

ward to Yewun and Kumè south of Kyauksè, and the Prince himself had, for some time before the time at which the telegrams above cited were sent, been forced to retire to the little border Shan State of Ywangan, where with about 100 followers he lived under the protection of the Chief of the State. Kumè, the most southern of the Kyauksè posts, was occupied on the 4th July 1886. So far from the truth is the statement that there had been any inactivity in pursuing operations against the Myinzaing Prince that operations against him had been undertaken with exceptional vigour and success in spite of the disadvantages incident to the season and the nature of the country. Finally, having been interned at Ywangan for some months, the Myinzaing Prince died there early in August 1886. From this account it will be seen that the statement that the Myinzaing Prince was accepted by the *majority of the Burmese* as the representative of the House of Alaungpaya is much beyond the truth. That he maintained himself in force for several months within a few miles of Mandalay and held a Court is not true. It may be true that he used a white umbrella and flew a peacock flag. Although it is not true that the Myinzaing Prince was at the head of anything like a popular or national movement, or that all the other insurgent leaders professed to be fighting in his interests, yet it is the case that he was an important potential centre of disaffection and that many rebel Chiefs even in distant parts of the province professed to be fighting on his behalf.

In the *Times*' telegram of the 22nd August 1886 mention is made of the death of this Prince. It is there stated that he was about 14 years of age, that his troops were commanded and his affairs managed by his two uncles, that unless his forces were dispersed his death was comparatively unimportant, and that his younger brother, who was with him, or some other *soi-disant* Alompra Prince, would take his place.

The divergence between these views and those expressed in the telegram of the 10th July appears considerable. As to the facts in the telegram of the 22nd August the Prince was born in May 1869, and was therefore over 17 years of age when he died; his "troops" consisted of about 100 followers; he had no uncles with him or in any way connected with his affairs, though two uncles of his wife's are said to have been in his following; he had no younger brother with him; and he was not a *soi-disant*, but a real Prince of the house of Alaungpaya.

While dealing with the statements in the telegram of the 10th July it may be remarked that the statement therein contained to the effect that the Flotilla steamer *Kado* had been fired on while descending the Myitngè is entirely baseless.

Telegram dated Rangoon, July 13th, 1886.—It is quite untrue that General White was fired at while riding through Mandalay. The account of the affair at Natogyi is not in accordance with the facts of the case.

The leading article in the *Times* of the 14th July 1886 demands somewhat fuller notice.

It is scarcely consistent with facts to say that the dacoits had been permitted to enjoy impunity during “the past six or seven months.” Between April and July 1886 they had been beaten in more than a hundred engagements in different parts of the country. Shwebo, Ye-u, Sagaing, Ava, Kyauksè, the Lower Chindwin, Myingyan, and Pagan were all during these months being gradually reduced to order. Only in Minbu, Ningyan, and Yamèthin was the state of the country other than satisfactory.

The statement regarding Maung Swè has already been dealt with. For 20 years this man was the constant foe of the British Government. It would have been hardly possible to suddenly convert him into a trustworthy friend. In the Chief Commissioner’s judgment it would never have been wise to offer Maung Swè power and position as an inducement to him to come to terms.

As already noted the Prince on the north-east of Mandalay had no existence.

It is not true that detachments from the force of a powerful Prince in the south-east harassed Mandalay and its neighbourhood, nor is it true that they surprised a surveying party 4 miles from the city. The attack on the surveying party occurred at Myingôn, on the north-west of Mandalay, on the right bank of the Irrawaddy. It was an affair of no importance and it had nothing to do with the Myinzaing Prince.

It is not true that in the middle of July the main body of the Myinzaing Prince’s following was unbroken and that the Prince had defied Colonel Pemberton, who was commanding at Yewun, to meet him.

It is not true that all the other leaders gave out that they were fighting for him.

It is not true that trade was paralysed. The complaints of the peaceable inhabitants to which reference is made did not reach the ears of the Chief Commissioner or of his officers.

It is not true that in the middle of July 1886 Mandalay was the prey of native robbers and incendiaries from without.

So much for the errors of fact in this article. The general criticisms will be dealt with later on.

Telegram dated July 17th, 1886.—The official reports in which the condition of Ningyan was favourably described about this time do not and never did exist.

The paragraph concerning the conduct of the Punjabi police is grossly exaggerated. The correspondent's statements regarding the military police are dealt with in Note No. VII. It may suffice to say here that the conduct of the Punjabi police has been on the whole good and that their behaviour in the field has been uniformly excellent.

Telegrams dated August 19th, 20th, and 22nd 1886.—These telegrams contain an account of the breaking of the embankment at Mandalay. There is no ground for the suggestions that the embankment was cut by malefactors, or that the authorities were ignorant of the occurrence for some hours, or that no precautions were taken in spite of warnings. The safety of the embankment had for some time past engaged the attention of the local officers, and special precautions were taken to safeguard it against mischief and to watch for any signs of weakness. On the day before the breach occurred the Executive Engineer, the Deputy Commissioner, and the Native Magistrate in charge of the town together inspected the whole length of the bund. Workmen were employed in strengthening places that were thought weak, and a Public Works subordinate was actually present directing operations at the place where the breach occurred when the embankment gave way. The breach occurred at a specially broad part of the embankment, where until the morning of the breach mischief had not been apprehended. The flood was the highest that had been recorded for the past 60 years, and the embankment gave way as other embankments have given way before owing to immense pressure of water.

In the preceding paragraph have been briefly noticed and refuted some of the more important mis-statements of fact which have been published during 1886. Turning to the inferences drawn from these and other mis-statements we find that besides the charges respecting the administration of Mandalay, which have been dealt with in Note No. I, the principal charges against the local Government are—

- (i) utter inefficiency of the present arrangements in Upper Burma (Calcutta telegram of 20th June 1886) ;

- (ii) continuance of disturbances throughout the country (*Times'* telegrams and articles, *passim*) ;
- (iii) inadequacy of civil staff (*Rangoon telegram of July 7th, 1886, and elsewhere*) ;
- (iv) failure to enlist in the administration the few tolerable Native auxiliaries (*Times'* leading article of *July 14th, 1886*) ;
- (v) attempting to administer by the aid of Burmese functionaries (*Times'* leading article of *July 14th, 1886*) ;
- (vi) unsatisfactory administration of justice (*Times'* telegram dated *Rangoon, July 17th, 1886*) ;
- (vii) inadequate provision for public works (*Saturday Review, August 28th, 1886, and Times'* telegram of *August 20th, 1886*) ;
- (viii) unskillful military tactics (*Times'* telegram dated *Rangoon, July 17th, 1886*).

To effectually answer these criticisms will require a brief summary of the history of the administration during 1886.

