

CHAPTER VIII

RAFFLES' CONVERSION TO THE RYOTWARI SYSTEM

In his Minute of June 14, 1813, Raffles had stated that lands were to be leased "as near the actual cultivator as possible", and that generally this was to be achieved by renting lands to the *Bekels*, *Lurahs* and other village chiefs.¹ Muntinghe understood that his intention was to lease lands as far as was possible "to the lowest class of inhabitants, and to the actual occupiers and cultivators of the ground".² As we have seen, Raffles had actually given instructions, both to Yule in Bantam, and Hopkins in the former Chinese districts of the Oosthoek, which suggested a detailed settlement of the land revenue.³ There is, therefore, much to be said in support of Raffles' later contention that he had always aimed at a detailed settlement of the land rent throughout Java.⁴

On the basis of this evidence, Dr. Wright has described as "unjust" the arguments of Dutch historians that between October 1813, and February 1814, Raffles introduced the detailed system because he had heard that the *Ryotwari* system was in favour with the home authorities.⁵ But Wright's argument has obscured the incontrovertible fact that between October 15 when the proclamation ordering village settlements was promulgated, and February 11, 1814, when the land rent Minute was penned, Raffles' ideas on the question of the revenue settlements changed considerably. One cannot read the following passage from a letter which he wrote in October, without realizing not only that Raffles at that time thought that the village settlements would continue for a considerable period, but that he considered the village chiefs in quite a different light from that in which he saw them four months later.

¹ *Sub.*, 267.

² Minute by Muntinghe, July 28, 1813, *Ibid.*, 291.

³ See p. 142.

⁴ Raffles to Nugent, October 6, 1814, *Java*, Vol. 70; *Sub.*, 193.

⁵ Wright, H. R. C., "Muntinghe's Advice to Raffles . . .", *op. cit.*, 237.

In the first instance, the lands are let, generally speaking, to the heads of villages, *as this description of people appear to me to be the resident superintending farmers of the estate*. In so extensive a population, there will naturally require some deviations in different districts: — but the plan of village rents will generally prevail. After the experience of one year, — leases for three years will be granted; and, at the conclusion of that period, the leases may either be made for seven, or for ten years, or the lands granted to the actual possessors in perpetuity.⁶

In order to deny any fundamental change in Raffles' ideas between October and February, Dr. Wright contended that Raffles remained purposely evasive on the question of detailed settlement, until Minto, the supporter of the *Zamindari* system, left India.⁷ But this is a most unsatisfactory explanation. Of all things which Raffles might have done, he would not consciously have alienated his patron, whose support he not only required while Minto was in Bengal, but also expected it in the councils at home.

The explanations most commonly offered to account for the change in Raffles' ideas between October and February are — firstly, that he became aware after October of the tyrannical nature of the village headmen;⁸ or secondly, that shortly after giving instructions for the introduction of the village settlements he heard of the *Ryotwari* system in the districts under the Madras Presidency,⁹ and so determined to proceed with that type of settlement in Java. The first of these explanations is unsatisfactory because of the time factor involved. Raffles' conversion to the *Ryotwari* system occurred, in fact, during the six weeks after October 15, for it was at the end of November that he gave instructions to Lawrence to introduce that type of settlement into Kedu.¹⁰ Thus there was hardly time for the village chiefs to have shown any oppressive characteristics in the new settlement. When Raffles referred to these chiefs as tyrants

⁶ Raffles to Elton Hammond, October 1813, Lady Raffles, *Memoir*, 194. *Italics mine*.

⁷ Wright, H. R. C., "Muntinghe's Advice to Raffles . . .", *op cit.*, 245.

⁸ Schoutendorp, J., *Schets van de Geschiedenis der Landrente op Java*, (1874), 12. See the opinion of the Minister of Colonies in 1863, Deventer, S. van, *L.S.*, I, pp. 203—4, footnote *); *Encyclopaedie van Nederlandsch-Indië*, (second edit.), I, 235 sub. "Belastingen".

⁹ Norman, H. D. Levyssohn, *op. cit.*, 215, footnote 1; Day, C., *op. cit.*, 178; Klerck, E. S. de, II, 54.

