

**M E M O R I A L**  
**TO THE**  
**HONOURABLE COURT OF DIRECTORS**  
**OF THE**  
**EAST INDIA COMPANY**

**ON THE PART OF**

**MR. ALEXANDER HARE,**

**Late Company's RESIDENT at BANJARMASIN, and COMMISSIONER for the  
Island of BORNEO.**

# MEMORIAL

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Late Company's RESIDENT at BANJARMASIN, and COMMISSIONER for the  
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WITH AN APPENDIX,

CORROBORATIVE

AND

EXPLANATORY.

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LONDON.

1832.



TO THE HONOURABLE

THE COURT OF DIRECTORS

OF THE

EAST INDIA COMPANY.

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HONOURABLE SIR<sup>S</sup>,  
SIR,

I beg to state to your Honourable Court, that the Memorial which I have now the honour to submit, with the accompanying Appendix, was written and placed in the hands of Sir George Abercombe Robinson when Chairman; who had spontaneously and kindly promised to peruse it, previously to its being officially brought before the Court; but the sudden and serious indisposition of that Gentleman occurring soon after, he was prevented from giving it that attention which he had promised; and by some accident attributable to the same regretted event, the original document was mislaid, so as not to have been recoverable. It has been with considerable difficulty, and not without reference to India, that the present Copy has been prepared for submission; which I hope may be considered as accounting for the time which has elapsed since its original date.

I have the honour to be,

Honourable Sirs,

Your most obedient humble Servant,

JOHN HARE.

*Bedford Square, Nov. 1831.*



TO THE

*Honourable the Court of Directors*

OF THE

**EAST INDIA COMPANY.**

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HONOURABLE SIRS.

AS a Brother, resident in London of Mr. ALEXANDER HARE, who held during the years 1813, 1814, 1815, 1816 and 1817, the situation of the Honourable Company's Resident at Banjarmasin, in the Island of Borneo, and who is now absent from Europe,—I feel it an imperative duty to solicit the attention of your Honourable Court to the following statement of facts, and respectful application on his behalf. I am naturally extremely desirous to avoid prolixity in this appeal; but it is unfortunately impossible to render that appeal intelligible, without troubling your Honourable Court with an explanatory outline of my brother's complicated case. I beg leave to represent to your Honourable Court, that the individual on whose behalf I address you, was for ten years previous to the capture of Java by the British, a merchant, resident at Malacca, where his concerns had been extensive and successful. In consequence of the commercial intercourse which he had industriously cultivated with many of the independent Malay states adjacent to Java, he was enabled to assist materially by his information, and otherwise, the objects of the British expedition for the capture of that island, and partly in compliance with the wishes of the Honourable Company's Official Authorities, he accompanied the expedition from Malacca. Not being in the Honourable Company's service, he had, however, no intentions or views in so doing, further than what were strictly connected with his own commercial pursuits.

After the surrender of the island to the British, he was induced to engage, on the part of the Honourable Company, in transacting some political arrangements at Palimbang, in Sumatra; and it soon after was considered by the gentleman who had received the appointment of Lieutenant-Governor, with whom he had long previously enjoyed the most confidential intercourse, that his local knowledge, and peculiar experience, might be of advantage to the interests of the Honourable Company, in bringing under useful control the Piratical ports on, and in the vicinity of the Island of Borneo, and in extending on a permanent basis the opportunities for British Commerce in those seas, even on the eventual surrender of the Dutch Colonies; and accordingly, with the full sanction, and under the instruction of Lord Minto, my Brother received the appointment of the Honourable Company's "Resident at Banjarmasin, and Commissioner for Borneo;" which appointment, with specific liberty to trade, was afterwards confirmed by the Marquis of Hastings.

Lieutenant-Governor Raffles had appointed my Brother to be Resident at Banjarmasin, not only from his qualifications for performing the peculiar services I have just described, but likewise from his possessing considerable capital, extensive commercial connections, and a willingness to engage his whole energies of every description, in the Commercial and Agricultural enterprise which the new situation might present. The Lieutenant-Governor contemplated, in the establishment of Banjarmasin, a depot establishment for British trade, analogous in its nature to that which he afterwards succeeded in forming, under more fortunate circumstances, at Singapore; and I am sure it will be admitted by any candid person who can judge of what was requisite for such an undertaking, and who is acquainted with the means possessed by the individual who engaged in it, that a choice could not have been made more likely to accomplish the object in view.

Nothing can be a stronger proof, that, as well as the application of my Brother's mind, the employment of his capital was contemplated at the period of his appointment, than that he was an exception to the general regulations of the service, in being exclusively allowed to trade; and farther, that he was specifically sanctioned by Government in the acceptance individually of a grant of land from the Sultan. In fact, it was equally evident, that had it not been for the field which the public interests of this New Settlement seemed to open for investiture of capital in individual enterprise, nothing could have induced a Gentleman, possessed as he was of an adequate fortune, to have engaged in a service which held forth no important salary, and was in its nature considered so hazardous, and destructive to all personal comfort, that no British Assistant could be found to accompany him to the place. It is probable a difference of opinion may exist as to the public policy of forming the settlement, and of thus attempting to unite public and private interests in its advancement; but there can be no doubt that such were the views of the Lieutenant-Governor; and as a proof that the correctness of those views were not in his opinion invalidated by any abuse of trust in the individual so engaged, the personal regard of that Gentleman, after reviewing all that time had elicited, continued unimpaired, and has always been fearlessly referred to in exculpation.

The geographical situation of Banjarmasin, its ancient predominating authority on the Bornean Coast, its numerous and peaceable population, its valuable productions, and its then recently established independence of all European Sovereignty, had recommended it to the selection of the Lieutenant-Governor of Java, as the most advantageous part in those seas for a permanent British establishment. My Brother was therefore instructed to negotiate with the native Prince, on the part of the Honourable Company, for an establishment on the basis of his (the Sultan's) complete independence of any other European Power; and this task he performed to the perfect satisfaction of the authority from which he received his appointment. His letter of introduction directed his attention to various objects—many of which were of difficult accomplishment, requiring his personal exertions in unusual service, which he contributed with a spirit, which observers at the time considered almost enthusiastic. He made long and hazardous excursions on foot farther into the Interior, and round the Coast, than any European had before penetrated, to obtain correct information; and concluded a Treaty with the reigning Sultan, ceding an extensive district of territory to

than ever were possessed on that Coast by the Dutch, or any other European Power. The results of his negotiations and arrangements were likewise completely successful, in the transformation of the several Piratical States in the immediate vicinity of Banjarmasin, which had long been almost entirely destructive of all the country trade of Java, into peaceful ports of advantageous Commerce.

The daring Piratical activity of the Port of Sambas, on another part of the Coast of Borneo, was at that moment extremely annoying to the Commerce of Java; and it appeared to the Lieutenant-Governor, that some decided measure became necessary for its suppression. My Brother was therefore, on the 23d of July, 1813, called back from his residence, and sent on a mission to Pontiana, to negotiate with the Sultan of that place, for the establishment of a Commercial Resident; and for certain co-operative measures, which were considered necessary to the success of General Gillespie's expedition against the neighbouring port of Sambas.

Soon after his return to Java, from the accomplishment of this mission, it was deemed expedient by the Government under which he acted, to establish at Banjarmasin, a species of convict Colony, for Javanese offenders of various classes, under the management of my Brother. The unsettled state of the Island, the entire failure of a projected convict station on the Island of Carimon-Java, and the capture at that juncture of a party of Javanese—who had been principally active in a recent insurrection in the district of Cheribon, and could not with safety be allowed again at that time to mix with their countrymen,—had crowded the miserable prisons of the Island to a degree truly distressing, and compelled Government to adopt some measures to diminish the evil. To convey them across the narrow straits which separate Java from Borneo to a fertile country, the people and habits of which were originally from Java, appeared the mildest method of punishment that could be devised; and to divest it as much as possible of all penal terrors, voluntary emigration of the Javanese thither was encouraged to a certain extent, with a view of amalgamating the whole collective mass into a small Javanese Colony, which would not require an expensive military superintendence; but in whose fidelity, on the contrary, the Resident might look with confidence for some degree of protection. My Brother exerted himself most laboriously in the accomplishment of the measure, which, I do not hesitate to declare, on a perfect knowledge of all the facts, originated in the most humane motives, and was conducted in every step with the most scrupulous regard to what enlightened, just, and benevolent feelings would dictate. The new Colony soon consisted of about 2,000 inhabitants, of whom, all but a very small number were regularly adjudicated convicts, and the remainder voluntary settlers. He organized this population into a small township, regulated according to the native Javanese Institutions as modified by the Lieutenant-Governor.

All his proceedings were not only authorized by, but were principally the result of personal communication with the Lieutenant-Governor, with whom he almost constantly resided when in Java, and whose confidence, as already observed, he had long enjoyed. This frequent intercourse diminished, in a great degree, the necessity of letters; but the following extract from an Official Government Letter, dated 24th January, 1814, will confirm the statements I have made:—"Such offenders as may from time to time be transported to Banjarmasin, not being generally of a description requiring confinement as convicts, may be considered as free in every respect, but that

of returning to Java before the expiration of their sentence ; and maintained by Government until settled in a way to support themselves."—"The Hon. Lieutenant-Governor in Council, approves of your accepting the Park and Grounds, which the Sultan in his letter mention[ing] having given you, for your private residence. He also authorises your selecting for yourself portions of Land on the Coast, the particulars of which may be hereafter specified ; and further, you are permitted to make such grants of Lands from the waste ceded country, as you may deem advisable, in order to induce the Chinese and Natives of Borneo to settle there, to such an extent as may be necessary to bring the same into cultivation."

Not long after the capture of Java by the British, Lord Minto, in concurrence with whose instructions the establishment at Banjarmasin had been formed, returned to Europe, and it soon appeared that the Marquis of Hastings, who succeeded him, did not acquiesce in the views of the Lieutenant-Governor of Java, regarding the political importance of that Settlement. This became evident by the first despatch specifically on the subject, which confirmed my Brother in his situation of Resident ; but all ulterior objects in the settlement were ordered to be relinquished, except so far as concerned the prevention of piracy.

These instructions from Bengal were unfortunately only made known after the convict Colony had been formed, and after the principal expence of the establishment had been incurred. My Brother had likewise proceeded far in the investiture of private funds,—both in advance on the public service, and on his own account. And your Honourable Court will easily perceive, what an unpleasant involvement at once presented itself to his reflection, on discovering the utter discrepancy between the opinions of the supreme and subordinate authorities.

Thus, the state of affairs at once became seriously perplexing. A large amount of my Brother's own capital was absolutely dispersed in the regular expences of the settlement, as he had up to this period never received one farthing from the Public Treasury, the state of the Java Government finances being at that time considerably embarrassed, except 10,000 dollars which he took with him when he first left Java. Two thousand individuals, almost entirely offenders against the laws of Java, at a considerable expence had been collected, requiring protection and maintenance ; for even the small proportion inclined to be industrious could not, and were not originally by Government supposed to be capable of maintaining themselves.

The change of policy thus announced, occasioned my Brother again to be summoned to Batavia. In the first place he saw the necessity of receiving payment of the money he had advanced ; and in the second place, of endeavouring to obtain from Government some specific instructions how the future affairs of the settlement were to be conducted.

He rendered his accounts, and after the most scrupulous audit of the late Mr. Assey, (Secretary to Government), and Mr. Bauer, (the Accountant General) received payment of nearly their amount ; but in that liquidation, there was not one farthing included which in common equity could have been withheld. New instructions were given him by the Lieutenant-Governor in Council, in accordance, as far as possible, with the Governor-General's letter. Every exertion was recommended to economise the expenditure ; but as there had been no previous extravagance, economy could accomplish no material diminution.—What was done, could not be undone ;

all proposed ulterior objects were to be abandoned ; but as 2,000 people were necessarily to continue there who could not maintain themselves, and must be maintained, it was evident very little essential diminution of expenditure could take place. An arrangement was at last adopted, which there was reason to think would reduce the expences, and retain the Settlement in *statu quo*, for the future consideration of the Supreme Government ; which, when it should be informed what had been effected previously to its first letter, it was thought might in some degree alter the views which it had expressed.

The outlines of the arrangement were, that 200 of the most troublesome hardened convicts, should be removed to Banks ; that 600 should be considered as a regular charge on the Java Police, and that my Brother, on receiving a certain allowance per head, (less than what was charged by the Farmer of the Chain Labourers at Batavia), would in a manner engage to support the whole remaining 1800,—he being to accomplish this,—permitted to employ the whole in what manner he could best devise, to cause them to contribute to their own maintenance.

This arrangement was formed on *estimates*, and involved many contingencies in the execution, and the very principle whereby it was to reduce the expenditure, and bring it within a certain established quarterly payment, was from the hopes my Brother had, of rendering the labours of the Javanese in some degree productive of their support. This necessarily involved still farther investiture of his own capital, and, therefore, the permanence of the settlement ; or indemnity for personal investiture resulting from this arrangement, in case of abandonment, were in various official letters from my Brother urged as an equitable implied part of the plan, and although the subordinate Government felt itself restrained from giving any pledge on the subject, it promised “a favourable reference of the points to the Governor-General in Council.” This state of circumstances was by no means satisfactory ; but my Brother was so situated, that unless he sacrificed all he had done, and culpably abandoned the Colony to certain disaster, he could not retreat.

Persuading himself, and confiding that the equity of the Supreme Government would at any after period, indemnify him for any absolutely compulsory involvement, he went over to Banjarmasin again to carry into execution what had thus been proposed. He immediately exerted himself in devising various methods to call forth the industry of the people, in the ways best suited to their former habits. He devoted all his attention to the one object, of diminishing to the smallest possible sum, what should be expended in the indispensable demands of the mouths he had to feed. I shall not attempt to detail his proceedings ; but, while a ship was building, land was bringing under cultivation, and exertions were made to call forth the internal productions of the country. The result of the whole was a thriving and happy community. Events soon, however, occurred which ruined all his prospects, and rendered his situation still more embarrassing. Lieutenant-Governor Raffles, under whom he had continued to act with the utmost reciprocal confidence, was superseded, and the treaty of Peace became known in India, by which the Colony of Java and its dependencies were to be restored to the Dutch. These facts of themselves were enough to occasion the utmost apprehension for the loss of his large invested property ; but in addition he had the mortification to find that misrepresentations regarding the settlement of Banjarmasin, and his conduct as Resident, had been conveyed to Bengal, of a nature to

induce the Governor-General to order an investigation as to their truth. Very soon after the arrival of Lieutenant-Governor Fendall, and the new Government at Java, two Commissions were appointed—one to examine in the Island of Java into the mode of forming the Colony, and another to proceed to Banjarmasin, to investigate the actual state of the Settlement.

These investigations, although in part referring to my Brother, it was evident involved indirectly the authority under which he acted; and probably had it not been for that collateral reference, the imputations on which they were founded, would never have reached the attention of the Bengal Government. My Brother had, however, no right nor reason to dispute the propriety of investigation;—because, if doubts existed, from whatever spirit they originated, investigation alone could do him justice. But investigation should have been conducted with a scrupulous regard to avoid a betraying the secret prejudices of those who undertook it, if such prejudices existed;—and when, on the contrary it was conducted, so as at every step to develop a prejudged condemnation; and when some of those on whom the important duty was devolved, were those who it was well known had private animosities to gratify, not against him, but against the Government under which he acted,—it could not fail to frustrate any chance of discovering the truth; and to become, whatever were the result, a certain means of severe injustice. It is this species of injustice of which my Brother has had to complain.

On the first arrival of Mr. Fendall, my Brother was ordered to repair immediately to Java with his accounts.—Had I not unexpectedly joined him at Banjarmasin at this crisis, I can positively state, that it would have been impossible to have obeyed this order, without endangering the lives of the whole people. As soon, however, as he could make the necessary arrangements for his absence, he went to Java, leaving myself as his *locum tenens*, with his accounts, made out exactly as on former occasions; having sent before him a report as to the state of the Settlement, and a respectful statement, explaining his peculiar position, and soliciting consideration as to his private investiture.

The instructions of the Governor-General in Council regarding these investigations, as communicated at this time to my Brother, direct the new Java Government to investigate “The extent to which the private fortunes of individuals, especially Mr. HARE, were embarked in the settlement, with the permission or the encouragement of the Java Government,” thereby apparently or virtually acknowledging the validity of any claims which could be established on that principle.

The retiring Lieutenant-Governor had likewise, in a private letter, in answer to several very urgent representations from my Brother, of his necessary dependance on the equity of Government, promised to communicate favourably with the Supreme Government regarding his situation, which there is no doubt had been done. It became, therefore, his duty to furnish, along with his report on the public affairs of the Settlement, a statement of his private involvement in the public transactions.

