

A Translation of the Edict of 1625 by Pieter de Carpentier, Governor General of the United East Indies Company (VOC)

“Plakkaat van 16 Juni 1625” [Zie van der Chijs, *N-I. Plakaatboek*, I, bl. 126.]

Pieter de Carpentier, Gouverneur General wegen de Staet der Vereenigde Nederlanden in Indiën, allen dengeenen die desen sullen sien ofte hoorem lessen saluijt, doen condt:

[“Pieter de Carpentier, Governor-General on behalf of the United Netherlands in the Indies, acknowledges and greets all those who will see or hear this, and proclaims:

From: van Kan, Joseph. *Uit de Rechtsgeschiedenis der Compagnie*, pp.166-167.
Batavia: Drukkerij de Unie, 1930.

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Plakkaat van 16 Juni 1625 – Historical Context

The extent of the commercial activities of the Verenigde Oostindische Compagnie (VOC), its interests, the number of its establishments and its administration grew very rapidly in the early 17th century in the Indian Ocean region and beyond. As a result, many settlements, such as Batavia, were established. There was a commensurate growth in population and many issues pertaining to civil and criminal law arose. While the charter of the VOC gave it sweeping powers in its area of operations, there was a lack of clarity and confusion as to which sets of laws applied in areas under VOC jurisdiction. Particular problems arose because of the high death rate amongst the Dutch and other Europeans living under VOC control. Many individuals died intestate and many children were orphaned, or adopted, as a result. The Edict of 1625 was intended to bring some certainty to the legal situation by spelling out which sets of laws and statutes applied in Batavia and wherever the VOC had jurisdiction, drawing on those enacted by the various cities and states of the United Netherlands, as well the common law as practiced in those places. It specifically directs those instrumentalities that had responsibility, such as the courts and the police, to implement and adhere to those laws and statutes. The Edict addresses a wide range of matters such as debt, those dying intestate, inheritance, orphans and orphanages, and the administration of justice by the courts and the police.

Plakkaat van 16 Juni 1625 – Original Text

p.166 Alsoo vermits de teerheijt ende jonckheijt deser opgaende republijcque van Batavia tot noch toe, op 't ampt van schepenen, van den bailliuw ende andere bedienders van de Justitie deser stede, mitsgaders op de bedieninge van de Justitie selve, gelijk mede op politie, item op 't stuck van successiën, ende verscheijden andere saeken, deser aenklevende al sulken regel ende orde noch niet beraempt is als ons de dagelijcxse evaringe ende success van tijt tot meerder ruste ende welstand van 't gemeene beste aenwijsen, dienstig ende gants noodig te wesen, willende derhalven naer ons vermogen tegen alle confusiën, disordre ende ingedisponerende saeken tijdelijk voorsien; soo ist dat dien eijnde met deliberatie ende advijs van onsen Rade goetgevonden hebben, te beramen, dese naervolgende de ordonnantie ende instructiën, te weten: voor 't collegie van de schepenen, mitsgaders voor den bailluw ende andere dependierende officieren van de Justitie, item een bijzondere ordre van procederen in crimineele saeken, item op 't stuck van arresten van desolaten boedels, van gepreviligeerde schulden, item een amplicatie op 't placcaet van de slaven; mitsgaders ook een bijzondere ordonnantie ende instructiën voor de weeskamer deser stede, ende wataengaet voirdernisse van de Justitie, item de politie, ende 't stuck van de successiën, hebben mede goetgevonden volgens de recommandatie van Seventhiene bij Haer Ed. missive van de 4e Maert. 1621 van nieuw voortoen in dese republijke in te voeren ende te doen achtervolgen de gedruckte ordannantiën die Haer Ed. ons tot dien eijnde expresselijck hebben toegesonden, soo op de voirdernisse van de Justitie, soo binnen den steden als ten platten lande van Hollandt, van de eersten April 1580 alsmede op de politiën van de selven datum, bij de Heeren Staten van Holland ende West Vriesland voor eeuwich edict gestatueert, item de verklaringe van de gem. Heeren Staten op de ordannantiën van de successiën, in dato 13 Maij 1594,