¹⁰ See pp. 167—9.

in February 1814,¹¹ he was not talking from experience, but from a theoretical standpoint based upon the discovery of new facts regarding their status in the native society. The second argument, that Raffles heard of the introduction of the *Ryotwari* system in British India sometime after he had made his plans for village settlements, has much to be said in its favour. We must endeavour to trace the source from which Raffles learned of this system.

Before October 1813, although Raffles referred to a "detailed" system of revenue collection, he never used the word *Ryotwari*. He was, therefore, surprised to learn that a system of land revenue so like that suggested for Bantam and the Oosthoek was in operation in India. He wrote to Minto on February 13, 1814:¹²

The principles of the *ryotwar* settlement had suggested themselves, without my knowing that they had been adopted elsewhere; and although I may not easily gain credit for the original design, the promoters and supporters of that settlement will, no doubt, find a strong argument in its favour, from the circumstances of its having been so early and so easily adopted in a foreign and distant colony.

Clive Day called Raffles' candour into question when he found a so-called "inconsistency" between this statement, and that made by Raffles in the Minute of February 11, 1814, written two days earlier.¹³ In this Minute Raffles referred to the *Ryotwari* settlement "as it is termed in Western India, where it is understood to have been advantageously introduced".¹⁴ But the inconsistency is resolved if we read Raffles' letter to Minto as simply informing his Lordship of the fact that he had favoured the principle of a "detailed" settlement before he had heard of the word *Ryotwari*, or of its application to a similar type of settlement in British India. Raffles mentioned in the same letter to Minto that he had just received a copy of the *Fifth Report*. But Raffles' letter is not to be read as if it was simply the arrival of that *Report* which had made him aware of the similarity of the system he had ordered to be introduced into the Oosthoek districts, to that in the Madras Presidency, but rather that he had heard of the *Ryotwari* settlement sometime *after* October, and at *that time* he was surprised to learn of the similarity between the

¹¹ *Sub.*, 115.

¹² Lady Raffles, *Memoir*, 224.

¹³ Day, C., *op. cit.*, 178, footnote 1.

¹⁴ Revenue Instructions, February 11, 1814, *Sub.*, 194.

two systems. It is a delicate point, but it resolves Raffles' supposed inconsistency. From whom then did Raffles learn of the *Ryotwari* settlement after October 15, 1813? According to him not from the *Fifth Report*.¹⁵ The answer, I think, is to be found in David Hopkins' Report on the Oosthoek districts of Java. But before we discuss this question further, it is well that we consider the influence of Mackenzie, Muntinghe and Dirk van Hogendorp upon the development of Raffles' ideas on the land rent system in Java.

Mackenzie's Influence on Raffles.

It had been argued that it was Mackenzie, the Surveyor-General on the Madras Establishment, who suggested the idea of the *Ryotwari* settlement to Raffles.¹⁶ On Mackenzie's departure from Java, Raffles certainly praised him for his labours on the Land Tenure Commission.¹⁷ But nowhere did Raffles refer to his indebtedness to the Surveyor-General for his ideas on the land rent system. Indeed, Mackenzie's enquiries, and the statistical information which he supplied, merely "justified the opinion, that the Native Inhabitants of Java are susceptible of the improvements which a more enlightened administration in British India has dictated, and the Revenues of the Colony are of sufficient importance and consideration to bear every expence, charge and trouble attending their collection under such an improved system".¹⁸ Mackenzie's activities, in other words, provided the justification for the introduction of a programme of reform which Raffles had found elsewhere.¹⁹ Moreover, it is quite certain that Mackenzie knew much less about revenue matters in British India than has generally been allowed. In his Report of August 1812, he had mentioned the work of Read in the Baramahal, and that of Munro in the Kánara and the Ceded Districts,²⁰ but he had not stated any of the principles which had guided their settlements. Indeed, Mackenzie added this very informative footnote to his remarks:²¹

¹⁵ Raffles to Minto, February 13, 1814, Lady Raffles, *Memoir*, 224.

¹⁶ Dodwell, H. H., op. cit., II, 596.

¹⁷ *Java Government Gazette*, July 17, 1813.

¹⁸ Loc. cit.

¹⁹ *Sub.*, pp. 5—6; Proclamation of October 15, 1813, *Ibid.*, 173.

