the institutions of *Palembang*, I have reason to believe are within my reach.

The laws of *Achí* are peculiar, on account of the severity of the criminal law; and although it may be presumed that they were borrowed from the more ancient inhabitants of the island, they are interesting, in as far as they may have been generally adopted by the *Malays* in the Straits of *Maláca*, and may have given rise to that sanguinary disposition by which the *Malays* are usually supposed to be characterized.

Those of *Siác* have a peculiar interest, from the long-established connexion between that state and the *Menangcábaws*, in the interior of *Sumatra*. The *Siác* river takes its rise in the *Menangcábaw* country, and has

obviously been the principal outlet from the rich and populous countries in the interior, of which so little is known.

The *Malay* customs and usages on the west coast of *Sumatra* I apprehend to be so much blended with those of the more original inhabitants of the island, that, even if there was a state among them of sufficient importance to have its own institutions, it would scarcely deserve consideration, in the general arrangement of what is purely *Malayan*, and they are consequently little attended to.

Of the *Malay Peninsula*, the principal states entitled to notice on the western side are those of *Kedeh*, *Maláca*, and *Johór*; and, on the eastern, those of *Tringtno*, *Patáni*, and *Pahang*. From these I have obtained and collected several copies of the *Undang Undang Kedeh*, the *Undang Undang Maláca*, and the *Undang Undang Johór*. The states on the eastern side of the peninsula, with the exception of *Patáni*, which has been considerably influenced by the *Siamese*, seem generally to have admitted the superiority of the *Malay* government, first established at *Sínhapúra*, and afterwards at *Johór*.

On the island of *Borneo*, the several *Malay* states have regulations and institutions peculiar to each, though not differing in any material degree from those of the peninsula. Some of these I have already obtained in whole, and others in part.

The *Maláca* code, stated to have been compiled during the reign of Sultan MUHAMMED SHAH, of which I have three copies, treats principally of commercial and maritime usages, and in these branches may form the text of a *Digest of the Malay Laws*; whilst the institutions of *Johór*, from the intimate connexion which appears

always to have existed between *Maláca* and the southern part of the peninsula, may be useful as a supplement on these points; at the same time that it will branch out into civil and criminal law generally, and the general principles of communication between the different states.

The *Kedeh* code may, in like manner, form the text for such parts of the institutions as may be most applicable to the intercourse of *Europeans*, and tend best to a general understanding of the character and usages of the *Malay* countries in the immediate vicinity of the *British* settlements. This state, until the establishment of the *English* at *Pulaw Pénang*, possessed a respectable commerce, and still retains its *Malayan* government and institutions applicable to internal affairs, though reduced in external importance.

The institutions of the smaller states, as of *Salingór*, *Pérak*, and others, may only require notice as far as they differ from the general code of the superior states.

With respect to the internal regulations of government, police, property, and, what in all *Malay* codes occupies so large a share, slavery, the *Malay* states on the peninsula have been selected, as well on account of their connexion with the *English* government at *Penang* and *Maláca*, as for the still more important reason, in a philosophical point of view, of the *Malays* being, according to the theory I have laid down, to be found here the least adulterated in their character, usages, and manners. They are bounded by the *Siamese* to the north, whose encroachments and establishments in the peninsula, as they have from time to time taken place, may easily be defined. The *Malays* seem here to have occupied a country previously unappropriated; for, if we except an inconsiderable race of *Caffries*, who are occasionally found near the mountains, and a few tribes of the *Orang*

benúa, there does not exist a vestige of a nation anterior to the *Malays* in the whole peninsula.

As the population of the *Malay Peninsula* has excited much interest, my attention has been particularly directed to the various tribes stated to be scattered over the country,

Those on the hills are usually termed *Samang*, and are woolly-headed; those on the plain *Orang benúa*, or people belonging to the country; the word *benúa* being applied by the *Malays* to any extensive country, as *benúa China*, *benúa Keling*; but it appears to be only a sort of *Malay* plural to the *Arabic* word *ben* or *beni*, signifying a tribe. The early adventurers from *Arabia* frequently make mention in their writings of the different tribes they met with to the eastward, and from them most probably the *Malays* have adopted the term *Orang benúa*.

I had an opportunity of seeing two of these people, from a tribe in the neighbourhood of *Maláca*; it consisted of about sixty people, and the tribe was called *Jókóng*. These people, from their occasional intercourse with the vilages dependent on *Maláca*, speak the *Malayu* language sufficiently to be generally understood. They relate that there are two other tribes, the *Orang benúa* and the *Orang Udái*. The former appear the most interesting, as composing the majority; the latter is only another name for the *Samang*, or *Caffries*.

From the vicinity of the *Jókóng* tribe to *Maláca*, and intercourse with its inhabitants, they may have adopted many *Malay* words not originally in their language; but the following short specimen may perhaps tend to illustrate their connexion with the other tribes of the peninsula, and to evince how far they possess a peculiar language. They are not circumcised, and they appear to have

received some instruction regarding *Nabi Isa*, or, as they pronounce it, *Isher*. They, however, have no books, nor any word for GOD, whom they designate by the *Portuguese Déos*. The men are well formed, rather short, resembling the *Malay* in countenance, but having a sharper and smaller nose. They marry but one wife, whether rich or poor, and appear to observe no particular ceremony at their nuptials. The consent of the girl and that of the parents being obtained, the couple are considered as man and wife.

The *Jókóng* language in general coincides with *Malay*, as in the following instances :

Earth,	<i>Tana.</i>	Belly,	<i>Purát.</i>
Fire,	<i>Api.</i>	Sun,	<i>Mata hári.</i>
Fish,	<i>Ican.</i>	Mouth,	<i>Mulut.</i>
Bird,	<i>Burung.</i>	Eye-brow,	<i>Kening.</i>
Eye,	<i>Mata.</i>	Old,	<i>Tuhu.</i>
Nose,	<i>Idung.</i>	Good,	<i>Baik.</i>
Teeth.	<i>Gigi.</i>		

The numerals are also the same as in *Malay*.

In the following instances it differs from the *Malay* :

Stars,	<i>Cheóng.</i>	House,	<i>Cheróngtê.</i>
Moon,	{ <i>Hantu</i> } The bad	Arrow,	<i>Tamian.</i>
	{ <i>jahat.</i> } spirit.	Hair,	<i>Bulusútah.</i> Feathers
Water,	<i>Yehó.</i>	Head,	<i>Utah.</i> [of the head.
Tiger,	<i>Kahoing.</i>	Wild hog,	<i>Chonkókh.</i>
Dog,	<i>Koyope.</i>	Devil,	<i>Choleng.</i>
Bear,	<i>Shó.</i>	Evil spirit,	} <i>Hantu bilir.</i>
Elephant,	<i>Brinkil.</i>	which blasts	
Rhinoceros,	<i>Risaki.</i>	the produce	} <i>Déos.</i> Evidently
Arm,	<i>Wingún.</i>	of the earth,	
Foot,	<i>Tomén.</i>	God,	
Child,	<i>Merbodo.</i>		
Infant,	<i>Opayít.</i>		

As the relation that may have existed between the state of *Menangcábaro*, on the island of *Sumatra*, and

that so called on the *Malay Peninsula*, is not generally known, the following translation of a *Malayu MS.*, to which I give some credit, may tend to elucidate it. The fact related is without date or authority, but it is in a great degree confirmed by the general history of *Johór*, and the present state of the country in the neighbourhood, as well as by the existence at this day of another *Malay* state, of considerable extent, situated in the interior of the peninsula, and deriving its authority from *Menangcábaw* in *Sumatra*. The state alluded to is that of *Rembaw*, inland of *Maláca*, the *Rája* of which, as well as his officers, receive their authority and appointments from *Sumatra*. The communication is carried on in the *Malay Peninsula* through the river *Lingi*, in the neighbourhood of *Maláca*, and that of *Siac*, on the *Sumatra* side. The *Malays* of *Rembaw*, with whom I have had frequent communication, adopt the broad dialect of the *Malays* of *Sumatra*, changing the *á* at the end of a word into *o*; this peculiarity may be still observed among many of the inhabitants of the southern part of the peninsula.



“ Many years ago the *Rája* of *Johór* had an only
 “ daughter, the fame of whose beauty reached the ears of
 “ the illustrious son of the *Rája* of *Menangcábaw*, whose
 “ residence is at *Pegarúyung* in *Pulau Pérechek**, and
 “ whose power is mighty. The young prince, enamoured
 “ with the enchanting descriptions of this beauty, entreat-
 “ ed his father’s permission to make a voyage to *Johór*
 “ for his recreation, and the *Rája* his father was pleased
 “ to comply with his request.

“ The young prince accordingly embarked from the
 “ shores of *Pulau Pérechek*, attended by a numerous

* The island of *Sumatra*.

“ retinue, suited to his high rank and splendid fortune.
“ tene.

“ On the arrival of the *Práhus* or vessels in the Straits* of *Johór*, the prince was desirous of immediately proceeding up the river; but the *Rája* of *Johór*, alarmed at the unexpected appearance of so large a fleet with a royal standard, refused him admittance. The prince, determined on proceeding, entered the river, and, being opposed by the *Johór Práhus*, a severe battle ensued, in which the men of *Johór* were defeated, and obliged to retreat in confusion.

“ On the result of the action being made known to the *Rája* of *Johór*, he assembled his nobles and officers of state, and advised with them as to the conduct that should be pursued. Fearful that the men of *Johór*, worsted in the first engagement, might not have power or courage to stand in a second, it was the unanimous opinion that the prince should be invited to proceed up the river on friendly terms; and the prince was accordingly invited.

