

## LAWS OF THE MOROS\*

Najeeb M. Saleeby

### General Introduction

The Mohammedan conquerors of Mindanao and Sulu established a new form of government planned on lines similar to those of the Arabian caliphate, and adopted written codes of law for guidance in the administration of the state. In all probability the art of writing was not known in Mindanao and Sulu prior to the Mohammedan invasion. The author has no knowledge of the existence of any written law among the pagan tribes of Mindanao, nor of any written material that antedates Islam in Mindanao or Sulu. The Moros are not savage, though they seem so at first sight. As early as the end of the fifteenth century they could read and write. Mohammedanism encouraged education and invited learning. The Arabic alphabet was applied to the Mindanao tongue, and old Arabic and Malay books on religion and law were translated into the native Magindanao and Ranao dialects. The Moros of Magindanao have translations of the Quran, Hadeeth, some books on law, some commentaries on the Quran, some magic, and other varied literature. Their original writings in the Magindanao tongue consist of many genealogies and stories.

The Sulu Moros have done the same. They acted independently, but on the same general lines.

The languages of Mindanao and Sulu are members of the general Malayan family of languages, but they differ so much as to render intercourse impracticable without an interpreter. The Moros are several tribes, and each tribe differs as much from the others as the Visayan and the Ilocano and the Igorot tribes differ one from another.

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\* From Najeeb M. Saleeby, *Studies in Moro History, Law and Religion*, an "Ethnological Survey Publications" number, Vol. IV, Part I (Manila: Dept. of Interior, 1905), pp. 63-100. Courtesy of Ateneo de Davao College Library.

Also reprinted in one volume with "The Island of Mindanao, by Antonio Martel de Gayangos, Vol. XXIV (Manila: Filipiniana Book Guild, Inc., 1976).

The laws of these tribes are different. They came from similar sources, but they were worked out and compiled separately and independently. The present chapter includes the best official codes of Magindanao and Sulu. The manuscripts themselves are undoubtedly authentic and complete. Every care has been taken to render the translations as accurate and complete and useful as possible.

The Moro Problem: An Economic Aspect  
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The languages of Mindanao and Sulu are distinct from the general Malay family of languages, but they differ so much as to render intercomprehension almost impossible without an interpreter. The Moros are several tribes, and each tribe differs as much from the others as the Visayan and the Ilocano and the Igorot tribes differ one from another.

\* From Joseph M. Seligson, Studies in Moro History, Law and Religion, an Ethnological Survey Publications, number, Vol. IV, Part I (Manila: Dept. of Interior, 1902) pp. 23-100. Courtesy of Ateneo de Davao College Library.

Also reprinted in one volume with The Islam of Mindanao by Antonio M. de Guzman, Vol. XXIV (Manila: Philippine Book Guild, Inc., 1936).

## THE LUWARAN: OR, THE LAWS OF MAGINDANAO

## Introduction

The term *Luwaran*, which the Mindanao Moros apply to their code of law, means "selection" or "selected." The laws that are embodied in the *Luwaran* are selection from old Arabic law and were translated and compiled for the guidance and information of the Mindanao datu, judges, and *pandita* who do not understand Arabic. The Mindanao copies of the *Luwaran* give no dates at all, and nobody seems to know when this code was made. They say it was prepared by the Mindanao judges some time ago, but none of those judges is known by name. Datu Mastura's copy of this code was written about 1886, and it is undoubtedly copied from some older manuscript. The original manuscript<sup>1</sup> accompanying this code is older still, but it bears no date at all.

The Arabic books quoted in the *Luwaran* are *Minhāju-i-Arifeen*, *Taqreebu-l-Intifā*, *Fathu-l-Qareeb*, and *Mirātu-t-Tullāb*. The first of these, generally known as the *Minhaj*, is the chief authority quoted. Datu Utu had an old copy of the *Minhaj* that looked more than two hundred years old. The author of the *Minhaj* must have lived in the ninth or tenth century. The compilation of the *Luwaran* must have been made before the middle of the eighteenth century.

Each Mindanao datu is assisted in the administration of justice by a judge and a vizier. The judge is called Datu *Kali*. The word *kali* is derived from the Arabic word meaning "judge." The Datu *Kali* is the chief *pandita* of the district and is supposed to be the best-informed man of the community. The *pandita* is the scholar who can read and write and perform the functions of a priest. The vizier is called "wazir;" he is a *pandita*, too, and acts in a semi-judicial and clerical capacity. Mohammedan law being based on the teachings of the Quran, the chief *pandita* of the district is naturally regarded as the most competent expounder of the law and the best-fitted person

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<sup>1</sup>This manuscript is purely Magindanao in its style and is the oldest copy that I have seen. The main text is a little inferior to that of Datu Mastura's copy, but its marginal Arabic quotations are more nearly correct and better written. The spelling and the grammar differ in many places, but the general sense of the text is mainly the same and does not warrant a separate translation.

in the community to act as a judge. As the *wazir* is a pandita, he should be a well-informed and wise man. Some datus are *pandita* themselves, and some take all matters into their own hands and delegate none of their offices or duties to a judge or a vizier; but this is the exception, not the rule.

In making the *Luwaran* [sic] the Mindanao judges selected such laws as in their judgment suited the conditions and the requirements of order in Mindanao. They used the Arabic text as a basis, but constructed their articles in a concrete form, embodying genuine examples and incidents of common occurrence in Mindanao. In some places they modified the sense of the Arabic so much as to make it agree with the prevailing customs of their country. In a few instances they made new articles which do not exist in Arabic but which conform to the national customs and common practices. The authority of the *Luwaran* is universally accepted in Mindanao and is held sacred next to that of the Quran. The Mindanao judge is at liberty to use either of them as his authority for the sentence to be rendered, but as a rule a quotation from the Quran bearing on the subject is desirable.

All datus and viziers and all persons acting in the capacity of a chief or a vizier find the *Luwaran* very convenient and helpful. Very few people can become *kali*, but all who are able to read can study and use the *Luwaran*. Consequently the *Luwaran* has had general use, and copies of it are seen in all the districts that speak the Magindanao dialect. To establish this fact copies of it were secured from the ruling datus of Bagumbayan and of Saraya or the upper valley.

The copy<sup>1</sup> secured from Datu Mastura is by far the most complete of all. The text is well written, neat, and distinct. The original Arabic articles are written separately on the margin of the book and opposite the Magindanao articles with which they were supposed to correspond. Datu Mastura is the best living descendant and representative of the house of Magindanao, and he probably owns the most reliable books and documents that have been transmitted from the previous generations.

This book is certainly the best specimen of Magindanao litera-

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<sup>1</sup>This copy is in the possession of The Ethnological Survey. It is not reproduced here because of the expense of half-tone work — the only satisfactory method of reproduction in this case.

ture; it is genuine, correct, and well written. On account of inability to secure the book itself, an accurate and exact copy of the same was taken. The Magindanao articles are written separately and are numbered for convenience in reference. The translation is not exactly literal, but nearly so.

The Arabic marginal quotations are copied separately and are numbered in the order in which they appeared in the original copy. They are also translated, and a table indicating the Arabic quotation which corresponds to each article of the *Luwaran* is attached to the introduction to the translation.