²⁰ See p. 23.

²¹ The footnote does not appear in the copy of the Report in *Mack. Coll.*, (Pr.), Vol. 35, No. 20, but is in the copy recorded in *Bengal Civil Colonial Consultations*, March 19, 1814.

The very limited knowledge of the writer of the Revenue System of India being chiefly derived from these sources, and from private communication of friends on the Madras Establishment, will excuse his mentioning here some of the authorities only with which he is acquainted, tho' he believes these are founded on the System recommended by the Court of Directors and in consequence of the general principles adopted by the British Legislature particularly since 1782 . . .

It seems fairly certain that Mackenzie never used the word *Ryotwari* in any of his discussions with Raffles, and that the latter only heard of the term after Mackenzie had left Java. If this seems strange, what is decidedly more puzzling is the fact that although Mackenzie was familiar with Dirk van Hogendorp's ideas, he never mentioned them to Raffles.

Dirk van Hogendorp and Raffles.

Most historians who have written on the subject of Raffles' land rent system have pointed out the great similarity between Van Hogendorp's ideas and those of Raffles.²² Little effort, however, has been made to trace the exact influence of Van Hogendorp's proposals upon him. In the *History of Java* written in 1817, Raffles admitted that the principles of the land rent system had been previously suggested by Van Hogendorp, but he claimed that the *Berigt* had come into his possession "subsequently to the introduction of the new system by the British government".²³ In a Minute of August 4, 1815,²⁴ Raffles explained how he first heard of Van Hogendorp's proposals, and pointed out the "extraordinary coincidence" between their views.²⁵ He cited a passage from the *Berigt*,²⁶ which he said had been shown to him by Muntinghe only a week previously. Raffles continued:²⁷

Had I an idea that such a plan was ever proposed for this Island, and such advantages pointed out, I should have con-

²² Colenbrander, H. T., *Koloniale Geschiedenis*, (1925), II, 320; Stapel, F. W., *Geschiedenis van Nederlandsch-Indië*, (1930), 228; Day, C., op. cit., 170; Burger, D. H., op. cit., 59.

²³ *H. of J.*, I, 155, footnote.

²⁴ *Java*, Vol. 61, Part I.

²⁵ Loc. cit.

²⁶ *Berigt* . . . , op. cit., pp. 35—6; 46—8.

²⁷ Minute by Raffles, August 4, 1815, op. cit.

sidered it due to the author to have acknowledged the fact, and borne testimony to the accuracy of judgement displayed. — As it is, I can only now bring it forward in corroboration of the System which we introduced without this previous knowledge; and further to shew that the general views and information which induced me to persevere in effecting the change were neither hastily formed, nor without foundation.

But as Dr. Wright has shown,²⁸ Raffles had first heard of Dirk van Hogendorp's name as early as 1810, when he was at Malacca. It is doubtful, however, that at that time he was familiar with Van Hogendorp's proposals for a reform of the colonial system.

What Raffles saw at Malacca was a list of figures entitled "A Calculation of what the Island of Java, if well Governed with freedom of Cultivation, Commerce and Navigation is Capable of Producing — by Mr. D. van Hogendorp, Director of Surabaya — written in 1810".²⁹ [sic]. When he forwarded the document to Minto, Raffles added this note:³⁰

The revenue that is now raised in Java would not be a fair criterion to judge by — a more just estimate of the resources of this important country might perhaps be formed on the Statement of Mr. Hogendorp, which I have annexed with the view of exhibiting a general idea of what Java under a liberal policy has been supposed to be equal to in the hands of the Dutch.

The table of figures was, in fact, Van Hogendorp's *Calculative Berekening*.³¹ The only statement in it which referred remotely to the subject of land rent, or more properly tax, was the estimate made that such a tax would produce f 8,000,000 a year if introduced. It is difficult to see how Raffles could have derived any ideas on the subject of colonial reform from that bare statement.³² Nevertheless

²⁸ Wright, H. R. C., "Muntinghe's Advice to Raffles . . .", op. cit., 237.

²⁹ *Java*, Vol. 13.

³⁰ Raffles to Edmonstone, February 10, 1811, Ibid.