The expeditionary force against Mandalay crossed the frontier on the 15th November 1885. As the force proceeded towards Mandalay a Civil Officer was left at each of three principal places between the frontier and the capital. As soon as Mandalay had been occupied the Chief Commissioner himself went thither accompanied by a small staff of Civil Officers. On his arrival he found that a provisional administration under the control of the Hlutdaw, or Council of State, had been established. Soon afterwards the Chief Commissioner removed from the Hlutdaw the responsibility for the care of the capital and placed it directly in charge of British officers under Colonel Sladen's control. In the lower districts, Minhla (Minbu), Pagan, and Myingyan, where British officers had been established from the first, it was decided that the Hlutdaw should have no control. The rest of the country the Hlutdaw, guided by Colonel Sladen, were to attempt to administer by native agency with such assistance as might be necessary from British officers and British troops. This form of administration was nominally continued till the end of March ; but in the meantime more British officers had been brought up and placed in charge of districts, and when the Hlutdaw was finally relieved of its administrative functions at the end of March the position of affairs was somewhat as follows. Civil Officers, assisted by Police Officers, were in charge in the districts of Minhla (Minbu), Pagan,

Myingyan, Sagaing, Ava, Mandalay, Bhamo, Katha, Kyaukse, the Chindwin, Yamèthin, and Ningyan (Pyinmana). These officers worked under the direct control of the Chief Commissioner. They were instructed to administer justice as far as possible in accordance with the Indian Codes, to enlist the sympathies of the people and the aid of the local officials, and to maintain local customs as far as might be compatible with the establishment of order. It was plainly impossible to introduce at once the whole elaborate machinery of administration suitable for a long-settled province. The first duty of the administration was to settle the country and provide a working form of government. This was attempted and, as results show, was done with some measure of success. As the area of our control extended more Civil Officers were required and more were obtained. By the end of the dry season the districts of Shwebo and Ye-u were added to the number of those which were being brought under settled administration.

It was not to be expected that the country would at once settle down into peaceful acceptance of a new form of government; that all the elements of disorder which must exist in a country which had long been in a disorganized state and which had endured the shock of the overthrow of its central Government should at once disappear. If such an expectation was ever entertained, it was not shared by the Chief Commissioner. The plan adopted for the pacification of the country was the establishment of local centres of civil administration supported by adequate military force. Gradually, as local circumstances were more fully understood, outposts were advanced and the area under settled administration was extended. The despatch of troops to march through part of the country and then return without establishing an outpost was discouraged. The result of these measures was that in no case, except in the districts of Yamèthin, Ningyan, (Pyinmana), and Minbu, did we lose our hold or suffer serious disturbances to arise in any part of the province once brought under control. The suggestion made in June, July, and August 1886 that the country in general was much disturbed and that it had drifted into a disturbed state is not supported by facts. An examination of the telegrams will show that the only places where serious disturbances occurred in those months were in the districts named above. In all other parts of the province good progress was being made and order was being introduced. The statements on which the inferences regarding

the condition of the country in those months were based have been discussed in the preceding parts of this letter.

It has been shown that the plan adopted for the pacification of the country has been worked steadily and with success. Probably that plan was not the best that could have been imagined, but it was the only one that could have been adopted in practice with any chance of success. The ideal plan would no doubt be to have placed at once in proper positions in the country a sufficient number of troops and trained police, to have divided the whole country at once into suitable civil divisions, districts, subdivisions, and townships, placing in charge thereof trained Civil and Police Officers acquainted with the language and manners of the country. An elaborate system of judicial and revenue administration should also have been introduced at the same time. This may be the Utopian scheme which should have been adopted. The reply to criticisms of this kind is that the working of such a scheme was impracticable. We had not, and in the nature of things it was impossible that we should have, a sufficient number of trained Civil Officers acquainted with the Burmese language to at once fill all the posts which must eventually be created in this province. The British Burma Commission was not capable of sudden and indefinite expansion in this way. We had not, and it was impossible that we should have, the minute local knowledge which would have been necessary to enable us to parcel out the country at once into civil divisions and place Civil Officers in every place where they would eventually be required. There was not, and it was impossible that there should be, anywhere in the Empire an immense body of trained police ready to be placed in position in Burma at a few weeks' notice. Civil Officers had to be trained, local knowledge had to be acquired, and police had to be raised, sent down from India, trained, drilled, and distributed. All these things required time. As much as possible was accomplished before the beginning of the wet season of 1886. Even during the rains, in spite of the unfavourable nature of the climate, troops and police and Civil Officers worked as steadily as ever. Except in three districts, where the unhealthiness of the country or the state of communications absolutely prevented the continuance of active operations to the extent that could have been wished, the area under settled government was steadily extended through the wet season. The civil staff was from time to time increased to cope with the work that could be undertaken. As cir-

cumstances altered more officers were asked for and more were sent.

The fourth and fifth criticisms noted on page 18 relate to the enlistment of native agency in the administration of the country. It will be seen that they are inconsistent. As a matter of fact from the very first no efforts were spared to enlist the services of Burmese officials on whose capacity and loyalty reliance could be placed. Colonel Sladen's efforts to carry on the administration by the aid of the State Council are well known, and though the Chief Commissioner was unable to approve of the retention in power of the Taingda Mingyi, it must be remembered that the authority exercised by this official ceased within 10 or 12 days of Sir Charles Bernard's arrival in Mandalay. The employment of the State Council was not found to be possible. As a matter of fact they ceased to control Mandalay or the southern districts before the end of December 1885, and they ceased to exercise any executive or administrative powers before the end of March 1886. But local officials of the late Government have been employed from the first day of the occupation. One of the first acts of every officer placed in charge of a district was to call upon the local officials to submit and take part in the new administration. In every district local officials responded to the invitation, and such as were found to be loyal and capable were retained in their former positions, and have in many instances rendered excellent service. There is scarcely a district in which the Deputy Commissioner has not received valuable assistance from local Burmese officials. Among the most conspicuous may be mentioned the Myowan of Mandalay, who has from the first been of the greatest use; Maung Tun, Myoök of Shwebo, who has proved himself a man of courage and loyalty; Maung Pônaka of Kyauksè; Maung Tun E of Wundwin; the Myoöks of Kyaukpadaung and Pin in Pagan; the Myoök of Salin in Minbu; Maung Hiwa, the Myoök of Ava; the Mingin Wun, who saved the lives of four English gentlemen on the Chindwin, directed relief operations in Mandalay from August to November, and who facilitated the advance of our troops on their passage to the Ruby Mines tract; and the Kanni Wun, who paid with his life for his loyal adhesion to our Government. These are but a few specimens of the many capable Burmese officials who, having cast in their lot with us, have been employed in the settlement of the country and have justified their employment.

The sixth charge, which concerns the administration of justice, has been dealt with in the preceding note. The remarks made concerning the administration of justice in Mandalay apply to a great extent to the administration of justice throughout the country. As soon as Upper Burma was incorporated in British India it was made a scheduled district and thus the introduction of all the statute law of the Empire was for a time postponed. To tide over the interval between the annexation and the introduction of the necessary regulations the Chief Commissioner issued provisional instructions which were approved by the Government of India and have since been formally ratified by the Legislature. The aim of these instructions was to ensure the fair administration of justice without burdening officers engaged in the settlement of the country and Burmese officials, who had only lately been required to conform to civilized methods, with all the formalities and technical procedure of the Indian Codes. At the same time those Codes were taken as the basis of the judicial administration. No appeal was allowed from any decision because it was not thought desirable to do anything to weaken the hands of the officers appointed to carry on the administration. But District Officers exercised the fullest powers of revising sentences passed by their subordinates, while the decisions of District Officers were revised at first by the Chief Commissioner and afterwards by Commissioners of Divisions. As a safeguard against the hasty award of capital sentences it was provided that no sentence of death should be executed until it had been confirmed by the Chief Commissioner. Later the power of confirming sentences was delegated to Commissioners of Divisions. It is difficult to see what more suitable arrangements could have been made for the administration of justice, regard being had to the necessity for the prompt enforcement of the law and at the same time for the provision of adequate safeguards against abuse of power. It is quite certain that any attempt to introduce at once the whole complicated system of Indian judicial administration must have resulted in much of the law remaining a dead-letter. At the end of 1886 when the area under settled administration had been largely extended, when the civil staff had been proportionately increased, and when Burmese officers had acquired some experience of our methods, a body of regular law was introduced.