In actual practice the Moros do not distinguish between custom and law. Many of their customs are given the force of law, and many laws are set aside on account of contradiction to the prevailing customs of the day.

Slavery is such an established custom and institution of the land that it is generally sanctioned and supported in the *Luwaran*.

An oath on the Quran is so firmly binding and the fear of perjury is so strong in the mind of the Moro that oaths are generally taken and are always regarded as sufficient confirmation even in the absence of evidence.

The Moros are not strict nor just in the execution of the law. The laws relating to murder, adultery, and inheritance are seldom strictly complied with. Indeed, the laws of inheritance as given in the *Luwaran* are generally disregarded and are seldom considered at all. Mohammedan law does not recognize classes, except the slave class. But Moro law is not applied equally to all classes. Great preference is shown the datu class, and little consideration is given to the children of concubines.

The *Luwaran*, nevertheless, is the recognized law of the land and compliance with it is a virtue.

#### TRANSLATION OF THE LUWARAN, THE MAGINDANAO CODE OF LAWS

In the name of God the Compassionate and Merciful, praise be to God, who led us to the faith and religion of Islam. May God's blessing be with our master Mohammed and with all his people and followers.

The following articles are taken from the *Minhāj* and *Fathu-l-Qareeb* and *Taqreebu-l-Intifā* and *Mir-ātu-t-Tullāb* and have been

translated from the Arabic into the Java (Malay) dialect of Mindanao, the land of peace:

#### ARTICLE I

If two people disagree as to the ownership of a certain property, the actual possessor has the right to the property if he swears to that effect. In case both of them are in actual possession of the property, both ought to swear. If both of them swear to that effect, the property shall be divided between them equally. If only one person swears, the property shall be given to that person alone.

#### ARTICLE II

If a person borrows an article and loses it, he shall replace it or pay its value. The same rule shall apply in case the article is stolen. There shall also be paid a reasonable additional compensation for the lost article.

#### ARTICLE III

If a person borrows an ax or a button, and the ax is broken or the button lost while being used for the purpose for which it was loaned, and not on account of carelessness, the lost article shall not be replaced. But if the ax is used at a place overhanging the water or is used to cut a stock of bamboo without being well tied or fastened, and is lost, it shall then be replaced.

#### ARTICLE IV

If two persons disagree as to whether or not a certain debt has been paid and have no witness to the fact, the plaintiff's claim shall be sustained in case he confirms it by an oath. In case he refuses to take an oath the defendant's claim shall be sustained.

#### ARTICLE V

If a person intrusts another with his property and later calls for it and it is denied him on the plea that it has been taken back or that it was lost, and no witness can be obtained, the trustee's plea shall be sustained if he confirms it by oath.

## ARTICLE VI

If a person enters a claim to his lost property which has been found and kept by another person, and the finder refuses to deliver the property on the plea that it is his own property and that it has been in his possession for a long time, and there be a witness who testifies that the property is a find and not an old possession of the finder, the finder shall return the property found and pay a compensation of one cuspidor or two.

## ARTICLE VII

The seizer of another's property shall return the seized property and pay an additional amount proportional to the interest derived from the property.

## ARTICLE VIII

If a person enters the house of another at night without the consent of the owner thereof, and the said owner complains of the offense, the defendant shall be fined four cuspidors.

## ARTICLE IX

If a man enters the house of another with the intention of holding private intercourse with a woman therein with whom it is unlawful for him to associate privately, and the woman objects, he shall be fined four cuspidors or four pesos, or shall suffer from twenty to thirty-nine lashes, or shall be slapped on his face, at the discretion of the judge.

## ARTICLE X

If a woman comes into the house of a man with the intention of marrying him and of living with him, and the man refuses to marry her and she is later taken away by her people, the man shall not be liable to fine or punishment.

## ARTICLE XI

SECTION 1. If a man divorces his wife after the conclusion of

the marriage act or ceremonies, and before any sexual intercourse has taken place, the woman shall have half of the dower only. If the divorce occurs after sexual intercourse has taken place, the woman shall have all the dower.

SECTION 2. If a man refuses to marry a woman after having been engaged to her, the whole dower shall be returned to him, excepting the expenses for the feast incurred by the father of the woman.

#### ARTICLE XII

If a person curses or abuses another person without cause, he shall be fined not more than three cuspidors.

#### ARTICLE XIII

SECTION 1. If a person falsely claims another person as his slave, he shall be fined the value of one slave.

SECTION 2. If a person defames another person by calling him *balbal* (a human being who transforms at night into an evil spirit which devours dead people) or poisoner, he shall be fined one slave or the value of one slave.

#### ARTICLE XIV

If both the giver and the receiver understand that a return gift shall be made for a certain given property and the receiver fails to make the gift, the giver can take back the gift.

#### ARTICLE XV

No gift given without expectation of reward can be recovered after the receiver has had possession of it. But if the giver changes his mind before the receiver takes possession of the gift, the giver resumes his ownership of the given property.

#### ARTICLE XVI

Property the gift [sic] of parents to their child shall be recoverable if it has not been expended or destroyed.

## ARTICLE XVII

In the discretion of the judge and the datu, a thief of property amounting to the value of one *malong* or more shall have his hand cut off and shall return the stolen property. If the stolen property does not amount to the value of one *malong*, the thief shall suffer thirty-nine lashes or pay a fine of four cuspidors.

## ARTICLE XVIII

If there is any doubt of the truth of evidence or the truthfulness of a witness, they shall be confirmed by oath.

## ARTICLE XIX

Testimony of a slave which is detrimental to himself shall be accepted.

## ARTICLE XXI

If a person enters a house without permission and in the absence of the owner, he shall be held responsible for and shall restore or pay for any article that may be found missing from said house. A person who enters the field of another shall likewise he [sic] held responsible for and shall restore or pay for any article that may be found missing from said field.

## ARTICLE XXII

If a person loans or sells to a slave without the knowledge or consent of the master of the slave, the person who loans or sells shall be guilty of a misdemeanor; and the master of the slave shall not be held responsible for the transaction of his slave.

## ARTICLE XXIII

If in the course of an agreement for the sale of property questions arise respecting the price or the amount of the sold property, and no witness can be obtained, the seller shall be sustained if he confirms his statement by oath; but the statement of the buyer shall

be sustained if the seller fails to take oath.

#### ARTICLE XXIV

If the seller and the buyer differ as to whether a certain defect in the purchased property developed prior to or later than the date of the purchase, the seller's statement shall be sustained if he confirms it by oath; otherwise the buyer's statement shall be sustained.

#### ARTICLE XXV

If after the purchase of property the buyer discovers a defect in the property which existed prior to the sale or purchase, he may return the property to the seller and pay him a reasonable compensation proportional to the decrease occasioned in the value of the property through the detection of the defect; and the buyer shall then recover the purchase price of the property.

#### ARTICLE XXVI

No purchased property shall be returnable to the seller on account of a defect therein which has developed after the sale.

#### ARTICLE XXVII

If a person buys a slave and later discovers a defect in him and returns him to the seller, but the seller denies the slave's identity, the statement of the seller shall be sustained if he confirms it by oath; otherwise the statement of the buyer shall be sustained. Similar cases pertaining to other kinds of property shall be judged similarly.