³¹ "Calculative Berekening van de Inkomsten en Voordeelen, die het Eiland Java, onder een Goed Bestuur, zoude kunnen opleveren . . .", *Stukken raakende de tegenwoordigen toestand der Bataafsche Bezittingen in Oost-Indië . . .*, (1801), between pp. 399—403.

³² At the bottom of the figures, Raffles wrote: "The above statement by Mr. Hogendorp is extracted from his Memoir, which was sent out to Java to be replied to by the Councillors of India. Their replies tho' sufficient to prevent the plan proposed from being adopted, by no means confute the

it was Van Hogendorp's ideas which Muntinghe began to ply him with shortly after the conquest of Java, although Van Hogendorp's name was never mentioned in these discussions. Sillem has stated that Muntinghe's reluctance to refer to Van Hogendorp by name was because the latter was considered to be too much of a revolutionary.³³ But a more important and immediate reason was that Muntinghe had a personal dislike of the man.

Muntinghe had had various conversations with Mackenzie in connection with the work of the Land Tenure Commission, and it was during these discussions that Muntinghe mentioned Van Hogendorp's proposals regarding the land rent. Mackenzie immediately ordered a translation of the *Berigt*,³⁴ and on April 28, 1813, had asked Muntinghe to give him a written statement regarding Van Hogendorp's proposals.³⁵ Muntinghe's reply showed quite clearly his dislike of him. The *Berigt*, he told Mackenzie, had created some interest for a short time after its publication, "but as soon as the inconsistency of the whole was fully detected, it lost all its credit". All Van Hogendorp's efforts to cover these inaccuracies "were in vain, & he lost his character with the public entirely". However, by party spirit, and "by personal interest, he obtained some influence with a few in the administration, but their endeavours to protect him & to obtain his appointment as Governor General of the Indian Possessions, were constantly resisted by the majority, & made them but the more averse to any change of system". Ironically enough, Muntinghe had the greatest respect for Nederburgh. He thought Gijsbert Karel

verity of the statements. They contain, however, much useful information respecting Java, political and commercial, the most important points of which are in the course of translation". Raffles was referring to "'Kort vertoog' van den Gouv.-Gen. Siberg, omtrent het 'Berigt' van D. van Hogendorp"; "Consideration van den Directeur-Gen. A. H. Wiese..."; "Consideration van den raad extraordinair van Indië... van IJsseldijk op het werk van... Dirk van Hogendorp...", Jonge, J. K. J. de, *De Opkomst van het Ned. Gezag in Oost-Indië*, (1888), XIII, pp. 39 et seq. Whether these were ever translated for Raffles is uncertain.

³³ Sillem, J. A., op. cit., pp. 361—2.

³⁴ There is a note in Mackenzie's handwriting to a "Memoir" written by Muntinghe, July 16, 1813, *Mack. Coll.*, (Pr.), Vol. 13, No. 17 (c) which reads: This work [the *Berigt*] was translated in 1812—13, & a copy sent in to Government [in] February 1815".

³⁵ "Memorandum of Queries addressed to Mr. Muntinghe", Ibid., No. 17 (b). The fifth query related to Van Hogendorp.

much more preferable than his upstart brother.³⁶

While Muntinghe's dislike of Van Hogendorp explains satisfactorily why he never mentioned, until a late date, his name to Raffles, it is strange that Mackenzie did not refer to Van Hogendorp in his conversations with the Lieutenant-Governor. The most likely explanation is that after he had ordered the translation of the *Berigt* in 1812, Mackenzie did not have the leisure to study Van Hogendorp's proposals in detail until he had reached Bengal towards the end of 1813. Mackenzie's statement that he forwarded a copy of this translation to Raffles in 1815 goes a long way to support Raffles' contention that he had never seen a copy of the *Berigt* until after the land rent system had been introduced. One difficulty, however, is that the translation which Mackenzie forwarded to Raffles was different from that which Raffles cited in the *History of Java*.³⁷ There were, in other words, two translations of the *Berigt* made during Raffles' administration of Java, and of the second there is no trace.