“ The prince lost no time in proceeding with his suite up the river, and, when he landed from the royal *Práhu*, he was received as a *Rája* high in rank. The *Rája* of *Johór* then inquired of him the business that had brought him to *Johór*, and what were his wishes; to which the prince replied, that he was enamoured of his daughter, and came to solicit her in marriage. The *Rája*, having consulted with his nobles and officers of state, agreed to the marriage, and a place was allotted for the residence of the prince and his followers. In

* These Straits are called *Sálat Tebrau*, “the Straits of *Tebrau*,” the continent and country of *Johór* being on one side, and *Pulan Mirambung* on the other.

“ a short time the prince was married to the daughter of
“ the *Rája*, and they lived together in the district that
“ had been allotted to them, and their happiness in-
“ creased every day ; but how long did this last?

“ The prince soon became delighted with his princess,
“ and so pleased with the attentions of the *Rája* of *Johór*,
“ and the enclosed village or district allotted to him,
“ which now bore the name of *Campúng Menangcábaw*,
“ that he thought not of returning to the territories of
“ his royal father, but remained in *Johór* with his follow-
“ ers, many of whom married with the women of *Johór*,
“ so that their numbers increased daily.

“ The *Rája* of *Johór* having afterwards conferred on
“ the prince the title of *Yang depertúhan kichil*, and in
“ consequence given him considerable power and autho-
“ rity in *Johór*, the prince exerted it with great severity.
“ The increasing consequence of the prince, added to
“ his severity, alarmed *Rájah MU'DA* of *Johór*, who
“ assembled all his friends and adherents, who were very
“ numerous, and consulted with them as to the measures
“ that should be taken. Hurt and enraged that the
“ power of government was almost entirely taken out of
“ the hands of the men of *Johór*, and that a stranger
“ should assume nearly the whole authority, they respect-
“ fully submitted the circumstances to the serious consi-
“ deration of the *Rája*, requesting that the whole of the
“ *Menangcábaws* might be removed from *Johór*, other-
“ wise they would be soon enslaved by them.

“ The *Rája* listened not to their request, and *Rája*
“ *MU'DA* became more enraged. He again assembled
“ his friends and adherents, and the number of those
“ who were dissatisfied with the *Menangcábaws* being
“ allowed to remain in *Johór* became very great. They
“ unanimously agreed, to the amount of above eight
“ hundred, to proceed with long *Creeses* into the enclo-

“ sure of the *Menangcábaws*, and put them to death.
 “ This resolution being fixed at mid-day, they were desirous of securing from danger the daughter of the *Rája*;
 “ and accordingly, previous to the attack, a few men entered the enclosure at sun-set, unobserved, and brought
 “ the princess in safety to *Rája MU'DA*.

“ The prince, entering the apartment in which he expected to find the princess, searched in vain for her.
 “ Aware of the enmity of *Rája MU'DA*, he instantly assembled all the *Menangcábaw* men. The *Gong* was
 “ sounded, and all were in arms.

“ Accompanied by all the *Menangcábaw* men who were in the enclosure at the time, the prince sallied forth in search of his princess. No sooner were they without the enclosure, than *Rája MU'DA*, hearing their approach, advanced against them; a severe battle ensued, which lasted from before midnight until daylight next morning, and in which four hundred of the men of *Johór* were slain. In the morning the prince retired within the enclosure of the village, and was closely followed by the remaining force of *Rája MU'DA*. These, however, were soon slain to a man by the *Menangcábaws*, and *Rája MU'DA* alone escaped with his life, having taken the precaution of retiring to his house unobserved before day-light.

“ The prince, exasperated at the treacherous conduct of the men of *Johór*, and offended that the *Rája* should permit *Rája MU'DA* thus openly to attack him, proceeded the next morning with all his men, in order to give battle to the *Rája* himself, to revenge the ill treatment he had received, and, if possible, to recover the princess his wife. A severe engagement took place, which lasted all day, and in the darkness of the night the men of *Johór* fled in every direction. The *Rája*

“ escaped to *Tringáno*, and *Rája* MU'DA, with his
 “ family, took shelter in a neighbouring wood.

“ Intimation of the place of *Rája* MU'DA's retreat
 “ being conveyed to the prince, he immediately proceed-
 “ ed thither, and completely surrounded him. *Rája*
 “ MU'DA, finding himself in this extremity, and no hope
 “ of escape left, put his family to death, one by one, in
 “ order that they might not fall into the hands of the
 “ enemy. After which he went forth from the interior
 “ of the wood, and endeavoured to rush through the
 “ *Menangcábaws* who surrounded it, but in vain; being
 “ repulsed in every direction, he threw down his arms,
 “ and solicited them to spare his life. This they would
 “ not listen to, and he was in a moment slain.

“ The prince, having thus revenged himself on *Rája*
 “ MU'DA, proceeded towards *Tringáno*, hearing that the
 “ *Rája* of *Johór* had fled thither. On the prince's arri-
 “ val at *Tringáno*, he demanded of the *Rája* that the
 “ *Rája* of *Johór* should be given up to him, and the
 “ *Rája* of *Tringáno* complied with his request. On the
 “ *Rája* of *Johór* being delivered up, he was immediately
 “ put to death by the enraged *Menangcábaws*.

“ The prince then recovered his wife from the *Rája* of
 “ *Tringáno*, with whom she had been left by her father;
 “ and, having remained a few days at *Tringáno*, he re-
 “ turned with his followers to *Johór*. At *Johór* he re-
 “ mained till such time as the *Práhus* could be repaired
 “ and victualled for the voyage, and then embarked,
 “ with all the *Menangcábaws*, for the kingdom of his
 “ father.

“ Several, however, of the *Menangcábaws*, remain-
 “ ed in the country of *Johór*, in consequence of their
 “ being united in marriage to the *Johór* women. The

“ country of *Johór*, which was previously well cultivated;
 “ was soon overgrown with wood ; but the enclosed vil-
 “ lage, in which the men of *Menangcábaw* resided, still
 “ bears the name of *Campung Menangcábaw*, and many
 “ people are still to be found scattered over the country
 “ who call themselves *Menangcábaws*, as it was for
 “ many years that the prince resided in this country, and
 “ his followers and those connected with him had become
 “ very numerous.”

The ancient connexion that subsisted between *Maláca* and *Johór* is particularly noticed in *Maláyu* history, according to which the first *Rája* of *Maláca*, *Sultan ISKA'NDER SHAH*, (afterwards, on his embracing the *Muhammedan* faith, called *MUHAMMED SHAH*), is supposed to have been a *Rája* of *Sin'hapura*, the ancient *Malay* state, near the site of *Johór*, who had taken refuge there, on his kingdom being invaded and destroyed by an armament from the island of *Java*. The subsequent flight of the *Maláca Rája* to the southern port of the peninsula, on the establishment of the *Portuguese*, is related in several *Malay* MSS. in my possession, from one of which the following narrative is a translation. If *Maláca* be considered as the principal state on the peninsula, the fate of its native government cannot be uninteresting, though the record must be of modern date. *Sultan MUHAMMED SHAH*, the present *Rája* of *Linga* and *Rio*, whither the seat of government has long been transferred from *Johór*, still traces his descent from the ancient *Rájas* of *Maláca*.

*Translation of a Maláyu Manuscript, entitled, “ A His-
 “ tory of former Times, containing an Account of the
 “ first Arrival of the Portuguese at Maláca.”*

“ It is related that ten *Portuguese* vessels from *Ma-
 “ nila* arrived at *Maláca*, for the purpose of trade, during

“ the reign of *Sultan AH'MED SHAH*, at a time when
 “ that country possessed an extensive commerce, and
 “ every thing in abundance, when the affairs of govern-
 “ ment were well administered, and the officers properly
 “ appointed.

“ At the time that these ships arrived, the fort was
 “ composed of *Nibungs*. Alas! with how many other
 “ captains did the commander of the *Portuguese* enter
 “ the fort! and with what presents of gold, of dollars, of
 “ cloths, of *Manila* chains, did they present themselves
 “ before the *Rája*! and how pleased to excess was *Sul-*
 “ *tan AH'MED SHAH* with the *Portuguese*! Whatever
 “ the commander required, *Sultan AH'MED SHAH* was
 “ ready to grant; but how many *Bendaharas* and
 “ *Tamungungs* with due obedience urged the *Rája* to
 “ be on his guard against the *Portuguese*; ‘for’, said they,
 “ ‘even the most experienced among us does not recollect
 “ a misfortune so great as the arrival of the *Portuguese*!’
 “ To this the *Rája* would reply, ‘Alas! my revered
 “ *Bendahara*, and you respected *Tamungungs*, you
 “ know nothing when you state that these white men will
 “ do what is wrong in our country.’

“ The *Bendahara* and the *Tamungungs* still remained
 “ of the same opinion respecting the *Portuguese*, and
 “ were not well inclined towards them; but finding that
 “ their representations were not attended to, nor well re-
 “ ceived by the *Rája*, they ceased to make them. To
 “ how many of the rich and great men did the com-
 “ mander of the *Portuguese* present *Manila* chains! and
 “ how pleased was every one with the *Portuguese*!
 “ The *Bendahara* and the *Tamungungs* were alone
 “ dissatisfied.

“ For forty days the *Portuguese* ships traded at
 “ *Maláca*; but still the *Portuguese* commanders re-

“mained on shore, presenting dollars by the chest, and
 “gold ; and how many beautiful cloths did they present
 “to the illustrious *Sultan AH'MED SHAH*, so that the
 “*Sultan* was most happy !

“After this *Sultan AH'MED SHAH* said to the com-
 “manders of the *Portuguese*, ‘What more do you
 “require from us, that you tender us such rich presents?’
 “To this the commander replied, ‘We only request one
 “thing of our friend, should he be still well inclined
 “towards the white men.’ Whereupon *Sultan AH'MED*
 “*SHAH* said, ‘State what it is, that I may hear it ; and,
 “if it is in my power, I will comply with the request of
 “my friend.’ The *Portuguese* answered, ‘We wish to
 “request a small piece of ground, to the extent of what
 “the skin of a beast may cover.’ Then, said the *Rája*,
 “let not my friends be unhappy ; let them take whatever
 “spot of ground they like best, to the extent of what they
 “request.’