#### ARTICLE XXVIII

It shall be lawful to return promptly purchased property which is defective. The return shall not be delayed longer than prayer time or mealtime, or one night in event of the purchase having been made in the evening.

#### ARTICLE XXIX

If a creditor dies and his heirs sue his debtor, but the debtor

denies the debt on the plea that the deceased creditor gave him as a gift, or in charity, or that he has paid for that for which he is sued, and there is no witness, the heir must swear. Failure to swear on the part of the heir shall render the debtor free from payment of the debt.

#### ARTICLE XXX

If a person buys property or a slave, and another person recognizes the slave or property as his own and lays claim thereto, and is able to produce a witness to that effect, the buyer shall return the purchased property or the slave to the seller, but shall recover whatever he has paid.

#### ARTICLE XXXI

If a person finds his property in the possession of another, and is able to recover it without any injury or injustice, he shall be justified in so doing. But in the event of an objection being raised to the recovery or in case an injury or injustice is unavoidable in recovering the property, he shall present the matter to the datu and to the judge, after which it shall be justifiable for him to take his property even though it be necessary to break through a door or through walls to do so. Under any circumstances he shall have the right to recover his property, or its equivalent in kind, or any other substitute not in excess of the value of the property.

#### ARTICLE XXXII

If, while a person is spying on the house of another, the occupants throw a stone or other thing out of the house and thereby cause the death of the spy, no guilt shall be attached to their action.

#### ARTICLE XXXIII

If the provisions or the fowls of a person are eaten by cats or cattle, and the owners thereof are notified by the injured person to secure their animal or animals, and the warning or notice is disregarded so that the provisions or fowls are eaten up, the owners of the cats or cattle shall be held responsible for the loss.

#### ARTICLE XXXIV

SECTION 1. If a person seduces or cohabits with a female slave held by him as security for debt, with the knowledge or consent of the debtor, he shall not be held guilty; but he shall give her a dower.

SECTION 2. If the seduction or cohabitation occurs without the consent of the debtor, the creditor shall be liable to a fine, or shall give the woman a dower to be paid to the debtor.

SECTION 3. If the creditor begets a child of the slave held as security in the preceding section, he shall buy the child from the debtor; otherwise the child shall become the slave of the debtor.

#### ARTICLE XXXV

If the creditor and the debtor differ as to the security or its amount, the debtor's statement shall be sustained if confirmed by oath; otherwise the statement of the creditor shall be sustained.

#### ARTICLE XXXVI

If the security is lost and no blame is attached to the creditor, he shall not be held responsible for the loss, and the debtor shall not be relieved from his debt.

#### ARTICLE XXXVII

If a principal and his agent differ, and the agent claims that he has acted in accordance with the orders of his principal, and the claim be denied by the principal, the statement of the latter shall be sustained if confirmed by oath.

#### ARTICLE XXXVIII

If a married woman commits adultery, both adulterer and adultress shall suffer eighty lashes. If the lashes are changed or reduced to a fine, half the number of the woman's lashes shall be added to the man's fine.

**ARTICLE XXXIX**

If a person charges another with the payment of his debt, and the creditor sues the proxy for the unpaid debt, but the proxy claims to have paid the same, the creditor's statement shall be sustained if confirmed by oath.

**ARTICLE XL**

If a man seduces a maiden, both shall suffer one hundred lashes, and the man shall marry the woman and live with her even though he is married.

**ARTICLE XLI**

The statement of the plaintiff shall be sustained if confirmed by a witness. If there is no witness, the defendant shall take on oath.

**ARTICLE XLII**

If slaves commit adultery, both man and woman shall suffer fifty lashes.

**ARTICLE XLIII**

If a married man commits adultery with a free woman, both shall be stoned to death. The punishment of the man may be reduced to imprisonment. The woman shall be buried up to her chest and be stoned with medium-sized stones.

**ARTICLE XLIV**

If a free man seduces a maiden slave, the property of another person, and she becomes pregnant and dies during childbirth, the seducer shall then pay the value of the slave to her owner.

**ARTICLE XLV**

If a bachelor or widower commits adultery and is killed by a non-Mohammedan, the non-Mohammedan shall be put to death.

But a Mohammedan who may kill such an adulterer shall not be put to death.

#### ARTICLE XLVI

If a man recognizes his cattle or his trees in another's charge and notifies him of the fact, and has a witness to confirm his statement that the cattle or trees are his, he shall be entitled to the produce of the cattle or of the trees although they remain in the charge of the other. Likewise, if a slave who has been lost is recognized by his master in the charge of another person, and the master of the slave notifies that person of the fact that the slave is his and has a witness to confirm his statement, he shall be entitled to whatever his slave may produce if he remains in the charge of the person aforesaid.

#### ARTICLE XLVII

If a man rents a field of another with the intention of cultivating it, but later fails to do so and returns it to the owner thereof, he shall be liable for the rent and shall pay the same at harvest time, as though he had cultivated the land and reaped the produce. Likewise, if a boat is hired, the hire thereof shall be paid to its owner, whether or not it has been used for the intended travel.

#### ARTICLE XLVIII

If a slave runs away and enters the house of a certain person, or if a person finds a runaway slave, the owner of which is known to him but to whom he fails to give notice of the fact, and the slave again runs away he, the finder, shall be responsible for the slave to the owner thereof.

#### ARTICLE XLIX

If a married man leaves his home on a long journey and nothing is heard of him, his wife shall not have the right to marry another; but if she learns that he has died or that he has divorced her, she shall then wait four years, after which she shall observe the customary mourning for his death; then she may marry again. The judges shall

be careful not to change this decree in order that their power and influence may not suffer.

#### ARTICLE L

If a boat is in danger of sinking, it shall be right and proper to throw its cargo overboard. But if a man throws away property without the knowledge of the owner thereof, and the boat does not sink, he shall replace the property. If a person tells another to throw his property overboard, promising to replace it, and the property is thrown overboard but the boat does not sink, he shall replace the property; but where there has been no promise to replace the property he shall not be held liable.

#### ARTICLE LI

SECTION 1. If a debtor dies, his debts shall be payable from his estate, his estate being regarded in the nature of a security.

SECTION 2. If a debtor dies and leaves no estate, his heirs shall not be liable for his debt. By heirs is here meant parents, children, brothers, sisters, grandchildren, or grandparents.

SECTION 3. If a debtor dies and leaves an estate to his heirs, the estate shall be expended in payment of his debts whether it is sufficient in amount or not.

SECTION 4. If the heirs divide their inheritance before they shall return their shares to pay the debt, whether the inheritance is sufficient or not; and if they have used their inheritance prior to the knowledge of the debt, they shall pay out of their own property an amount equal thereto in payment of the debt.

#### ARTICLE LII

If a man orders another to shoot at a deer, believing that he is ordering him to shoot at a deer, and the person shoots believing also that he is shooting at a deer, but hits a man, neither the shooter nor the man who has ordered him to shoot shall be liable to punishment, but shall pay only a light fine as blood money. Likewise, if a man orders another to shoot at a tree, believing that he is ordering him to shoot at a tree, and the person shoots, believing also that he is shoot-

ing at a tree, but hits a man, neither the shooter nor the man who has ordered him to shoot shall be liable to punishment, but shall pay only a light fine as blood money.