Van Hogendorp had regarded a detailed settlement with each cultivator as desirable,³⁸ but it is doubtful that he understood the exact difference between the *Ryotwari* and *Zamindari* systems. Whenever he endeavoured to show the practicability of his proposals, he always cited the successful working of the revenue system in Bengal.³⁹ That this system gave a certain security of tenure there is no doubt, but that it resembled his proposals for establishing ownership of the ground among the ordinary Javanese,⁴⁰ must be doubted. It would be tempting to argue that shortly after October 15, 1813, Raffles learned of Van Hogendorp's proposals for a settlement

³⁶ Muntinghe, H. W., "Memoir", op. cit. Muntinghe stated that Gijsbert Karel "bore... quite a different character [from Dirk], & stood in point of respectability, talents, wealth & independence at least on a level with Mr. Nederburgh". Sillem, J. A., op. cit., 362, was almost certainly wrong when he ascribed Muntinghe's remark (cited on that page) as applicable to Dirk. Muntinghe was referring to G. K. van Hogendorp.

³⁷ *H. of J.*, I, pp. xlii; 155—6; 225—7, etc. What Raffles' cited as the title of Van Hogendorp's work (p. xlii) was not, in fact, the title of the *Berigt*, but one of the internal headings, p. 1.

³⁸ *Berigt*..., op. cit. 38.

³⁹ *Ibid.*, 37; "Schets of Proeve...", op. cit., *Eindresumé*, II, Bijlage LL, 155. See Platteel, P. J., op. cit., pp. 37—8.

⁴⁰ "Schets of Proeve...", op. cit. 155.

with the individual cultivators, and so modified his village settlements. Unfortunately all the evidence is opposed to this suggestion.

The Influence of Muntinghe on Raffles' Ideas.

It was through Muntinghe that Raffles derived most of his ideas on the land rent question in Java. In his Minute of February 11, 1814, Raffles stated that Muntinghe had been "the link"⁴¹ which connected the liberal principles of the former Dutch administration, with those of his own. "It was Mr. Muntinghe," Raffles wrote,⁴² "who first pointed out to me the gross errors, and the still grosser corruptions, of the former Government; and it was from a confidence in his opinion, and a reliance on his unerring judgment, that I first conceived it practicable to work the change which has been wrought". When Muntinghe retired from the Java Council, Raffles was more lavish in his praise.⁴³

[O]n the introduction of the new system of Land Rent throughout Java, the extensive local information of Mr. Muntinghe, his complete knowledge of the principles of general justice, and his intimate acquaintance with the native character and institutions were called into full exertion, and tended always to lessen, and frequently to remove the many obstacles, which could not but arise to the completion of so important a revolution in the internal administration of this Island.

While Muntinghe was undoubtedly the person who supplied Raffles with the ideas which Van Hogendorp had made so popular in the *Berigt*, he seems to have been more cautious than Van Hogendorp, who had advocated parcelling out the lands to the Javanese.⁴⁴ Muntinghe was troubled during 1813 by Raffles' plans for suddenly removing the Regents from effective control over their districts, and in his Minute of July 28, had attempted to restrain Raffles' enthusiasm. It was doubtless Muntinghe who gave the strongest support in Council to Crawford's arguments that the land rent settlement should be based on the *Bekels*, *Lurahs* and other village chiefs. Let us now return to consider the question of Raffles' change of ideas on the subject of revenue settlements after October 1813.

⁴¹ *Sub.*, 78. See Vlekke, B. H. M., *op. cit.*, 245, note 19.

⁴² *Sub.*, 78.

⁴³ *Java Government Gazette*, August 6, 1814.

⁴⁴ *Berigt* . . . , *op. cit.*, 38.

Raffles' Conversion to the Ryotwari System.

Crawfurd's reports on Kedu and Patjitan, and later his comprehensive exposition of land tenures in the Principalities, had a considerable influence on Raffles. He had accepted Crawfurd's argument that the land rent system should be based upon the *Bekels* and village headmen, not only because of their familiarity with revenue matters under the native administration, but also because they were supposed to have held slightly more secure positions than others in the native hierarchy.⁴⁵ Although Raffles had given orders to Yule in Bantam and Hopkins in the Oosthoek for the introduction of the detailed settlement of the land rent, he felt that this action had been justified only because the local chiefs had been removed, either by native usurpations, or by the Chinese. Raffles' proclamation of October 15, 1813, had been based upon the two principles enunciated by Crawfurd. The first was that the proprietary rights to the ground in Java were vested in the Sovereign (Government),⁴⁶ and the second was that the *Bekels* were to be considered as the lessors in the settlement, because they had better claims than any others. In October, Raffles described the village chiefs as "resident superintending farmers",⁴⁷ and had thought that leases should be granted to them for long periods. However, shortly after he had issued the proclamation, he received a report which seriously challenged the latter principle, and in Raffles' eyes the whole justice of the settlement.