“The captains were highly rejoiced at this, and the
 “*Portuguese* immediately landed, bringing with them
 “spades, bricks, and mortar : the commander then took
 “the skin of the beast, and, having rent it into cords,
 “measured out therewith four sides, within which the
 “*Portuguese* built a storehouse of very considerable
 “diensions, leaving large apertures in the walls for
 “guns ; and when the people of *Maláca* inquired the
 “reason of the apertures being left, the *Portuguese* re-
 “turned for answer, ‘These are the apertures that the
 “white men require for windows.’ The people of
 “*Maláca* were satisfied and content.

“Alas ! how often did the *Bendahara* and the
 “*Tamungungs* approach the *Rája* with a request that
 “the white men might not be permitted to build a large
 “house ; but the *Rája* would say, ‘My eyes are upon
 “them, and they are few in number : if they do any

“ wrong, whatever it may be, I shall see it, and will
 “ give orders for their being massacred (literally, I will
 “ order men to *amok*, or, as it is vulgarly termed, run a
 “ *muck* among them). Notwithstanding this the *Bcn-*
 “ *dahara* and the *Tamungungs* remained dissatisfied in
 “ their hearts, for they were wise men.

“ After this, the *Portuguese*, during the night, con-
 “ veyed cannon into their storehouse, and they landed
 “ small arms, packed in chests, saying the contents were
 “ cloths : and in this manner did the *Portuguese* deceive
 “ and cheat the people of *Maláca* !

“ What the *Portuguese* next did, the people of
 “ *Maláca* were ignorant of, but it was long before the
 “ storehouse was completed : and when all their arms
 “ were in order, then it was at midnight, at a time that
 “ the people of *Maláca* were asleep, that the *Portuguese*
 “ began to fire off their guns from the fort of *Maláca* !

“ They soon destroyed all the houses of the people
 “ of *Maláca*, and their *Nibung* fort ; and it was during
 “ this night, when the *Portuguese* first attacked the peo-
 “ ple of *Maláca*, that *Raja AH'MED SHAH*, with his
 “ people, fled in all directions, for no one could remain
 “ to oppose the *Portuguese*.

“ Thus did the *Portuguese* take possession of *Maláca*,
 “ whilst *Sultan AH'MED SHAH* fled to *Móar*, and from
 “ thence, in a short time, to *Johór*, and afterwards to
 “ *Bentan*, to establish another country. Such is the ac-
 “ count of the *Portuguese* seizing the kingdom of *Maláca*
 “ from the hands of *Sultan AH'MED SHAH*.

“ It is related that the *Portuguese* remained in quiet
 “ possession of the country of *Maláca* for three years,
 “ after which they sent letters to their great country,
 “ which is called *Goa*, giving an account that the king-

“ dom of *Maláca* was conquered. As soon as this intelligence arrived, the *Rája* of the *Portuguese* was exceedingly happy ; and in about two months after he answered the letters, and ordered the *Portuguese* to build a fort at *Maláca* of iron stone, and the form of the fort to be like that at *Goa*. Such was the occasion of the fort of *Maláca* resembling that of *Goa*.

“ As soon as the letters arrived at *Maláca* from the *Rája* of *Goa*, the *Portuguese* who were in *Maláca* ordered such of the people as had remained there to bring iron stones for the fort from *Quáda Lingi*, *Palau Upi*, *Batu Bras*, *Pulau Jawa*, (a small island near *Maláca*,) from *Teloh Mas*, from *Pisau Pringi*, from *Pulau Burung*, and from the country in the interior of *Maláca* ; and the price which the *Portuguese* paid for them was at the rate of thirty dollars for one hundred stones, if large, and twenty dollars for one hundred stones, if small. For eggs, which they used in their mortar, the *Portuguese* paid at the rate of a *Wang Baru* * (new coin) for each. For lime (*Capor*) they paid fifteen dollars for a *Coyen*, and the labourers employed in digging away the hill were paid at the rate of half a dollar each for one day's work.

“ During thirty-six years, three months, and fourteen days, the *Portuguese* were employed in the construction of the fort, and then it was completed.

“ From this time the *Portuguese* remained in quiet possession of *Maláca* for about nine years and one month, when the country once more began to flourish, and the trade became extensive on account of the quantities of merchandise brought there from all quarters.

* Twenty-seven *Wang Baru* are equal to a dollar, the *Madrás* name.

“ Such is the account of the country of *Maláca* under
“ the *Portuguese*.

“ It is related that after this period a *Dutch* vessel
“ arrived at *Maláca* for the purpose of trade ; the vessel’s
“ name was *Afterlenden*, and that of the captain *IBIR*.
“ The captain perceived that *Maláca* was a very fine
“ place, and had a good fort ; therefore, after the *Dutch*
“ vessel had traded for fifteen days, he set sail for *Europe*,
“ and arriving after a considerable time at the great coun-
“ try, he gave intelligence to the great *Rája* of what he
“ had seen, of the beauty of *Maláca*, the extent of its
“ commerce, and the excellence of its fort. On this the
“ *Rája* of *Europe* said, ‘If such is the account of *Maláca*,
“ it is proper that I should order it to be attacked.’
“ Twenty-five vessels were thereupon ordered by the
“ *Rája* of *Europe*, for the purpose of attacking *Maláca* ;
“ and troops being embarked in each, they first set sail
“ for the kingdom of *Bantam*, in the country of *Java*,
“ where the *Dutch* were on terms of friendship.

“ At *Bantam* they found two *Dutch* ships and a
“ ketch ; and, after having taken on board buffaloes, and
“ provisions for the use of the persons on board, the ves-
“ sels then sailed for *Maláca*.

“ As soon as the fleet arrived at *Maláca*, the *Dutch*
“ sent a letter to the *Portuguese*, telling them to hold
“ themselves in readiness, as it was the intention of the
“ *Dutch* to commence the attack on the morrow at mid-
“ day. To this the *Portuguese* replied, ‘Come when
“ you please ; we are ready.’

“ On the next day the *Dutch* commenced the attack,
“ and the war continued for about two months, but the
“ country of *Maláca* was not carried, and the *Dutch*
“ returned to *Bentan*, where they remained quiet for
“ some time in the intention of returning to *Europe* ; all

“ the great men on board the vessels feeling ashamed of
“ what had happened.

“ The great men in each of the vessels, having after-
“ wards held consultations respecting another attack on
“ *Maláca*, they proceeded against it a second time, but it
“ did not surrender. The *Dutch* now sent a letter to
“ *Johór*, in terms of friendship, to the Sultan, requesting
“ his assistance in the attack of *Maláca*. With this
“ the *Rája* of *Johór* was pleased, and an agreement was
“ entered into between the *Rája* of *Johór* and the *Dutch*,
“ which was sworn to ; so that the *Dutch* and *Malays*
“ became as one, as far as concerned the taking of *Ma-
“ láca*. An agreement was made that the *Dutch*
“ should attack from the sea, and the people of *Johór*
“ from the land. If the country surrendered, the *Dutch*
“ were to return the country and the cannon ; and every
“ thing else that might be found within *Maláca* was to
“ be equally divided between the *Dutch* and the peo-
“ ple of *Johór*.

“ When these terms were agreed upon, the men of
“ *Johór* and the *Dutch* sailed for *Maláca*, and, after at-
“ tacking it for about fifteen days from the sea, many
“ were slain, as well *Portuguese* as *Malays* and *Dutch*.
“ The *Malays* then held a consultation, and began to
“ think that if they fought against the white men, ac-
“ cording to this fashion, *Maláca* would not fall for ten
“ years. It was therefore agreed upon by all the
“ *Malays* that fifty men should enter the fort of *Maláca*,
“ and run a *muck*, or *Meng-amok*.

“ The *Malays* then selected a lucky day, and on the
“ twenty-first day of the month, at five o'clock in the
“ morning, the fifty *Malays* entered the fort, and com-
“ menced *amok*, and every *Portuguese* was either put to
“ death, or forced to fly into the interior of the country,
“ without order or regularity.

“ On this the *Malays* exerted themselves in plundering *Maláca*, and the whole was divided between the men of *Johór* and the *Dutch*, according to their agreement.

“ The men of *Johór* then returned to the country of *Johór*, and the *Dutch* remained in possession of *Maláca*, and from that time to the present the *Dutch* and the men of *Johór* have been on the strictest terms of friendship.

“ This is the account of former times, that was to be related.”



To return to the subject of the *Undang Undang Maláyu*, it will appear, from what I have previously stated, that the collection of *Malay* laws, as far as regards the *Maláyu* nation separately, is nearly completed; but it appears advisable to adopt a more extensive plan; embracing the original institutions of the various nations among the eastern islands.

Of these, the institutions of *Java*, and of the *Bugis* and *Macasar* states, on the island of *Celebes*, are first in importance.

On the island of *Java* there are several codes of *Undang Undang*, which are celebrated to the eastward; but, as the whole island of *Java* was once under the dominion of the ancient emperor, or *Susuhónang Giri*, a power that is still acknowledged to a certain extent, these may no doubt be traced to one source and authority. The difficulty that has hitherto existed in communicating with *Java*, in consequence of the *Dutch* establishments, has prevented the acquisition of the most important of these institutions. The *Javanese* laws are arranged in

native codes of considerable antiquity, and were collected many years back by the *Dutch* government, for the guidance of their different officers. Of this collection I possess a copy, which will, at any rate, assist in the compilation of a more genuine code, from native authority, whenever circumstances may admit of a communication being opened with the *Javanese Rájas* and chiefs.