#### ARTICLE LIII

In case a person orders another person to climb up a tree and the climber falls from the tree, there shall be no liability to punishment, whether the person dies or not. A medium fine only shall be paid as blood money.

#### ARTICLE LIV

If a female slave in the possession of a certain person has a child which is recognized by another person as his own child and born of the slave during her stay in his possession, and the claim is denied by her present owner and there is a witness to the truth of the claim, the plaintiff shall confirm his testimony by oath. Failure to confirm this testimony by oath and the lack of conclusive evidence that the child is a free child, begotten by the plaintiff of the slave, shall render the claim null.

#### ARTICLE LV

If a man recognizes a slave whom he has liberated in the possession of another man who denies the claim, and there is a witness who bears out the claim of the plaintiff, the plaintiff shall confirm his statement by an oath, and, having taken an oath, may recover his slave and reliberate him. But his statement shall not be sustained if an oath is not taken.

#### ARTICLE LVI

SECTION 1. If two persons enter into partnership and later one of them asks the other to sell the property or stock and divide the proceeds, and the property is sold and its amount received, but the seller claims the whole amount as his, to which the other partner objects on the ground that it belongs to the partnership; or if the seller claims that it belongs to the partnership, and the other partner claims that it is his own, the statement of the person in possession

of the property or its price shall be sustained if confirmed by oath; but otherwise it shall be rejected.

SECTION 2. If in the preceding case the seller divides the proceeds and gives his partner a part thereof and holds the remainder for himself, claiming that the amount of the proceeds has been divided, but the other partner refuses to accept the division on the ground that it has not occurred, the claim against the division by the complaining partner shall be sustained if confirmed by oath; otherwise it shall not be sustained.

SECTION 3. If one of the two partners in the preceding case buys and takes possession of the property of the partnership and then denies that it is the former property, claiming that it has been bought by some one else, to which the other partner objects as a false claim, the statement of the latter shall be sustained if confirmed by oath; otherwise the buyer's statement shall be sustained.

#### ARTICLE LVII

SECTION 1. If a free man kills another free man, or a free woman kills another free woman, or a slave kills another slave, the slayer shall be punished.

SECTION 2. If a free man kills a slave, the free man shall not be put to death.

SECTION 3. If a slave or other servant kills a free person, he shall be put to death.

#### ARTICLE LVIII

The blood money for the life of a woman or of a hermaphrodite shall be half that of a man; so also shall the fines for wounding a woman be rated as half those for wounding a man.

#### ARTICLE LIX

If a free man divorces his wife three times, or a slave divorces his wife twice, it shall not be lawful for him, the man, to marry again before the divorced woman is married to another person.

## ARTICLE LX

SECTION 1. If the husband of a pregnant free woman dies, or a free woman is divorced, she shall mourn four months and ten days.

SECTION 2. If a slave woman is divorced, she shall mourn two months and five days.

SECTION 3. If a pregnant free woman is divorced, she shall mourn until childbirth.

## ARTICLE LXI

If a person throws the sweepings of a house or the parings of fruits on the road, and a person carrying certain articles and passing on the road steps on them and thereby slips and falls and loses his property, the person who threw the sweepings or the fruit parings on the road shall pay for the lost property. He shall also be responsible for any injury resulting from the fall.

## ARTICLE LXII

If a person gives an imbecile or an insane person or a child poison to eat, and said child, insane person, or imbecile dies as a result thereof, he shall be punished.

## ARTICLE LXIII

If a man gets drunk and fights or kills another, he shall be liable to punishment.

## ARTICLE LXIV

If a child or an imbecile or an insane person kills another person, he shall not be liable to punishment, but shall pay blood money.

## ARTICLE LXV

If a child under age is in a high place and is frightened by some person and as a result thereof falls and dies, the person who frightened him shall pay his blood money.

ARTICLE LXVI

If a person who is shooting or hunting startles a child who happens to be in some high place, and the child falls and dies as a result thereof, he shall pay a small fine as blood money.

ARTICLE LXVII

If a slave is wounded the fine in compensation for his injury shall be the price of the slave in case of death, or an amount equal to the decrease in the value of the slave in case he does not die.

ARTICLE LXVIII

SECTION 1. If a slave is guilty of cutting another, he shall be liable for the fine thereby incurred; if his master does not pay the fine, he may sell the guilty slave and pay the fine from the amount received therefor.

SECTION 2. If the master of the guilty slave refuses to sell him, he shall compensate for the decreased value of the slave who has been cut.

ARTICLE LXIX

SECTION 1. If a plaintiff produces a witness, his statement shall be sustained.

SECTION 2. If a plaintiff has not a witness, the defendant shall take an oath; but if the defendant refuses to take an oath, the plaintiff shall swear and his statement shall be sustained.

ARTICLE LXX

If the owner of a slave dies and his heirs claim the slave, and the slave objects on the ground that he had been liberated by his deceased master, the slave shall take an oath to that effect, which oath shall confirm his statement; but if an oath is not taken by the slave, the claim of the heirs shall be sustained.

ARTICLE LXXI

All property loaned shall be paid back in kind, but if that be impracticable, the value thereof shall be accepted.

ARTICLE LXXII

The will of a free person shall be legitimate whether he be a non-Mohammedan or a person of bad character; but the will of an insane person or an imbecile or a child or a slave shall not be legitimate.

ARTICLE LXXIII

If the legatee dies before the testator, the will shall be held invalid; but if the legatee dies after the death of the testator, the heirs of the legatee shall be entitled to his share under the will.

ARTICLE LXXIV

If a person wills his estate to one of his heirs, the will shall be sustained if the other heirs consent to it; but if they do not consent, the will shall not be sustained.

ARTICLE LXXV

If a person recognizes his property in the possession of another, which property he has neither sold nor given away as charity or otherwise, it shall be lawful for him to take or recover his property, unless he is afraid of being killed. In case he is afraid, he shall present the matter to the datu and then to the judge.

ARTICLE LXXVI

The action of a guardian or agent shall be binding on the ward or the principal, respectively. The insane, imbeciles, or children shall never be guardians or agents.

ARTICLE LXXVII

If two persons collide unintentionally and one person is injured, the liability of the guilty person for the fine or compensation thereby incurred shall extend to his heirs. The fine shall be small.

ARTICLE LXXVIII

If in the preceding case the collision is intentional, the liability shall be the same, but the fine shall be equal to half the limit.

ARTICLE LXXIX

If children or imbeciles or insane persons collide, the same law shall govern as in the case of *sui juris* persons.

ARTICLE LXXX

SECTION 1. A son, the only child, shall inherit all of the estate of his father and mother.

SECTION 2. A daughter, the only child, shall inherit half the estate of her father and mother.

SECTION 3. Two or more sons, the only children, shall share the estate of their father and mother equally.

SECTION 4. In case one son and one daughter are the only children, the estate of the father and mother shall be divided into three equal parts, of which the son shall receive two parts and the daughter one part.