The report came from Hopkins, and related to conditions of land tenure in the former Chinese districts of the Oosthoek.⁴⁸ Hopkins informed Raffles that he had found the tenures "very different from what it is reported to be in other parts of Java".⁴⁹ The people east of Surabaya, he stated, had the right of electing every year their *Petinggis*,⁵⁰ from which it was evident that "a certain right of soil actually belongs to the present occupier, either as he is the immediate clearer of the lands, or the heir or successor of that person".⁵¹ The former Chinese proprietors had left the people in

⁴⁵ See p. 98.

⁴⁶ Norman, H. D. Levyssohn, op. cit., 190.

⁴⁷ Raffles to Elton Hammond, October 1813, Lady Raffles, *Memoir*, 194.

⁴⁸ *Sub.*, pp. 99—104; 146—51.

⁴⁹ *Ibid.*, 100.

⁵⁰ *Loc. cit.*

⁵¹ *Ibid.*, 103.

the private possession of their lands, a circumstance which Hopkins thought rendered "a personal settlement with each individual indispensable".⁵² He argued against farming villages to individuals, and allowing them to make their own terms with the cultivators, because this would not improve the lot of the ordinary people. The only way of securing their relief, as well as achieving the greatest financial advantages for the Government, was "by making the *rigotwar* [sic] settlement, authorised in these districts, general through[out] the Island".⁵³

The exact date of Hopkins' report is not known. But Hopkins had taken charge of the districts east of Bangil from Cotes on September 17, 1813,⁵⁴ so that it was written some time after that date, and after he had received his instructions to introduce a detailed settlement of the land rent into the Oosthoek districts. Hopkins was one of the few officials in Java who possessed any exact knowledge of the revenue systems of British India,⁵⁵ and there seems no doubt that when Raffles' instructions referred to the "detailed" settlement, Hopkins immediately read it as meaning *Ryotwari*. As soon as Hopkins discovered what he thought constituted individual proprietary rights in the Oosthoek, he was quick to point out to Raffles the apparent similarity between the tenures there, and those in Western India.⁵⁶ It is almost certain that it was when reading Hopkins' report that Raffles first learned of the term *Ryotwari*.⁵⁷

Hopkins' discoveries placed Raffles in a dilemma. The right of election seemed to him to imply certain individual rights to the soil,

⁵² Loc. cit.

⁵³ Ibid., 150.

⁵⁴ De Haan, F., "Personalialia", pp. 522; 581.

⁵⁵ Ibid., 581. Raffles spoke of "the experience which this gentleman possesses in the revenue arrangements of Bengal".

⁵⁶ Sub., 102.

⁵⁷ One is struck by the similarity of the various references made by Raffles to the *Ryotwari* system at this period. In his instructions to Lawrence at the end of November, 1813, he referred to "the principles of the *ryotwar* settlement, which is understood to have been advantageously introduced in Western India;" (Ibid., 45.) and in the Revenue Instructions of February 1814, he talked of "the *tiang-palit* (or as it is termed in Western India, where it is understood to have been advantageously introduced, the *ryotwar* settlement)....". (Ibid., 194.) The vagueness of the references, implied by the words "where it is understood", support the contention that Raffles did not learn of the term *Ryotwari* from any authoritative source. Raffles referred to his indebtedness to Hopkins in several places in the *Substance*, pp. 162; 77—8.