On his arrival at Batavia, he found that a Commission had just left the Coast for Banjarmasin, to execute one branch of the investigation before mentioned. Some correspondence took place between him and the Government at this juncture, of no importance to be now read, except as developing the state of feeling between the corresponding parties, and which I only mention from a wish to be accurate in my narrative. He stated in his letters, his reasons why Government, he thought, should not

remove the Javanese Convicts from Borneo; and should not, without further reference, give up the Settlement, as he shewed it could not be included in the treaty of Peace, it having not been at the capture of Java, a dependency of that Colony; but formally relinquished for a valuable consideration to the native Prince, previous to that event. He was blamed for not coming over sooner, and "recommended" to go back. I can testify he could not have come sooner; and had he gone back, to place himself under the orders of the Commission, according to the Government letter, serious evils would have resulted. He, however, proceeded to obey the recommendation; but before he could embark, the Commissioners arrived at Batavia.

They had proceeded immediately to embark the whole Javanese Colony, destining them to be landed in Java; but the Dutch authorities refused them admission on the Island. After a period of distressing confinement on board the vessels, a Commission was appointed jointly by both Governments; and the poor Convicts who by good conduct had earned redemption from all further punishment, which my Brother by authority of his Government had assured them, were again subjected to a new trial. Some were allowed to go free into Java; but many were destined to new punishments of various kinds, and to a new transportation; and not a few to slavery of the most appalling kind, in the tin-mines of Banca.

It may be proper to mention here, as explaining the difficult predicament in which at that time my Brother's private fortune was placed by these events, that in accordance with the arrangement adopted for the reduction of the public expenditure by employing the Javanese Convicts, a ship of 400 tons burthen had been commenced, and at the time when the Commissioners removed the British flag, was so far advanced, that it could not have been relinquished without great loss. The ship was building on the land, which by a grant from the Sultan, as sanctioned by the Government, belonged to my Brother; and although the Commissioners removed the British flag, they saw the propriety of in some degree exacting from the Sultan, the protection of the ship-building establishment. They likewise supplied, on purchase from the Government, ordnance and stores—the means of defending the spot from the attacks of the neighbouring barbarians and pirates; and allowed such of the Javanese to continue on wages as were inclined to remain. In this way, though at a very considerable increase of expenditure from what was originally contemplated, the ship Borneo was completed.

On the return of the Banjarmasin Commissioners to Batavia, their attention was directed to the settlement of my Brother's official accounts, and to the consideration of his claims for indemnification, on account of private losses, and unavoidable expenditure in the public concerns of the settlement. His accounts with Government were, from the unusual nature of his situation,—distance from the seat of Government,—and deficiency of assistants,—necessarily of a description which would have required for his security, at least the liberal confidence never refused to all men, who had ever enjoyed a character for honourable intention. That character he had always maintained in the estimation of the authority under whom he had acted, and who was, from long habits of intimacy, most able to judge of him, and certainly most interested in the fact. It would have been no unusual indulgence to have considered his sanction as *prima facie* proof of integrity. If an individual undertake any political object under the cognizance, and enjoying the confidence of an authority, which is disapproved

of by successors, liberal policy should have dictated, that he should be allowed to emancipate himself from the disapproved measure, as secure from individual injury, as public justice could admit. It was, however, my Brother's misfortune to be subjected to the authority of those who seemed not actuated by such principles; and any deference to the lately retired Government was very far from securing to him indulgent consideration. The three Commissioners and the late Mr. Assey examined the accounts, and the accompanying vouchers, certainly not with the most accommodating or indulgent spirit; and much unpleasant discussion occurred. The accounts were in form exactly the same as on former occasions; but in consequence of some difference of opinion as to the period at which they should be closed—from the Bengal official year terminating in April, and the accounts having been made up to the 31st December—the whole were new-modelled, at various meetings with my Brother, by themselves,—and written out at the Secretary's office, in such a form as they approved—admitting such items only as they thought sufficiently authenticated by vouchers. They expressed on the part of Government, a most anxious desire to liquidate the accounts; and gave it clearly to be understood, that if the accounts were to be given in as prescribed, an immediate liquidation would be the result. To all this my Brother consented, submitting to the exclusion of trifling entries, where time to obtain substantiating vouchers was requisite. The diminution of the total amount, after these alterations was very unimportant. They likewise assumed to take into consideration his claims for remuneration on account of losses, and necessary, although in some degree unauthorised expenditure,—and acquiesced in the admission of two heads of indemnity, on condition that he would agree to waive all others. Of these two heads of claims, they agreed to lay before the Javanese Government such accounts as it was then in my Brother's power to submit. So entirely was it with an understanding on the part of my Brother, that immediate settlement was to be the result of this adjustment, that the accounts and settlement were not only made out in the Government offices, but given in without my Brother retaining any copies;—and accompanied with a letter signed by my Brother, the original sketch of which was from the pen of one of the Commissioners, and is now in my possession.

About the time that this apparent adjustment was in progress, my Brother received a letter from the Government, containing a number of queries on his conduct, on which he was required to furnish explanation. The queries in this letter, he supposed to have originated in some report furnished by the Commissioners who had visited Banjarmasin, and the whole of these queries had reference to mistaken facts, and misunderstood parts of his policy. They were just such as were likely to strike observers, who had enjoyed no previous explanation as to intention; and rather inclined to unfavourable conjectures as to integrity of motive.

About this time, he had likewise obtained, unofficially, the perusal of a report by the Gentleman on whom had been devolved by Lieutenant-Governor Fendall, the duties of a Commissioner for investigating on Java, the mode in which the Colony at Banjarmasin had been formed. My Brother was in bad health, confined by these circumstances to the vicinity of Batavia, and without the assistance of even a competent Clerk. He produced, however, without much delay—as is but too evident from the composition—two thick folios of defence, and afforded a candid and full explanation of all the points of his conduct, which had been misunderstood or misrepresented. In



these volumes he remarked in a bold, but not indecorous language on the manner in which the investigation had been conducted in Java, which he certainly considered unfair,—and naturally was betrayed into a warm expression of his offended feelings, at being suspected of acting from motives which he had ever detested.

These explanations were transmitted to the British Government authorities in Java very soon after the accounts :—a long silence of several months ensued ; and there is perhaps reason to suspect that the intended settlement of accounts was unfortunately again broken off, more from something which had been expressed in this volume of defence, than from any real cause of postponement connected with the accounts.

My Brother waited long in expectation that he would obtain a communication, summoning him to receive the payment of his accounts, and likewise some expression of the Government's sentiments on the perusal of the explanatory papers which he had submitted. No notice on either subject was however conveyed to him, until the preparations for the departure of the Government became evident. Remembering that in full expectation of payment, he had retained no copies of his accounts, he thought it prudent—perceiving them on the point of leaving Java—on the 25th of June, 1818, to address a short letter to the Secretary, explaining the deficiency, and soliciting copies of his accounts and vouchers, or leave to copy them. In reply to this letter on the 27th of June, two days after, he received a letter from the Secretary, expressing “ that the original vouchers requested, were at that time packed up ”—and “ that it has been impossible to furnish copies of them at present ; ”—and further, “ that a letter had been written to their Excellencies the Commissioners General of Netherlands India, requesting that if any application should be made to have papers authenticated, the Officers of the present Government may be instructed to effect the same when requested.” This letter inclosed one to the Secretary of the New Netherlands Government of Java, informing him that “ Mr. HARE might require the assistance of Government in settling and authenticating his unsettled account on the Island, and requesting the assistance to be given accordingly.”

On the same day, 28th June, the very day on which Mr. Fendall, and most of the Government embarked for Bengal, he likewise received another letter from the Secretary, commencing with the following passage :—“ I am directed to acknowledge the receipt of your letter, with your replies and explanations, on the points on which you were called upon to reply.” This bare acknowledgement of the receipt of his defence, is all the distinct communication, after a lapse of many months, which Mr. Fendall and his Council ever indulged him with regarding it. A defence so voluminous—having reference to so many points which had been considered as requiring explanation—would, it might have been supposed, have called forth something like a definite notice. If the whole of the explanations were deemed unsatisfactory, the whole deemed satisfactory—or only a part so—justice towards my Brother should have induced them to state specifically the result of their reflections. It was, as this letter proves, contemplated by the Board, that he was to remain some time in Java, to accomplish more completely, authenticated statements of his accounts and claims, than he had been able under circumstances to produce ; and it was known that in that quarter alone, he could likewise collect evidence on, what was much more important to him than pecuniary concerns, in farther explanation of any charges brought against him, or in corroboration of any parts of his defence, on which they might deem the

evidence incomplete. Surely then he should have been put in possession of the exact state of their convictions or intentions towards him ;—and if silent *then*—(when he alone had it in his power to collect further evidence in his defence) it was almost incumbent upon them to have been silent ever after. But after having, by giving a degree of publicity to their suspicions and investigations, shewn themselves perfectly reckless of his fair fame—appointed Commission on Commission, comprising in them the individuals who, there was good reason to believe, had propagated the unfavourable reports, and were then, and continued to be, in personal feeling at open hostility with Sir Stamford Raffles,—collected accusatory matter of all kinds, from all quarters,—and rendered him the subject of universal remark, from one end of the Island to the other,—the British authorities withdrew in mysterious silence as to their own deductions, or leaving them to be decyphered from one or two ambiguous phrases. On the day of their departure, they condescended to do little more than acknowledge the receipt of his explanations, which had at that time been several months before them. I shall have occasion to refer to this letter again in another part of this appeal ; but I may here remark, that the whole tenor and manner of it suggest, that the cause of the settlement being deferred, originated more in the feeling generated in the discussion with him, than in real convictions as to the validity or importance of the charges brought against him.

My Brother was thus left in Java, without copies of the accounts or vouchers which he had, under the above circumstances, rendered ; and 't will be evident that he could not accomplish the required authentication, or discover what was deficient, without possessing a knowledge of what existed. He therefore waited some months in expectation, that on the arrival of Lieutenant-Governor Fendall, and the Members of his Administration at Calcutta, copies of such documents would be transmitted to him, as he had at their departure so anxiously requested. Not, however, receiving any communication, he, on the 10th April, 1818, addressed them again on the subject ; but never was favoured with any reply.

Not long after the British Government finally withdrew from Java, my Brother and myself became subject to a series of to us then, unaccountable acts of persecution on the part of the Dutch Government—tending almost to frustrate any attempts to recover outstanding debts, or to obtain authentication of the required accounts. Several small vessels belonging to my Brother, in my management, were placed under detention and seizure, without any apparent or even assigned cause. In an equally inexplicable manner we were personally placed under civil arrest in different parts of the Island ; and finally my Brother was peremptorily ordered to leave the island of Java, and all the Netherland Indian settlements within six months. This order was in direct violation of the Treaty of Peace, which provided six years from its date, for the retirement, if so required, of any British subject ; and was unaccompanied with any explanation of the cause. These proceedings much surprised my Brother ; but of course were obeyed, under protest. The amount of losses to my Brother consequent on this violent and sudden measure, it is difficult even yet to calculate, as it occurred at a moment when his capital, to a very large amount, was engaged in various transactions on the island of Java and vicinity, which it was impossible to bring to a sudden close. I accompanied my Brother on his leaving Java. He took with him newly formed accounts of his claims on Government, authenticated as far as he was able to accomplish

under such distressing circumstances, and more completely than before, by the affidavits of his assistants. He likewise took with him a narrative at length of all his transactions, while in the employment of the Honourable Company, substantiated by the Official documents, and regular affidavits of every individual of respectability, who had been in his employment during the time.

He had written an appeal to the Right Honourable the Governor-General, soliciting that his accounts and claims might be submitted to any arbitration or Commission impartially appointed at Calcutta, to investigate their validity. Circumstances arising out of the conduct of the Dutch Government towards him, and the complicated and embarrassing state of his concerns, then prevented him from proceeding immediately to Calcutta; but he appointed Mr. Thomas Miln to proceed there with the documents and papers just alluded to, and in conjunction with his friend Mr. David Clark of the mercantile firm of Messrs. Ferguson and Co. to represent him and explain his case; and stated that if his attendance there were required, he would immediately proceed thither, on the wish to that effect being communicated to him. In the meanwhile, to await the decision on the subject, he proposed to take up his abode at the Cape of Good Hope, where he requested to be addressed.

With a view that his proceedings might be fully made known to, and understood by Sir Stamford Raffles, he proceeded in the first instance to Bencoolen, where he had the satisfaction of submitting to that Gentleman a copy of the appeal just mentioned—the narrative he had drawn up of his transactions, substantiated by affidavits—and every document and letter which had passed between him and the late Java Government. The whole mass was then carefully examined by Sir Stamford Raffles; and I feel much satisfaction in having it in my power to testify, that the result proved his undiminished good opinion; and the proposed arrangement received repeatedly, in my presence, his entire approbation, as the most likely to obtain an equitable settlement of the points in discussion.

My Brother, on leaving Bencoolen, proceeded in execution of his plan to the Cape of Good Hope, where I parted with him, and proceeded to Europe,—intending as early as possible after arrival, to appeal to his Majesty's Government, with a view to obtain some redress for the injuries so unjustly inflicted on my Brother by the Netherlands Authorities in Java.

In execution of the plan which my Brother had proposed, in his appeal to the Right Honourable the Governor-General, his friend Mr. Thomas Miln, a merchant resident at Batavia, proceeded to Calcutta in November, 1822, in possession of full information to support my Brother's claim, and vindicate his conduct, if still impugned. On his arrival at Calcutta, he found from the absence of the Marquis of Hastings, and the Officers of Government, whose official services were essential to the adjustment of his claims, that no consideration of the subject could take place for some time. He was therefore compelled, by the requisite attention to his other concerns, to return to Batavia, and defer the subject till the succeeding year. He had, however, during his stay in Calcutta, communicated to Mr Fendall, who was then a Member of Council, the object of his visit; and I feel it important to remark, that no reply was ever given to my Brother's appeal to the Governor-General, nor any wish expressed to Mr. Miln, although he had several conferences with the Gentleman officiating at that time as

Secretary to Government, that my Brother's personal attendance in Calcutta was deemed essential.

At Mr. Miln's interview with Mr. Fendall, he entered into conversation on the object which had occasioned his visit to Calcutta. Mr. Fendall told him that Mr. HARE was mistaken in supposing that the Government "had any thing to say to him on any other subject, than as to the settlement of his accounts, and to afford him a reasonable remuneration for his losses." He expressed himself rather hurt at certain parts of my Brother's letter, to the Right Honourable the Governor-General, which he deemed unnecessary; and as his manner was in other respects friendly and conciliatory, Mr. Miln felt so anxious to remove any thing which could be considered as an obstacle to a favourable accommodation of the existing discussions, that he applied to the Secretary of Government to have the letter, which appeared to hurt Mr. Fendall's feelings, officially withdrawn. This, of course, he found impossible, the letter having been placed on record. My Brother would have been much mortified, had this attempt to withdraw his letter succeeded; for there was not one syllable in it but was naturally produced by the situation in which he was placed, and nothing more than a due value for his own character required.

Mr. Miln returned to Calcutta in the following year, and on application, after some delay, obtained a perusal of the accounts before rendered to the Java Government: and he forwarded to the Secretary of Government, by desire, my Brother's accounts and statements of claim, as made out, with all the documents in corroboration. Various interviews took place, and considerable time elapsed in occasional meetings. At last, Mr. Miln received an Official communication which much disappointed and astonished him. Its purport was to reject entirely all reference of the case to a separate Commission,—to specify certain accounts which it agreed to liquidate,—and to reject unconditionally the remainder. So far it might be considered as having a regular Official reference to the pecuniary claims; but it will be seen, that all the mass of indefinite surmise against my Brother is revived, and the most severe expressions used towards him. This was very far from what Mr. Miln had been led to expect from Mr. Fendall, and certainly was a procedure of which my Brother had reason to complain. He had solicited an investigation of his conduct,—tendered through his agents documentary and other evidence in support of his defence,—and offered to attend personally in Calcutta, if it were deemed necessary. The Governor-General and Council take no notice of his letter, and thus virtually refuse to make any further enquiry, and assume to consider only the matter of account; but as if the evident act of harshness they were about to commit, in wholly refusing a fair arbitration of his pecuniary claims required some vindication, they seem to have adopted the same *ex parte* accusation, of which they no doubt had imbibed a belief, and which had, under similar circumstances, been made use of by the Java Government. Thus, on all occasions that the accounts and claims have been discussed, indefinite surmises, which he has not been allowed the opportunity of refuting, have been unfortunately for my Brother introduced, and effectually stifled although not answered his demands.