SECTION 5. In case of multiplicity of sons and daughters, the estate shall be so divided as to give each daughter half the share of one son.

ARTICLE LXXXI

A husband shall inherit half the estate of his wife in event of her death and when she has neither a child nor a grandchild.

## ARTICLE LXXXII

In the event of the death of a wife who has children or grandchildren, her husband shall inherit one-quarter of her estate only, and the other heirs shall inherit the remaining three-quarters.

## ARTICLE LXXXIII

In the event of the death of a man who has no children or grandchildren his wife shall inherit one-eighth of his estate only.

## ARTICLE LXXXIV

In the event of the death of a man who has children or grandchildren his wife shall inherit one-eighth of his estate only.

## ARTICLE LXXXV

SECTION 1. A father or son or wife or husband can not be disinherited by other heirs.

SECTION 2. A son disinherits full brothers and sisters, and all other heirs.

SECTION 3. Full brothers and sisters disinherit more remote heirs.

SECTION 4. A grandfather, a father, and a grandson disinherit a brother or sister from the mother alone, or other heirs.

SECTION 5. A grandfather, brother, son, and uncle or aunt on the father's side disinherit a full nephew or niece, or more remote heirs.

SECTION 6. A full nephew disinherits another nephew who is not from a full brother or sister.

SECTION 7. A nephew on the father's side disinherits a full cousin and more remote heirs.

SECTION 8. A full uncle<sup>1</sup> or aunt disinherits an uncle or aunt

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<sup>1</sup>By a full uncle is meant a brother of one's father or mother who had both the same father and the same mother as one's own father or mother, as distinguishes from a half uncle; so of a full aunt.

on the father's side.

**SECTION 9.** A full cousin disinherits a cousin on the father's side.

God's knowledge surpasses our knowledge.

[THE END]

This copy [the original] was made at noon of the 20th day of *Jamadu-l-awal*, in the year of the war between Bwayan and the in-fields [non-Mohammedans].\*

## WOUNDS

Wounds are classified with respect to depth, locality, and tissue cut. To each class of wound a definite fine is fixed.

### FINES FOR WOUNDS

#### CLASS I

##### SIMPLE WOUNDS

The fine for wounds of the skin unaccompanied by bleeding shall be three pesos.<sup>1</sup>

#### CLASS II

##### BLEEDING WOUNDS

The fine for wounds of the skin accompanied by bleeding shall be five pesos.

#### CLASS III

##### SKIN-PENETRATING WOUNDS

The fine for wounds of the skin where the skin is cut through and the flesh exposed shall be ten pesos.

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\* Brackets are in the original Saleeby text — Ed.

<sup>1</sup> These fines are stated in Mexican currency. The peso was worth about 50 cents, United States currency.

**CLASS IV  
FLESH WOUNDS**

The fine for wounds where the skin and flesh are cut through shall be fifteen pesos.

**CLASS V  
PERIOSTEAL WOUNDS**

The fine for wounds where the skin and flesh are cut through and the periosteum exposed shall be twenty pesos.

**CLASS VI  
DEEP WOUNDS**

The fine for wounds that cut into the bone shall be twenty-five pesos.

**CLASS VII  
FRACTURE WOUNDS**

The fine for wounds where the bone is fractured and cut through shall be fifty pesos.

**CLASS VIII  
DISLOCATING WOUNDS**

The fine for wounds where the bone is dislocated shall be seventy pesos.

**CLASS IX  
SKULL-PENETRATING WOUNDS**

The fine for wounds where the membranes of the brain are penetrated shall be two hundred and fifty pesos.

**CLASS X  
BRAIN WOUNDS**

The fine for wounds where the brain is penetrated shall be three hundred pesos.

**CLASS XI  
BLOOD MONEY**

The blood money for the intentional or willful murder of a Moslem shall be one hundred camels or one thousand three hundred and seventy pesos.

**CLASS XII**

The fine for amputating or cutting off one hand at the wrist, or higher, shall be fifty camels or six hundred pesos.

**CLASS XIII  
DEEP BONE WOUNDS OF THE HEAD OR FACE**

The fine for deep wounds of the head or face shall be five camels, or sixty-eight and one-half pesos.

**CLASS XIV  
FRACTURE WOUNDS OF THE HEAD OR FACE**

The fine for fracture wounds of the head or face shall be ten camels, or one hundred and thirty-seven pesos.

**CLASS XV  
DEEP STAB WOUNDS**

The fine for deep stab wounds shall be thirty-three camels and one-third, or four hundred and fifty-six and two-thirds pesos, which is one-third of the amount of blood money.

**CLASS XVI**

The minimum amount of the blood money of a Moslem shall be eight hundred and sixty-eight and one-quarter pesos.

**CLASS XVII**

The minimum blood money of a heathen or pagan, fifty-seven and one-quarter pesos.

### CLASS XVIII

The fine for an involuntary deep wound of a pagan shall be two and four-tenths pesos.

### CLASS XIX

The blood money for the accidental or involuntary murder of a pagan shall be forty-three and one-third pesos.

### CLASS XX

The fine for the intentional deep wound of a pagan shall be four and two-tenths pesos.

*[After the above portion, Saleeby introduces the section on "Arabic Marginal Quotations of the Luwaran," consisting of 108 "selections from Arabic books on law and religion" noted down by Magindanao judges on the margin of the original copy of the code. The judges, says Saleeby, who also translated these selections into English, used the quotations "as authority for the corresponding Magindanao articles they made." A sample "Transliteration of Articles I - VIII of the Luwaran," made in romanized Magindanao, immediately follows. For want of space, both sections are omitted in the present volume.]*

## SULU CODES

### THE PRINCIPAL SULU CODE

This code was prepared by Sultan Jamalul-A'lam and was used without any modification by Sultan Harun. The present sultan's minister, Hajji Butu Abdul-Baqi, has made a new code which has just been proclaimed, but which has not yet met with general approval.

This copy of the old Sulu Code is the original which was used by the Sultan Jamalul-A'lam himself, and also by Sultan Harun. It was written by Asmawil, the chief clerk and minister of Jamalul-A'lam. The manuscript was secured from Sheikh Mustafa, former minister to Sultan Harun.

This code differs considerably from the former one used by Sultan Pulaun, the father of Jamalul-A'lam, which was more in conformity with the letter of the Quran, much more severe in its sentences; hence the change was welcomed.

## INTRODUCTION

This book is a guide for the proper execution of the duties of office in accordance with the law and rules of the country. It is concurred in by all, and is promulgated with the general consent of all the datus, *panglima*, and subordinate officers of state.

This on Sunday, the fourth day of the month *Rabi' Akir*, in the year *Dal Akir*, which corresponds to the year 1295 A.H.

May it enhance the good and the prosperity of our country; and may God give blessing and peace to its author.

## THE CODE

### ARTICLE I

SECTION 1. Whoever shall abduct the child of a free man, and be found out, shall be fined twenty rolls or pieces (*gajahilaw*) of calico (*siddip*) or its value.<sup>1</sup> The abductor shall return the child. A bail also is required which shall be equal in character and value to the abducted child.