which had been denied in the village settlements. Moreover, Hopkins' advice regarding the extension of the detailed settlement to the other districts of Java, made a strong appeal to Raffles, who favoured the idea of a strong paternal government dealing directly with the people. The objection to the introduction of such a system previously had been the necessity of recognizing the rights of the village chiefs in the land rent settlement. But if the right to elect these chiefs were found to be vested in the common Javanese, Raffles could no longer see any objection to the introduction of the detailed system. It is possible that Hopkins' report reminded Raffles of the references to this right of election contained in Rothenbühler's two reports.⁵⁸ In any case, he immediately circulated instructions to the Residents to investigate the matter.⁵⁹ McQuoid saw the point of Raffles' query, particularly when he found the existence of elective rights in Djapara and Djuwana.⁶⁰

The right exercised by the inhabitants of a village to elect their own chiefs, and the jealous tenacity with which they appear to have preserved this right, it must be acknowledged, casts a shade of doubt over the opinion I have ventured to give, on the subject of landed tenures; for we can hardly reconcile to ourselves, that any community, possessing a privilege so valuable, as that of selecting the immediate chief whom they chuse to obey, . . . should not have also possessed a more defined and absolute claim upon the soil that gave them birth, than it would appear they now have.

McQuoid understood that this gave Raffles the necessary justification for proceeding with the introduction of the *Ryotwari* system throughout the island.⁶¹ The importance of the principle of election in relation to the detailed settlement was stated by Raffles himself. "I have been thus particular in defining the mode in which the head of a village is appointed," he wrote,⁶² "because, on this point has

⁵⁸ See p. 66.

⁵⁹ This is obvious enough, when one considers the similarity of the subject matter of the various reports cited by Raffles in the *Substance*. They all deal with the question of the right of election. As they were written between September 1813, and the following February, it would be too much to expect that all the Residents made this discovery at the same time. Obviously their attention had been drawn to the fact by Raffles. (See *Sub.*, 162.)

⁶⁰ *Ibid.*, 107.

⁶¹ *Ibid.*, 108.

⁶² *Ibid.*, 113.

appeared to hinge the principles on which our future regulations must be established.”

Raffles became thoroughly disturbed when he began to receive confirmation of the right of election from all parts of Java. Particularly worrying was the report sent in by Crawford, who was then introducing the village land rent settlement into Tjirebon. That dour Scotsman, who had always defended the thesis that the Sovereign possessed full proprietary rights to the ground in Java, now informed Raffles that in Tjirebon he had found ⁶³

1st. That the right of private property in the soil is generally acknowledged, and tolerably well understood.

2d. That throughout the greater part of the country, the claim of the Sovereign to the proprietary right in the soil is unknown to the institutions of the country.

3d. That the heads of villages, or *Chutars*, are generally officers of revenue and police, elected by the community. They superintend, or are at least always appointed, with a reference to their consent and approbation.

4th. That these have no claim, either official or hereditary, to the property of the soil, nor can they in any place be considered as tenants of it, like the *Lurahs* and *Bakals* of the Javanese districts.

5th. That the cultivators of the soil are generally the proprietors.

6th. That all cultivators, however, are not proprietors, though the latter be very numerous.

7th. That the community may be divided with propriety into four classes, as follows: — native superintendants of districts, called *Bopatis* or *Tumangungs*; heads of villages and *Chutars*; cultivators who are proprietors; and cultivators who are either tenants or labourers.

8th. That the claim of the Sovereign to a portion of the produce of the soil is clearly established and recognized.

It was apparently Hopkins' report which made Raffles decide to re-visit the Eastern Districts of Java during November and December 1813, for he wished to investigate in person the new problem regarding individual rights to the ground. This argument is not based upon an arbitrary dating of Hopkins' report. There is much other evidence to show that it was the discovery of the right possessed by the ordinary Javanese to elect his village headman,

⁶³ Ibid., pp. 110—11.

and the ramifications of that discovery, which caused Raffles to change his ideas on the question of the land rent system after October 15, 1813. This contention is supported by a careful reading of Raffles' *Substance of a Minute*, which was written in February 1814.