The document to which I refer contains the resolution of the Right Honourable the Governor-General in Council, under date the 2d of May, 1823, and communicates to my Brother for the first time the fact, that on the 28th October, 1817, the Governor-

General in Council had come to the following severe resolution:—"With regard to the proceedings of Mr. HARE, the late Resident in Banjarmasin, the Vice-President in Council deems it superfluous to enter into a full discussion of that branch of Mr. Fendall's report, while Mr. HARE continues beyond the reach of the British authority, which precludes a regular investigation of the merits of the case. The information now before Government, however, is calculated, according to the judgment of the Vice-President in Council, to excite the most unfavourable impressions regarding Mr. HARE's character and conduct; and the Vice-President in Council apprehends that Mr. HARE will find great difficulty in vindicating himself, from the charge of having sacrificed the public interests and reputation, to considerations of his own private advantage."—"With regard to Mr. HARE's accounts, the Vice-President in Council remarks, that no decision can properly be passed on them, until, according to the requisition of the late Lieutenant-Governor in Council of Java, Mr. HARE shall appear by himself, or by an Agent, at this Presidency, to explain them, and furnish the necessary vouchers."

In addition to these two severe resolutions, the document likewise communicates an extract from a despatch of the Secretary, to the Right Honourable the Governor-General of the 4th December, 1817, expressing the following sentiments:—"From the abstract of the report which accompanied your despatch, the Governor-General has become acquainted with circumstances deeply affecting the character and conduct of Mr. HARE; but his Excellency agrees with the Vice-President in Council, in judging it to be superfluous to enter into any discussion of them, while Mr. HARE continues beyond the reach of British authority. The Governor-General cannot, however, withhold the declaration of his opinion, that the facts and circumstances developed by Mr. Fendall's report, warrant the conclusion that Mr. HARE violated the public trust reposed in him; and sacrificed the honor and interests of the British Government for the attainment of objects of personal advantage."

I cannot expect that my individual assertions, in exculpation of my Brother, from the very serious accusations thus authoritatively declared, of the Supreme Government at Bengal, and of the Right Honourable the Governor-General individually, can have much weight with your Honourable Court. I have fearlessly brought the extent of that accusation under notice of your Honourable Court, from a full conviction that fair investigation, which I maintain the subject has never yet received, will prove its invalidity; and from a persuasion that your Honourable Court, by possessing a full knowledge of the serious wounds which thus have been given to the character of an individual on *ex parte* statements, will feel the indispensable necessity of affording me an opportunity to adduce such evidence as it may be in my power to offer in his justification.

I feel it, however, incumbent on me to impress on the attention of your Honourable Court, that the Vice-President in Council who formed the above quoted resolution, and the Right Honourable Governor-General who so positively expressed his accordance with that resolution, both avowedly ground their opinions on a report of Mr. Fendall. My Brother has, I fear, to regret that the defence—or rather explanatory matter, for he never had the good fortune to have been definitely accused—was never referred to by those who received his report; and as Mr. Fendall retired from Java, intending to make a report so decidedly accusatory as that report must have been,

which could call forth from parties so respectable the language above quoted, it might have been presumed justice would have induced him to communicate, with some degree of precision, its probable nature, if not the specific points on which it was founded, to the individual himself, whose character it was so seriously to implicate, and who was then on the scene of the transaction, where he might have availed himself of the opportunity, if desirable, to collect still farther evidence in his defence. Mr. Fendall, on the contrary, left my Brother quite in uncertainty, as to what opinion was formed by himself and Council, of the explanations he had given; and under circumstances which it was certain would prevent him, for many months, from vindicating his character, from any new attack that should be made upon it. Hardly, however, has he himself arrived in Calcutta, before he appears to have taken care to accomplish the object of obtaining from the Supreme Government, the decided committal of its sanction, to the harsh line of conduct into which he had been at first perhaps unwarily betrayed, by too readily imbibing the prejudices of individuals, hostile to his Predecessor's Government. To make a report on the investigations ordered, was perhaps his official duty; but if merely a report of evidence, my Brother's explanations should not have been omitted; and if a report of his own opinions, he should have recollected that my Brother had not been fairly heard, and his opinions should have been at least liberally diffident.

With particular reference to what I consider not the least unjust part of the resolution of the Vice-President in Council, of October, 1817, which insinuates in plain terms, that my Brother was intentionally continuing out of the reach of British authority, and which the Governor-General so unhesitatingly repeats, I feel it essential to my Brother's character to offer some explanatory remarks. From what I have already stated, it will I hope be evident, that in July, 1817, Mr. Fendall and the Members of his Government left my Brother on Java,—knowing that from the public events, his whole private fortune was placed in a most hazardous and embarrassing predicament, which nothing but the utmost personal attention on Java and vicinity could succeed in extricating. They likewise, as appears from their own official letter, knew, that before he could be expected to urge with effect on the Bengal Government the liquidation of his own accounts and claims, he had to collect evidence which had by themselves been considered essential for their verification, and which their letters instructed him to furnish from individuals who had been in his employ, and who were then on Borneo, or the distant parts of the island of Java. Was it, I appeal to your Honourable Court, to be reasonably expected, that under these circumstances, he should in October of the same year—about three months from their departure—be able to attend them in Calcutta?—and was it liberal or candid conduct in them to have allowed the Supreme Government to remain so ignorant of his real situation, as to form the conclusion which is conveyed in its resolution—that he was timidly evading public enquiry?—a conclusion which I do not hesitate to say, it was morally impossible they could themselves at the time have entertained.

If they really had thought that his attendance before the authorities in Bengal was important, the natural measure to attain the object with fairness towards the individual, would have been to communicate their wishes on the subject, and intentions in case of non-compliance, in precise and unambiguous language to him, at their departure. But all the "*requisition*," as it is inappropriately denominated in the resolu-

tion of the Vice-President in Council, was merely a sentence in their last letter, informing him that it would be "necessary for him to attend in Calcutta, for the adjustment of his accounts, and for the decision of the Supreme Government on his conduct and claims." The introduction into this sentence of the single word "conduct," is the only hint with which he had been favoured, that his explanations had not entirely obviated all necessity for farther discussion, regarding his public acts; but this hint—small as it was—certainly determined him not to neglect entirely, the precaution of obtaining affidavits from such of his assistants as were on Java, in corroboration of the explanation he had already communicated; and he certainly intended, when he had accomplished this object and completed his accounts, to proceed to Calcutta—not to await, but to solicit that investigation, which it has been improperly insinuated he had been anxious to avoid.

I am reluctant to touch on my Brother's pecuniary concerns with the Java and Bengal Governments, more than is absolutely indispensable to render my narrative complete; as I wish it to be clearly borne in mind by your Honourable Court, that the present appeal has not for its object the support of pecuniary claims, but the vindication of character. As the document, however, on which I have been remarking is one which may have weight with your Honourable Court, I think it necessary to explain one point connected with the accounts, which if misunderstood, as it apparently has been by the Supreme Government, may prove on a hasty view of the subject injurious to the cause I am attempting to advocate.

When my Brother acceded to what he considered a settlement with the Banjar-masin Commissioners, it was on the principle, as expressed in his letter, that immediate payment was to follow, and that the accounts of two heads of claims—viz. the use of shipping and debts due by natives on Borneo,—should be received as satisfactory, although at that time not exactly ascertainable. The Honourable Board afterwards withdrew their assent to, or more correctly speaking, refused to execute the arrangement, requiring of him to furnish more perfect vouchers. Of course, if the result of this enquiry, which they had charged him to make, enabled him to produce accounts to a larger amount than before, can it be justly held up as remarkable, that he should claim to the full amount he had ascertained?—or, because under the arrangement which had been by themselves put aside, he had proposed to waive, in consideration of prompt settlement, all but two heads of claims, was he to be deemed unreasonable, that in bringing his claims again under the notice of Government, he should include every head of claim which he considered in equity due? The amount of a demand is no argument against its validity, but should be an argument to induce its being examined with impartiality; and if correct, liquidated without delay.

I have likewise to request your Honourable Court particularly to remark, before I close my notice of the pecuniary concerns, that by this first award of the Governor-General in Council of 1823, much as my Brother had reason to complain of its injustice, an amount of about £5,000 is acknowledged to be due to him. The amount and more had been acknowledged as due on Java; but never was placed within his option to receive. The Java Government retire without liquidating or offering to pay any portion of it; and then four years after, when he is empowered to receive it, all interest for the past period is positively refused. My Brother had urged, in his letters to the Honourable Board on Java, that as his engagements were entirely with

the local Government—as they commenced in Java, and as they terminated there,—he thought in equity he should be settled with there; and he certainly expressed, in the fullest possible manner, the hardship he should consider it, and the pecuniary loss and personal inconvenience to which he would be subjected, were he obliged to proceed to Calcutta for the recovery of his claims. On these and other considerations, he was willing to accede to a large deduction from what he deemed his just claims, to accomplish an immediate and final settlement; and urged at all events that he might be paid on account, a portion of the admitted amount; but a reference to the existing correspondence will prove, in direct contradiction of what is asserted in this document, that no sum of money whatever was tendered to him on Java.

It will be seen by reference to his statement of claims, transmitted to the Java Government from Barjarsin, and from his letter of the 11th October, 1816, written when in Batavia, in farther explanation of the same subject, that his claims for losses were distinct from his regular accounts; and as he only brought forward the one for the equitable decision of Government, it needed not have impeded the settlement of the other. Might not the one have been referred, and the other liquidated; or might not, at all events, an amount have been paid on account?

I hope I shall not be considered by your Honourable Court, as deficient in respect to the Supreme Government in Bengal, for venturing thus to remark on its resolutions. I hope that it will be believed that nothing less than the most sincere conviction, that these resolutions have been the result of misrepresentation, and that the sentiments they convey are most unjustly severe on my Brother's character, would have emboldened me to have brought them so distinctly under your consideration. I cannot but flatter myself, that an unprejudiced perusal of them, and the remarks which I have here made, must induce your Honourable Court to admit that my Brother has justly to complain:—

First,—That the Supreme Government, as it appears from the expressions adopted in the resolutions of the 23d of October, 1817, to have expected my Brother's attendance in Calcutta, did not condescend to communicate to him through their Secretary, the purport of this resolution, and its wishes so to attend.

Secondly,—That the Supreme Government, entertaining the sentiments it had expressed in this resolution, did not, on the receipt of my Brother's appeal to the Right Honourable the Governor-General in Council of the 31st August, 1820, soliciting impartial investigation, and offering if desired to attend personally in Calcutta for the purpose, immediately reply to that appeal, and express definitely its wishes as to that point. It should be remembered that he there says:—"I appeal with earnest entreaty, that no farther time may be lost, in transmitting to me whatever accusations, if any, stand unanswered against me."

Thirdly,—That on Mr. Miln (my Brother's friend and Agent) communicating to the Supreme Government, through Mr. Fendall and the acting Secretary, on his first visit to Calcutta in November, 1822, that he had come in pursuance of the intimation given in my Brother's appeal just mentioned, fully prepared with documentary and other evidence, to vindicate, if allowed, my Brother's character from the aspersions under which it had been suffering,—he was not informed that his attendance was deemed insufficient, or that my Brother himself was expected to attend; but on the contrary, Mr. Miln declares that when he expressed to Mr. Fendall, who was then



one of the Honourable Council, that he came fully prepared with documentary and other evidence, to vindicate, if it were thought necessary, the integrity of my Brother's public conduct,—that Gentleman unequivocally replied, that Mr. HARE was mistaken in supposing that the Supreme Government would enter into any such investigation;—that it was not intended to discuss his public conduct;—that it was only wished to consider and liquidate his public accounts,—and allow him any remuneration for losses in the public service, which might be deemed reasonable.

Fourthly and finally,—He has to complain that the Supreme Government, not having communicated to him their resolution of 1817,—and not having taken any notice whatever of his appeal of the 31st August, 1820,—not having even conveyed to him directly, or indirectly through his Agents, its wishes as to his attendance in Calcutta,—and not having expressed to Mr. Miln any intention to enter on the discussion of my Brother's imputed political offences, but on the contrary declared an intention to confine its enquiry to matters of account and remuneration,—should nevertheless on the 2d May, 1823, introduce into a public document, purporting to be the result of its enquiry, expressions which could only be correctly applied to a convicted criminal, and that criminal secluding himself from justice—not an individual who had sued, and was suing for an impartial hearing.

To shew that the opinions I have thus ventured to state, on the resolutions of the Governor-General in Council, communicated to my Brother's friend and Agent, Mr. Miln, are in strict coincidence with those which the circumstances spontaneously suggested to that Gentleman on the spot, I beg leave to solicit your perusal of a copy of a letter, which that Gentleman felt it his duty to address to the Supreme Government, on the receipt of the document referred to, and which closed his correspondence on my Brother's behalf. (See Appendix A).

In a former part of this appeal, I have mentioned that a short time after the British Authorities finally removed from Java, the Dutch Government commenced a series of oppressive acts against my Brother, subjecting him by seizure and detention of shipping—by the seizure of his land and property upon it at Banjarmasin,—and by various personally annoying measures—to very considerable pecuniary losses. Instead of experiencing facilities in the recovery of debts, and settlement of accounts with his assistants, he and myself were placed under annoying and embarrassing restraints of different descriptions; and every individual whom we chanced to employ, including the very Captains of the vessels, seemed marked out to experience similar treatment,—until at last a peremptory expulsion from the Island, and Netherlands settlements generally, in direct violation of the treaty of Peace, put a period to all further attempts to accomplish a winding up of our concerns in that quarter.

As my Brother had been most particularly anxious to conciliate a kind feeling in the Dutch Authorities, this hostility on their part appeared to all inexplicable; and the rumoured cause—a jealousy of Sir Stamford Raffles, and a suspicion that my Brother was remaining on the Island to carry on a Correspondence with him—did not appear sufficiently to explain the proceedings. Just previous, however, to our departure from the Island, we were surprised to hear, that it had transpired from one of the Secretaries of the Java Government, that Mr. HARE had to blame his own Government at Bengal for every thing that had occurred. This appeared to my Brother hardly credible; but he thought the report came from a sufficiently respectable quarter

to warrant the allusion to it, which will be found in his letter of appeal to the Right Honourable the Governor-General in Council; to whom he likewise transmitted notariaily authenticated evidence of the injuries he had experienced from the Dutch Authorities, in hopes that the injuries which a British subject had received, contrary to the treaty of Peace, might have been thought worthy of some notice.

On my arrival in Europe, I transmitted a memorial to his Majesty's Government, on the part of my Brother, narrating the improper acts of the Dutch Authorities on Java, and praying the mediation of his Majesty's Ministers, to obtain redress from the Government of the Netherlands. The Memorial was transmitted without delay to his Majesty's Ambassador at the Hague, who immediately, in a note to the Minister of Holland, required an explanation of the acts in question; and after many months—during which time reference was made to his Excellency the Baron Vander Capellan, the Governor-General on Java—a reply from his Excellency the Baron Von Nagel, the Foreign Minister of his Majesty the King of the Netherlands, was transmitted in a note from his Majesty's Ambassador in Holland, to the Right Hon. George Canning, his Majesty's principal Secretary of State for Foreign Affairs, who allowed me to peruse it at the Foreign Office.

The contents of the despatch, with the perusal of which I was thus favoured, at once developed the cause which had emboldened the Dutch Authorities on Java, to act so far at variance with the treaty of Peace, and with every principle of equity, which usually governs one state towards the Citizens of another. His Excellency the Baron Vander Capellan assigns as the cause, the following passage in a letter from the Government in Bengal, dated 7th November, 1818, in reply to a letter complaining that Sir Stamford Raffles had communicated to the Java Government, that my Brother had tendered his lands on the Coast of Banjarmasin to his Britannic Majesty:—"Your Excellencies do not require to be informed of the sentiments entertained by us of the conduct of Mr. HARE, and the proceedings connected with the establishment by him at Banjarmasin; and you will not suppose that we can have any desire to skreen a person whom we regard as a delinquent." (See Appendix B).

It is not easy to conjecture what meaning the writer of this liberal paragraph attached to the word "delinquent." The interpretation given to it in dictionaries is generally "a criminal—he who commits crimes." Whatever crimes might be attributed to my Brother by the author of this despatch, it is proper to mention that pecuniary frauds, or defalcation, could not be properly placed among the number, by a Government who voluntarily award him, five years after, a sum of £5,000 sterling, which it acknowledges to have been justly due.