The criticism concerning the inadequate provision for public works is based principally on the supposition that had

funds been available the Mandalay embankment would have been strengthened so that it would not have given way. The fact is that during 1886 public works were pushed on with as much vigour as circumstances would permit. In Mandalay ~~much~~ was done to improve the roads in the town and city. In other parts of the country important road works were put in hand. Early in 1886 the survey of the projected railway line from Toungoo to Mandalay was undertaken and the work was pushed on with such vigour, even into the rainy season, that a great part of the survey was completed, and the line was begun in three places as soon as the season permitted. It is expected that the line will be open to public traffic from Rangoon to Mandalay by the 1st January 1889. Almost before the rains were over steps were taken to improve communications and to open out the country by the clearing of jungle tracts and the construction in suitable places of regular roads. The supposition that there has been any neglect of necessary public works rests on a foundation as unsubstantial as the other unfavourable criticisms already discussed.

The charge of want of skill in the conduct of military operations made in the *Times'* telegram of July 17th is one which cannot be dealt with here. The Government of India and His Excellency the Commander-in-Chief have placed on record their appreciation of the vigorous and skilful manner in which General Sir George White and his officers have conducted operations during 1886. The Chief Commissioner at all times received the most cordial support and assistance from the local Military authorities and Sir Charles Bernard recorded that, in his judgment, they effected all that could possibly have been done under the conditions subject to which they were compelled to work.

Note No. III.—Policy of Government in 1887 in connection with the Alienation of State Lands in Upper Burma.

Text of Telegram from the correspondent which appeared in the *Times* of 28th June 1887.

The illiberal policy adopted by the local Government with reference to crown lands in Upper Burma, and the favour shown to public officials in connection therewith, cause much dissatisfaction. At present all reasonable facilities should be offered and encouragement should be given to those wishing to carry on business in Upper Burma. The local Government, however, adopts a directly opposite policy. It refuses to sell to any but a public official even small lots of public land, although land may be required for purposes admitted to be of general public utility. Any leases granted of Government land are short and subject to conditions. This policy seriously retards commercial progress in the upper province, and prevents the introduction and expenditure of capital.

While this restrictive policy is adopted towards the public, officials are allowed to purchase valuable lots of public land on advantageous terms, and are granted permanent, hereditary, and transferable titles. In Mandalay, where land is now very valuable and steadily rising in price, several public officers, some of them holding subordinate positions, one being merely a probationer, have recently acquired valuable sites. When public officers apply for land a moderate upset price is placed on it, and notice is published in the local Gazette, giving the name of the official who has applied, and announcing that the land will be offered for sale by public auction. Now, in the present condition of Upper Burma, almost uncontrolled power being exercised by public officers, the natives, and indeed Europeans holding unofficial positions, naturally hesitate to compete with officials for land for which they (the officials) have applied, and there is no real competition. If it were necessary to sell sites to officials to provide them with permanent residences in Mandalay, the action of the Government would be easily understood. But in Upper Burma the officials are now so frequently transferred from one district to another that the land thus obtained by public officers will probably be soon re-sold at considerably enhanced prices by the fortunate grantees.

WITH reference to the telegram quoted above it may be remarked, in introduction, that except in connection with an application of the Irrawaddy Flotilla Company for river-ain sites, to which reference is made later on, the question of the alienation of Government land in Upper Burma had up till August 1887 come under the Chief Commissioner's consideration in Mandalay and Bhamo only. In the rest of the

province it had not been found necessary to make regulations for the disposal of waste land belonging to Government, because there was no general demand for it.

In August 1887 enquiries were made as to the extent to which State lands had been leased or granted in Upper Burma. The following facts were ascertained. No applications for grants or leases of land had been made by non-officials in the Southern division, except by the Irrawaddy Flotilla Company. The Commissioner of the division had made grants to the Flotilla Company. The Commissioner of the Southern Division had also in some cases permitted officials to build houses on Government waste land. No grants or leases had been made to them. In the Eastern Division no grants or leases of land had been made. Some Government officers in Pyinmana and Meiktila had been permitted to build houses for themselves on Government land. No grants or leases had been made to them. In Pyinmana permission to occupy Government land had been granted in a few cases to native shop-keepers, and persons expropriated from land taken up for the cantonment and the railway had been allowed to occupy waste land. No grants or leases had been made in the Central division. The only towns of any size in the Northern division are Mandalay and Bhamo. No grants had been made in any part of the Northern division except in those towns. In Bhamo 35 grants had been made up to August 1887 under the regulations in force in Mandalay, of which details are given later on. The grants made in Bhamo were made to Europeans, Americans, Natives of India, and Burmans. Two of the grantees were Burman Myoôks, *i.e.*, Subordinate Magistrates, five were clerks, one was a postman, the remainder were non-officials. In March 1887 two grants were made to officials and two to non-officials; in April, one was made to a non-official, two to officials; in May, six were made to non-officials and three to officials; the remainder were granted in the months of June to August 1887. The areas granted were in all but one case less than a quarter of an acre. The prices paid varied from Rs. 5 to Rs. 1,740. Grants were made in each month from March to August 1887. At first the prices paid were small but they soon rose. In Bhamo the land near the river and eligible for building on is very limited; hence the high prices received. In addition to these grants the Deputy Commissioner made several leases of land of small value at trifling rents. No grants were made in Bhamo except under the rules referred to. No grants ap-

plied for were refused, and no complaints were made of the action of Government at Bhamo in regard to the alienation of land.

The procedure adopted in the alienation of crown lands in Mandalay was as follows. Building sites were granted in Mandalay under directions which were approved by Sir Charles Bernard in November 1886. The directions provide for the sale of building sites by auction and for the grant of titles to purchasers. The title granted is a permanent, hereditary, and transferable title, subject to the payment of rates and taxes, and to compliance with certain conditions which are set forth in the deed of grant. Grants of less than a quarter of an acre are made by the Deputy Commissioner; grants of land containing an area of more than a quarter of an acre are made by the Deputy Commissioner with the approval of the Commissioner. No distinction is made between officials and non-officials either as regards the nature of the title granted or as regards the manner in which the grant is made. The procedure under which grants are made is as follows. The applicant for a grant presents to the Deputy Commissioner a written application for the site which he desires. If the site applied for includes an area of more than a quarter of an acre, the application is submitted by the Deputy Commissioner to the Commissioner for orders whether the site applied for shall be sold by auction. If the area applied for does not exceed a quarter of an acre, the Deputy Commissioner takes action on his own responsibility. When it has been decided that the site may be sold, the Deputy Commissioner makes it known by advertisement in the local newspaper, and by printed notices affixed at places of public resort, that the site has been applied for. The advertisement and notices specify the person who has applied for the site, and state that it will be sold by public auction to the highest bidder on a date which is named and which is never less than 14 days distant from the date of the advertisement. The auction is held on the day fixed in the Deputy Commissioner's office, and the upset price which has been fixed by the Deputy Commissioner is declared. The upset price fixed is the price which is believed to represent the value of the land to be sold, and is decided on after consideration of the estimated value of land in the neighbourhood. The price fixed in the first auctions held under the directions was Rs. 50 an acre. In later auctions held prior to August 1887 the price was fixed at Rs. 100. The upset price having been decided