SECTION 2. If the abductor of a free person is a slave, the master of the slave shall be examined to find out whether or not the abduction was committed with his knowledge and consent. In case he says that it was done without his knowledge and consent he must be sworn on the Quran. But, though he swears to that effect, he shall be held responsible for the return of the abducted person. Then if the actual abductor or abductors do not return the person or persons abducted, he or they shall be taken in payment thereof.

But if the master of the slave does not swear to that effect, he shall be held responsible personally for the abduction, and the case

<sup>1</sup>The *gajahilaw* of *siddip* or piece of calico used is worth 1.50 pesos. It used to be the rule to demand the son of the abductor as bail for the return of the abducted free child or person.

shall be treated as a case of abduction by a free man. The condition of the slave, whether privileged to live independently or not, does not affect his decision.

## ARTICLE II

SECTION 1. (a) If property of any kind of the sultan is stolen, the thief shall be fined fifty pieces (*gajahilaw*) of calico.

(b) If property of datus with official titles or that of Twan Sarip Usman is stolen, the thief shall be fined thirty-five pieces of calico.

(c) If datus without official title or descendants of a Sarip or of Panglima Adaq are robbed, the thief shall be fined thirty pieces of calico.

(d) If ministers of state or Panglima Pihag are robbed, the thief shall be fined twenty-five pieces of calico.

(e) If subordinate officers below the *panglima*<sup>2</sup> or inland country *pandita* or the agents of the sultan or *panglima* are robbed, the thief shall be fined twenty pieces of calico.

(f) If children of subordinate rulers or chiefs are robbed, the thief shall be fined ten pieces of calico.

SECTION 2. (a) Theft of small articles (petit larceny) such as articles of diet, etc., of the value of one piece or half of a *kusta* or sarong, shall not be punished by fines, but the articles themselves shall be restored to the proper owner or owners, twofold, and the thief shall suffer fifty lashes; if the theft is repeated on two or three occasions, the offense shall then be regarded as a case of great theft.

(b) Theft of property of the value of one *kusta* and over is great theft (grand larceny) and shall be punished by fine as provided in section one: *Provided further*, That the articles of property stolen shall be restored to the owner or owners thereof, and the thief shall suffer one hundred lashes.

The fine shall be divided between the person robbed and the governor (the chief usually acts as judge), in the following manner: When no trial shall have been held, the robbed party shall receive seven parts and the governor three parts; if a trial is held, the fine

<sup>2</sup>The words *panglima* and *pandita* are used in a plural sense in this paragraph.

shall be divided equally between the governor and the party robbed, whether he be a person of rank or otherwise.

(c) If the thief is a great or noted person or a governor, the fine shall be doubled.

(d) The same penalty shall be applied to all persons convicted to theft, whether male or female.

(e) In all cases of theft the stolen property shall be restored to the owner or owners thereof.

(f) The buyer of stolen property shall be regarded as a thief unless he proves the truth of the sale in the presence of the governor. If he fails to have the seller examined and brought before the governor, he shall be regarded as a partner in the theft.

### ARTICLE III

SECTION 1. A false claim to property or debt shall be regarded as theft and shall be adjudicated accordingly.

### ARTICLE IV

SECTION 1. Whoever exacts a claim by force without the permission or direction of the governor shall return whatever he exacts and forfeit his claim; and in case the claim is not substantiated he shall return the exacted object, and shall be fined two pieces of calico, to be equally divided between the governor and the person from whom he has exacted.

### ARTICLE V

SECTION 1. Complainants who disagree upon the authority before which they should appear shall come to a *panglima*. In case they do not agree upon a *panglima* they must come to the sultan. But in case they agree, it is preferable that they should appear before the local governor or authority.

### ARTICLE VI

SECTION 1. Whoever attempts to kill and kills a freeman shall be fined fifty pieces of calico as blood money, also twenty *gajahilaw* to be paid to the governor.

Whoever attempts to kill, but fails to kill, a freeman shall be fined twenty-five pieces of calico, to be paid to the attached party, and ten *gajahilaw* to be paid to the governor.

Cases of unintentional and accidental killing and cases where the killing is done by an undetermined party shall be regarded alike. The blood money in each case shall be thirty *gajahilaw*.

NOTE. — In case a murder occurs in a neighborhood or village, and the actual murderer is unknown, the blood money is paid by the people of that neighborhood or village. They pay the full amount of blood money in case they do not swear to the effect that they did not commit the murder, but in case they swear to that effect they pay only half the fine.

## ARTICLE VII

SECTION 1. The fine for marriage by abduction<sup>1</sup> shall be six pieces of calico and the woman's dower<sup>2</sup> shall be doubled. In case the dower is expressed in terms of slaves, the value of the slave shall be considered equal to four pieces or *gajahilaw*. The price of the bride, usually paid to the parents of the woman, in ounces of gold, called in Sulu *basing*, will be paid at the rate of one *gajahilaw* for a *basing*. The governor's share of the fine shall be four *gajahilaw*.

SECTION 2. The fine for elopement is four *gajahilaw* and the dower shall not be doubled. The slave's rate of exchange shall be four *gajahilaw* in case it is the custom of her family to receive actual slaves as a dower. The *basing's* rate of exchange is one *gajahilaw*.

In case the slave dower is nominal, the slave's rate of exchange shall be three *gajahilaw* of calico, and the *basing* one piece of *kusta*, of low grade.

SECTION 3. In case of seduction admitted or disguised, marriage shall be concluded if the woman requests it. The man shall be fined two *gajahilaw* and the woman shall be treated as if she eloped. In cases of actual slave dowers, the slave's rate shall be four *gajahilaw* and the *basing* one *gajahilaw*. In cases of nominal slave dower, the

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<sup>1</sup> Abduction and elopement are regarded as crimes by the Sulus. The consent of the parents is always necessary for the marriage contract.

<sup>2</sup> Dower is a provision for a widow on the death of the husband or on separation by divorce. It is generally paid or delivered or guaranteed before marriage.

slave's rate shall be three *gajahilaw* and the *basing's* one piece of *kusta* of the low grade.

SECTION 4. Compulsory marriage is treated as marriage by abduction.

SECTION 5. (a) If adultery is committed with a *panglima's* wife, the man shall be fined fifty *gajahilaw*, which can not be exchanged with anything except gold, silver, brass drums, or *lantaka*. If unable to pay, the man himself shall become the property of the *panglima*.<sup>1</sup>

(b) If adultery is committed with wife of a *maharata pahlawan*,<sup>2</sup> the man shall be fined forty *gajahilaw*, which can not be exchanged except as in the previous case.

(c) If adultery is committed with the wife of a subordinate officer of state or a country *pandita*, or an agent of a governor, the man shall pay a fine of thirty *gajahilaw*, unexchangeable except as in section five (a).

(d) If adultery is committed with the wife of a *pandita* who is in the council or in the capital of the sultan, the man shall pay forty *gajahilaw*.

(e) If adultery is committed with any married woman, the man shall pay a fine of twenty *gajahilaw*, unexchangeable except as in section five (a).

(f) If a married woman commits adultery with her own consent, she becomes a slave to her husband; but if it is compulsory and without her consent, she will not be subjected to slavery; it is her duty when to tell her husband or his nearest relatives of the fact at the earliest opportunity — the next morning in case it occurs at night.