This declaration of the opinions of so high an authority who, it was probable, had the full means of information, and who it might have been naturally supposed, would not on light grounds, injure the character of an individual in a Foreign Colony, thus conveyed indirectly to his Majesty's Ministers, of course would at once damp all ardour, if not entirely put a stop to any exertions, in the support of his claims on the Dutch Government for redress. Perceiving that unless I should succeed in removing this unfavourable impression, I could have no hopes of obtaining the assistance I had requested, I lost no time in addressing to his Majesty's Minister for Foreign Affairs, a narrative of my Brother's transactions, and soliciting the opportunity of submitting to any Gentlemen he would be pleased to appoint, documentary proof of every fact I

had stated. I was given to understand by a note, on the receipt of this letter, that the duties of the Foreign Office would not admit of any such investigation; but that my letters, with the reply of the Dutch Authorities, had been submitted to his Majesty's legal advisers, who had decided that the Dutch Government had not assigned sufficient cause for the injuries they had inflicted on my Brother; and that his Majesty's Ambassador at the Hague would be instructed to press upon the Dutch Government, the justice of his claims. (See Appendix D).

Failing in this attempt to obtain an impartial review of my Brother's public transactions, and hearing that a treaty between his Britannic Majesty and the King of the Netherlands, which it was rumoured was finally to settle all disputed points between the two countries, then occupied the attention of his Majesty's Ministers, I thought it expedient to address a letter on the 19th April, 1824, to the Right Honourable W. W. Wynn, President of the Board of Commissioners for India, requesting his attention to the peculiar hardships of my Brother's case, and to the injuries he had received from the Dutch Authorities on Java, who it appeared had vindicated their conduct by an extract from a public despatch of the Bengal Government, in purport most destructive to my Brother's reputation, and which if not controverted by evidence, would prove to have been not only the origin of his grievances, but to frustrate all attempts at obtaining for them any redress. I solicited, therefore, earnestly the appointment of some individual, to whom I could submit the evidence I possessed, of the integrity of my Brother's conduct. I likewise took occasion in this address to explain, as well as in my power, the commercial importance of a settlement on Borneo, and the opportunity there still remained of retaining our title to one there, if his Majesty's Government thought it desirable. (See Appendix E)

The reply I received to this letter held out no hopes of obtaining the investigation I had solicited; and being fully determined that no exertions of mine shall be deficient to remove the unjust and unfounded misrepresentations under which my Brother's reputation has been so long suffering,—I now have recourse to the only measure which presents itself, as likely to accomplish the object—that of appealing to the equity of your Honourable Court.

In the foregoing narrative, I have conscientiously restricted myself to a statement of facts, of which I have had either personal knowledge, myself,—or possessed on them, from written documents, the most perfect information. To all the important points, I should not hesitate to attach my affidavit. I have as much as possible, consistent with preserving the connection between events, avoided entering at length on questions of a pecuniary nature. My Brother has to regret that his conduct has never been noticed by either the Java or Bengal Governments, except as collateral to the settlement of his accounts and claims, which might infer that there existed some necessary connection between the two; but if the severe general expressions which have been applied to his conduct be well-founded, it is proper the accusation should assume some definite form, and obtain distinct consideration; and not be so combined with questions of account, as to lead to the conclusion that criticisms on the former, were introduced as a legitimate apology for rejecting the validity of the latter. I therefore request of your Honourable Court on my Brother's behalf, that the questions of account may not be supposed to be the object of the present appeal.

If there be any truth in the facts I have been relating, I think your Honourable

Court will admit, that my Brother has suffered no usual series of injuries. He has experienced a great diminution in his fortune, at a time when he had closed all his commercial concerns; and with them all chance of recovering his losses, by a fresh exertion of industry or enterprise. Without troubling your Honourable Court with explanations, I can prove, if required, that the period of time which has elapsed since the close of his unfortunate Official engagements, has almost been wholly sacrificed in endeavouring to extricate his scattered property, from the involvements which directly or indirectly originated in the public arrangements; and that in consequence he has been prevented from returning to Europe, although to do so, was an object which he anxiously desired. To all these actual pecuniary losses, and personal privations, he has to add the mortification of having had his character misunderstood and misrepresented, by Authorities certainly of high Official influence, and great personal respectability, who might naturally have been supposed from experience of public life, not hastily to have applied expressions decidedly destructive of any individual's character, without hearing that individual in his own defence; particularly when the transactions to be investigated were evidently of a very complicated description. The accumulation of injuries which it has been the object of my present appeal to represent, whether proximately inflicted by Dutch or British Authorities, are all directly or indirectly to be traced to the cause I have just mentioned.

The declarations, however solemn, of my personal conviction on a subject which so nearly interests me, as the vindication of an affectionate Brother's aspersed reputation, I am well aware can have no weight in influencing the opinions of your Honourable Court; but I should feel it as a dereliction of a moral duty, not to make some general declarations on the subject; and I conceive they will form at least some apology for the intrusion I am making on the time of the Honourable Court, and the decided language I am impelled sometimes to adopt.

As I have already informed your Honourable Court, I was personally cognizant, or from being on the spot, possessed the most complete means of obtaining accurate information, of every transaction which has been called in question; and as far as I was able to affix meaning to the indefinite surmises which were then afloat,—or have since been able to conjecture what were the points which were deemed to require explanation,—I am convinced that they entirely consisted of groundless aspersions, and misunderstood or unfavourably misinterpreted parts of his conduct; and I have no hesitation in declaring it to be my unequivocal opinion, that in no one instance can it be proved, that he “knowingly sacrificed the public interests and reputation, to his own private advantage.”

With respect to one branch of the investigation—that regarding the mode in which the Javanese Colony was formed—I can positively assert, that I took pains to investigate personally every disputed case, which I heard had occupied the attention of the Commissioners; and that the result was my unhesitating belief, that not one individual, with the knowledge or consent of my Brother, ever went to Banjarmasin, except voluntarily,—or under the express cognizance of the Government Authorities. I can prove from documents in my possession, that the impelling motives for the formation of the Convict Establishment was *humanity*. I can testify that as far as my Brother had executed the intentions of Government, he was actuated in an extreme degree by the same principle; for it remains on record, among the claims which the Bengal

Government have rejected, that a large amount of his pecuniary losses, consisted of an expenditure which his kind solicitude to render the Javanees happy, had induced him to make, beyond what the economising orders of his Government had regularly authorised. To those who have known him in India, it would indeed appear supererogatory to adduce proof, that he could not act with injustice, or want of the most indulgent feeling towards native dependents; but even those who are ignorant entirely of his character, will, I hope, consider it a satisfactory proof, that no harsh or unjust oppressive acts distinguished his conduct towards the Javanees at Banjarmasin,—that to their credit they uniformly displayed the most quiet and attached deportment towards him, when he was compelled to leave them under my superintendence, at a period when the acts of the Java Government were of a nature to produce apprehension, insubordination and disrespect. It should likewise be mentioned, as a solid indubitable proof of what I have been now stating, that they proved, after four years banishment, to have increased in number; and exhibited at the time of their receiving orders for re-embarkation, a peculiarly comfortable and contented little community. On the whole I feel convinced, that there is no part of my Brother's life, which, if impartially considered, and well explained, would redound more to his credit, as an able, humane, and—in a pecuniary sense—disinterested man, than the mode in which he organized and conducted the concerns of this little Colony.

With respect to any other part of his arrangements at Banjarmasin, which may have given rise to unfavourable impressions, I cannot attempt farther to notice them, than to declare, that all I have ever heard questioned, can be proved, if impartially and accurately scrutinized, to have been measures honourably intended to advance the objects originally proposed in the formation of the Settlement. In judging of all his proceedings, it must be borne in recollection, as I have remarked in a former part of this appeal, that the investiture of his private capital, in the trade and agricultural enterprise, which the place might induce, was from the first contemplated by those under whom he acted. Nothing in fact, could be expected to have been done efficiently, in bringing forward a place considered, and so justly considered, as hazardingly environed by Pirates and Barbarians, except it were done by the enterprise of some Capitalist, who might attract the valuable produce from the interior, and invite the intercourse of European shipping. This double relation in which my Brother stood to the Settlement, when not kept in mind by those who examine his transactions, may occasion, and has perhaps occasioned, constructions of an unfavourable nature; but if an unprejudiced liberal view be taken of his acts, I am confident their motives will bear the strictest scrutiny. At the same time, I well know, that if, on the contrary, a suspicious or censorious spirit seek its own gratification, it can hardly ever fail to find the material, or distort what it may find to what it seeks.

I have no wish, nor has my Brother any wish, to impugn the principles which have actuated the Authorities in Bengal, in their conduct towards him; or even to insinuate that Mr. Fendall, at the commencement of his Government, acted from any private feelings of enmity against him. The supposition would be absurd, as he was quite a stranger to that Gentleman; but it is well known, that the able and enterprising public Servant under whom my Brother acted, and to whom he was known to be attached, was subjected to experience a spirit of hostility at that time, in certain circles; and what my Brother does distinctly attribute to Mr. Fendall, and others who have

acted against him, is, that they had not been sufficiently cautious in excluding prejudices which others had propagated, with less pure intentions, to injure not so much my Brother, as his employer; and that in consequence, they came to the task of investigation with minds too much inclined towards one side, ever to give a fair hearing to the other. A tone and manner was assumed, which could not but wound the feelings of any man of conscious integrity; mutual unpleasantness was the result; and it cannot be denied, that personal offence became too apparent in the public correspondence. My Brother had the misfortune, at a moment of an entire change of men and political views, to be found in an involvement from which he could not get released, like other public officers, by merely being deprived of office. The authority in whose confidence he had acted, and who alone understood the principles of policy by which he had been directed, had left the scene. The undertaking he had been conducting—whatever might have been its wisdom, or probable ultimate advantage—was doomed to be made, by sudden relinquishment, a dead loss to the Honourable Company; and the one or two servants of the retired Government, who accepted office under the new, instead of feeling interested, to ward off by a manly vindication of the original policy, the obloquy they saw likely to fall on my Brother from party malice,—unconscious prejudices,—and that which necessarily resulted from having to wind out from what was then doomed to present all the disagreeables of a ruined concern,—satisfied themselves by throwing the feebly wielded shield of their influence over their departed master; leaving it to be supposed that a favourite measure of his Administration was the entire work of a subordinate. Thus, every thing conspired to keep round my Brother's case, all the prejudice and obscurity which malice could invent, or temporizing policy avoid dispelling.

If my present appeal should prove successful, in calling the attention of your Honourable Court to my Brother's case, I hope it will be remembered, that the duties he had to perform in establishing, without the aid of any efficient military assistance, a Commercial Settlement on an insulated spot, distinct from European authority, which had been repeatedly abandoned by Europeans, in consequence of its piratical neighbourhood, and the Barbarian treachery which had so frequently and fatally distinguished its native Government, was very different from the routine duties, which usually fall to be performed by the Civil servants of the Honourable Company, in old established Residences, where authority is paramount, and assistants numerous. He had to organize and regulate *de novo*, instead of merely keeping in motion that which was already organized; and had to direct his caution and contrivance to points which perhaps never came under the consideration of any of the Honourable Company's Residents, on the Continent of India. While inclined to maintain that my Brother's arrangements at Banjarmasin were enlightened, and not deficient in sagacity, I must at the same time acknowledge, that they not unfrequently failed in execution, from the want of adequate assistants. Such was the dislike of the station, among the few qualified British expectants at Batavia, that not one could be got to accompany him; and the two that were induced to follow at different times, in consequence of his complaining of an inadequate establishment, returned after two or three days residence on the spot. He had not even a Clerk capable of writing English; and the person who, for want of a better, was appointed by the Lieutenant Governor, as Assistant Resident, was a Dutchman—known both to him and my Brother, as having been suspected

of want of fidelity to his own Government. He was obliged to devolve, not only the details of public business, but his own private affairs on the half educated Indian born class of writers, whose inadequacy for transacting any important concerns, is well known to every person who has ever resided in India. All the assistants, including even the Dutch Surgeon, deserted him, immediately on the arrival of the Dutch Government at Batavia; and thus, just at the moment he had to render his accounts, he found himself without even a copying Clerk, and was compelled to make them out with his own hands. It so happened that the public were not defrauded of any thing, as his own funds alone suffered, if any casual abuses had existed; but none of these difficulties which he had to encounter, were allowed to weigh with his severe censors in the consideration of his case; and perhaps nothing could display the unkind feelings which existed towards him, more, than that on his adverting to the causes I have just stated, for not having been able at the moment to produce the authentication of his faithless Dutch Assistant, Mr. Vander Whal, who was absent on other pursuits, and over whom he had no control, to certain items of the expenditure, which, from their indispensable nature, required none, he was told, that he was to be held accountable for the deficiency, if any, of his Assistant—iniquitably forgetting that the Assistant was appointed by Government.

All these difficulties which he had had to encounter, and which might without any unusual extension of liberality, have been considered, as long as the essentials were ascertainable, fairly to apologize for any trivial deficiencies in the details of account-ship, were severely rejected as inadmissible. He had been up, to that period of his life, known intimately, connected in his concerns, and invariably esteemed, by a highly respectable circle, embracing in it the principal commercial establishments in India; and it was known that he had long enjoyed the most confidential friendship with the Gentlemen who had just retired from the Java Government,—a friendship which at no moment had been in the least interrupted. He had therefore a fair claim to be treated with the delicacy due to a Gentleman of unimpeached reputation; but on the contrary, they had come from the highest Government circle at Bengal, impressed with the notion that they would have to investigate, what it was rumoured high Authority had then before investigation, designated a “Job;” and they did not fail to mark the predominating conviction in every act which followed. But I ask, on my Brother’s behalf, of your Honourable Court, what appears but justice,—that the prejudices which influenced his *then* Judges may not *now* prevent him from obtaining an impartial review of his case. I ask that he be considered at least innocent of what has been imputed to him, until a patient hearing and calm deliberation on facts, shall have produced conviction. I ask that in considering his acts, it be likewise considered how far these acts were in conformity with the spirit of his instructions, or with the views of the Government under which he acted, or produced necessarily from the situation in which he was placed. I cannot but consider it as a proof that nothing was developed of disreputable discrepancy between his acts, and the *quo animo* of the authority under whom he had the honour to act, that to that authority he appealed, and was honourably acquitted.

It is not incumbent on my Brother—and might perhaps be considered presumption in me—to trouble your Honourable Court, by a vindication of the policy of the public measures, which he had the misfortune to engage in executing. If such a

vindication had been necessary, it would have been ably and fearlessly undertaken by the much more competent authority to whom he was subordinate. At the same time, it is but a due degree of candour to declare, that my Brother has on no occasion hesitated in the least to admit, that although he undoubtedly acted under a higher authority, he had been confidentially consulted on the measures which he had undertaken to execute, and that they had received his entire concurrence. I feel myself anxious to express farther, that far from making this admission with reluctance, he considers it an honour to have coincided in opinion, and co-operated in the public policy of an individual, whose talent, ardour, and enterprise performed more for the Commercial interests of his country, than ever was performed by any one who had enjoyed influence in that portion of India. My Brother's ill continues of opinion, that the much traduced settlement at Banjarmasin was one which would have proved of ultimate great advantage to British Commerce; and that as the Dutch had formally relinquished all Sovereign right to the spot, *previously to the capture of Java*—which relinquishment had been made the basis of a treaty, adding to the British, extensive territory, and many Commercial advantages—it was not included in the terms of the treaty of Peace, as a dependency of Java, and therefore quite unnecessary to have been abandoned with that Island. That some money had been expended in forming the settlement, he thought, should have formed an argument for not leaving it—particularly as the British flag might have continued there without farther investiture; and he certainly considered it imprudent to expend on the mere abandonment of the place, as much, as fairly calculated, its establishment had amounted to. He thought, at all events, the subject might have been worthy of reference for farther consideration.—These are, and were his opinions; and he failed not to state them most fully at the time.