on, bids are invited and the land is knocked down to the highest bidder. At the auctions which had been held up to August 1887 from 10 to 12 persons, including Europeans, Indians, and Burmans, generally made bids. Eight grants were made, three to officials and five to non-officials. One grant, namely, to Esoof Mahomed Madaree, was made in March, *i.e.*, some months before the telegram of the *Times'* correspondent was published. The site obtained by E. M. Madaree is situated on the bank of the Irrawaddy, and was sold to him under the following circumstances. Some months previous to March 1887 he bought the site, which was Government property, from a Burman who had been permitted to temporarily occupy it under the Burmese *régime*. Esoof Madaree had therefore no valid title to the site, and it was decided to sell it under the directions. On the auction being held Esoof Madaree bought it. With the exception of this site, all the sites granted are in the south-east of the town, remote from the business quarter, and very sparsely occupied owing to the swampy nature of the land and to its exposure, in Burmese times, to attacks from dacoits.

In addition to the grants made under the directions two special grants were made in February 1887 by Sir Charles Bernard to Messrs. Bridges and Fforde, the Deputy Commissioner and District Superintendent of Police of Mandalay. The land granted had an area of $8\frac{1}{3}$ acres and was sold at Rs. 50 an acre. Sir Charles Bernard made these special grants, because it was necessary that the officers in question should live in the town, and because he desired to assist them to house themselves properly. The sites granted to them are not situated in the business part of the town but in waste land. The price paid, Rs. 50 an acre, was believed to be a fair price because it was a little higher than the price at which two adjoining sites had been purchased by private sale a short time previously. One of the grants made after auction was made to Mr. Mathews, who appears to be the gentleman referred to as a probationer in the *Times'* correspondent's telegram. Mr. Mathews is an Assistant Commissioner who in 1887 was on probation and was stationed at Mandalay. His duties required his constant presence in the town. The conditions under which he obtained his grant were in no way different from those under which non-official grantees receive grants. The site was put up to auction at an upset price of Rs. 50, and after a keen competition, in which two natives of India bid against Mr. Mathews, was knocked down to him

for Rs. 850, or Rs. 293 an acre (including cost of expropriating squatters). The competition at this auction is said to have been keener than at any other.

Only two applications for grants of land, so far as can be ascertained, were refused in Mandalay town between the date of the occupation of Mandalay and the date of the *Times*' correspondent's telegram. The applicants were a Mr. Morton and a Dr. Henderson. Mr. Morton applied for a grant of a tract of country on the outskirts of Mandalay to be used as a brick-field. The Deputy Commissioner, Mandalay, declined, and rightly, to entertain the application because the area applied for, about four square miles or 2,575 acres, was absurdly large and because it included cultivated land. Dr. Henderson's application was refused because the site which he required encroaches on a public road, and also because it is situated on the Thingaza creek. The local authorities had been endeavouring to remove Burman occupants of sites, situated, like that applied for by Dr. Henderson, on this creek, because they defile it by throwing refuse, &c., into it. It was not considered advisable to grant to Dr. Henderson a site which would certainly have been refused to a Burman. One application for a grant of land in Mandalay city, *i.e.*, within the cantonment was refused to Messrs. Dyer and Co., brewers. Messrs. Dyer and Co. are Government beer contractors. They applied for a grant of a site to build a beer godown. Their application was rejected at the instance of the Military authorities.

Besides alienating land absolutely to the extent detailed above, Government had previous to August 1887 made leases and temporary assignments of crown lands to persons to whom it was not considered desirable to make outright grants. The temporary assignments of Government land were made to persons expropriated from the city, *i.e.*, the area included within the city walls, and from the site of the railway station. A large number of persons, almost all of whom were Burmans, were compelled to move their houses in consequence of these expropriations. As it was necessary to provide them with house-room they were permitted to temporarily occupy waste land, the property of Government, in localities selected by the Deputy Commissioner. They received no title to the sites they occupied, and were merely squatters. Since 1887 they have under certain conditions been given absolute titles to the land assigned to them. The only cases in which leases of waste land had been made up to August 1887 were the

following. In all except the first the sanction of the Chief Commissioner was given to the lease :—

- (1) Eleven leases of land for brick-making purposes were made to Burmans and Natives of India by the Deputy Commissioner, Mandalay, at a rent of Rs. 5 a month per acre.
- (2) Forty acres of lowlying land in Mandalay were leased to the Burma Construction Company. The land was leased for brick-making purposes only. The rent fixed was Rs. 2 a year per acre. The lease is to run for 30 years. This Company had undertaken to supply bricks for the railway, and the especially favourable terms given were intended to induce them to push on the work.
- (3) The area in Mandalay, of between six and seven acres, occupied by the saw-mills established by the Burmese Government, was let to Messrs. Darwood and Macgregor, large timber merchants, for 10 years. The rent to be paid is Rs. 2,000 a year for the first five years and Rs. 3,000 a year for the last five years. On the expiry of the lease the buildings on the property, other than those erected by the lessees, are to be returned to Government in good order.
- (4) A plot of ground on the river bank was leased to the Irrawaddy Flotilla Company for 21 years. This plot of ground is known as the Mandalay dockyard, and was used as a dockyard by the late Burmese Government. Various buildings are standing on it. These are included in the lease of the site. The rent fixed is, for the first five years, none ; for the next five years, Rs. 1,000 per annum ; for the last 11 years, Rs. 3,000 per annum.
- (5) A plot of land having an area of about four acres, which was used by the Burmese Government as a gun factory was leased to Messrs. Dyer and Co., brewers. Messrs. Dyer and Co. hold a contract to supply the troops in Upper Burma with beer for five years. The terms of the lease are as follows. The lease is to run for 20 years unless terminated within 12 months

from its commencement by the lessees. The lease authorises the lessees to make such use as they see fit of the buildings standing on the ground leased. The rent fixed is for the first five years Rs. 1,000 per annum, for the next five years Rs. 2,500 per annum, for the last ten years Rs. 4,000 per annum. It is further provided that on the expiry of the lease it may be renewed for another term of 20 years, at a rent to be fixed by Government, but not to exceed Rs. 7,000 a year. In the event of the non-renewal of the lease, all buildings standing on the land are to remain the property of Government.

- (6) A plot of land measuring about quarter of an acre was leased to the Irrawaddy Flotilla Company; on the shore of the Irrawaddy at Mandalay. The details of this lease are given further on.

All the facts connected with the disposal of house-sites in Mandalay up to August 1887 have now been stated. It remains to consider whether the policy of Government created dissatisfaction. So far as can be ascertained, only two complaints on the subject of the policy of Government in alienating crown lands had been made at or about the time when the correspondent telegraphed that the illiberal policy of Government caused much dissatisfaction. These complaints were made,—

(1) by a Mr. Quarme,

(2) by the Irrawaddy Flotilla Company.