(g) If a male slave commits adultery with a free married woman, the slave becomes the property of the husband of that woman.

(h) If a free man commits adultery with a married female slave, the decision will be the same as if the crime had been committed with a free married woman.

<sup>1</sup> Such slaves are generally killed by the authority against whom the offense was committed.

<sup>2</sup> The *mabarajah pahlawan* form the highest grade of *mabaraja*, their rank being next below that of a *panglima*.

(i) If a male slave commits adultery with a married female slave against her consent, the male slave becomes the property of the master of the married female slave; but if the crime is committed with her consent, she becomes the property of the master of her husband. Her master pays the fine due the governor.

(j) If a man commits adultery with the sister of his wife, his wife not being divorced, he will be judged as if he had committed adultery with the wife of another man.

All the subordinate officers<sup>1</sup> of state are hereby requested to exercise all care in administering justice to all who come to them for judgment and decision. They should all adhere to the seven articles of Mohammedan law and be deliberate in their just application.

In case any complainant appeals to one of you from the decision of another authority, do not accept the appellant's statement and render your decision unless you inquire well about the case from the previous authority who judged it. In case you find the decision of that authority wrong do not be ready and quick to blame him and criticise him, but try to act in conformity and union. In case you find his decision right, notwithstanding the appellant's complaints, bring both the appellant and the appellee to the *panglima*. If the *panglima* can not render a solution, he should bring them to the sultan, together with the authority from whose decision the appeal was made and the authority to whom the appeal was made.

If the governor or the authority to whom they appeal does not investigate or inquire about the case from the governor from whom they have appealed, his decision shall be null and void.

Any person who exercises the right to judge without authority from the sultan shall be fined one male slave.

All governors and their subjects ought to abide by an aid in carrying out all the articles of this code. Any person who does not fulfill this duty will have all the curses and the calamities of this world and the world to come that befall the man who swears falsely by the thirty parts of the Quran.

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<sup>1</sup>The term *tuku-pipul*, which is applied in Sulu to all officers subordinate to *panglima*, means the small and large poles or pillars that support the house.

## THE NEW SULU CODE

The new code is a rearrangement of the old code with some changes and modifications. Its author is Hajji Butu Abdu-l-Baqi, the present prime minister or adviser of the Sultan Jamalu-l-Kiram the Second. It was issued in the latter part of 1902, but there has been so much objection to it on the part of many datus and chiefs that its general adoption seems impossible.

For a Sulu Hajji Butu is a man of talent and understanding. He knows some Arabic and is probably the best Sulu scholar in the Archipelago.

This code greatly increases the fines exacted from the people, creates a treasury under the control of Hajji Butu, and entitles the sultan to a share of the fines collected by the various datus and chiefs. The chiefs and the people look upon it as another form of unjust taxation. The opposition to its adoption is so strong and so bitter that nothing except force of arms can enforce its use. This is beyond the power of the present sultan.

## INTRODUCTION

This book is a guide to the proper execution of the duties of office in accordance with the law and the rules of the country. It is concurred in by all and is promulgated with the general consent of all datus, ministers, *panglima*, and subordinate officers of state.

May God enhance by it the good and prosperity of our country.

This at 9 o'clock, Saturday, the 11th of the month *Jul Kaidat* of the year B, which corresponds to the year 1320 A.H.

This is to proclaim hereby the decrees of Padukka Mahasari Mawlana Hajji Mohammed Jamalu-l-Kiram.

The subjects discussed in the following articles are, first theft; second, murder; third, adultery; fourth, opprobrium; fifth, cases arising from unwitnessed purchase; sixth, false claims; seventh, unlawful or unauthorized exactions; eighth, debt; ninth, finds; tenth, unjust actions and decisions.

To every crime or misdemeanor which comes under these articles a fine is attached, differing according to the nature and the degree of the crime.

## THE CODE

### ARTICLE I

SECTION 1. The thief shall be fined seventy pesos, no matter what he steals. The fine shall always be seventy pesos irrespective of the person robbed, be he low or high in rank. The manner in which the fine shall be divided between the person robbed and the treasury differs.

(a) If the sultan's property is stolen, fifty pesos shall go to the sultan and twenty pesos to the treasury.

(b) If datus with official titles or Twan Habib Mura are robbed, forty pesos shall go to the person robbed and thirty pesos shall go to the treasury.

(c) If other datus or Twan Hajji Butu or a descendant of a *Sarip* are robbed, thirty-five pesos shall be paid to the person robbed and thirty-five to the treasury.

(d) If a minister of rank and official title or a hajji in the council of the sultan is robbed, thirty pesos shall be paid to the person robbed and forty pesos to the treasury.

(e) If a minister of rank without any official title or a *panglima pihag*<sup>1</sup> or a *pandita* of the capital is robbed, twenty-five pesos shall be paid to the person robbed and forty-five to the treasury.

(f) If a subordinate officer of state or an agent of the sultan or a country *pandita* is robbed, twenty pesos shall be paid to the person robbed and fifty to the treasury.

(g) If a common person is robbed, fifteen pesos shall be paid to him and fifty-five to the treasury.

(h) The thefts referred to above include cattle, slaves, and every article of value.

SECTION 2. (a) If a free person is abducted, the fine shall be divided equally between his agnate and cognate heirs and the treasury.

(b) The abducted person should be returned. No one except the child or wife of the abductor, in case the abductor is a free man, can be substituted for the abducted person.

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<sup>1</sup>A *panglima pihag* is one of the regularly chosen *panglima* of the Island of Sulu. The island used to be divided into five main divisions for administrative purposes, each of which used to have one *panglima* intrusted with its rule.

(c) If a free person is abducted by a slave, the master of the slave will be held responsible. If the abducted person is not returned, the abducting party, whether one person or many, will be taken instead.

(d) Small thefts below the value of one peso shall not be punishable by fines. The stolen object shall be returned twofold and the thief shall suffer fifty lashes.

## ARTICLE II

SECTION 1. Murder is of four kinds — the first is intentional; the second, semi-intentional; the third is accidental; the fourth, murder committed by a crowd.

SECTION 2. The fine for intentional murder shall be one hundred and five pesos; seventy for the agnate and cognate heirs of the murdered person and thirty-five for the treasury.

SECTION 3. An attempt to kill that does not result in death shall be punished by a fine of fifty-two pesos and a half; thirty-four pesos and a half shall be paid to the near relatives of the attacked or injured person and eighteen pesos shall be paid to the treasury.

SECTION 4. All cases of semiintentional and of accidental murder and cases of murder committed by a crowd shall be treated alike and fined equally. The fine shall be fifty-two pesos and a half; thirty-four pesos and a half shall be paid to the heirs of the murdered person and eighteen pesos to the treasury.

SECTION 5. If more than one person is killed, one hundred and five pesos shall be paid for each person killed as his blood money.

## ARTICLE III IMMORAL CONDUCT

SECTION 1. If a married woman commits adultery, she shall become the slave of her husband, and the guilty man shall pay a fine of one hundred pesos to the treasury, and in case he can not pay that sum he shall become a slave himself.