item derselver placcaet op 't stuck van de successiën *ab intestato* geëmaneert, p.167> den 18 December 1599, ordonneeren ende belasten over sulx, bij desen wel expresselijk, dat alle de bovengemelte instructiën, ordannantiën, verklaringen ende placaten in 't generael bij de wethouders ende officieren van de Justitie, in dese republijcque van Batavia ende alomme in desen coninkrijcke van Jacatra, van nu voortaan naergekomen, achtervolgt, ende geobserveert sullen worden, met dese meijninge, dat de rechters in 't vorderen van de Justitie haer voortaan, sooveel eenigsints hier te lande practicabel sij, naer voorgemelte gedruckte ordannantiën van Heeren Staten van Holland ende West Vriesland op 't stuck van de Justitie geëmaneert conformeren sullen; dat sij haar van gelijken ende sooveel eenigsints naer gelegentheit deser landen alhier ingevoerd mach werden, reguleeren sullen naer de politiejque ordannantiën van gemelte Heeren Staten uijtgesondert in 't stuck van de successiën *ab intestato*, in welker plaetse voortaan hier ter stede ende ten plattern lande gebruijkt ende onderhouden sal werden, als seen gemeen landsrecht, de bijzondere verklaringe ende 't placcaet bij de the gem. Heeren Staten den 13 Maij 1594 ende 18 December 1599 voor eenige bijzondere stede in Holland als namentlijk: Harlem, Leijden, Amsterdam, Alckmaer, Hoorn, Enckhuijsen, ende meer andere geordonneert ende gestatueert, ende saeken, daar de voorsz. gedruckte ordannantiën ende instructiën der gemeene Heeren Staten van Holland ende West Vriesland mitsgaders de gesz. instructie, ordannantiën, placcaten, soo ten tijde van onsen voorsaet als 'tsedert door ons hier te lande gedaen emaneren, niet bijsonders statueeren, noch disponeeren, sullen in sulcken gevalle de rechters daarinne observeren, ende volgens de gemeene civile rechtens sooals die in de Vereenigde Nederlanden werden gepractiseert, waernaer haar alle wethouders ende officieren van de Justitie hier ter stede, ende alomme door desen Coninckrijcke voortaan preceijselijk sullen hebben te reguleren, alsoo sulx de wille van Seventhiene is, ende wij 'tselve ook ter eere Godes tot voordernisse van de Justitie, onderhoud van de goede politie, rusterende welstand van't gemeene beste alsoo bevinden te behooren.

Actum in 't Castel Batavia den 16en Junij Ao. 1625. Was onderteekent: Pieter de Carpentier, Jacob van Dooreslaer secrets. Onder stond: naer collatie is dit met 't origineele bevonden 't accordeeren. In 't Casteel Batavia adij 23en Augustij Ao. 1625 ende was geteekent J. v. Dooreslaer secrets.

TRANSLATION

Because of the vulnerability of the newly emerging Republic of Batavia and as the Councillors, the Bailiff and other judicial servants of the town, as well as the police of the town, based on our daily experience and because until now no proper rules exist, require guidance regarding the proper administration of justice, including inheritance and various other matters in relation to the provisions in such laws, so over time the community will enjoy greater comfort and prosperity, and greater certainty, by identifying and dealing with any confusion and disorder to the best of our ability, as is considered necessary; therefore, having deliberated, and on advice of our Council, we have approved the proclamation of the following ordinances and instructions, namely:

- for the College of Councillors, together with the Bailiff and other public prosecutors,

- the same for a special order on procedures in criminal matters,
- the same on judgements on insolvency, encumbered debt,
- an extension of the edict on slavery,
- special ordinances and instructions for the orphanage of this town,
- and concerning improvements in the Court system, and the police,
- and the regulation of inheritance.

We have also approved, according to the recommendation of their Excellencies, the Gentlemen 17, by a letter of 4th March 1621, to be take effect henceforth in this Republic and to be implemented and adhered to, printed ordinances that their Excellencies have expressly forwarded for this purpose, to improve the Courts in the towns and countryside in Holland, dated the first of April 1580, also on the police a declaration of the same date, adopted from this time forward by the Executive of Holland and West Friesland; Also a declaration of the Executive's ordinances on inheritance, dated 13 May 1594, and their edict relating to the manner of intestate inheritance, of the 18 December 1599; We therefore now decree and direct, that all the aforementioned instructions, ordinances, declarations and edicts henceforth and in future must be implemented and observed by the Councillors and public prosecutors in this Republic of Batavia and everywhere in this kingdom of Jacatra. This means that from now on judges must, within their jurisdiction, conform as far as is practical in this place with the relevant printed ordinances of the Executives of Holland and West Friesland in delivering justice; Thus it follows, circumstances now allow the introduction into these lands of the regulations and political ordinances of the mentioned Executives, except the statute on intestacy, in both town and country so that they will be used and applied everywhere as the common law, including the specific declaration and edict by the joint Executives of the 13 May 1594 and 18 December 1599 of the following towns in Holland, Harlem, Leijden, Amsterdam, Alckmaer, Hoorn, Enckhuijsen and some other jurisdictions. This includes the aforementioned printed ordinances and instructions issued by the State Executives of Holland and West Friesland's, and instructions, ordinances, edicts from the time of our predessors and where they have been promulgated in this country, except where they do not resolve the matter, and except where special arrangements were instituted. In such cases Councillors and prosecutors here in this jurisdiction will follow those in accordance with the common civil law as it is practised by the prosecutors in the United Netherlands, and so that everywhere in this kingdom it will be strictly regulated, according to the will of the Gentlemen Seventeen, and for the glory of God, for the advancement of justice, to maintain good policing, so that there will be peace and prosperity for the community.

Enacted in the Batavia Castle on 16 June in the Year 1625.

Signed by Pieter de Carpentier, Jacob van Dooreslaer, Secretary.

Note below: this collation is in accordance with the original.

In Batavia Castle 23 August in the Year 1625 and was signed J. v. Dooreslaer, Secretary.