(1) Mr. Quarme is a European, who was in the employment of the principal native commissariat contractor in Burma, Bugwar Dass. He complained in the beginning of June 1887 that *bonâ fide* European and Eurasian bidders for land were driven out of the market by a 'ring' of land-jobbers. Mr. Quarme did not explain to whom he referred, but it may be presumed that he referred to native speculators. His complaint was not that Government showed undue favour to officials, but that all Europeans and Eurasians were prevented from acquiring land by the overpowering competition of native speculators. He suggested as a remedy either that land should be granted to *bonâ fide* applicants, on payment of the sum paid by Government as indemnity to squatters expropriated, or that none but Europeans

or Eurasians should be permitted to bid at auctions. There is no reason to believe that the alleged evil of which Mr. Quarmer complains exists or ever did exist.

(2) The complaints of the Irrawaddy Flotilla Company were made in consequence of the refusal of Government to make absolute grants of riverain sites to the Company. The facts of the case are as follows. In 1886 the Company asked Sir Charles Bernard to make them grants of land at each principal station along the Irrawaddy to be used for piers, landing-places, goods-sheds, wharves, and offices. Sir Charles Bernard proposed to acquire the sites which the Company required under the Land Acquisition Regulation, the Company paying the cost of expropriation, and to lease the sites, except the site in Mandalay, to the Company for 50 years. The yearly rent to be paid for each site during the first 10 years of the lease was to be a nominal one of Re. 1. The rent to be paid for each site during the remaining 40 years was to be Rs. 100 a year. The site at Mandalay was to be leased for 12 years, at a rent of Rs. 200 per annum. These terms were at first agreed to by the Company, but subsequently they re-opened the question whether leases or grants should be made to them. Like the correspondent, they complained that the leases which Government proposed to give them were short and subject to conditions. In consideration of the readiness with which the Company had in some other matters met the wishes of the local administration, the term of lease in the case of Mandalay was extended from 12 to 21 years, and in all cases the Company was allowed the right to remove buildings erected by them or to get the value of those buildings at the end of the lease. But absolute grants of the sites were refused. The action of the Burma administration in the matter of these riverain sites was in accordance with the orders of the Government of India. There are very strong objections to the grant, absolutely, of riverain sites to the Irrawaddy Flotilla Company. The sites are at present of small value, but there can be little doubt that in the course of the next 50 years, with the increase of trade, the value of some if not all of them will increase greatly. It is not impossible that the Government may at a future time require one or more of the sites for its own purposes. On these grounds it would be unwise on the part of Government to permanently alienate the sites at the present time. In the case of Mandalay such a course would be especially unwise, because there can be no doubt that riverain sites at Mandalay will hereafter be very valuable. Further, it would be

impolitic to grant absolutely to the Irrawaddy Flotilla Company the best river sites at all the principal stations along the Irrawaddy. The Company enjoys a monopoly of river steam traffic. It is undesirable to sacrifice the interests of the Government in order to strengthen this monopoly. The *Times'* correspondent was legal adviser of the Company in their negotiations with Government concerning these sites. Towards the end of May the Company strongly urged the Government to give them absolute grants arguing that as such grants were being given to other persons it was reasonable that they should be given to the Company. On the 17th June the Chief Commissioner extended the lease of the Mandalay site for 21 years, but made no further concession. On the 28th June appeared the correspondent's telegram.

In conclusion brief comment may be made on the *Times'* correspondent's assertions or innuendoes. They are as follows :—

- (1) that the *policy* of the local administration in disposing of crown lands is illiberal ;
- (2) that in disposing of such land favour is shown to officials ;
- (3) that the policy of the administration causes dissatisfaction ;
- (4) that Government refuses to sell to any but a public official even small lots of Government land ;
- (5) that leases granted are short and subject to conditions ;
- (6) that officials are allowed to purchase on advantageous terms ;
- (7) that almost uncontrolled power is exercised by public officers ;
- (8) that therefore natives, and indeed Europeans holding unofficial positions, naturally hesitate to compete with officials ;
- (9) that it is unnecessary that officials in Mandalay should be provided with permanent residences as they are often changed.

(1) It is clear from the history of the case that the policy of Government has not been illiberal. The administration has granted, and proposes to continue to grant in perpetuity, sites for houses in Mandalay, Bhamo, and, if necessary, elsewhere. It has refused to alienate river frontage permanently, but it has gone out of its way to help the Flotilla Company to acquire suitable sites, and has given the Company leases for 50 years except in Mandalay.

(2) Except in the cases of Messrs. Bridges and Fforde, officials desirous of obtaining sites were treated in precisely the same way as non-officials.

(3) No complaints have been made of the policy of Government except by Mr. Quarme and by the correspondent's clients, the Irrawaddy Flotilla Company. It has been explained that the complaints of Mr. Quarme and of the Company are unreasonable, and that in refusing to make permanent grants to the Company Government has merely performed its duty as protector of the public interests.

(4) Government does not refuse to sell land to any but a public official. It has made numerous sales to non-officials in Bhamo and to several non-officials in Mandalay. One of the sales to non-officials in Mandalay and nine of the sales to non-officials in Bhamo were made some time before the date on which the correspondent telegraphed "The local Government * * * refuses to sell to any but a public official even small lots of public land."

(5) The terms of the leases made are not shorter than the necessity of the cases in which they were made required. With the exception of the Irrawaddy Flotilla Company the persons receiving leases did not complain of the shortness of the terms of lease. The leases granted to the Company are to run for 50 years, a term which cannot be called short. No conditions have been imposed in the case of either leases or grants except such as were necessary to safeguard the interests of Government and the general public.

(6) Officials are not allowed to purchase land on favourable terms.

(7) The assertion that officials have uncontrolled power is untrue. Their power is subject to the control of the law and of their superiors.

(8) The assertion that natives and non-official Europeans hesitate to bid against officials is also untrue. Bidding at auctions depends entirely on the eligibility of the site, not on the position of the original applicant.

(9) Officials at Mandalay require houses whether they remain there for six months or for six years. Government is unable to provide them with houses. Unless they are allowed the same facilities as private persons for procuring sites they cannot build for themselves. It would be most unjust and impolitic to do anything which would render it more difficult for an official than for a non-official to house himself properly.

. In fact in view of the unfounded accusations which may be brought against an official who buys a site for a house, Government has now framed special rules for leasing building sites to its officers in Upper Burma.

IN the *Times* of the 10th August 1887 there appeared a second telegram from the Rangoon correspondent on the subject of land-jobbing in Upper Burma. That telegram contained several mis-statements, and conveyed, generally, a wrong impression of Government action in the matter of the disposal of land. The statements made in the first portion of the telegram are not quite accurate. The area of the land sold to Messrs. Bridges and Fforde was $8\frac{1}{2}$, not $8\frac{1}{2}$ acres. The price paid was Rs. 50, not 50 shillings, an acre. The circumstances of the sale are fully set forth on page 28 of this pamphlet. The correspondent says: "It is alleged that "other public officers have also privately purchased public "land in Mandalay. At present there is no proof of this." This statement is ambiguous. If it means that other officers besides Messrs. Bridges and Fforde have purchased land from Government outside the rules, the statement is incorrect. If it means that public officers have purchased private land in Mandalay by private contract, it states a fact which is no doubt true with regard to some of the subordinate officials. Mr. Noyce, a Myoôk or subordinate magistrate, bought some land, and Mr. Davis, a Public Works Department Overseer, bought a little house for himself, but it was hardly worth mentioning. There is no rule which prevents Government officers from buying house-sites to live on, and any such rule would be a ridiculous one. There can be little doubt that the correspondent intended it to be inferred that other officers besides Messrs. Bridges and Fforde had bought land from Government outside the rules.