There is one general remark on my Brother's conduct, which, taken into consideration with the circumstances in which he was placed, when he first entered into the service of the Company, should of itself, I think, to any impartial judgment, exculpate him from the suspicion of having been governed by the sordid unworthy motives, which have been imputed to him. He accepted office with an ample private fortune; and at the time, was on such terms of friendship with the Lieutenant-Governor,—and stood so without a competitor as to the possession of real practical knowledge, and useful local information, regarding the new scene of British Authority—that the most lucrative situations on the Island, which it was in the patronage of Government to confer, were, I know on the best authority, at his option. It was likewise well known to all the British at that time resident at Batavia, or its vicinity, that by the possession of a large capital, he could have commanded commercial advantages of most unusual occurrence. After undertaking two very hazardous, unpleasant, and, in a pecuniary view, unproductive missions, at the particular request of the Lieutenant-Governor, he is seen to accept of a destination so very unpromising, as to every thing that was considered desirable, that among the numerous individuals who then were applicants for all ranks of service, not one appropriately qualified Englishman, could be persuaded to accept the situation of Assistant Resident. The establishment, it will be seen by his letter of appointment, was to be conducted with the utmost economy—affording no regular military force; and his salary was not of an amount to have induced any individual, in his situation, to cut himself off from European society, and to engage in



the dangerous intrigues of Malay politics, among the jungles of a shore then deemed very insalubrious. So diametrically opposite was the prospect which his public situation seemed to present to what was lucrative, or in the general opinion of mankind, desirable, that all his friends and relatives at the time regretted the determination he had formed, as an unfortunately outrée direction of his time and talent. In fact, his acceptance of Office under the Honourable Company turned out to be what myself and his other relatives always considered it would be—the most imprudent act of his whole life; but we certainly never supposed that it could have been thought one, which whatever way it was viewed, would be considered to have had its origin only in the sordid pursuit of pecuniary emolument. No unworthy, but certainly an eccentric ambition, to gratify himself in exploring a new country, and conducting the affairs of an establishment, which he sincerely believed would have been of important public advantage, was the predominating motive which induced him unfortunately to the undertaking. That he did not reconcile these public views, with what he considered would prove rational attention to his private fortune, I do not mean to insinuate. He certainly entertained the idea that he might invest his capital, so as to afford him fair profit for its employment; but it was in his opinion only to be done, by rendering it instrumental to advance the public interests in the Colony. Not only were these his views; but that they were the views of the authority under whom he acted, I can take upon myself, to assure your Honourable Court, from repeated and very recent communications on the subject.

I shall here conclude the observations which I have thought it my duty to submit to your Honourable Court, in vindication of my Brother's public conduct. I only hope what I have said may have been expressed with all the earnestness of an unhesitating conviction of truth. I am appealing to your Honourable Court without the instruction, or even the knowledge of the affectionate relative whose part I feel myself spontaneously but irresistibly impelled to advocate. That I am at least sincere in the belief of what I have ventured to adduce in his favour, will I hope appear evident, from my having thus, by a full and candid narrative, brought to the specific notice of your Honourable Court, the accusations against my Brother, which it is probable, to the Members of your Honourable Court, may not be generally known. Did I not strongly feel, that I stood, in advocating his cause, on the "high vantage ground" of truth, prudence would have directed a far more timid and reserved line of conduct.

The general objects of my present appeal are already before the Honourable Company in the letter written by my Brother to the Right Honourable the Governor-General, which I presume has been transmitted home from Bengal, with the other papers on the subject of his claims. I shall, however, take the liberty to inclose a copy of it, and of a letter to J. C. Lushington, Esq. to which I solicit in the most earnest manner, the attention of your Honourable Court. (See Appendix ~~XXXX~~ F).

If your Honourable Court shall condescend to accede to the wish there expressed to the Bengal Government, of instituting an impartial investigation into my Brother's case, I have to beg, that an opportunity be afforded me, to communicate all the documentary and oral evidence which I may possess, in exculpation of him from any charge which may be considered by your Honourable Court, to impugn the integrity of his intentions. But whether your Honourable Court shall yield to my present

appeal, so far as to institute an impartial inquiry, into the truth of what I have taken the liberty to state, or not,—I have still humbly but earnestly to entreat,—

First,—That your Honourable Court will grant me Official Copies of Mr. Fendall's report to the Supreme Government in Bengal, referred to in the resolutions of the Governor-General in Council, and of the Report of the Banjarmasin Commissioners to Mr. Fendall and Council, if any such exist.

Secondly,—That your Honourable Court shall be pleased to grant to me an Official Copy of the Despatch from the Bengal Government to the Netherlands Government of Java, of the 17th November, 1818, alluded to in the Despatch of the Baron Von Nagel, to his Majesty's Ambassador at the Hague,—or of such extract from it as refers to my Brother; and

Thirdly,—That your Honourable Court will be pleased to communicate the particulars of any charges alleged against the conduct of my Brother, which may have been communicated to the Honourable Company, from the Government in Bengal.

I trust that your Honourable Court will not consider it unreasonable, that I should endeavour to obtain a full, a complete, and definite knowledge of whatever may have reached the archives of the Honourable Company, of a nature to convey impressions unfavourable to my Brother's character. If nothing else shall attract favourable attention to my present appeal, I hope the consideration will, that by withholding from me the information I solicit, I shall be entirely prevented from vindicating my Brother's character to his Majesty's Ministers, and thereby from obtaining redress for the serious and unjust injuries inflicted on him by the Netherlands Government. I hope therefore, I may be enabled to secure for him the means of vindicating himself to the world, although he may be denied the satisfaction of accomplishing that object, through what might be considered the legitimate mediation of your Honourable Court. In making this appeal to obtain that mediation, I shall even if unsuccessful, rest satisfied, that I have omitted no opportunity within my power to obtain justice for an affectionate relative, and much injured man.

I have endeavoured to be as succinct as the accurate reference to so many circumstances would allow; but am very sensible of having intruded most unusually on the time of your Honourable Court, for which I beg respectfully to apologize.

I have the honor to be,

&c. &c. &c.

JOHN HARE.

March 13, 1827.

## APPENDIX.

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### A.

TO GEORGE SWINTON, ESQ.

*Secretary to Government in the Political Department.*

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SIR,

PREVIOUSLY to my departure, it becomes necessary to acknowledge the receipt of your letter, dated the 2d May, with the Resolution of the Honourable the Governor-General in Council, relative to Mr. HARE's claims. The reply has been deferred by reason of the delay that took place, regarding the payment of the balance of the account current, and part of a contingent bill which, with the exception of a small sum on account of Mr. JOHN HARE, was all that Government had thought it expedient to authorize, and which sums were received on the 19th instant,—the other claims Government having deemed it proper to reject. As the Agent of Mr. ALEXANDER HARE, and in his absence, I must claim the privilege to offer some observations in his vindication, and to remark that Government it would appear, by the former resolution passed in October, 1817, had condemned him without a hearing.

On my arrival here from Java, in January, 1822, the claims of Mr. HARE could not then be considered, in consequence of the temporary absence of the Marquis of Hastings; but it was distinctly understood, that no farther necessity existed to investigate the political conduct of Mr. HARE, whilst Resident at Banjarmasin; and that I would have to direct my attention to the settlement of accounts only. Upon my return to this place in January last, I was therefore impressed with the belief that Government required no explanation on Mr. HARE's public conduct, otherwise a very full one would have been afforded.

On reference to the letter addressed to the Marquis of Hastings by Mr. HARE, it will be seen that he courted enquiry, and offered every information regarding his conduct, through his Agent; or that he would, if required, personally attend and vindicate his character from the aspersions that had been, through party spirit, cast on it. Had any thing injurious to his reputation continued in the recollection of Government, after such an appeal, it might have been expected that Mr. HARE would have been called upon to afford the necessary explanation. No reply was ever made to him, and he continued ignorant of the sentiments of Government.

I hold now in my possession, documents which might have induced the supreme Government to entertain very different impressions of the conduct of Mr. HARE, and of the views and measures pursued by him on Borneo. Should an unfavourable opinion still be held of him; common justice requires that his statement should be taken into consideration; and I feel persuaded, that had the Honourable the Governor

General in Council perused, or rather appointed a Committee to report on Mr. HARE's documents, a settlement more extended and liberal would have been granted.

At the commencement, and in the formation of an infant Colony, it was impossible to be guided by fixed rules, or to be confined to certain allowances. Existing circumstances alone, could with propriety, form the line of conduct and policy to be pursued, and determine the extent of aid required. Had the settlement of Banjarmasin been continued to the present time, that desideratum of a *dépôt*, for the introduction of British manufactures, since established at Singapore, would not have been so much felt after the cession of Java; but the former, as other ports on the west and north Coast of Borneo, would naturally have been connected with it, might have been of far greater importance on account of the Exports; which being capable of great extension, might, with proper encouragement, have maintained a steady trade, and preserved a par of Exchange, so much wanted in the Eastern Archipelago. Metals and Pepper alone from Borneo, might have nearly ensured sufficient returns for our manufactures. The young Coffee Plantations established by Mr. HARE round Banjarmasin, became so flourishing, that since then, perhaps from a confined policy, and fear that their produce might soon arrive in competition with those of Java, they have been either destroyed, or permitted to go to decay.

It might be considered superfluous to revert to the Resolutions of Government of the 28th October, 1817, at the present moment, and to enter into a discussion, as Mr. HARE may be entitled to do, to shew that in a just and legal point of view, those resolutions would be deemed premature; tending not only to the prejudice of his claims, but to prejudge the whole case; for it must be admitted, that it is contrary to every usage to pronounce a condemnation without hearing the party implicated.

In reply to the fourth and fifth paragraphs of the Resolutions, it may be sufficient to observe, that when called upon by Government to specify all claims and demands of Mr. HARE upon the Honourable Company, it became indispensable to shew how much Mr. HARE had actually laid out and expended.—It was for the Honourable the Governor-General in Council, to be pleased to state how much or what part would be allowed; but that the claim should not in any degree be admitted, and at once rejected in toto—on the principle, that ample grounds appeared on the records of Government for so determining—is a decision on which a difference of opinion must exist. Any report made to Government on the subject of Mr. HARE's claims, I humbly submit cannot in itself warrant such procedure, without his being first called upon to answer for his conduct, and to shew his right to such claims. Mr. HARE has in his statement, and other papers, explained so fully what the succeeding paragraphs in the Resolutions relate to, that it would be unnecessary at present to offer any remarks on them.

I shall, therefore, at the present time, merely account for two inaccuracies of my own in stating the accounts, (the first being referred to in paragraph nineteen). Regarding the addition of Sp. 110.487 12 to the balance of the account current, I have to state, that not knowing that it had been declared by Government, that if the expences fell under the amount allowed, it would be considered a saving belonging to Government, the above mentioned sum was added, conceiving that Mr. HARE had a right to claim it. The other mistake regarding the contingent bill is noticed, and corrected in paragraph 20.

With regard to the last Resolution of the Honourable the Governor General in Council, I can only express my extreme regret, that it should have been conceived necessary, without a farther hearing or reference to Mr. HARE, as it so deeply affects his interests, and has for its object to reject so large a portion of those claims, which he had with confidence expected the Supreme Government to reimburse, trusting the case would have been received on the broad scale of liberal policy, usually adopted by the Honourable Company.

Under present circumstances I am debarred from farther appeal here, and I have no alternative, but to refer the matter to Mr. HARE's own judgment; leaving it to his consideration, to adopt what future measures he may think proper, unless the Supreme Government may permit him in person to appear, and claiming its indulgence, to renew his claims.

I have the honour to be,

&c. &c. &c.

T. MILN.

*Calcutta, July, 1823.*

## B.

TO THE MOST NOBLE

THE MARQUIS OF HASTINGS,

*Governor General in Council.*

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MY LORD,

A SERIES of unexpected and distressing occurrences, attributable to what took place under the last British Authorities on Java, has subjected me to the mortification of seeing much time elapse, before I could venture to approach a higher tribunal. It will now be seen, however, by your Lordship, what I have had to accomplish; and that I could not, in necessary justice to myself, act otherwise than stedfastly to persevere in the course I adopted, *whatever retarding or disheartening events might occur.*

When the British Authorities retired from Java, expressing it requisite that I should follow, it was perfectly well known, my Lord, how I was situated. I was refused a settlement of my pecuniary claims, because I was not able at that time to produce sufficient documentary authentication; and I was recommended to proceed immediately for a settlement of the same claims to Calcutta—not only under the same disadvantages, but the additional serious consideration to my interests, of leaving the only place at the only period it could ever be possible to supply the objected deficiencies.

I was also made the object of criminal aspersion. Your Lordship had thought proper, from the purest motives, to institute an investigation into the circumstances under which the Colony at Banjarmasin had been established. An investigation accordingly took place; but the mode in which it was conducted, I do not hesitate to assert, was unusual and unjust. Neither was the report of the investigating Commission, as impartial justice demanded, made known to me; and all which was communicated to me as the results of its labours, were a series of interrogatory surmises, to which I was required to reply. I did reply, my Lord; and exculpation, or notice of specific accusation, might have been expected: but I was not indulged with any opinion expressive of satisfaction or dissatisfaction with the explanations I had afforded, and was told merely to proceed to Bengal, for the settlement of my accounts. Thus, it was not only on pecuniary claims that I was to seek decision—relinquishing for ever, perhaps, the means of their authentication; but I was not relieved from the hazard of renewed attacks, on what is dearer to every man—his character; and by obeying that call, would have been equally relinquishing the means of securing its justification.

The Gentlemen who formed that Government were considerably acquainted with the various questions connected with my public conduct, and pecuniary claims; and if they adopted reference to another tribunal, it became evident that I had the labour necessarily before me, of making that tribunal equally acquainted with the subject, before I could be expected to receive with satisfaction its decision.

It would have been but just, my Lord, for them to have decided, and without settlement of Java claims and engagements, where they had originated, at the time which would have rendered the delay of appeal, the appellant's loss; but as they only adjourned, and referred to other authority, I had a right to take the opportunity for preparing for such reference; and their last letter in reply to mine, expressly stating that the labour would be tedious, admitted the validity of that right.

Thus doomed, my Lord, to accomplish what I perceived would require enormous labour, I patiently undertook it; and I have therefore written a narrative of my proceedings, and exposition of the views contemplated in the British Settlement at Benjarmasin, including its history, since its commencement, until the subsequent final transactions of the British Java Commissioners.

I presume not to ask or expect the attention of your Lordship in Council, to peruse so much writing on an affair, which is perhaps not entitled by public importance to such a portion of valuable time as it would occupy; but I entertain the hope, that in this particular case, a written representation may be referred to a Commission; and I presume only to solicit that your Lordship in Council will be pleased to select any Gentlemen,—impartial, from being as little acquainted with the leading Members of the late Administration in Java, as with myself, and not otherwise previously prejudiced on Java politics,—to whom an Agent on my part, acquainted with the papers, may submit them for perusal, or attend to facilitate reference and explanation.

This work is bulky, and contains matter, perhaps, unusual to intrude upon public records; but the manner and extent in which I have been assailed is without its parallel. The documents of reference and authentication which accompany it, are likewise still more voluminous; and as my situation at this moment is such, as to preclude entirely the possibility of my being enabled to retain copies of the whole, without the lapse of many more months, I hope it may be sufficient that the latter may remain in the hands of my Agent in Calcutta, who will forward such extracts as may from time to time be required.

The deliberate consideration of the facts accurately related in this narrative, which have to me been attended with such collateral injuries, and extraordinary consequent involvement, will I think prove to your Lordship, that what I have already suffered is sufficient, if not entirely to ruin, disproportionally to depress any individual, whatever were established as his merits or demerits.

When, my Lord, investigation shall, as I confidently anticipate, obtain justice to my abused character, it will also have been perceived by your Lordship, how I am situated in regard to my unsettled pecuniary claims; and my Agent being qualified to explain and communicate upon them, I am under a necessity of awaiting to be apprized by him, how Government may be pleased to determine regarding my accounts and vouchers, carried away, against my applications, by the British Commission; and what part can be settled as they are now rendered,—or whether I must produce other documentary substantiation for the whole. At the time I was required to submit these, some of them were necessarily incomplete; and when I am now enabled to ascertain them with exactitude, much labour would be lost, and complexity created, by my preparing any farther accounts, without knowing precisely, what is to be adopted, or what more is deemed requisite.

I am prepared, as far as the disadvantages under which I have laboured would allow,

with substantiating data; but owing to extraordinary annoyances, which as your Lordship will hereinafter perceive, have oppressed me nearly ever since the British Authorities retired from Batavia, it has been but lately that I was able to obtain them; and, not only from the retention of my former vouchers—my repeated application for them by letter to Mr. Fendall having obtained no answer—but by the other embarrassments alluded to, I have been almost entirely prevented from applying myself to the accounts, or absented myself from Java.

On the subject of accounts, my Lord, as on all the other parts of my conduct, I wish only for the thorough investigation of Gentlemen uninfluenced by prejudice, or personal acquaintance, and fairly liberal to an individual; and could I conceive, your Lordship should deign to arbitrate, I should exultingly waive all other instructions to my Agent, than to receive the award of your Lordship's penetration and justice.