From the *Bugis* and *Macasar* nations of *Tana Gúa*, and *Tana Ugi*, or *Celebes*, I have received detached parts of the *Undang Undang* ; but the copies that have yet reached me are so incomplete and inaccurate, and bear such evident traces of being but imperfect transcripts from a better digested and more regular code, that they rather excite than satisfy inquiry. I have for some time adopted measures with the view of obtaining, if not the originals, at least more perfect transcripts ; in which I have every reason to expect I shall be successful. The two principal codes on this island are those of *Macasar* and *Boni*. The laws as well as the history of the *Bugis* states are of considerable antiquity, perhaps far exceeding those on the island of *Java*. These are preserved in books, the greater part of which are still extant, but only to be found in their purity and correctness towards the inland.

With respect to the *Súlu* islands, I have a short account of their laws and usages, though no regular code : several interesting particulars connected therewith have been collected by Mr. ALEX. DALRYMPLE, and printed in the *Oriental Repertory*.

Of the *Moluccas* I have not yet been able to obtain further information than what has tended to confirm in every respect the detailed and full account given by VALENTYN ; but, as these islands have lately fallen into the hands of the *English*, whatever may be desiderated

from that quarter may easily be obtained. Though the interior of these islands still possess an original population, their government has long been *Malayan*.

As nothing beyond an imperfect description of a few original tribes has yet been obtained respecting the inland population of *Borneo*, it may be inferred, that as there appears to have been no original nation, of authority or extent adequate to reach the shores, or to be known by any of the states that have been established on the coast, their institutions, if they possess any, cannot be of importance, as they have not had any effect on the general population of the eastern *Archipelago*.

On *Sumatra*, Mr. MARSDEN has so well and diligently trodden the ground, that we cannot perhaps, contrary to his assertion, expect to find written laws and institutions among any of the original nations. The compilation that has been made there by the *English* residents will form a valuable standard for comparison with the laws and customs of the more eastern islands; but, at the same time, a more extensive research into the interior, if unsuccessful in its principal object, cannot fail to be interesting in as far as it may lead to a more intimate acquaintance with the *Battas* and *Menangcábaws*, the former of whom may be considered as the original population of the island; while the establishment of the *Menangcábaws* may be compared to that of the *Moguls*, on the continent of *India*. In the *Ketika lima*, or five times, of the *Battas*, adopted by the *Malays* (of which I have a copy), the divisions of lucky and unlucky times, for undertaking any affair, are expressed by the terms *Mésewára*, *Bisnu*, *Brehma*, *Sri*, *Cála*, corresponding to the *Hindu* deities, more correctly pronounced MAHESWARA, VISHNU, BRAHMA, SRI, and CALA. The table for calculating these superstitious observances is extremely simple.

To the collection that has already been made of the various laws and usages of the *Malays*, *Sumatrans*, *Javanese*, *Bugis*, *Macasars*, and *Sulus*, may be added the compendium of the *Muhammedan* law of inheritance, printed by the *Dutch* at *Batavia*, in 1760, in 102 articles, *Dutch* and *Maláyu*, of which I possess a copy.

As the collection of the *Undang Undang Maláyu* is so various and extended, the compilation must necessarily be deferred until the best authorities procurable can be referred to, and, if possible, the leading native courts visited. In the mean time I request to present to the *Asiatick Society* a sketch of the maritime code of the *Malays*, as translated from the duplicate copies which I have brought with me to *Bengal*; and which, when collated with the more original and authentic copies, and elucidated by notes, corresponding with the general plan of the undertaking, I propose shall form one of six books of the *Malay laws*.

In tracing back the *Malay* laws to those of the more ancient nations on the island of *Sumatra*, *Java*, and the *Celebes*, and thence, perhaps, on one side, to the continent of *India*, and, on the other, to the larger islands in the South Seas, a wide field will be open for research, as well into their origin, as into that of those extraordinary languages, which, in proportion as they are correctly spoken or written, seem to contain a larger intermixture of *Sanscrit*.

The comparatively modern origin of the *Malays* is a fact so generally admitted and universally confirmed by all their writings and translations, that it is difficult to account for the extraordinary opinion laid down by the author of the "Sketch of an intended Essay on the *Malay Language*," that the *Arabians* and *Persians* have borrowed their present alphabetical characters from the

*Malays**; an opinion that could only hope to attract attention from the confident manner in which it is asserted. The proofs that seem to have occurred to the same author, on the "evident antiquity" of the language, and its being from "the primæval stock of JAVAN, one of the "sons of JAPHETH, the third son of NOAH," and from the roots of which *Persian*, *Sanscrit*, and *Arabic* derivatives and compounds have been formed, might as well be adduced in supporting a similar comparison between the *English* and *Latin*, whence we should be rather surprised to find the former, from the number of ancient words it has adopted, asserted to be the parent of the *Roman* tongue.

It is easy and natural to account for the *Malays* having with their religion adopted the written character of the *Arabs*; and I have no hesitation in asserting that neither *Malay* writings nor inscriptions, in their present characters, can be traced back to an æra of greater antiquity than the invention of the modern *Arabic* alphabet, or beyond the period at which the great intercourse between the *Arabians* and eastern nations took place. Admitting, however, that more early writings did exist, there is no reason why they may not have been preserved on *Sumatra* in the more ancient and original characters of the *Battas*; the *Rejungs*, or the *Lampungs*; on *Java*, and the *Celebes*, in the characters of the *Javanese* and *Bugis* nations; and even on the *Malay* peninsula, in some modification of the *Siamese* character.

For the compound parts of the *Malayu* language, as

* "A Rough Sketch of part of an intended Essay towards ascertaining, deducing, elucidating, and correctly establishing, the Rudiments of the *Jukwee* or *Jakwee* Language, vulgarly called the *Malay* Language, by J. S., and published at *Prince of Wales Island*, 1807. See pages 1, 2, & 3.

it at present exists, and the sources from which we must trace the origin of the nation and its language, I shall only at present refer to the enlightened Essay on the *Indo-Chinese* nations, in a preceding volume of the *Asiatick Researches*: the enlarged views and determined positions in which will, I am convinced, be the more confirmed and verified in the proportion that they may be investigated*.

The most obvious and natural theory on the origin of the *Malays* is, that they did not exist as a separate and distinct nation until the arrival of the *Arabians* in the Eastern Seas. At the present day they seem to differ from the more original nations from which they sprung, in about the same degree as the *Chuliah*s of *Killing* differ from the *Tamul* and *Felings* nations, on the *Coromandel* coast, or the *Mapillas* of *Malabar* differ from the *Nairs*, both which people appear, in like manner with the *Malays*, to have been gradually formed as nations, and separated from their original stock by the admixture of *Arabian* blood, and the introduction of the *Arabic* language and *Moslem* religion.

The word *Jahwí*, so much insisted on by the author of the "Rough Sketch," is the *Malay* term for any thing mixed or crossed, as, when the language of one country is written in the character of another, it is termed *B'hása Jahwí*, or mixed language; or, when a child is born of a *Killing* father and *Malay* mother, it is called *Anak Jahwí*, a child of mixed race. Thus the *Maláyu* language, being written in the *Arabic* character, is termed *B'hása Jahwí*; the *Malays*, as a nation distinct from the fixed population of the eastern islands, not possessing

* LEYDEN on the Languages and Literature of the *Indo-Chinese* nations. *Asiatick Researches*, Vol. X.

any written character but what they borrow from the *Arabs*.

With respect to the Maritime Institutions which I have now the honour to lay before the *Asiatick* Society, they have been selected on account of their singularity and characteristic peculiarities. The power of life and death vested in the *Nakhodah* may be considered as purely *Malay*, or at any rate to have had its origin in the Eastern Islands; the *Arabs*, from whom alone they could have borrowed a foreign sea-code, not possessing, as far as I have been able to ascertain, any treatise whatever on maritime law, or in any instance admitting the authority of the *Nakhodah*, or captain of a vessel, to inflict capital punishments. In this point of view, the paper, even in its present state, may not be uninteresting; and it may tend in some degree to account for some of the numerous peculiarities of a nation generally believed to act, on most occasions, solely from individual will, and ferocious passion.

Maritime Institutions of the Malays.

 CONTENTS.

- CHAP. I. Authority of the code—Description of persons on board a *Práhu*—Of the officers and crew—Their authority—Duties and the nature of their engagements—Of the *Kiswis*, or traders.
- CHAP. II. Of the divisions of a *Práhu*—Regulations for the safety of the *Práhu* while at sea—Of fire—Of throwing cargo overboard—Of *Práhus* running foul of each other—Of putting into ports, and the mode of trading—Of detentions—Of persons quitting a *Práhu*.
- CHAP. III. Of persons who may be in distress, or who have been wrecked at sea—Of *Troves*—Of carrying off slaves from another country.
- CHAP. IV. Of crimes and punishments on board a *Práhu*—Of disrespectful and contumacious conduct towards the *Nakho-dah*—Of adultery and criminal connexion with women on board a *Práhu*—Of quarrels and dissensions—Of theft.
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The Maritime Institutions of the Malays, translated from the Maláyu Language.

IN the following sketch, which defines the laws and usages of the *Malays* at sea, the *Maláca* code has been selected for the text, as well on account of the admitted superiority of that once-flourishing kingdom, among the *Malay* states in general, as from the circumstances of this code having, with but slight modifications, been adopted by several of the ancient and powerful states on the

island of *Celebes*, and still continuing in force among many of the *Bugis* and *Macasar* traders from that island. The *Bugis* and *Macasar* states, which are nations radically distinct from the *Malays*, possess a Maritime Code of still greater antiquity, but in latter times they appear to have in many instances adopted the sea-laws of *Maláca*, nearly in the same manner as the *Romans* adopted the celebrated *Rhodian* code.