The correspondent next takes exception to the size of the sites sold to Messrs. Bridges and Fforde. As explained on page 28, land is not valuable in the locality in which Messrs. Bridges and Fforde received sites; consequently the exact area sold was of no great consequence. Sites of a considerable area were sold in order that Messrs. Bridges and Fforde might be spared the discomfort of contiguity to native noises and smells. Any one who has been in Mandalay knows the extent of the discomfort which must be endured by an Englishman who has to live in the immediate vicinity of

native houses. The correspondent conveys an entirely wrong idea of the position of Messrs. Bridges and Fforde by calling them "subordinate officials." They were two of the highest *local* civil officials in Mandalay and occupied an entirely different position from that suggested by the term "subordinate."

The correspondent goes on to say that the price paid for land adjoining that sold to Messrs. Bridges and Fforde is not a fair criterion of the value of the land sold to them, because squatters in Mandalay sell their nominal rights at very moderate prices. The correspondent here assumes that the sites sold by private contract in the vicinity of Messrs. Bridges and Fforde's sites were squatters' sites. This is not correct. The two sites adjoining those sold to Messrs. Bridges and Fforde, which are referred to on page 28 as having been sold by private contract, were not squatters' sites, but were the private property of the persons who sold them.

The correspondent next compares Mandalay with Bhamo. He says that land is not more valuable in Bhamo than in Mandalay. This is incorrect. Land is, absolutely, more valuable in Bhamo than in Mandalay, and land at the disposal of Government is far more valuable in the former than in the latter town. The reasons for this state of things are as follows. The supply of land in Bhamo is very limited, the supply in Mandalay is large. In Bhamo a considerable area of valuable land belongs to Government, in Mandalay all the valuable land in the centre, that is, the business part of the town, belongs to private individuals. The only valuable land which Government has at its disposal is land which it would be impossible or impolitic to alienate to the general public, namely, land required for cantonments, or for the railway, or, on the river bank, for wharfs and the like. The town of Bhamo is hemmed in by hills, a marsh, and the river. A considerable part of it is taken up by the cantonment, and the space available for dwelling-houses is small. In Bhamo therefore, where land is scarce, where valuable land is possessed by Government, and where valuable land is put up to auction by Government, high prices are paid; in Mandalay, where land is plentiful, but where valuable land, the property of Government, is not available for sale, low prices are paid.

The correspondent says further, in comparing Mandalay with Bhamo: "The sales (at Bhamo) have been open to all, and there has been no favour shown." The inference

which he intends to be drawn from this is that the contrary is the case in Mandalay. It has been shown on page 27 that sales of land in Mandalay are and always have been conducted in a perfectly fair and public manner, the same rules being in force in both places. The correspondent continues: "In my former telegram I pointed out that the system of announcing that officials had applied for land which was offered for sale in the present state of Upper Burma prevented all competition." The incorrectness of this statement has been sufficiently set forth in an earlier part of this Note. Of all the sales held previous to August 1887 that at which the competition was keenest was the sale of the site applied for by Mr. Matthews, an official. The correspondent, by admitting that sales in Bhamo have been conducted in an unobjectionable manner, practically admits that the statement is incorrect. Yet he repeats it in the face of his own implied admission that it is false. The correspondent continues: "The Government has been asked in the local newspapers to state whether any competition has ever taken place at any sale held under such conditions. No reply has been given." The correspondent's telegram is dated the 10th August. In the *Rangoon Times* of the 8th August appeared an article on the question which stated, *inter alia*, that there had been an average of 10 to 12 bidders at every auction of Government land held at Mandalay. This information was communicated by Government.

The correspondent continues: "Inquiry was also made as to the system on which the upset price for land required by officials was fixed. It is now announced that the land thus sold to officials was valued by a Deputy Commissioner who had already himself purchased land at Rs. 50 an acre." Reference is here made to "land required by officials" as if such land formed a special class of land, and as if officials were treated, in the matter of sales of land, in an exceptional manner. This, as has been explained in an earlier part of this Note, is not the case. So long as officials were allowed to bid at auctions of public land they were treated in the same way as private individuals. The upset price of land required by officials was fixed in precisely the same way as the upset price of land required by non-officials, namely, on a consideration of its probable value. The meaning of the words "land thus sold to officials" in the last sentence is not apparent. The inference which the sentence suggests is that land was sold to officials at an absurdly low valuation by an official who was

himself a land-jobber. As has been already explained, the valuation fixed by the Deputy Commissioner on land sold did not affect the price fetched. In the case of officials as well as of non-officials the price paid was determined solely by competition. The upset price was merely the price which the Deputy Commissioner believed to be a fair one, and which was the lowest for which Government is willing to part with the land.

Note No. IV.—Administration of Forests in Upper Burma in 1887.

Text of Telegram which appeared in the Times of November 9th, 1887.

Rangoon, November 6th, 1887.

Numerous complaints are made of the manner in which the Forest Department is now administered and some change appears to be urgently required. Mr. Hill, at present Secretary of the Forest Department, was recently brought to Burmah from the Punjab and has conducted the business of his department in a very high-handed and injudicious manner. His proceedings not only cause injustice to the forest lessees and others interested but result in serious loss to the public revenue.

THE gentleman to whom reference is made in the telegram cited in the margin is Mr. Hill, Conservator of Forests in Upper Burma. The statement that he is an officer recently brought to Burma from the Punjab suggests the inference that he has no experience of Burma. Mr. Hill's official career has been as follows. He was appointed to the Forest Department after a scientific training in France in 1872. He served for four years in India, and in November 1876 he was transferred to Burma. He served in Burma continuously from 1876 to 1885. From January 1883 to 1885 he was Conservator of the Pegu Forest Circle, the most important forest charge in Burma and one of the most important in the whole of India. In January 1885 he was appointed to the most important forest charge in the Punjab. He filled this appointment till March 1887, when he was appointed to the charge of the forests of Upper Burma. He was selected for this post by the Government of India because he was considered peculiarly well fitted for it by reason of his ability, experience, and knowledge of Burma.

The charges made in the remaining portion of the telegram that Mr. Hill had been guilty of mismanagement, and that he carried on the forest business in a high-handed and oppressive manner, injuriously affecting the rights of people interested and the public revenues, are altogether groundless. Mr. Hill has administered the forests of Upper Burma with much ability and success, and is laying the foundation of a large forest revenue. The charges of high-handed and oppressive action which the correspondent makes are made in his capacity of Advocate for certain persons who came in contact with Mr. Hill in his official capacity. The circumstances of the controversy between Mr. Hill and the correspondent are as follows.