Owing to the injury done my character, and to the proceedings generally of the late British Authorities in Java, I have farther been subjected to a persecution of unceasing annoyance from the Dutch, which has interfered with me, by distraction, apprehension, and prevention of locomotion, to the injury of all my pending affairs, and the direct occasioning of such serious losses, that the bulky papers I have to intrude on your Lordship's attention, explanatory of my transactions with my own Government, have not been a greater labour, than the preparation of documents to authenticate the appeal to the Authorities in Europe, which I shall feel it my duty to make, in demanding redress for the unjustifiable persecution I have suffered from the Netherlands Government of Java.

It would appear that irritation only increased, as its gratification by angry proceedings were persevered in; and when the supposed ostensible object had been set at rest, and conscious inoffensiveness was inducing me to suppose that animosity was subsiding, I am, without any reason assigned, or any that I can conjecture, expelled from the Netherlands Colonies, in which I have been an inhabitant for nineteen years; and what renders the act more remarkable, this expulsion is long before the expiration of the term assured to the British inhabitants of Java, by the Convention of Peace.

Having my Lord property engaged in commercial concerns, some landed property, and various other local affairs very inconvenient for immediate removal, the deranging injurious consequences to my private interests, are extremely distressing; and whilst I would in other circumstances have gone to Calcutta, the chance of obtaining redress in this new case, calls me no less urgently to Europe; but I am compelled, in the first instance, to repair only to where I can settle myself and dependents again in a temporary home.

It appears, my Lord, to me, however, that my attendance at Calcutta would be unavailing, until it can be for the settlement of accounts; which may perhaps be required more elaborate in detail than those already furnished; and if I should go before obtaining the governing answer, to enable me to supply what is to be considered essential, I should be obliged to go twice. I conceive the papers I now send up, to rectify so bulky, and to substantiate so indisputably, by corroborative testimony, the events and operating influences which composed the history of my unfortunate public engagements, that it would disappoint me if any verbal relations I could render, were to interfere with the deliberate impartial perusal, which I trust any written appeal will obtain.



When the harsh measure of the Netherland Authorities on Java, ordering me to withdraw, unexpectedly occurred, it excited, by being a solitary instance, the public curiosity; and an extraordinary whisper obtained circulation, through persons in stations so confidential as to merit attention; and so very unlikely to develop such secrets without some authority, that, although only a report which appears incredible, I cannot refrain from mentioning it to your Lordship; as, however false it may be, I, in consequence of it, suffer the mortifying aggravation to other injuries of retreating from the Society, under a defamation which I cannot refute; and for which my conscience does not allow me to believe that there can be any foundation, unless in some expressions which may possibly have been accidentally liable to perverted acceptance.

It has, my Lord, been assigned as a reason for the treatment, so contrary to national treaty, which I have experienced, that reference having been made to your Lordship's Government regarding me, and my pretensions to the landed property which had become a source of jealousy, an answer had been received, applying an expression so highly derogatory to my reputation, and injurious to my rights, that it has been deemed becoming, either in the political reciprocity proper to exist between friendly Governments, or from necessary attention to the purity of the Colony, to inflict upon me this sentence of ejection. If there be any truth in the report—if any correspondence has really taken place involving my name, or which could possibly be construed influential or vindictory of the injuries I have suffered in a foreign Colony—I urgently solicit that such correspondence may be communicated to myself; and appeal to your Lordship's justice, whether as an aggrieved Englishman, I am soliciting more than my right.

I must again repeat, that in mentioning this circumstance, I cannot conceive it possible to be founded on fact. Surely there was nothing, my Lord, in the correspondence between the British Commissioners and myself, to justify any such epithet as this report represents, to have been applied towards me; and I cannot suppose that the representations of the retired Java Government in Calcutta could have dared to convey any sense or impressions, so far from what appeared by that correspondence, of recorded communication;—but the more improbable the report appears, and the more your Lordship's Government is libelled by such representations, it becomes the more proper that your Lordship should know what this Government is capable of advancing, in its anxiety to extenuate a direct infraction of national faith.

It has thus been said that the Government of Java has corresponded regarding me with your Lordship; but even if this be false, I fear there is too much reason to believe, that it would not have been emboldened to commit in this act towards me, a political offence against the British nation, were it not from a cowardly persuasion, founded on the conduct of the last British Java Government, that I was a person not likely to claim national protection.

As still I have to apprehend the suffering under unfavourable impressions, even in the mind of your Lordship, from the long period in which I have been silent, the Java Government perhaps may still trust to avail of such injurious impressions in their justification; but apologies so disingenuous, I doubt not, your Lordship will feel too strongly not to resent:—and as the grievances of which I have to complain against the Netherland Authorities, have been so numerous and severe, as to induce me to solicit the mediation of his Majesty's Ministers in England to obtain redress, per-

haps your Lordship may be disposed to be acquainted with that part of my case. I forward by my Agent, therefore, copies of the most essential documents in evidence, on a full conviction, that your Lordship's protecting justice will cause such an information to be made to the Authorities in Europe respecting my case, as may shield me from suffering there, the effects of any premature judgment, pending the enquiry into the particulars of my present appeal to your Lordship. I know so well the vindictive spirit of the Dutch Commissioners, that they will endeavour to stigmatize my character, in such a manner as to prevent, if possible, my obtaining an immediate hearing from his Majesty's Ministers; and I respectfully request that your Lordship will take those measures to protect me against such injury, to which injustice and liberality I may appear entitled.

The Dutch Government have no just cause of complaint against me whatever; and the whole ground of their proceeding would appear to be, what they consider to be the opinion of my own Government. All I ask is, that until my own Government has formed its decision, whether I am right or wrong, I may not be injured by a Foreign Power, whose rivalry so nearly amounts to open enmity.

In concluding this appeal to the known justice of the high tribunal over which your Lordship presides, it may be proper to state, that although I attribute all my injuries and wrongs to the last British Authorities in Java, I by no means wish to impugn the purity of their motives. It was perhaps hardly possible for them to come into the field unprejudiced; and I was made the victim of a party, as intemperate as vindictive and illiberal. The circumstances of the times were also peculiar; it was perhaps difficult for a Government to act with its usual deliberation. One error produced many others; and hurry and prejudice soon accumulated an impenetrable barrier to the course of truth and justice.

Smarting under unmerited reproach,—my character aspersed by surmises of the grossest and most irreconcilable nature—I may myself have expressed my feelings with indignation. But now, that the spirit of party malevolence has in some degree subsided,—now that a calm and deliberate view can be taken of all the circumstances which took place,—a more correct judgment can be formed; and it will be found that my character and fortune have been most undeservedly violated and injured, by the extraordinary and incomprehensible proceedings of the Authorities, against whom necessity obliges me to appeal. All I ask is a patient hearing, and an impartial judgment. It will then remain for your Lordship to measure the reparation I ought to receive.

In order to satisfy Sir S. Raffles of the impossibility of my defending my cause with justice to myself before the present period, I have requested him to peruse the narrative to which I have alluded. Having been honoured with his confidence while he held the Government of Java, it is an object of the first importance for me to remove from his mind, impressions which the strange conduct of my adversaries may have made; and to prove to him that so far from avoiding enquiry and investigation, I demand and urge it—no less for the credit of his administration, under which I had the honour to serve, than in justice to my much injured character. If I could have been guilty of acts, which common report says have been attributed to me, I must have abused his confidence; but I believe Mr. Fendall will himself be ready to admit, that neither the Board over which he presided, nor its principal Officers, ever gave

much credit to these aspersions on my character. If they had, the least they could have done, would have been to have given me intimation thereof;—instead of which, the chief responsibility attempted to be attached to me, was confined to placing the blame on me, for the non-settlement of my accounts in Java.

I cannot, however, believe, that they can have conveyed any unfavourable impressions to your Lordship's mind; or that your Lordship could even have received one injurious to the honour and character of an individual, without giving that individual an opportunity of defending himself. If, however, such should have found its way to the records of Government, and any circumstances of which I am not aware have stood in the way of my being made acquainted with it, I appeal with earnest entreaty, that no farther time may be lost, in transmitting to me, whatever accusations stand unanswered against me. If I am accused, I desire to know of what I am accused; and I continue to protest against that indiscriminate judgment, by which I have so long suffered, which would involve me in acts for which I never can be responsible; and which, by confusing and accumulating in one heap things inconsistent with each other and with themselves, is made to fall on an individual, as the point on which the malice and violence of a disappointed party may expend itself. I ask that the political question of Banjarmasin may be separated altogether from a consideration of my case. The policy which dictated that establishment will, I doubt not, be advocated and maintained by a more competent authority.

I request to add, that however injurious and inconvenient it may be for me to proceed to Bengal or England, I am ready and willing to do either, whenever I know what the accusations against me are; or whenever the principle on which my accounts are to be adjusted is settled, and my presence may be thought necessary.

I have to solicit your Lordship's indulgence for any warmth of expression into which I may have been led, in detailing the injuries, or accounting for the treatment I have received. When the extent of the injury I have suffered is understood, I anticipate that I shall have credit for more patience than most men; but my wrongs have not been felt the less poignantly on this account; and it has been impossible for me to narrate many particulars, without stating the impression under which I acted.

I have the honour to be,

My Lord,

Your Lordship's most obedient humble Servant,

ALEXANDER HARE.

Batavia, 31st August, 1820.

P.S. Messrs. Ferguson and Co. are my general Agents in Calcutta; but I have prevailed on a Gentleman now at Batavia, Mr. Thomas Miln, who is about to proceed to Bengal, to act for me in this particular instance.

## C.

TO THE RIGHT HONOURABLE

THE LORDS COMMISSIONERS

*Of His Majesty's Treasury.*

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The MEMORIAL of ALEXANDER HARE, Merchant, late a British Inhabitant of the Island of JAVA, and now RESIDENT at the Cape of GOOD HOPE.

YOUR Memorialist, as an Individual who was entitled to the protection guaranteed by the Convention of Peace, to the British Inhabitants of the Colonies restored to his Majesty, the King of the Netherlands, is compelled to solicit your Lordship's attention to a detail of injuries which he has unjustly sustained from the Authorities of that Government in India, in direct violation of the guarantee so provided for British subjects.

Your Memorialist had been a Merchant, resident at Malacca ten years previous to the capture of Java by the British, and on that event had removed to Java, in which Island, and the immediate vicinity, he has constantly resided until very lately.

During the period of Sir Thomas Stamford Raffles' Administration of the Government of Java, your Memorialist had the honour of enjoying his confidence, and was appointed by him, and confirmed in such appointment by the Most Noble the Governor-General of India, Resident of Banjarmasin, and Commissioner for extending Commercial intercourse with the Malay States on the Coast of Borneo.

In this capacity, your Memorialist had the honour of negotiating on the part of the Honourable East India Company, a Treaty with his Highness the Sultan of Banjarmasin, ceding to the Honourable Company the Sovereignty of extensive territories. The Sultan of Banjarmasin was at the time an independent Prince; having been previously formally released by a specific act of the Dutch Government, from all claims or assumptions of European Sovereignty; that Government having withdrawn its establishment, and having renounced completely all connection there whatever. This peculiarity in the political situation of Banjarmasin, recommended it to Lord Minto and Sir Thomas Stamford Raffles, for the situation of a permanent British Settlement, which would not of necessity be involved in the future fate of the Dutch Colonies; and therefore, the Treaty with the Sultan fully recognised the principle of his entire independence of all European Power, the proofs of which were satisfactorily conclusive. Your Memorialist, who had been the medium of obtaining attention to the solicitation of the Sultan of Banjarmasin, for British connection, was engaged in the formation of a Settlement, and his private interests under arrangements with his Govern-

ment were connected, and in course of time, became deeply involved in the undertaking.

Your Memorialist accepted, with the sanction of the Authorities under whom he acted, a voluntary grant from the Sultan of Banjarmasin to himself, and his heirs in perpetuity, of certain lands situated on the Coast of Borneo; and, when the Authorities appointed by the British Government in India, for the restoration of the Dutch Colonies, thought proper to abandon abruptly the National Settlement at Banjarmasin, which had occasioned so much trouble and expense to render an acquisition permanently advantageous, and the cession of which, as before explained, was not included in the Treaty of Peace, nor necessarily consequent on the restoration of Java and its dependencies, your Memorialist continued from necessity to occupy, by his dependents, the portion of land which had thus become exclusively his personal property. Your Memorialist at that period had a ship commenced in consequence of his public engagements, half built on the spot, and considerable pecuniary investiture in other undertakings which could not be abandoned without ruinous loss.

Your Memorialist at the time of the British retirement from Java, was the owner of four merchant vessels engaged in the coasting trade of the Malay seas. He had likewise a large capital employed in commerce on the Island of Java, and various important private concerns unsettled; he therefore could not, without ruin to himself at that time, leave the Colony, and trusted that he might avail himself of the full period of six years afforded by the Treaty advantageously to arrange his affairs.

Your Memorialist, apprehensive that his independent rights on the Coast of Borneo, where the Netherland Government took early steps to re-establish its connection and power, might be viewed with jealousy, incompatible with the security of his property there, submitted the lands, under sanction of the British Authorities then present, for the occupation of the Netherlands Government, and even sued for its protection; but a disinclination was expressed on the part of that Government, to have the smallest connection with the spot, or even to extend to it ostensibly the protective sanction of its authority. To complete the ship already mentioned, on a spot thus singularly situated, and bereaved of National Protection, was contemplated by your Memorialist, as involving much difficulty, but perseverance could alone secure him from an immense pecuniary sacrifice, and he trusted that, if not benefited by the influence of the Netherlands Government, he might implicitly confide in its justice, not occasioning him to experience molestation.

Your Memorialist is, however, sorry to state to your Lordship, that his hopes of remaining unmolested were far from being realized; and he had reason from succeeding events to conclude, that the Netherlands Authorities' rejection of the option to protect the place, arose from a secret conviction, that your Memorialist would be driven by the difficulty of his situation, to an unconditional abandonment; but perceiving that the necessary intercourse, by means of your Memorialist's shipping, and the inoffensive conduct of the Native Government, rendered it probable that your Memorialist might continue to hold the place longer than might have been anticipated; an active enmity was commenced, and from the month of December, 1817, until your Memorialist was compelled to leave Java, he has experienced an unremitted and most vexatious persecution from his Netherland Majesty's Indian Government.

To convey marine stores, money and supplies from Java, required almost the con-

stant employment of a small vessel, which your Memorialist purchased and set apart for that object. This vessel was ordered for seizure without any cause assigned, and your Memorialist having supplied its place by another, it likewise was put under arrest; from that period one or other of your Memorialist's ships was always under seizure without any cause assigned. Of one of these small vessels, your Memorialist has been entirely deprived, and it is impossible for him to appreciate the vexation, trouble and loss which he has sustained from the interruptions in his affairs, occasioned by these detentions.

Your Memorialist's ship-building establishment was so situated, that it required to obtain its provisions, either by sea, or by purchase of the interior inhabitants of the Island; and when it is considered that these interruptions of maritime supply were contemporaneous with certain regulations of the Dutch Residency at Banjarmasin, interdicting inland communication, your Memorialist could not but conjecture, that a design was regularly formed to produce the destruction, or disastrous dispersion of his establishment. Fortunate accidents frustrated the plan, and by substituting one vessel rapidly for another, the support of the place and completion of the ship were accomplished.

Nor was the interruption of his vessels the only grievance which your Memorialist endured, he was with circumstances the most affronting, and without any alledged cause, placed under a species of arrest, and confined to Batavia, at a time when his private affairs urgently called him to another part of the Island. His Brother, who was connected with him in business, was about the same time likewise placed under arrest, equally without cause, when he was urgently desirous of taking his passage for Europe.

Your Memorialist, during the vexatious proceedings, made numerous applications to the Netherlands Government for redress, or an explanation of the cause, but his applications were treated with haughty neglect, or only obtained the most unsatisfactory and ambiguous replies. At last the object of these oppressive acts which your Memorialist long suspected, was openly disclosed, and your Memorialist received a verbal notice to remove his establishment from Borneo. Your Memorialist replied, that against the decrees of power he could only protest, but that as his property, to a large amount would be involved in the event, he required a written requisition of the Government to that effect. This was succeeded by a period of silence, and your Memorialist remained in a state of the utmost anxiety; apprehensive that every day would produce intelligence of some violent proceedings destructive of his property, if not involving some more serious consequences.