The *Maláca* code appears to have been compiled during the reign of *Sultan MUHAMMED SHAH*, the first sovereign of *Maláca*, recorded in the *Maláyu* annals to have embraced the *Muhammedan* faith. This circumstance is understood to have taken place about the year of the *Christian* æra 1276. The origin of the *Malay* code may therefore be considered as nearly coeval with the first establishment of *Islamism* among the *Malays*. The authority of the code is thus stated in the preamble:

“ These are the Laws to be enforced in Ships, *Junks*,
“ and *Práhus*.

“ First of all, *PATI HABUN* and *PATI 'ELIAS* assembled *Nakhodah JENAL*, and *Nakhodah DE'WA*, and *Nakhodah IS-HAK*, for the purpose of consulting and advising relative to the usages at sea, and of compiling in conformity thereto a code of *Undang Undang*, or Institutions.

“ After they had consulted together and collected the laws, they presented them to *DATU BENDAHARA 'SRI MAHARAJA*, in the kingdom of *Maláca*, who laid them at the feet of the illustrious *MUHAMMED SHAH*. Whereupon that prince said, ‘ I grant the request of the *Bendahara*, and establish these laws and institutions for your government and that of your posterity. When you administer these laws at sea, they shall not be afterwards interfered with on shore. Henceforth let the laws of the

sea be carried into effect at sea, in like manner as those of the land are carried into effect on land, and let them not interfere with each other, for you (addressing himself to the *Nakhodahs*) are as *Rájas* at sea, and I confer authority on you accordingly.

“ The several *Nakhodahs* who had framed the code were then honoured with titles; *Nakhodah* JENAL received the title of *Sang Yahi de Ráju**, *Nakhodah* DEWA, that of *Sang Utama de Rája*, and *Nakhodah* IS-HAK, that of *Sang Setia de Rája*†.

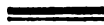
“ In such manner were the laws established and made known, during the times when the kingdom of *Maláca* was tranquil and prosperous, during the reign of *Sultan* MUHAMMED SHAH, and when *SRI NARA DE RAJA* was *Bendahara*, and governed that country,

“ Therefore, as the laws of the sea are established, as well as the laws of the land, let them be observed, in order that whatever is undertaken may be properly regulated. Let these laws be followed towards all countries; in as much as the laws of the sea, which relate to the sea only, and the laws of the land, which relate to the land only, are defined: because those of the sea cannot interfere with those established on shore.

“ According to these institutions, let the law be administered at sea, that no disputes and quarrels may take place. Let them be known and descend to posterity, that men may not act according to their own will and inclination, but that order and regularity may prevail on board vessels, as well during prosperity as adversity. Let not what is established be done away, nor these laws be resisted or disobeyed !

* & † According to other copies, these titles are *Sang Boya de Rája* and *Setia Dupati*.

“ If these laws are attended to, no one can question the authority of the *Nakhodah*, for as the *Rája* is on shore, so is the *Nakhodah* at sea. This authority has been conferred, by the *Sultans* of the land, upon all *Nakhodahs*, in order that they may administer the laws on board their respective vessels. Whoever does not admit this authority offends against the law.”



It may be necessary to premise, that although the number and description of persons must materially depend on the size of the vessel and the nature and extent of the voyage, yet the following classes and denominations will be found to occur in almost every *Práhu*, a term under which the *Malays* include every description of vessel.

The *Nakhodah*, or captain, who employs a *Jeru-tulis*, or writer, who corresponds in some degree to a purser.

The *Kiwi* or *Kiwi Kiwi*, the principal of which is termed the *Mala Kiwi*—Supercargoes or persons who have an adventure in the voyage, and to whom part of the cargo belongs.

The *Orang Tumpang* or *Menumpang*—Passengers from one port to another.



Officers and Crew.

Malim—The master. There are generally two, denominated the *Malim Besar* and *Malim Kichil*, the superior and inferior, the latter of whom is also termed *Malim Ang*, whose duty is principally to manage the sails according to the wind; the chief *Malim* attending to the course of the *Práhu*.

Jeru-mudi—Persons who steer the *Práhu*.

Jeru-batu—Persons who attend the anchor and fore part of the *Práhu*.

Tukang—Literally workmen, petty officers, having specific duties according to their denominations, as *Tukang Peták*, the officer of the hold; *Tukang Agung*, the officer of the main-mast, or chief petty officer; *Tukang Kiri*, the officer of the larboard or left side; *Tukang Kánen*, the officer of the right or starboard side, &c.

Awák Práhu or *Anák Práhu*—The crew or common men, who may consist either of freemen, debtors, or slaves.



Of the Rank and Authority of the Nakhodah and Officers.

“ LET every man obey the *Nakhodah*, agreeably to the authority conferred upon him by the *Sultans* of the land from time immemorial, for he is the *Rája* while at sea, and, although he may be young, he shall be as an *Orang tuah*, or have the authority of age, and administer the law accordingly.

“ First.—It is the law that in all *Práhus* of every description the *Nakhodah* shall be as the *Rája*.

“ That the *Jeru-mudi* or steersman shall be as the *Bendahara*, or prime minister, and the *Jeru batus* as *Tamungungs* or chief peace officers; and it shall be the duty of these to superintend every one, and to regulate right and wrong within the *Práhu*.

“ That the *Tukang Kánen*, and the *Tukang Kiri*,

shall possess a respectable influence, and perform duty with the *Tukang Agung*.

“ That the *Jeru-batu Kiri*, the *Gung Tang* and *Sinawé*, as well as the *Tukangs*, shall be under the immediate orders of the *Nakhodah*; and all the *Awak Práhu* shall be under the orders of the *Tukangs* belonging to the *Práhu*.

“ The *Malim* shall be as a ruler or judge* at sea, as it is his duty to direct the course of the vessel.”

In the *Macasar* copy it is stated “ that the owners of the *Práhu* shall be as the *Rája*, the *Nakhodah* as the *Bendahára*, the *Tukangs* as the *Tamungungs*, the *Tukang Haluén* (officers of the forecastle) as masters, and the *Tukang Tengah* as *Sida Sidas* ;” but as the *Nakhodahs* are generally, and always, in the smaller *Práhus*, owners, the distinction made at *Macasar*, which changes the comparison in the ranks of the different officers, in consequence of the introduction of a superior to the *Nakhodah*, is of no real importance, and does not essentially vary the rank or influence of the officers.

“ If any of the crew disobey the orders of the *Tukang-Agung*, that officer shall deliver the offender over to the *Jeru-batu*, in order that he may be punished with seven stripes. But it is the usage that such stripes shall not be inflicted with an uplifted or extended arm, nor without the knowledge of the *Tukang Agung*. If the person who has offended still resists the authority of the *Tukang Agung*, he shall be punished with four stripes more.”

According to the *Macasar* copy, the *Awak Práhu* are stated to be under the immediate orders of the *Tukang*

* *Hakim* or *Imam*.

Tengah. If any one resists his authority, he shall, in the manner above described, be punished in the presence of the *Tamungung* (*Jeru-mudi*) with three times seven stripes. And if the offender still resists the authority of the *Tukang*, it shall be lawful for the *Tamungung* to hang him up (suspend him by the arms), and to punish him with three stripes more."

" If any of the crew disobey the *Guntang* and *Sinawé*, the offender shall be punished with three stripes."

Of the Duties of the Officers and Crew, and the Nature of their Engagements.

There is no description of persons who receive wages on board a *Práhu*, with the exception of persons who may act as substitutes for such as may be obliged to quit the *Práhu*, on account of illness or otherwise. Every person on board has some commercial speculation in view, however small, and his engagement is made for the voyage.

The *Nakhodah*, or owner of the *Práhu*, gives to each, according to established custom, what is termed *Tulun-gén*, which signifies assistance or advances; which advances are of two kinds, consisting either of shares of the cargo, or loans of money.

In short, the whole voyage is to be considered as a commercial adventure of the whole of the persons engaged in it, and bears no slight similarity to the outfit of a *Dutch* whaler.

Of the Malim.

" The law respecting the *Malim* is, that he shall, if he requires it, be allowed one half of a division of the

hold, and receive a further assistance from the *Nakhodah* to the extent of a *Tahil* and a half (twelve dollars), this officer being on the same footing with the *Malim besar*, or chief *Malim*.

It is the duty of the *Malim* to remember the proper course to steer, and to know the seas and the lands, the winds and the waves, the currents, the depths and the shallows, the moon and the stars, the years and the seasons, the bays and the points of land, the islands and coasts, the rocks and shores, the mountains and hills, each and every one of them, and also to know where the *Práhu* may be at any time. With the whole of these should the *Malim* be well acquainted, in order that every thing may go on prosperously, as well at sea as on land, and that the *Malim* may be free from fault.

“ While a *Práhu* is at sea, the *Malim Ang* shall have charge of all the cordage and rigging. He shall give orders respecting the same to the *Tukang Agung*, whose duty it is to see that the *Awak Práhu* do what is necessary respecting the same. The *Tukang Kiri* and *Tukang Kánen* shall also assist in superintending the *Awak Práhu*.”

According to the *Macasar* copy, any of the *Awak Práhu* who may neglect their duty, or the orders of the *Tukangs*, may be punished at the *Pataren Lawang*, or place where the cable and ropes are kept, with seven stripes.

“ If every thing is not at sea as the *Malim* wishes it, and the sails are taken aback, let him, on his return to port, give alms to the poor, as an acknowledgment for his escape.

“ If the *Malim* forgets the course he has to steer, and through his ignorance the *Práhu* is wrecked, he shall suffer death, for such is the law.

“ If the *Malim* is desirous of quitting the *Práhu* at any port or place, he shall not be permitted to do so.”

Of the Jeru-mudi, or Steersman.