A certain Burman named Ko Tu has for many years carried on the business of forester in Upper Burma. He obtained leases of various Upper Burma forests during the Burman *régime*, and his business consisted in extracting timber from them. At the time of the war Ko Tu held a lease of a forest known as the Mogaung forest on the borders of China and of a forest known as the Yaw forest not far from the boundary of Upper and Lower Burma. The latter lease expired in November 1885, but Ko Tu held a supplementary agreement which was current till February 1887. This agreement authorized him, in return for the payment of Rs. 25,000, to bring out into the Irrawaddy as much as he could of the timber lying in the forests and streams within the limits of the lease. It was specially stipulated that on the expiry of the agreement all timber remaining in the forests and streams became the property of Government. Under this supplementary agreement Ko Tu extracted a large quantity of timber, and on its expiry he moved his elephants and working staff from the Yaw forest to the Mogaung forest of which, as has been stated above, he held a lease. Early in June timber floated out of the Yaw forest streams into the Irrawaddy, of which the Yaw streams are tributary, and was taken possession of as Government property by the Forest Department. At the end of June the *Times*' correspondent telegraphed to the Conservator of Forests offering on behalf of four Chetty* firms, who were stated in the telegram to be Ko Tu's attorneys, to pay rent overdue for Ko Tu's forests without specifying those forests. The rent of the Mogaung forest was considerably overdue, but it was deemed advisable to refuse

* Chetties are a caste in Madras who are the principal money-lenders in Burma and correspond to the Marwaris and Mahajans of Western and Northern India.

the offer of payment as the correspondent's telegram did not show that it came from Ko Tu, and as no proof had been produced that the Chetties had any interest in the forest. On the 4th July the correspondent, as Advocate for Ko Tu and the Chetties, wrote to the Secretary* to the Chief Commissioner in the Forest Department stating that the Yaw timber of which possession had been taken by the Forest Department in June had been "confiscated" as security for the Mogaung forest rent; that in refusing to accept rent for the Mogaung forest from the Chetties Government was repudiating an implied agreement to continue his lease of the Mogaung forest to Ko Tu; that the timber of which the Forest Department had taken possession in June bore the Chetties' marks; and that he, the correspondent, held a power-of-attorney from Ko Tu to act for him in all matters connected with his forests. The correspondent summarized his view of the case in the following terms:—

"It is clear from these facts that since you have ascertained that certain Chetty firms were interested in Ko Tu's forest you have sought to repudiate the rights which you had previously admitted. You have attempted, as far as was in your power, to confiscate property of great value. The system which you are attempting to introduce in your department of imposing penalties and disqualifications on persons according to their race and nationality, and of denying them the equal and impartial protection of the law, is opposed to the system which prevails in all other public departments and on which Burma and indeed the Indian Empire are governed."

As a matter of fact Government had not "confiscated" the Yaw timber as security for the Mogaung lease. Government had appropriated the timber because it was Government property. Government had no intention of cancelling Ko Tu's Mogaung lease provided he paid the rent. Ko Tu was and always has been treated in regard to his Mogaung lease in precisely the same manner as other forest lessees. The statement that the Yaw timber bore the Chetties' marks was untrue. On the 9th July the correspondent was invited to produce a power-of-attorney authorizing him to act for Ko Tu, was told that any representations made by Ko Tu, or an authorized agent on his behalf, would be listened to, and that if Ko Tu paid the Mogaung forest rent due from him, it would be received. The correspondent then changed his ground. He had discovered the absurdity of his charge that the Yaw timber had been appropriated by Gov-

* Mr. Hill fills the dual office of Conservator of Forests in Upper Burma and Secretary to the Chief Commissioner in the Forest Department.

ernment as security for the Mogaung rent. He accordingly stated that the timber had been sold to the Chetties by Ko Tu before the expiry of the supplementary agreement referred to above, that it had been floated out of the limits of the Yaw forests, and that consequently it was the property of the Chetties who had bought it from Ko Tu. At the same time he forwarded a power-of-attorney, dated the 12th July, authorizing him to appear for Ko Tu. It was pointed out to him that though this power was dated the 12th July he had on the 4th July declared himself to be Ko Tu's attorney. In explanation of this circumstance the correspondent stated that when he wrote on the 4th he held an imperfect power-of-attorney and that the one of the 12th was a more general one which had been substituted for the earlier one. He did not, however, produce the earlier one in proof of his assertion. The claim made by the correspondent to the Yaw timber was one which admitted of argument and he was informed that it would be inquired into. Enquiries were made and the opinion of the Government Advocate, the law adviser of Government, was taken on the legal aspects of the claim. The Government Advocate asked that he might be supplied with certain documents to enable him to form an opinion on the case. The correspondent was asked to supply these documents. In replying to the letter in which he was asked for this information the correspondent on the 23rd September wrote a letter to Mr. Hill, as Secretary to the Chief Commissioner, which contained the following statements :—

“ On one point I observe with pleasure a change in your tone as regards my clients. In your letter under reply you refer to my client, as “ Chetty gentlemen.” When this controversy was commencing you described them as “ greasy usurers,” on the occasion when you informed me of the intention of the Forest Department to seize all their timber then in the Irrawaddy. You then remarked such proceedings would probably lead to a debate in Parliament, but you consoled yourself by observing that, after the decision in the Laidman-Hearsey case, no official had anything to fear. I think, in relying so much on the result of that *cause célèbre*, you may find you are leaning on a broken reed.”

On the 30th September the correspondent, in writing to the Chief Commissioner as Advocate for the Chetties in another forest case in which they were concerned, spoke of Mr. Hill in the following terms :—

“ The delay and loss caused to my clients has been mainly due to the wrongful and oppressive action of Mr. H. C. Hill of the Forest Department. He commenced by avowing the intention of the Forest

Department to confiscate my clients' property and by asserting that the Government had decided to refuse to in any way recognize that my clients had any right in connection with the forests. Although you now inform me that my clients' rights are not impugned, Mr. Hill has, for months past, used every means in his power to harass and oppress my clients. At the commencement of this controversy, with a view of deterring the Chetties from asserting their rights, Mr. Hill made the false statement to me that certain of the Upper Burma Forest Regulations had been expressly framed by Government to defeat my clients' claims. Having regard to the communication which the Chief Commissioner subsequently addressed me on that subject, I am justified in stating that Mr. Hill not only made false statements, but that he made statements which he well knew to be false. I am glad that from this correspondence and case an opportunity will be afforded me of exposing the misconduct and petty tyranny of Mr. Hill."

The charges made by the correspondent against Mr. Hill in the extracts from his letters quoted above were entirely unfounded and were no doubt made for the purpose of prejudicing Mr. Hill in the eyes of Government and of obtaining a decision in favour of the correspondent's clients in their claim regarding the Upper Burma forests. The statement that the correspondent's charges against Mr. Hill are false rests upon the following facts. As soon as the correspondent had made the charges they were communicated to Mr. Hill, who was invited to submit an explanation. Mr. Hill emphatically denied having used the language or held the conversation imputed to him. He stated that he had only once conversed with the correspondent, namely, on the 13th June, and then only for a few minutes when the correspondent accosted him. The proof of the falsity of the correspondent's charges does not rest solely on Mr. Hill's statement. In the first place it must be mentioned that the correspondent neither brought nor offered to bring any proof whatever of the charges made. In the second place the letters which the correspondent himself wrote disprove in an indirect manner the truth of his charges. As is stated by him in the extract from his letter quoted above, he had an interview with Mr. Hill "at the commencement of this controversy." The date of this interview, which was the only interview which the correspondent had with Mr. Hill, was the 13th June. On the 15th June the correspondent in his capacity of Advocate for the Chetties addressed a letter to Government in which he refers to his interview with Mr. Hill in the following terms:—

"I have reason to believe that the officials of the Forest Department have adopted the view that my clients have no rights in connection with the forests in Upper Burma leased to Maung Mun Htaw, and

that they have placed those views before the Chief Commissioner and recommended him to refuse to recognize the Chetties' rights. I am confirmed in this view by a conversation I had with Mr. Hill, in reference to my clients' claim, in consequence of an official letter I wrote to him. If I am not altogether misinformed, the unusual course has been adopted by the Forest Department of framing some time ago a Regulation * for the express purpose of interfering with my clients' legal rights. This was done without any opportunity being afforded to the Chetties of asserting their rights or placing their case before the local Government."