About this time, Sir Thomas Stamford Raffles arrived at Fort Marlborough, and your Memorialist's state of anxiety, induced him to write to that Gentleman officially, as the nearest British Authority, reciting his various grievances, and entreating him to interfere in his behalf. Your Memorialist is of opinion, that the Landed Property on Borneo, to which he conceives he has an indisputable right, from its situation and capabilities, might be valuable as a national possession; and, therefore, in this letter to Sir Thomas Stamford Raffles, your Memorialist requested him to forward to his Majesty's Ministers, a tender of all his rights in the land. This letter is almost the only communication, public or private, which he had with Sir Thomas Stamford Raffles after the return of that Gentleman from Europe, and during your Memo-

rialist's residence on Java. Whether Sir Thomas Stamford Raffles forwarded it to the proper Authorities in Europe, your Memorialist is ignorant, but has reason to believe some communication on the subject was made to the Netherlands Authorities; which, perhaps, produced the succeeding events. Soon after this, your Memorialist received intelligence, that a Military expedition had taken formal possession of the lands and all your Memorialist's property thereon, in the name of his Majesty the King of the Netherlands. Against this act your Memorialist's Agent publicly protested, maintaining your Memorialist's rights.

Your Memorialist might naturally have concluded, when the object of jealousy was removed, that his injuries would cease, but on the contrary, they continued without intermission. One of his ships, called the *Betsy*, was without any cause assigned, detained four months in the harbour of Batavia, and interdicted communication with the shore, until the cargo was materially injured. His new ship the *Borneo*, before alluded to as building, which had now reached Java, and was proceeding to take her cargo for Europe, was likewise placed four months under detention. His schooner, called the *Moluko*, experienced similar interruptions; and another schooner, called the *Elizabeth*, had at this period been about nine months rotting under seizure without assigned cause, at an eastern port of the Island.

Your Memorialist endeavoured repeatedly on these, as on former occasions, in the most respectful manner, to call the attention of the Netherland Authorities to these unprecedented proceedings, under the full conviction that they arose rather from the abuse of official subordinates, than from the specific direction of superiors; but could never obtain the slightest notice to his appeals, and when the ships were released, no acknowledgement of error, or explanatory vindication of these detentions was made.

New Port and Alien Regulations were enacted, which in various ways materially affected the personal immunities and interests of the British inhabitants of Java, and at once excluded from the coasting trade of the Island, every ship bearing a British flag. How far regulations, so much altering the value of property belonging to British inhabitants,—restricting their facilities of Commerce, and levying such heavy duties on their Imports, previous to the termination of the six years unmolested residence, guaranteed to the British inhabitants—were consistent with the terms of the Treaty, or the reciprocal conduct of the British to the Dutch, under similar circumstances in ceded Colonies, your Memorialist cannot presume to decide; but your Memorialist suffered most severely by the enactment of these regulations, having, by their operation, had the vessels before mentioned, completely thrown out of employment. To enjoy the free trade of the Coast, required to bear the Netherland colours, and none but Dutch Citizens could own Dutch ships. Many of your Memorialist's Countrymen in this dilemma, and to avoid the other restrictions of the regulations respecting Aliens, solicited letters of Citizenship; but when your Memorialist stated his grievances, and humbly solicited to be so qualified, on to enjoy some relaxation of the regulations in favour of his ships, he received after a long silence, a peremptory order, dated on the 4th of March, 1819, long before the expiration of the six years guaranteed by the Treaty, to leave the Island of Java, and all the Indian Colonies of his Majesty the King of the Netherlands, in six months from the date of the order.

With this mandate, in absolute violation of the letter and spirit of the convention of Peace, your Memorialist was compelled to comply. He was driven abruptly from his affairs; forced to leave debts unrecovered to a large amount; ships in the management of others; houses and land in Java and Malacca unsold; accounts unsettled, and Commercial property of various descriptions scattered on the Island. He was obliged to remove to the Settlement of the Cape of Good Hope with his domestic establishment at a great expense; and relinquish entirely, or trust to the hazardous completion of Agents, numerous mercantile engagements from which he had every reason to anticipate advantage. Your Memorialist declares that his losses in consequence of this oppressive decree, have been already very great, and he is sorry to say he cannot yet appreciate what may be their probable extent.

Your Memorialist was perfectly unconnected with public affairs. He can most solemnly assure your Lordships, that he neither directly nor indirectly interfered in the political affairs of Java, and the other Dutch Colonies after they had been transferred to his Majesty the King of the Netherlands. His prospect of obtaining attention to the value of a settlement on the Coast of Borneo, becoming almost hopeless, he became anxiously intent on terminating his undertakings there, and withdrawing his property from that Island; and therefore endeavoured, by every means in his power, to avoid any acts or appearances which could be considered obnoxious to the ruling Government, to whom he was sincerely well affected, and whose favourable regards he was anxiously inclined to conciliate. For the truth of this assurance he can with confidence appeal to every British inhabitant on the Island of Java.

The remarkable conduct of the Commissioners of his Majesty the King of the Netherlands, and Governor-General at Batavia, which has occasioned your Memorialist these very serious causes of complaint, may be attributed, perhaps, to mistaken impressions; but impressions so extremely inexcusable from being unsupported by any single instance of the smallest culpability on the part of your Memorialist, that only jealous minds, seeking confirmation of suspicion in the surmises of sycophant espionage, would have been induced to indulge.

From rumours of your Memorialist's former habits of intimacy with Sir Thomas Stamford Raffles, together with his remaining possessed of land on Borneo, after the British Government had retired, which they might suspect would at some future period become an object of national adoption;—from an excessive jealousy arising from the disputable public proceedings with the Malay States, in which their avidity for Commercial monopoly had rashly engaged them, and ultimately from the consciousness of having inflicted causelessly such a series of injuries as must make your Memorialist resentfully appellant, a spirit was produced against your Memorialist, vindictive and imprudently passionate.

About the time that this erroneously vindictive spirit was at its extreme, the Baron Vander Capellan had written to the Bengal Government, virulently complaining against Sir Thomas Stamford Raffles and your Memorialist, as his secret emissary for undermining the Government, through your Memorialist's supposed connections in the native States, with whom its judicious Policy had been involving it in circumstances of difficulty. These charges are of so licentious a nature, so injurious to your Memorialist's interests, and so entirely unfounded, as to entitle him to indemnification, even if he had no other cause of complaint; but any mischief that could be effected by



malicious representations, is but trivial to the series of absolute losses which the authorities of his Majesty, the King of the Netherlands have occasioned to your Memorialist.

Sir Thomas Stamford Raffles was called upon for explanation by the Marquis of Hastings's Government, and circumstances accidentally rendered the whole accusation so entirely refutable, both by him and your Memorialist, to the perception of that Government, that satisfactory documents are on their way home, which must completely expose the groundlessness of such an aspersion; and your Memorialist trusts his Lordship will also communicate his sentiments with regard to your Memorialist, and the circumstances which have undeservedly involved him in such a persecution.

Every notion that the Netherlands Colonial Authorities appear to have entertained, or to have divulged regarding your Memorialist, has been absurdly erroneous, and the evidence of his entire innocence of any act that could justify provocation, or even of the holding sentiments which could be deemed offensive, is so perfect, that he earnestly requests of your Lordships, if, when pressed by this appeal, any more of their baseless surmises are brought forth to palliate foolish errors by recourse to libellous imputation, it may not be passed over in silence, but fully communicated to your Memorialist through his Agents, as the complete exposure of fictitious slander cannot, it is to be hoped, be difficult.

Your Memorialist conceives that the two articles in the Treaty of Peace, which his Majesty's Ministers wisely provided for the security of the British subjects and their property on Java, have been both flagrantly violated in the injuries he has received; and as such, that your Lordships would not have deemed your Memorialist to perform his duty, had he not made known his complaints.

But it is not only the Treaty of Peace which has been violated in the acts against which he appeals, but the generally received principles on which nations at amity are governed in their reciprocal conduct towards the subjects of each other. If the ships of your Memorialist had infringed any regulation established on Java, your Memorialist conceives he had a right to have had the act well established before a legal tribunal. But the ships of your Memorialist have suffered detention and seizure without any legal adjudication whatever; and therefore, your Memorialist confidently trusts that your Lordships will not by inattention to his appeal, countenance conduct inconsistent with Commercial security.

Your Memorialist in soliciting your Lordships to procure him indemnification from the Government of his Majesty the King of the Netherlands, for the injuries he has received as a British Commercial inhabitant of Java, urges his claim to attention on grounds common to every British subject who might be so aggrieved; but he likewise conceives he has peculiar claims to your Lordship's interference in his favour to obtain indemnification for the Landed Estate on the Island of Borneo, and property thereon invested, which have been contrary to all justice or legitimate pretext, forcibly taken from him by his Netherland Majesty's Indian Government.

The convention of Peace could not include the surrender to the Dutch of the British possession at Banjarmasin, like a dependency of Java; as the Treaty between the Sultan of Banjarmasin and the British, deprived the latter of any such power, and it therefore was not attempted by the British Authorities entrusted with the evacuation. These Authorities proceeded to terminate their connection with Banjarmasin,

under, as they represented, such peremptory definite orders, as precluded the least delay in removing the British flag, or consideration of the invested interests of your Memorialist. It cannot be supposed that the interests of your Memorialist came under the consideration of those who had given them such orders to abandon, or there would have been some authorization to indemnify him, if a sufferer by the public acts. The Local Commission, however, declining to take upon itself to award indemnification, or to make any provisional arrangement, cautiously avoided affecting his rights, and your Memorialist remained protectively recognized by the British Commission on its departure, in friendly relation with the Sultan, and for a year and eight months without being deprived of his possession by the Dutch.

In an audience which your Memorialist had with their Excellencies, the Commissioners General of his Majesty the King of the Netherlands, by recommendation and permission of the British Java Commissioners, your Memorialist stated fully his rights in the lands alluded to, and the nature of his investiture there; expressing his hopes, that if they inclined to occupy, they would award some equivalent, and if not, that your Memorialist might remain on an amicable understanding with the adjacent Dutch Government. They expressed the proposal to be candid and reasonable, and what occurred at this interview, with their immediately subsequent conduct, was considered by your Memorialist, as amounting to a recognition of his indisputable rights, and he felt fully assured of his security.

If, therefore, reliance on the early British Authorities on Java had deluded your Memorialist into involvements, and the succeeding Authorities have allowed his Interests to fall a sacrifice, your Memorialist presumes to hope that his country will in the event, acknowledge that he did well in preserving the option of occupation, or exclusion from the Coast of Borneo, for the calm consideration of those able to take more extended views of the National Interests. For, it has been seen, he kept possession from his own resources alone, in spite of desertion, and the jealous malice of a rival power, until there was ample time for the British Government to have been informed on the question, and sent to relieve him had it thought proper.

The Netherland Colonial Government, by a direct violation of right, has deprived your Memorialist of the possession of his property; but he conceives it yet rests with the British Government to sanction the violence, or afford that protective opposition to it, which, as an aggrieved subject, your Memorialist humbly presumes he has a right to claim.

Your Memorialist, therefore, solicits the interference of your Lordships in obtaining indemnification for injuries, with reimbursement of his losses occasioned by the Netherlands Government in expences, or investiture since the retirement of the British Establishment at Banjarmasin, and adequate to the sacrifices of fortune in various ways, which the possession from first to last, has occasioned your Memorialist. He likewise claims its present intrinsic value, determined by precedents, and such estimation, as the opinions of impartial judges can satisfactorily form; or if the Netherlands Government be not inclined to retain, and afford an equivalent, that it be required to restore the place and property thereon to your Memorialist.

Your Memorialist is aware that the policy on which the British establishment was formed at Banjarmasin, did not meet with that approval by the Superior Authorities which was requisite for producing advantageous results; but your Memorialist feels

it his duty, humbly to declare his full conviction, that the value of that situation to British Commerce, was not well understood; and that no more eligible position in those seas, from natural fertility of soil, facility of tranquil influence, proximity to numerous and important populations, and general Commercial capabilities, could be selected. The extensive territories which were ceded to the Honourable Company by the Sultan of Banjarmasin, and thereby become National property, have been abandoned without equivalent; but your Memorialist has casually been left the legitimate Proprietor of a certain adjacent, and not inconsiderable portion of territory, most advantageously situated; fully adequate for national objects, and now almost the only spot in those seas to which the Dutch cannot advance plausible pretensions.

It would unnecessarily swell the length of this Memorial, to enumerate the various advantages of the district in question; but it may be proper to remark, that it is situated 1,500 miles eastward of any other British Settlement; that it has navigable rivers and safe ports; that it includes the best mining grounds on that side of Borneo; abounding with gold and diamonds; and that it is on record, that it formerly annually produced 30,000 pekuls of the finest pepper.

As a British subject, the rights which an independant Prince has voluntarily conferred on your Memorialist, vest by the laws of his country in his Sovereign; a foreign nation has assumed them; but as a British subject, he cannot but confidently trust, that whether the present improper assumption of it be considered a national or individual injury, the influence of his Sovereign will be exerted in producing indemnification or restitution.

Although obliged to appeal against the Netherlands Colonial Authorities, your Memorialist has no doubt that the Government of his Majesty, the King of the Netherlands, would afford him justice; but your Lordships will perceive, that the nature of the case in several respects compels him to trust only to obtaining indemnification through the Ministers of his own Sovereign.

Your Memorialist thought it his duty to draw up his grievances in form of notarial protest, and to transmit it to the Baron Vauder Capellan, Governor-General of Netherlands India; a copy of this document, and accompanying letter, your Memorialist takes the liberty of attaching to this Memorial, Nos. 1 and 2.

It is with much concern that your Memorialist is prevented from proceeding to Europe, to be present when an affair of such moment to him is pending; but it is one of the many mischiefs he has suffered by the injurious interference of which he has to complain, that concerns of equal importance to him have been delayed, which require his visiting Bengal. Your Memorialist's Brother, however, who happens to have been a witness to all these transactions, returns to Europe with illustrative documents and notarial evidence of the several facts. He will be equally adequate to attend, and elucidate what may be necessary. Your Memorialist, therefore, can, if allowed the opportunity, both by verbal and written evidence, prove to the satisfaction of your Lordships the truth of all he has herein stated.

Your Memorialist cannot but apprehend, that the Authorities in Europe of his Majesty the King of the Netherlands, may attempt to justify the conduct of their Colonial Government, by alleging that your Memorialist was a person disaffected to their Government, and carrying on intrigues inimical to it.

Your Memorialist is led to anticipate this from understanding that Sir Stamford

Raffles, when in Bengal, about the end of 1818, was called upon by the Supreme Government to answer on some violent passages of accusation by the Baron Vander Capellan, against him for holding a seditious connection with your Memorialist; and that Sir Stamford Raffles wrote in reply, that he had never had any correspondence with your Memorialist, but that of receiving and transmitting to the Authorities in Europe, your Memorialist's proffer of his lands on Borneo.

Your Memorialist has farther understood, that the Bengal Government wrote to the Baron Vander Capellan on the above letter; stating that it had in consequence called upon Sir Stamford Raffles who had satisfied them, that he had never had any correspondence with your Memorialist, except on the occasion above stated.

Your Memorialist has furnished Sir Stamford Raffles, at his request, with an affidavit on his part, confirming the statement that no communication between them had taken place; and your Memorialist submits herewith to your Lordships, documents farther corroborative of that point.—(See Nos. 3, 4, 5 and 6, of enclosures.)

In conclusion, your Memorialist has earnestly to entreat that your Lordship will be pleased to give an early and favourable consideration to the peculiar hardships of his case; and procure for him restitution of his rights, and such other redress, as your Lordships shall deem adequate to his losses and injuries.

(Signed)

A. HARE.

June 1, 1821.

## ENCLOSURE NO. I. TO THE PRECEDING

### MEMORIAL.

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Copy of a PROTEST forwarded from the Cape of GOOD HOPE, August, 1820, to the Baron VANDER CAPELLAN, by ALEXANDER HARE.

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### PROTEST.

I, ALEXANDER HARE, formerly Commissioner for Borneo, and Resident at Banjarmasin, for the Honourable British East India Company, and subsequently residing on Java, since the restoration of that Island to his Majesty the King of the Netherlands, under Privilege of the Convention of Peace, existing between the British and Netherland nations, having sustained a series of injuries, from his Netherland Majesty's Colonial Government of the said Island; hereby Protest against the following acts of their Excellencies the Commissioners General, and the Baron Vander Capellan, Secretary of State, and Governor-General of Netherlands India.

I. I Protest against the detention of my schooner called the *Moluko*, in the harbour of Rembang, on the 22d of December, 1817; when she was refused a port clearance, to proceed according to my orders, until my Agent and another person, had entered into a Bond to produce her again should Government require it; and I Protest against the act of exacting that Bond by which she was so released, as being unprecedented, and without sufficient cause assigned.