In the third section of the *Substance*, Raffles entered into a somewhat involved discussion about land tenures in Java, which he said justified the necessity of introducing the detailed settlement of the land rent.⁶⁴ Despite the many long citations from reports, Raffles' argument is clear enough. He wished to show that the *Bekels*, *Lurahs* and other village chiefs, who had been granted leases in August and September, possessed no special rights which deserved consideration in a future settlement. That, in fact, the granting of leases to them constituted, in principle, an injustice to the cultivators, as they themselves possessed the right of electing those chiefs. In order to achieve some sort of consistency in his argument, Raffles had to reverse his earlier contention, that the land tenures in the Principalities were a guide to the state of tenures in the rest of the island. Raffles had written in June, 1813:⁶⁵

On this point [the condition of the land tenures in Java generally] we may assume for a criterion, on which to form a [judgement], the state of landed tenure in the territories of the Native Princes; because it is there that the Javanese laws and customs, in the present modification, since the Mahomedan religion was introduced, must be found to exist in the greatest perfection.

Six months later, he completely reserved this opinion. It was in the coastal districts, those furthest removed from the corrupting influences of the Courts, that the ancient institutions of the country were best preserved.⁶⁶ Raffles had been forced into this conclusion, because he had to deny the applicability of Crawford's findings regarding land tenures in the Principalities to the coastal districts of Java. For Crawford had found slight hereditary claims among the *Bekel* class in the districts under native control,⁶⁷ and it was

⁶⁴ Ibid., 169.

⁶⁵ Minute by Raffles, June 14, 1813, Ibid., 255.

⁶⁶ Ibid., pp. 98; 81. Van Vollenhoven missed the significance of this change in Raffles' ideas, *De Ontdekking van het Adatrecht*, 29.

⁶⁷ See p. 98.

precisely this point which Raffles now wished to deny. Raffles argued that in the light of the recent discoveries in the coastal districts, it would be unjust to apply conclusions reached from investigations in the Transferred Districts and the Principalities indiscriminately. He wrote: ⁶⁸

From Mr. Crawford's report on the settlement of Cheribon, it is obvious, that however applicable his former observations might have been to the Native Provinces, the *Bakal* system, which he was desirous to establish, was by no means capable of general application throughout the country; for notwithstanding he strongly recommends, in his Report on the Cadoe, ⁶⁹ that the *Bakals*, or village chiefs, should, as the occupants, be considered and established as the permanent landholders, it will be found from the Reports above quoted, and also from his own observation on the tenure in Cheribon, that the heads of villages are very differently appointed and constituted, from the manner represented by him to have effect in the provinces of the Native Princes.

Not that Raffles agreed altogether with Crawford's findings in Tjirebon. He disagreed particularly with his contention that the Sovereign there possessed no proprietary rights to the soil.⁷⁰ Raffles had to have the principle of sovereign rights to the ground unimpaired, in order to justify the whole of his land rent system. But he was very willing to admit certain occupancy rights among the cultivators, so long as they did not challenge seriously the principle of sovereignty possessed by the Government. The recognition of individual rights to the ground removed the necessity of using any intermediate agency in the land rent settlements.⁷¹ The village chiefs were not in fact landlords at all, but the representatives of the people. To have regarded them in any other way would have been an injustice to the cultivators. As Raffles stated in his instructions to Lawrence at the end of November 1813: ⁷²

[T]o establish the *Bakal* as the hereditary landholder, and to allow him to sub-let the land of a village at pleasure, would be to grant him an authority and independence, which never

⁶⁸ *Sub.*, pp. 109—10.

⁶⁹ See pp. 99—101.

⁷⁰ *Sub.*, pp. 110—11.

⁷¹ *Ibid.*, pp. 6—7.

⁷² *Ibid.*, 113; 45.

could have been expected, and to arm him with power prejudicial to the happiness of the people, and repugnant to the object which Government had in view, towards the amelioration and improvement of the mass of the population.

One cannot compare this statement with the proclamation of October 1813, without realizing the great development which had taken place in Raffles' ideas during the short space of six weeks. Earlier the trend of his ideas had suggested a detailed settlement where this had been possible, but in October he had considered the village chiefs as necessary agents in the establishment of the new system in the coastal districts. By the following February, however, the discoveries relating to land tenures necessitated their removal as renters of the lands.⁷³

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

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

⁷³ Revenue Instructions, February 11, 1814, *Ibid.*, pp. 193—4. Italics mine.

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

Let us now consider the course of Raffles' journey through the Eastern Districts of Java during the closing months of 1813, and the progress which had been made in the introduction of the village land rent settlements.