“ It is the duty of the *Jeru-mudis*, when relieved from their tour of duty at the helm, to superintend and take care of all the arms in the *Práhu*; and in the event of the *Práhu* falling in with pirates, let them combat with a strong hand and courageous heart, for such is their duty.”

By the *Macasar* copy, it is established, that if the *Jeru-mudis* or *Jeru batus* are desirous of quitting the *Práhu* at any time, they may be permitted to do so, on paying, the former, the sum of half a *Tahil* or one *Pahar* (four or two dollars), and the latter one *Pahar* or two *Mas* (one dollar), each according to his ability, but not exceeding the sums stated.

Of the Petty Officers and Crew.

“ If the *Práhu* is from three to four *Depahs* (fathoms) wide, the *Awak Práhu* shall be allowed assistance, or a participation in the cargo, to the extent of one *Coyen*, and all other persons, not slaves, two *Coyens* *.

“ If the *Práhu* is two and a half *Depahs* wide, the

* The *Malay* measures alluded to are as follow :

4 <i>Chupalis</i> ,	equal	1 <i>Gantang</i> (about a gallon).
16 <i>Gantangs</i> ,		1 <i>Nali</i> .
10 <i>Nali</i> ,	or 160 <i>Gantangs</i> ,	1 <i>Koncha</i> .
5 <i>Koncha</i> ,	or 800 <i>Gantangs</i> ,	1 <i>Coyen</i> , which is generally

calculated at something more than a ton, but varies.

Awak Práhu shall be allowed three hundred *Gantangs*, and the others, not slaves, six hundred *Gantangs*."



Independent of the descriptions of persons above alluded to as belonging to the *Práhu*, it may be necessary to advert to slaves and debtors, particularly the latter, respecting whom the law is as follows :

" When any person wishes to bind himself in personal service for a debt, let an agreement be required, at the time, that the debtor shall follow and perform service for his creditor for the term of three years, three months, and three days, ' or, according to the *Macasar* copy, for the term of three years,' in order that, if the party is not willing to conform thereto, he may not become a debtor, or, if willing to do so, that he may follow and serve his creditor accordingly.

" If, at any time before the expiration of the above-mentioned period, the debtor wishes to discharge the obligation, he shall be required to pay an advance at the rate of one in ten on the amount of his debt, in addition to the principal ; unless he does this, he need not be permitted to quit the *Práhu*. ' According to the *Macasar* copy,' if the debtors of the *Nakhodah* wish to quit the *Práhu* at any place by discharging their obligation, they shall, on paying the advance of one in ten on the amount of their debt, be discharged, and not considered liable to the duty of the country ; but if they have property in the *Práhu* beyond the amount of their debt, a further demand is authorized, according to their ability, to the extent of a *Pahar* (two dollars) each."

Of the Kiwis or Traders.

“ This is the law relating to the *Kiwis* ; they shall pay for the tonnage they require, unless they have assisted the *Nakhodah*, in his trading concerns, to the extent of three or four *Tahils* (twenty-four or thirty-two dollars), in which case the *Nakhodah* shall give them two or three *Coyens* of tonnage, or one division of the hold, it being considered that the profit on the three or four *Tahils* is an adequate compensation.

“ The *Kiwis* may obtain seven or eight divisions of the hold, but they shall not pay for four divisions, as long as they are under agreement to pay a duty on their return to port (on the goods they lade), at the rate of four out of every thirteen.

“ The *Mala Kiwi* shall be entitled to half of the division of the hold in which the rice or provisions are stowed (*Petah Gandung*), because he is the *Pung’hulu*, or head man of all the *Kiwis*.

“ With respect to the duties of the country on the eight divisions of the hold, and also on the sails, it is the law, that the *Kiwis* shall present eight pieces of cloth and a bundle of rattans. The *Kiwis* who present these shall be freed from paying all other duties of the country, because this is adequate.

“ It is the usage, that in all affairs that may arise, good or bad, the *Nakhodah* shall advise with and consult the *Mala Kiwi* and the *Kiwis*.”

CHAPTER II.

“ IT is the established law of the *Undang Undang* (*istéadat hukum Undang Undang*) that all *Nakhodahs*, and *Malims*, and *Tukangs*, and *Muda Mudas*, and *Awak Práhu*, each and every one shall conform to what is the usage.”

The Divisions of a Práhu.

These are the laws respecting the *Balai Lentang*. No person shall go there, except at a time when there is business of importance; and then this is the place on which to assemble for the purpose of advising and consulting. If any of the crew go upon the *Balai Bujur*, and remain there, they shall be punished with five stripes.

The *Balai Bujur* is expressly appropriated for the recreation of the *Muda Mudas*; if any of the crew go there, they shall be punished with three stripes.

No person is allowed to remain in the *Putaren Lawang*, or place where the cable and ropes are kept, except the *Nakhodah*, the *Muda Mudas*, and the *Tukang Agung*; if any of the crew go there, they shall be punished with six stripes.

The *Allang Muka* (the place before the *Nakhodah's* cabin) is appropriated for the *Tukang Teng'ha*, *Tukang Kanen*, and *Tukang Kiri*: if any of the crew go there, they shall be punished with three stripes.

Regulations for the Safety of the Práhu.

“ When a *Práhu* proceeds to sea, every person on board shall be under charge of the *Nakhodah*.

“ At the time a *Práhu* is about to sail on her voyage, the *Malim* shall inform the *Tukangs* thereof, who shall direct the persons who have the watch (*Orang berképong*) to take care that the rigging and sails are in order, and to prevent accident by fire, as fire is a dreadful calamity at sea.

“ As it is the duty of the *Muda Mudas* to superintend the men on watch, let them be careful that they perform their duty. For if a vessel drifts, or runs on shore, on any coast or point of land, in consequence of the *Muda Mudas* neglecting to superintend the people on watch, it is the law, that the *Muda Mudas*, in such case, shall be punished, and fined according to their ability. With respect to the people on watch, they shall be punished with twenty stripes each.

“ If the *Práhu* drifts from her anchorage, and approaches near shore, and the persons on watch are not aware of it, they shall be punished with eight stripes each.

“ If the persons on watch allow *Práhus* to pass without hailing them,” or, according to the *Macasar* copy, “ allow the people in the other *Práhu* to hail first, they shall be punished with seven stripes each.” By that of *Macasar*: “ The *Orang Muda Mudas* shall also, in such case, be liable to a similar punishment as is directed in the event of slaves absconding from a *Práhu*, which “ in the *Malacca* copy,” is as follows :

“ It is the duty of the persons on watch to super-

intend and watch over all the slaves in the *Práhu*, in order to prevent their absconding. In this duty, as well as in all others, they shall be superintended by the *Muda Mudas*. If, therefore, a slave at any time absconds from a *Práhu*, it shall be the duty of the *Muda Mudas* to find out the person who is to blame, and the person who is so found out shall be punished with sixty stripes." The *Macasar* copy states, "He shall be answerable for, and make good, his value."

"It is the duty of the persons on watch to see that the vessel is properly baled out; if, therefore, too much water is at any time allowed to remain, the persons who are on the watch at the time shall be punished with fifteen stripes each.

"If the persons on watch do not keep a good look-out, and any thing is stolen from the *Práhu*, they shall be punished with two stripes from every person in the *Práhu*.

"It is the usage that persons on watch shall each be allowed the conveniencies for smoking opium, in order that they may not fall asleep during the time that it is necessary for them to keep watch.

"When the term of the watch shall expire, the persons who are to be relieved shall deliver over charge to the persons appointed to succeed them, and give notice thereof to every one, and to the *Muda Mudas*."



"It is the duty of those who dress victuals (*Orang bertupi*) to guard against accident by fire, while a *Práhu* is at sea. After victuals are dressed, the fire shall be carefully extinguished; and if any person neglect to do so, and the cooking-place take fire, the law is, that, after all the people in the *Práhu* shall have put out the fire, the person through whose neglect it was occasioned shall be

punished with two stripes from each person in the *Práhu*, and his master shall be warned to be more careful in future, in order that the servant may not be guilty of such neglect again ; for, of all things, fire is to be dreaded at sea.

“ If the person who is the cause of the fire is a slave, the master shall be fined four *Paku petis Jawa*. If the master refuses to pay the fine, the slave shall be punished with four stripes,” according to the *Malacca*, and “ forty stripes,” according to the *Macasar* copy. “ And such punishment shall be inflicted at the *Temba Ruang*, or place from which the *Práhu* is baled out.”



The Laws respecting throwing Cargo overboard.

“ When there is a violent storm, and it may be necessary to throw overboard a part of the cargo, for the safety of the *Práhu*, a general consultation shall be held with respect to the property in the *Práhu*, and those who have much and those who have little must agree to throw overboard in proportion.

“ If the *Nakhodah* omits to assemble all those who are interested, and the cargo is thrown overboard indiscriminately, the fault shall be on the *Nakhodah* of the *Práhu*, for such is not the custom.”



Of Práhus running foul of each other.

“ If a *Práhu* runs foul of a guard or armed vessel (in which case the crew are liable to forfeit their lives), the offence may be compounded by each person on board the *Práhu* paying such sum, as a ransom for life, as may be agreed upon, each paying alike, whether slaves or not

slaves, rich or poor, youths, men or women ; and no one more than another.

“ If during a heavy sea, or high winds, a *Práhu* strikes upon a rock, or on a shore or shoal, or runs foul of another *Práhu*, by which one is lost, the law is, that the loss shall not be considered as accident, but as a fault, because, when there is a heavy sea, the *Práhu* ought to be kept out of the way from such occurrences.

“ The law therefore states, that, whether the parties are rich or poor, the loss occasioned by the damage or wreck of the *Práhu* shall be divided in three proportions, one of which shall be borne by the person to whom the damaged or lost *Práhu* belonged, and the remaining two-thirds by the persons who were the occasion of it.”