II. I Protest against the order of his Excellency the Baron Vander Capellan, dated 31st January, 1818, by which my Brother, Mr. JOHN HAKE and Mr. JOHN DIXON, were placed under Civil Arrest; and remained under such restraint for more than two months, until their Memorials exposed the unjustifiable nature of the measure. I Protest against this act, as being entirely without just cause. The only pretext assigned, was infraction of the Bond above mentioned, concerning the *Moluko*, and this pretext is proved by the mere perusal of that Bond, to have been entirely contrary to the truth. I Protest against such act, as being not only unjustifiable in fact, but contrary to the laws of the Colony, in the matter not being submitted to the decision of a legal Court; and directly infringing the article of the Treaty of Peace between Britain and the Netherlands by which Englishmen so situated, are assured security from molestation in person and property.

III. I Protest against the arbitrary detention of my schooner the *Moluko*, by order of the Batavian Government, in the harbour of Rembang, from the 11th May, 1818, until the 15th July, ensuing, when she was released. I Protest against this, the

second detention, as having taken place without any cause submitted for legal investigation, or even distinctly assigned.

IV. I Protest against the order of the Secretary of State, and Governor-General of Netherlands India, dated on the 28th November, 1817; by authority of which, my schooner *Elizabeth* was placed under seizure by a Netherlands Government gun brig, at *Banjarmasin*, without any cause established or even assigned; and afterwards detained under seizure by the Resident of *Rembang*, from the 12th August, 1818; by which detention, I am informed, she has long since been rendered unserviceable. I Protest against the seizure of this vessel, as being arbitrary, and without legal adjudication of the cause; which, as a British subject, or even inhabitant of *Java*, I had a right to expect; and I maintain myself justified in not availing of the spontaneous communication of the *Java* Government of April, 1819, empowering me to receive back, as released, the said schooner *Elizabeth*, after her having been nine months rotting in charge of the Government Authorities. I therefore Protest against Government for the entire loss of that vessel; which I know, on the best authority, to be immovable, without costly repairs, long before this tender of restitution.

V. I Protest against these several arbitrary detentions of my vessels, the *Moluko* and *Elizabeth*, not only on account of losing their usual beneficial employ, but as being deprived of the services for which they were entirely maintained, that of carrying stores and other supplies to my establishment at *Kuraou*; by which peril, expence and distress, were incurred by my dependents there, and other more expensive vessels diverted from their employment, to be appropriated as substitutes; all of which distressing alternatives have prolonged the period of building the ship *Borneo*, and seriously enhanced its charge. The truth of these injuries is fully explained and established by the depositions of my Brother Mr. John Hare, Captain Martin, and Captain Hill.

VI. I Protest against their Excellencies the Netherlands Commissioners, and the Baron Vander Capellan, Secretary of State, and Governor-General of Netherlands India, for the conduct of the Officers of Government, acting under their authority at *Banjarmasin*, towards my Agents and dependent population, comprising the settlement of *Kuraou*, and in whatever way injuring my interests in the lands of *Moluko*, *Laout*, and *Liangangan*, as set forth in the depositions of my said Agents; and I protest distinctly against the said vexatious conduct, together with that already stated, for enhancing the cost of supplies, and generally increasing expences in building the ship *Borneo*.

VII. I Protest against the Netherlands Colonial Government of *Java*, for assuming in the year 1816, and subsequently, any authority over the lands and plantations at and adjacent to *Tobanyau* on the Island of *Borneo*.

VIII. I confirm, and hereby most solemnly declare, as approved, and equivalent to my own act and deed, the Protest made and delivered by my Agent, Mr. J. C. Ross, to the Resident of *Banjarmasin*, for transmission to his Government, against the forcible capture and occupation of my lands on the Island of *Borneo*, denominated the lands of *Moluko*, *Laout*, and *Liangangan*, with the seizure of all my property thereon; and I hold them responsible, not only for the loss of such lands and property, but for all the injuries to my rights, and all the consequent losses from Investiture or Expediture, both before and since, which have to me therefrom accrued.

I Protest against the said act of violence as in itself an unjustifiable aggression ; but, I Protest against it also, for the increased loss and injury unnecessarily occasioned from no intimation on the subject having been notified, during the time that the British Authorities remained at Batavia, adjusting unsettled points, with their Excellencies, for ten months subsequent to the establishment of the Netherlands Authority at Banjarmasin ; and when their Excellencies, from the most indubitable sources of intelligence, must have clearly known my situation and claims. My establishment in independence, was in the presence of both the Netherlands and British Commissioners on the spot ; the latter assisting my Agents by selling them the arms which were to protect my said property ; and the former, while equivocally refusing a professed conditional occupation, not asserting any pretension to an unconditional surrender.

By this vexatious silence of their Excellencies in not notifying objections, if such were then entertained, to my publicly asserted rights, I was induced to proceed in the building of a ship, rendered, from its situation, under the change of affairs, unusually costly ; and also induced to sink expences on the improvement of a place, which, had their Excellencies assumed, or declared their right to assume at that time, would have assured me the mediation of the British Authorities. But, on the contrary, fifteen months after the formation of my establishment, when left without any Government protection, to which formation of an establishment, the refusal of the Netherlands Local Authorities to afford protection had obliged me, and ten months of which time the British Competent Authorities had remained in Batavia,—their Excellencies the Netherlands Commissioners General, received written communications from me, of my distinct maintenance of right of possession, independent of any European Sovereignty but that to which I am naturally subject ; and they, themselves, transmitted to my Agent at Kuraou, an open letter of instructions exacted from me by them, in which I clearly and specifically reserved the integrity of those rights. Three months after their obtaining that letter, an intimation was made to me by their Excellencies' express direction, threatening to require the removal of my establishment ; and on my answer, declaring my intention to have recourse to Protest in case of any such interference, the threat was explained away, by equivocation, and apparently receded from. A period of silence again elapsed, and then, twenty-two months after the formation of my establishment, and when I had been rapidly, during the whole period, involving deeper and deeper my property, personal interest, and exertions in the improvement of a place, which circumstances now shew, I had a right to expect, would prove ultimately of most important realizable value, I am forcibly bereaved of it, by military seizure, at a time of national peace, and presumed cordial amity ; when a subject, peacefully situated in neutral territory, being in all situations, amenable to the supreme Government of his own country, has a right, under a decision of that Government, to remain unmolested by any amicable power whatever ; and, I therefore Protest against any acts of military force affecting myself as a British subject, before such reference had taken place, as an act of unwarrantable hostility against my Sovereign, whose right it is to be consulted, and whose parental duty and practice it is, to allow no injustice or violence to be done to his subjects, however remotely situated, by the arbitrary acts of the subordinate authorities of another Power.

I farther Protest, and declare against the truth of all apologetical allegations which may be made, that my Agent has improperly used British National Colours, or otherwise been guilty of any offensive conduct whatever; and I can produce, if requisite, the sworn depositions of himself, and others, to refute any such representations. I declare, from my own personal knowledge of the Sultan of Banjarmasin's sentiments, interests, and rooted feelings, and from the testimony of my Agents, who have enjoyed later opportunities of observation, that any pretence which has, or may be made of his Highness having spontaneously coincided in the aforesaid Netherlands assumption, must be contemptible fabrication,—the opinions of his Highness, to my knowledge, being decidedly incompatible with real concurrence in any point of interest whatever, with the Authorities to which he finds himself at present subjected.

IX. I Protest against his Excellency the Governor-General of Netherlands India, for the restriction of my personal freedom, by an order which was in force several months in the year 1818, preventing my departure from Batavia; and for which, though repeatedly solicited, no reason was ever assigned. Contemptuous exclusion from personal access, and silence to written applications, rendered this extraordinary imprisonment a state of insult, and distressing apprehension. The order complained of was aggravating from its affronting publicity, and its humiliating disregard to proper observances. It was announced to me in the evening by abrupt stoppage at the water side, after my baggage had been sent off;—the ship by which I had engaged my passage being to sail during the night, and after my name as an intended passenger had been regularly reported to Government through the usual officer, six days before. It was likewise unnecessarily degrading in its execution, from the peculiar vigilance having been adopted, of an embargo being placed on all boats until inspected. I Protest against this act of his Excellency the Governor-General, and for all the injurious consequences to my affairs from this detention at Batavia, prolonged likewise, and rendered peculiarly irksome, by the requisite attendance, during pending applications, occasioned by my vessels being constantly under detention, and in endeavouring to rectify or prevent the mischiefs thereby occasioned.

X. I Protest against the arrest, or as it was officially termed “sequestration,” and ruinous interdiction of intercourse with the shore, to which my ship the *Betsy* was subject, from the beginning of December, 1818, to the middle of April, 1819; with all the losses and injurious consequences both to ship and cargo, accruing therefrom; as are fully substantiated by the deposition and protest of Andrew Roy, the Commander of the said ship, and of my Brother, Mr. John Hare, and other persons, together with the Correspondence between the Officers of Government and myself thereon. I Protest against this act, as upon investigation by the Port Officers, it was acknowledged that no reason could be discovered; and the ship was accordingly released without any being assigned.

XI. I Protest against the Authorities of the Netherlands Government at Sourabaya, in not divulging to the Commanders of my ships, the *Bornéo* and schooner *Moluko*, on their arrival there, in the month of January, 1819, that there was an order of Government existing, which, it was afterwards stated, had been sometime previously received at that Port, for the detention of the said vessels. Owing to this neglect of imparting the information immediately on arrival, the Commander of the former incurred expences, which he otherwise would not, for effecting the passage to Batavia,



as explained in his deposition and protest, by a route unnecessary, a little later in the season; and which more expensive equipment was rendered futile, by his being afterwards, when ready for sea, refused permission to sail, until answer to a reference could be obtained from Batavia.

XII. I Protest against the Batavian Government for any order of detention against the *Borneo* or *Moluko*, which, according to the said Port Officer of Sourabaya, had been received there, and on which the said vessels experienced demurrage. I Protest against such order, as entirely without legitimate cause, or reasons possible to imagine.

XIII. I farther Protest against his Excellency the Baron Vander Capellan, Secretary of State, and Governor-General of Netherlands India, that after my said ship the *Borneo* had been released at Sourabaya, and arrived at Batavia, she was kept three months in the harbour unable to leave, and under such uncertainty, that no engagements, or preparatory arrangements, could be formed for her employment; as Government during all that time, kept the papers of the said ship, viz. a regular British Plantation Pass, &c. submitted merely for inspection, without any reasons being assigned, or reply being made, to applications for their return. I Protest against this detention of the ship *Borneo*, and I hold the said Government responsible for the heavy demurrage thus incurred.

XIV. I Protest against their Excellencies the said Commissioners General, for having instituted Port regulations, preventing the employment of my vessels, hitherto deriving their maintenance and gains in the coasting trade of that colony alone. By excluding them abruptly from that employment, for which and no other I possessed them, only one of them, and that eight years before, having ever been out of the colonial, or adjacent seas, until these abrupt regulations were promulgated, and the whole having been ever since, even when at liberty from the other oppressive acts of Government, the arrests and detentions to which I have before alluded, quite out of my power to employ in any other trade. I therefore Protest against the losses of being compelled to transfer some by disadvantageous sales, subject to duties and charges, and the demurrage consequent on effecting such sales; whilst, from being unable to sell one of them, or get her employment under the new restrictions, she has long been completely idle. I also Protest against their being excluded from the peculiar advantages which have accrued at this juncture, to vessels enjoying a free Coasting Trade, by the late increased demand for Colonial tonnage.

I Protest against these regulations as direct injury to the property of a British subject, for which no exception was by Treaty provided; and for evading which, my humble proposal of soliciting to be qualified for holding vessels with Netherlands Colours, previous to the expiration of the term in which I am by right of National Treaty entitled to the same privileges as naturalized Citizens, or at least to enjoy my property under the same advantages as before the Treaty, was refused; and I equally Protest against any newly enacted regulations or restrictions, during the term secured to British subjects by the said Treaty, affecting my personal freedom in any respect, by the least distinction in privilege between those enjoyed by British subjects remaining entitled from previous residence in Java, and those enjoyed by Netherlands subjects.

XV. I Protest against the Governing Authorities of Netherlands India for the direct violation of the Sixth Article of the Treaty of Peace, between Great Britain and the Netherlands; which, since the year 1817, they have never ceased to commit, by a continued oppressively distressing conduct towards me; ever alarming to personal security from the jealousy by which it appeared to be actuated, and the violence of which there were indications of its being capable; terrifying by the assumption of a pride, above assigning reasons, cautiously evasive of documentary commitment, slightly or intentionally dilatory to application and vexatious, frivolous, and baseless, in all its attempted pretexts. The persecution against which I now Protest, had its source alone in vindictive personal jealousy, and was nurtured by an ignorance suspicious of evil disposition, in the subjects of a power, from whom the unconscious sincere servants of friendly allies, had no fair grounds for such ungenerous apprehensions; and the injuries I have suffered, and against which I now Protest, are, I presume, clearly designated by the article of the Treaty which secures the British subject from persecution for attachments, connection, or political sentiments.

XVI. I complain of having suffered injuries from a malicious but cowardly spirit, which hesitated long on the violation of attacking one main object of its jealousy, and adopted the indirect course of annoyance on other pretences; distracting me so continually with subjects for complaint and apprehension, that the attention requisite to secure my private affairs from injury, much less embrace the opportunities which have daily offered for improving them, has been entirely out of my power; and the accomplishment of one most material object, a duty to myself and the British Government, materially affecting my fortune, has been greatly impeded by the incessant harassing applications to the Batavian Government, and the before-mentioned actual detention, never allowing me satisfactorily to return from Batavia, to my home at Rembang, or travel to different parts of Java; much less revisit Banjarmasin as I intended, and as was requisite for my interests. As a servant of the late British Government of Java, left with a duty to perform in which my interests were importantly concerned, being the completion of accounts of claims for certain indemnification to be allowed me, from the hurried circumstances under which the British Establishment at Banjarmasin was withdrawn,—I Protest against the vexatious conduct of their Excellencies, that has so embarrassed my mind, engrossed my time, and restricted my liberty, as almost entirely to frustrate my attempts at the due execution of this essential task; and I declare them justly liable for all the losses which have been, or may be incident from this, and the other injuries which I have suffered.

XVII. I Protest against the conduct of the Batavian Government, for daring to represent me to the Supreme British Authority in India, as a disaffected person to the Government of his Majesty the King of the Netherlands; and as carrying on correspondence with a person high in British Authority, for purposes inimical to the interests of the Netherlands Colonies. I Protest against this conduct as founded entirely in falsehood, and not only highly discreditable to the character of myself as a British subject, but equally to the justly distinguished and honourable individual, who was implicated with me in the accusation.

XVIII. Finally, I Protest against his Excellency the Baron Vander Capellan,

Secretary of State and Governor-General of Netherlands India, for his order of the 4th March, 1819, expelling me from Java, and forbidding my residence at any of his Netherlands Majesty's settlements in India.

I Protest against it as an inhabitant who had been eighteen years domiciled in the Colonies; possessing Freehold Property and Dependencies, both at Malacca, and on Java, with debts due to me to a large amount not immediately extricable; and considerable funds invested in trading property, which, together with my remaining shipping, could, under such circumstances, only be left entrusted to the care of Agents.

I Protest against it as a British merchant engaged with my connections in England, in an established commerce to and from Batavia; which the security of my personal superintendence was requisite to render eligible, and which my sudden departure must naturally tend much to discourage, if not terminate; commanding means, from my long establishment and connections, of employing capital in the advantageous trade in produce, which the Colony of Java happened pre-eminently to offer to any individual so circumstanced.

I conscientiously declare myself unable to specify here, all the probable ramifications of mischief which I may reasonably apprehend from the oppression against which I now Protest. To be frustrated in my various plans, and compulsively driven from my intentions, is the least of the evil. None but those intimately acquainted can accurately conjecture the extent of the losses to which I am thus unjustly and unoffendingly exposed. The commercial society of Batavia, can, however, confirm the truth of my sacrifices, and the commercial world in general their probability. The merchant who knows the tedious personal assiduity required to settle advantageously commercial accounts, may conceive the injury of being suddenly torn from such affairs, and the ship-owner, who has endured the incalculable evil of shipping demurrage, may appreciate generally, the severity of that part of the persecution I have experienced.

Not only therefore, on my own individual account, but as a duty to the commercial community of my country, who, from residence in a foreign Colony may be exposed to similar treatment, I deem it proper to make this formal Protest against a series of acts, the recurrence of which, I conceive it is essential to the reciprocal personal security requisite for the beneficial intercourse of nations at amity to prevent in future.

At Batavia, the 4th day of September, 1819.

(Signed)

A. HARE.