SECTION 2. If a married woman is simply guilty of immoral conduct, such as a kiss or an embrace with another man, and quickly

reports the facts to her husband or his immediate relatives, her conduct will then be regarded as compulsory and she will not be liable to any punishment; but the man shall be liable to a fine of one hundred pesos, half of which shall be paid to the husband of the woman and the other half to the treasury.

SECTION 3. The abduction of a woman and cases of compulsory marriage shall be treated alike. The guilty man shall pay a fine of fifty pesos, out of which the treasury shall receive twenty pesos.

The woman's dower under such circumstances will be like that of her mother, and nothing else of the usual formalities shall be given to her people.

SECTION 4. In cases of seduction, admitted or inferred by the woman's request to marry the man, both man and woman shall be fined. The man shall pay a fine of fifty pesos, twenty of which shall be paid to the treasury, and the woman shall pay a fine of ten pesos to the treasury.

SECTION 5. Cases of elopement are considered as seduction, though there be no actual sexual intercourse between the man and the woman, because elopement occurs by the mutual consent of both parties.

SECTION 6. (a) In case a woman was regularly engaged and has lost her virginity, her dower and her *basingan* (the bridal price expressed in ounces of gold, and paid to the parents of the bride) and all other gifts shall be returned to her husband. The expenses of the marriage, as of rice and meat, etc., shall not be paid back.

(b) But in case a woman who has lost her virginity is abducted or married by compulsion, the husband shall forfeit all claim to her dower or her *basingan*, etc.

SECTION 7. (a) If a male slave commits adultery with a married free woman, he becomes the slave of her husband.

(b) If a free man commits adultery with a married slave woman, he becomes the slave of her husband.

(c) If a male slave commits adultery with a married female slave, he becomes the property of her master.

(d) Cases of seduction or marriage between slaves, in which the woman is a maid, shall be treated the same as if they were free persons, except that the fines shall be half as much.

ARTICLE IV

OPPROBRIUM

SECTION 1. An adult who insults, abuses, defames, or slanders another adult, without any provocation or in a way that is inappropriate to the guilt committed, shall, if brought to trial, be fined ten pesos.

SECTION 2. Children who commit the aforesaid offense are not liable to trial,

SECTION 3. If in such cases an adult interferes with children and hurts a child, he shall compensate for the harm done.

SECTION 4. If in such cases an adult interferes with children and he hurts himself, he forfeits all claim for compensation.

SECTION 5. Women who commit the same offense shall, as in the case of children, not be liable to trial.

ARTICLE V

TRADE AND EXCHANGE

SECTION 1. Under this article is included the sale or exchange of slaves, cattle, arms, and all commodities.

SECTION 2. Whoever trades or exchanges without the knowledge and the authorization of the governor or his representative shall be fined seventy pesos. Each party to a sale or exchange, no matter what the rank of the person may be, shall pay the fine. All of the fine shall go to the treasury.

SECTION 3. To buy a stolen article is the same as to steal it.

ARTICLE VI

FALSE CLAIM

SECTION 1. A false charge, a false claim of debt, and a false complaint or suit shall be regarded as cases of robbery.

## ARTICLE VII

### UNLAWFUL EXACTIONS

SECTION 1. Whoever exacts or enforces a claim without either the permission or the advice of the governor shall forfeit that claim and all rights to a just trial of the case.

SECTION 2. If a person fails to respect or disobeys the advice or decision of the governor, he shall forfeit his right to the contested object.

SECTION 3. If a person is not sure of the exact amount of the claim he exacts, he shall forfeit his right, and shall return the amount exacted, and pay a fine of ten pesos, to be divided equally between the governor and the treasury.

SECTION 4. (a) If a fight starts unexpectedly between two parties and results in harm to a third noncombatant party, the combatants shall be held equally responsible for the harm.

(b) If the harm in the above case amounts to death, both combatants shall be liable for the blood money and the crime shall be regarded as intentional murder.

(c) If harm in the same case falls short of death, the combatants shall be liable for half the blood money and a fine of twenty pesos, to be paid to the treasury.

SECTION 5. Whoever attacks or invades the house of another without the permission of the governor and causes the death of another party shall be guilty of intentional murder and shall be liable for the blood money of the person killed and a fine of twenty pesos to the treasury.

SECTION 6. (a) If in the above case the attacking party is killed the blood money shall be forfeited.

(b) If the attacking party is only injured, he shall be liable to a fine of twenty pesos and shall pay for all that is lost or destroyed by reason of his attack.

(c) If the attacking party is multiple, each person shall be liable to a fine of twenty pesos, no matter how many they may be, but the damage done shall be compensated for by the leader or instigator of the attack alone.

## ARTICLE VIII DEBT

SECTION 1. The creditor shall ask and investigate about the debtor from those who know him and shall also inform the heirs of the debtor concerning the debt to be contracted, for in case the debt is contracted without the knowledge of the heirs and the debtor dies the heirs shall not be held responsible for the payment of the debt.

SECTION 2. In case the debtor dies and leaves property inheritance and wives and children, his debt shall be paid from that inheritance.

SECTION 3. A debt is void unless it is called for before the lapse of three years in case both debtor and creditor live in the same town. This shall not hold true in case they live in two different towns, especially when they are separated by sea.

## ARTICLE IX FINDS

SECTION 1. The finder of any property, whether it be a horse or head of cattle, or a runaway slave, or any forgotten or fallen article, shall be rewarded, no matter who finds it.

SECTION 2. The customary reward for a find is at the rate of one cent for every dollar's worth of the find.

SECTION 3. In case the find is made within the limits of the town and belongs to a member of the same party, it shall be returned without any reward.

SECTION 4. Any person who makes a find shall make it known to the public, or bring it to the governor, or return it to its owner. If this is not done, and the find is not submitted to the governor within seven days, the case shall be regarded as robbery and the finder shall be fined seventy pesos, to be paid to the treasury. The same rule shall govern similar cases that occur out in the country or on the sea, except that the fine shall be equally divided between the governor and the treasury. The share that belongs to the treasury shall be intrusted to the governor for sakekeeping and future payment to the treasury. Any dishonesty committed in this matter will be a sin that results in loss both in this world and in the world to come.

## ARTICLE X

All subordinate officers of state are hereby enjoined to exercise all care and justice in their judgments and to adhere with all devotion to the seven articles of Mohammedan law.

In case any complainant appeals to one of you from the decision of another authority, do not accept the appellant's statement and render your decision without inquiring well about the case from the previous authority who judged it. In case you find the decision of that authority wrong, do not be ready and quick to blame and criticise him, but try to act in conformity and union.

In case you find his decision right, bring both the appellant and the appellee to the *panglima*. If the *panglima* does not furnish a solution, he shall bring them to the sultan, together with the authority from whose decision the appeal was made and the authority to whom the appeal was made.

If the authority to whom they appeal does not investigate or inquire from the authority from whom they have appealed, his decision shall be null and void.

Any person who exercises the right to judge without authority from the sultan shall be fined one male unmarried slave.

All governors and their subjects shall abide by and aid in carrying out all the articles and provisions of this code. Any persons who does not fulfill this duty will have all the curses and the calamities of this world and of the world to come that befall the man who swears falsely by the thirty parts of the Quran.