The *Macasar* copy differs in this respect, being as follows :

“ During the time that there are one or more *Práhus* in company, and there happens to arise a storm, and the *Práhus* run foul, so that one is damaged, the fault shall be upon the persons in the *Práhu* that runs foul of the other, and the law is (*Papa Gurma*) according to what the loss or damage may be ; the amount shall be divided into three parts, and one part only shall be made good by the persons in fault, the other two parts being lost.”



Of putting into Ports, and the Mode of Trading.

“ When the *Nakhodah* may be desirous of touching at any bay, coast, or island, he shall hold a general consultation, and, if it is approved of and agreed upon, it is proper that the *Práhu* shall go where he wishes. But if the *Práhu* puts into any port or place without the

Nakhodah having previously held a consultation, the *Nakhodah* is guilty of a fault.

“ In like manner, if the *Nakhodah* is desirous of sailing to any other place, or of crossing from one shore to another, he shall first hold a consultation ; and then, if it is agreed that it shall be so, the ropes shall be put in order ; and, when the rigging and sails are ready, a further consultation shall be held with the *Jeru-mudi* and *Jeru-batu*, and the *Tukang Agung*, in order that the *Práhu* may proceed accordingly.

“ When a *Práhu* arrives at any port, the *Nakhodah* shall be first allowed to trade for four days, after which the *Kiwis* shall trade for two days, and then it shall be allowed to all on board the *Práhu* to trade.

“ On the *Nakhodah's* going on shore he shall be accompanied by the *Muda Mudas*, who shall afterwards return to their duty on board the *Práhu*.

“ After the regulated period for trading shall have expired, and the *Nakhodah* wishes to make a purchase, no person belonging to the *Práhu* shall offer a higher price ; and if there are any persons who offer to purchase the goods of the *Mala Kiwi*, or others, it is the law that the *Nakhodah* should first be made acquainted with the price.

“ If any person on board a *Práhu* shall purchase a slave, or any merchandise, without informing the *Nakhodah* thereof, it is lawful for the *Nakhodah* to take them to himself, on paying the original cost.

“ If any person on board a *Práhu* purchases a female slave, without the knowledge of the *Nakhodah*, it is the law, that the *Nakhodah* may take her to himself without reimbursement to the purchaser. Such is also the

law with respect to runaway slaves, who may be so purchased."

According to the *Macasar* copy, the following is the amount of duty to be paid by *Práhu* at different ports.

" When a *Práhu* arrives at *Java*, the amount of tribute or duty on account of each division of the hold is five hundred *Petis*, two sails, and one bundle of rattans.

" At *Bima*, six hundred *Petis*, two sails, and one bundle of rattans.

" At *Timor*, seven hundred *Petis*, two sails, and one bundle of rattans.

" At *Mengcasar*, or *Macasar*, two *Gantangs* of gunpowder, three sails, and two bundles of rattans.

" At *Tanjung Pura*, six hundred *Petis*, two sails, and one bundle of rattans.

" When slaves are purchased at *Java*, the duty shall be calculated on twelve men, for each division of the hold, and when at *Mengcasar* at ten men for each division of the hold.

" And whatever *Práhu* goes to any country for the purpose of trading, the duties of the country are calculated upon each *Práhu*, having eight divisions of the hold."

Of Detention.

" The law is, that when the season is nearly over (*Musim Kassis*), and the *Nakhodah* of the *Práhu* omits to sail, the *Kiwis* shall wait, on his account, for seven

days ; after which, if the *Nakhodah* does not proceed, and the season is over, the price paid for the divisions of the hold shall be returned to the *Kiwis*.

“ If the *Kiwis* are the cause of the delay, and the season is nearly over, the *Nakhodah* shall detain the *Práhu* seven days on their account, after which he is authorized to sail without them (if they are not ready), and no more shall be paid or done relating thereto.

“ If the season is not far encroached upon, and the *Nakhodah* shall be desirous of sailing with despatch, let him give notice thereof to the *Kiwis*, and enter into an agreement with them to sail in seven or fifteen days, and if the *Kiwis* are not then ready, the *Nakhodah* is authorized to leave them behind, and to sail.”

Of Persons quitting a *Práhu*.

“ If a *Kiwi* quits the *Práhu* (of his own accord) at any place during the voyage, he shall forfeit the price paid for his division of the hold, and have no further claim on the *Nakhodah*.

“ If it is on account of any disagreement or quarrel that he is desirous of quitting the *Práhu* (and in order to prevent mischief), one half of the sum paid for his division of the hold shall be returned.

“ But if a *Kiwi* is very quarrelsome, and creates much trouble and dissension, it is proper for the *Nakhodah* to send him on shore as soon as possible, and to return him the price he has paid for his division of the hold.

“ The law with respect to passengers (*Orang Menumpang*) is, that if they quit the *Práhu* at any

time before they arrive at their destination, even if the voyage is only half completed, it shall be the same as if they had reached their destined port, and no part of what has been paid shall be returned.

“ If one of the crew is sick, it is proper to wait for him five or seven days ; and if he is not then recovered, and the rest of the crew shall say, “ Why are we to bale out the vessel without his assistance ? ” they shall be authorized to inquire for a man for hire, but it must not be one of the crew that is so hired for wages, because no person can perform the duty of two. If the *Nakhodah* cannot find a substitute, the wages shall remain in his hands, and he shall divide the sick man’s share of the cargo, and property in the vessel, among the rest of the crew.”

CHAPTER III.

Of Persons who may be in distress, or who have been wrecked at Sea (Orang Cáram).

“ THESE are the laws relating to persons who may be in distress, or suffer from hunger, in consequence of a scarcity of rice and paddy in their country.

“ If at a time when, in consequence of its having pleased the Almighty to visit the *Rájas* and nobles with dissensions, or owing to a state of war, there shall be great distress in any country from the want of food, the poor and wretched shall say to the rich, “ Take us as your slaves, but give us to eat ; ” and if afterwards the persons who have relieved them shall be desirous of selling them, when the country has recovered from its distress, it is the law

that they shall give notice thereof to the *Orang Besar*, or principal people, and the magistrate shall direct that the parties be not sold, because they were distressed at the time of the agreement. The magistrate shall, however, order that the person who provided the food shall have a claim on the person who received it, to the extent of one half of the amount of his value.

“ If a slave is not provided with food by his master, the magistrate shall direct him to perform service for the person who relieved him for four seasons ; after which he shall be returned to his master.

“ If such slave dies, while performing service for the person who relieved him, and the circumstance is made known to the proper officers, he shall not be answerable for his value ; but if the slave dies, and the person for whom he performs service does not report it, he shall be answerable to the proprietor of the slave for half the amount of his value, for such is the loss sustained when a slave dies.”

“ In conformity to the above are the laws respecting persons in distress at sea, or who have been wrecked ; for if the persons who have been wrecked say, “ Take us and sell us, rather than allow us to perish here,” and the *Nakhodah* takes them accordingly, he shall only have a claim to their services until the *Práhu* reaches the port ; when, if he is desirous of selling them, it shall be his duty to report the same to the *Shahbender*, in order that the magistrate may direct that the *Nakhodah* be entitled to half the amount of their value. What the persons who were wrecked may have said shall not be attended to, because they were in distress.

“ If persons who have suffered from being wrecked are met with at the time they are in the water, swimming, without a chance of their reaching the land in safety, and at their request are taken up by the *Nakhodah* of any

Práhu, the *Nakhodah* shall be entitled to demand, on his arrival at port, the sum of one *Pahar* (two dollars), if the party is not a slave; and, if a slave, the half of the amount of his value, but no more.

“ If shipwrecked persons are met under the lee of an island, where they have gone on account of high winds, and they shall be in distress, the demand on account of each, if not a slave, shall be five *Mas* (two dollars and a half), and, if a slave, seven *Mas* (three dollars and a half) each.”

Another copy of the *Maláca* code states that the *Nakhodah* shall be entitled to demand as follows, on account of the *Gantung Layer*, or hoisting of the sails.

“ For all persons who may have been wrecked, met at sea, and taken up, the *Nakhodah* shall be entitled to demand, on account of the *Gantung Layer*, at the rate of a *Tahil* (four dollars) each; and if such persons require to be supplied with victuals, he shall be entitled to make a farther demand at the rate of a *Pahar* (two dollars) each.

“ The *Nakhodah* is also authorized to make a similar demand for all persons who may have been passengers in vessels that have been wrecked, if they have not reached their destined port, according to their agreement; and if they shall land previously, the law is that the demand shall (also) be at the rate of half a *Tahil* for each. If otherwise (or they shall have arrived at their destination) a *Pahar* (two dollars) each, which is in full of all that can be demanded.”

Of Fishermen.

“ It is the law with respect to fishermen (*Orang Penga'il*), men who fish with lines and hooks, that if they

have lost their *Práhu*, and are taken up by fishermen of their own class, the demand shall be at the rate of one *Pahar* (two dollars) for each. And if they still retain their *Práhu*, but have lost their sails and paddles, in such case the demand to be made by those who take them up shall be two *Mas* (one dollar) each. For such is the law respecting fishermen of this description.

“ The laws respecting (*Orang Meniwás*), fishermen who fish in fishing weers, are the same when they are wrecked and in distress as the laws of the sea, but they shall be administered by the *Shahbender* of the port.”

Of Troves.

“ These are the laws respecting any thing that may be found, whatever it may be, whether gold, silver, run-away slaves, or otherwise.

“ Whatever is found on the sea, whoever may discover it, is the property of the *Nakhodah* of the *Práhu*, who may give what he thinks proper to the persons who found it.

“ Whatever may be found by persons sent on shore to procure wood or water in like manner becomes the property of the *Nakhodah*, because such persons act under his authority, and are performing the duty of the *Práhu*.”

According to the *Macasar* copy, “ the trove is to be divided into four parts, one of which (only) shall belong to the *Nakhodah*, because there may be many of the finders.”

“ But whatever may be found on shore by persons

belonging to the *Práhu*, at the time when they are not acting under the *Nakhodah's* orders, nor performing the duty of the *Práhu*, even if the parties are *Kiwis*, or *Túrín Menug'en*, the trove shall be divided into three parts, and one third shall appertain to the finder, and the remaining two parts become the property of the *Nakhodah*.

“ If a trove is found under such circumstances by the *Nakhodah's* debtors. In that case one half of the trove shall belong to the debtors and the other to the *Nakhodah*.” By the *Macasar* copy, this is also the case with respect to what may be found by the *Túrín Menug'en*.

“ If a *Kiwi* goes on shore in any bay, coast, or island, not on account of, or performing the business of, the *Nakhodah*, but exclusively for his own concerns, whatever trove he may find, it shall be divided into two parts, and one half shall appertain to the finder, the other to the *Nakhodah*.

“ If any of the *Nakhodah's* family find any thing under such circumstances, the trove shall be divided into four parts, one share of which shall belong to the *Nakhodah*, the other three to the finder.” The *Macasar* copy states, “ that if a *Muda Muda*, related to the *Nakhodah*, meets with persons who have run away, whether it be in a bay or on a coast, or elsewhere, the *Nakhodah* shall alone be entitled to benefit by it.

“ If slaves, belonging to the *Nakhodah*, under any circumstances meet with a trove, it shall become the property of the *Nakhodah*, who may give to the finder what he thinks proper.

“ Under whatever circumstances slaves who have absconded from their masters may be met and apprehended by the people belonging to a *Práhu*, they shall

become the property of the *Nakhodah*; who is, however, bound to restore them to the original proprietor, wherever he may be met, and wherever the slaves may be brought from, on being paid one half of their value. Whatever valuables such slaves may have in their possession, at the time they are apprehended, shall belong to the *Nakhodah*.

“ If a *Práhu* is driven from the land without the fishing weers, the persons who meet with it, and bring it to the shore, shall be entitled to demand half its value as a reward. But there are two cases in which such reward shall not be given.

“ First,—When the rope by which the *Práhu* is secured is cut by any person, and the *Práhu* is carried out by the current, the proprietor shall not be obliged to give any reward.

“ Secondly,—When a *Práhu* is stolen by any one, and afterwards set adrift, and is carried to a distance by the current, it is not incumbent on the proprietor to pay any reward to the persons who meet with it, and bring it to the shore.

“ The *Práhus* of the *Rája*, or of the *Orang besar besar*, and nobles, shall be exempted. No specific reward shall be demanded for them; but the rich men, to whom they belong, shall give to those who find them what they think proper.

“ With respect to *Sanpans*, or small boats, it is the law, that

“ When a person meets with a *Sanpan* that has been drifted a considerable way, and has goods in it, and the proprietor demands it back, the value shall be divided

into three parts, and the person who found the *Sanpan* shall be entitled to a quarter of one of those parts. (This appears to apply to rivers only.)

“ If a person finds a *Sanpan* out at sea, with goods in it, the law is, that, according to what may be in the *Sanpan*, the finder shall be entitled to one-third part, and the owner receive back the remaining two-thirds.



Of stealing Slaves from another Country.

“ If the slave of a *Rája* is stolen, it is the law that the *Nakhodah* shall be put to death. If the slave of an *Orang besar besar*, or of a *Bendahara*, is stolen, the *Nakhodah* shall be fined ten *Tahils* one *Pahar* (eighty-two dollars). If the slave of a *Tamen-Ráyet* (common person) is stolen by the *Nakhodah*, he shall not only return the slave, but pay a fine in addition, equal to the value of the slave.

“ If the *Nakhodah* carries off the slave of the *Shak-bender*, the law directs that his effects shall be seized, or that he be fined ten *Tahils* one *Pahar* (eighty-two dollars), except the *Orang besar besar* think proper to pardon him.

“ If a *Nakhodah* carries off children or young people, or neglects to pay the duties, when he afterwards returns to the port, his effects shall be seized, and he shall be fined, because he has no respect and attention for the country. But, in this case, the *Rája* may pardon him, if he think proper.”

CHAPTER IV.

Of Crimes and Punishments on board a Práhu.

“ There are four cases, in which it is lawful to inflict capital punishment on board a *Práhu*.

“ First,—When any person mutinies against the *Nakhodah*.

“ Secondly,—When any person conspires and combines with another for the purpose of killing the *Nakhodah*, the law is, that whoever he may be, whether *Kwi*, or *Tukang*, or *Malim*, he shall suffer death.

“ Thirdly,—When a man, contrary to custom, wears his *Creese*, when other persons in the *Práhu* do not, and with the view of effecting some purpose of his own, and of following his own inclination, it shall be lawful, on sufficient evidence being adduced that it is his intention to do mischief with his *Creese*, to put such person to death without delay, in order to prevent harm.”

Under this head, the *Macasar* copy adds, “ That when a man is very bad indeed, beyond every other person in the *Práhu*, and evinces his intention of carrying his evil disposition into effect, it is lawful to put such person to death, and nothing more shall be said respecting it.”

“ Fourthly,—In certain cases of adultery.”

Of disrespectful and contumacious Behaviour towards the Nakhodah. (Orang Tajil dan Jedda, or, according to the Macasar Copy, "Orang beadat, jica, bonca.")

"Whoever is not respectful and obedient to the *Nakhodah*, whatever may be his rank or station, such person shall be adjudged and punished according to the nature of his offence, by the law of *Tajil dan Jedda*, and in the same manner as if such conduct had been shewn towards nobles and *Rájas* on shore. Or, the *Sanawé* may be directed to abuse or insult him, and, if he retort, he may be subjected to the abuse and insult of every person on board the vessel. If he ask forgiveness, it may be granted; but let him be punished notwithstanding, in order that he may not do the like another time."



Of Adultery and criminal Connexion with a Woman, on board a Práhu.

"If any person on board a *Práhu* has criminal connexion with the woman of the *Nakhodah*, it is the law that he be put to death.

"If the parties are not slaves, and the woman is married, it shall be lawful for the *Nakhodah* to order them both to be put to death by the crew.

"If the parties are not slaves and both unmarried, they shall be punished with one hundred stripes each, and afterwards obliged to marry. This punishment may be compounded on the parties paying a fine of one *Tahil* one *Pahar* (ten dollars); but in either case they must marry, and, if necessary, be forced to do so, after which the woman's fault shall be forgotten.

“ If a man who is not a slave has criminal connexion with a female slave who cohabits with her master, he shall pay to the master the value of such slave, provided she has never been pregnant, and has but lately cohabited with her master; but if she has been pregnant, and long cohabited with her master, the man shall be put to death. In either case the woman shall suffer death.

“ If a man who is not a slave commits adultery with the wife of any of the crew, it shall be lawful for the husband to put him to death without further reference. The husband may also put the woman to death; if he does not do so, she becomes the slave of the *Nakhodah*; but if the *Nakhodah* does what is proper, he will order her to be put to death: if he does not, remarks may be made. Should the husband require another wife, the *Nakhodah* shall provide him with one, in order that he may be content and ready in the performance of his duty on board the *Práhu*.

“ If a male slave has criminal connexion with a female slave, they shall suffer the punishment of beating, which is to be inflicted by the whole crew, under the superintendence of the *Tukang Agung*; for such is the law in this case with respect to slaves.

“ If a man holds improper discourse with the female slave of another person, and it is in the presence of many, he shall be liable to pay her value.”

Of Quarrels, Disputes, and Dissensions, on board a Práhu.

“ If any person quarrels with another on board a *Práhu*, and attempts to wound or strike him, and the

blow, missing its object, falls on any part of the *Práhu*;" or, according to the *Macasar* copy, "If any one quarrel with another in a *Práhu*, and in the scuffle cuts or injures any part of the shrouds or cable," he shall be fined in the sum of four *Paker Petis Jawa*.

"If a man quarrels with another in the fore part of the *Práhu*, and draws his *Creese*, and afterwards comes aft, as far as the place where the sails are kept, towards the person he has quarrelled with, it is lawful that he may be put to death. But, if he can be apprehended, he shall be fined instead to the amount of one *Lacsa*, five *Paker Petis Jawa*.

"If a man quarrels with another, and follows him quarrelling to the door of the *Nakhodah's* cabin, though he may not have drawn his *Creese*, it is lawful to put him to death; but, if he can be apprehended, he shall be fined instead to the amount of two *Lacsa*. *Paker Petis Jawa*.

"If a *Kiwi* quarrels with the *Nakhodah*, and approaches towards him in the after part of the *Práhu*, he may be put to death; but, if he asks forgiveness, it may be granted on his paying a fine of four *Paker Petis Jawa*, and providing a buffalo for the entertainment of the *Nakhodah*," or, according to the *Macasar* copy, "five *Paker Petis Jawa*, and a present to the *Nakhodah* of a buffalo and a jar of *Tuak* (*Toddy*)."

Of Theft.

"If a man who is not a slave commits a theft on board a *Práhu*, whether the thing stolen be gold, silver, or other valuables, he shall be punished according to the law established on the land.

“ If a slave is guilty of a theft, he shall, in the first instance, be confronted with his master ; and if it appears that the master knew of the theft, and did not inform the *Nakhodah* or *Tukang* thereof, but it reaches the *Nakhodah* through other information, the law is that the slave's hand shall be cut off, and the master fined as if he himself had been the thief, because the law is the same with respect to the thief and the person who receives the articles that have been stolen.”



In concluding the above translation it may be necessary to observe, that, by “ the laws of ports and harbours,” which may be considered as part of the maritime law, it is established that if there is reason to believe the *Nakhodah* does not conform to the institutions herein laid down, his conduct may be investigated on his return to port.