It will be seen that in this letter, written only two days after the interview, the correspondent makes no reference to the opprobrious terms which he subsequently accused Mr. Hill of using towards the Chetties, nor does he accuse Mr. Hill of threatening to seize all the timber belonging to the Chetties on the Irrawaddy, nor does he accuse him of making any reference to the Laidman-Hearsey case. Further, in his letter of the 15th June he carefully abstains from charging Mr. Hill with having made the ridiculous statement that the Forest Department had framed a regulation for the express purpose of interfering with his clients' legal rights. He merely says: "If I am not altogether misinformed," words which, when read with the context, convey the idea, and were no doubt intended to convey the idea, that the correspondent's informant was some other person than Mr. Hill. It is impossible to doubt that if Mr. Hill had in the conversation of the 13th June used the outrageous language attributed to him by the correspondent on the 23rd and 30th September, the correspondent would have complained of that language in his letter of the 15th June. It cannot be argued that out of consideration for Mr. Hill the correspondent refrained from exposing him until he had rendered himself undeserving of consideration. In the first place by acting in this way the correspondent would have been failing in his duty to his clients, a fault which he was not likely to commit. In the second place the correspondent throughout the controversy showed the greatest animosity towards Mr. Hill and wrote to him in the most insulting terms. The extract from the letter of 4th July quoted on page 41 is proof of this fact. It is not to be believed that the correspondent, when he could write in such insulting terms, would withhold facts damaging to Mr. Hill out of consideration for that gentleman. The charges made against Mr. Hill by the correspondent and Mr. Hill's

* A "Regulation" is a law made by the Governor-General in Council. The Forest Department has no power to make Regulations.

defence were brought to the notice of the Government of India. The Government of India expressed an opinion that the charges made by the correspondent appeared to have no serious foundation and that Mr. Hill's explanation was sufficiently satisfactory to admit of its being fully and unreservedly accepted. The Governor-General in Council accordingly placed on record a distinct order exculpating Mr. Hill and accepting his explanation.

As has been stated on page 42, when the correspondent formulated the claim which he made on behalf of his clients, a careful enquiry was held and the advice of Government Counsel was taken. The result of the enquiry was to convince the Chief Commissioner that the claim of the correspondent's clients was inadmissible. The correspondent was informed of the Chief Commissioner's decision on the 22nd October 1887, and he was told at the same time that the matter would be referred for the final orders of the Government of India. On the 6th November the correspondent sent to the *Times* the telegram quoted at the beginning of this note. The Government of India concurred with the Chief Commissioner in holding the claim to be inadmissible. This view was upheld by the Secretary of State to whom the Chetties appealed.

Note No. V.—Administration of Justice in Upper Burma in 1887.

“ THERE are numerous complaints regarding the administration of justice in Upper Burma, and reform is urgently required.”

(*Times*' correspondent's telegram, dated Rangoon, the 2nd October 1887.)

The telegram is dated the 2nd October 1887. At this time two cases in which the correspondent appeared were pending before the Commissioner of the Southern Division. In one of these the correspondent had written an insolent and controversial letter to the Commissioner before whom the case was pending. The two cases were—

- (i) The case of the acquisition of Mr. Mackenzie's house and land at Myingyan. In this case Government required the use of a house belonging to Mr. M. Mackenzie. Unable to come to a satisfactory agreement as to the price to be paid, the Chief Commissioner directed the acquisition of the house and land under the Upper Burma Land Acquisition Regulation. Proceedings were taken in due course and the Collector awarded Rs. 9,062 as compensation. The Commissioner was moved to revise the award and did so, increasing the amount to Rs. 15,000 with interest. All the proceedings were regularly taken under the Regulation.
- (ii) The case in which a Madrasi named Lazarus was fined Rs. 100 for an assault on a Burmese lady and in which Lazarus charged an officer of the Public Works Department (Mr. Leonard) with assault. The Magistrate who tried the case imposed an excessive fine on the Madrasi Lazarus and dealt in a perfunctory way with Lazarus's complaint. These errors were both rectified by the Commissioner when the cases were brought to his notice as the revising Judge. The sentence on Lazarus was reduced, and Mr. Leonard was tried and fined. The Magistrate has gone on leave.

These are the only two cases which can be specified with certainty as cases to which the *Times*' correspondent refers. They do not seem to afford ground for a general indictment against the administration of justice in Upper Burma. It is to be noted that both of these cases occurred in the same district.

When this telegram was received in Rangoon enquiry was made to ascertain whether complaints of the kind indicated had come to the knowledge of the local authorities in Upper Burma. The Commissioners reported that such complaints had not been made. The Commissioners exercise in their divisions the fullest powers of revision. They receive statements of the cases tried by subordinate Courts; and the Chief Commissioner receives monthly statements of the criminal work of the subordinate Courts and of the Commissioners as Courts of appeal and revision.. The statements show that the Commissioners' powers are freely exercised.

The files of the local Rangoon and Mandalay papers for the nine months preceding the 2nd October 1887 were examined. These papers have never been reticent whenever there has been an opportunity for animadverting on the conduct of Government officers. The result of the examination shows that, when the extent of time over which the examination has spread is considered, the complaints are not numerous. In some cases the Chief Commissioner has thought it necessary to enquire into the matter referred to. As a rule he has found the complaints to be unfounded or grossly exaggerated.

Note No. VI.—Condition of Mandalay in November 1887.

Text of Telegram, dated Rangoon, 12th November 1887, which appeared in the "Times."

"The districts now most excited and disturbed are those around Mandalay and those within the range of its influence."

THE districts round Mandalay are those of—

Shwebo.		Kyaukse.
Ruby Mines.		Sagaing.
		Ava.

During the month which preceded the 12th November 1887 none of these districts, were in a condition which could be called disturbed. The Sagaing district, which in 1888 became very disturbed, was in November 1887 comparatively tranquil. The only serious act of organized crime committed in any of the above mentioned districts during the period in question was the attack on the Myin-mu police post in Sagaing by a body of dacoits. This disaster was an isolated one and was not followed by an outbreak of disturbance either in Sagaing or in the adjacent districts. Both Mandalay town and Mandalay district were remarkably quiet during the month ending 12th November. This condition of tranquillity has been maintained up to the present date (November 1888). The districts most disturbed during the period in question were the Lower Chindwin and Minbu. The disturbances in the Lower Chindwin were, how-

ever, suppressed in the latter part of October. For three weeks before the 12th November that district was comparatively tranquil.

Serious discontent did not prevail in Mandalay at the time when the correspondent's telegram was written, nor is there any reason to believe that Upper Burma generally is affected by the state of public feeling in Mandalay. Any discontent which may exist or may have existed in Mandalay is due to purely local causes, namely, the imposition of taxation in Mandalay. It is not probable that persons living outside Mandalay sympathize with the inhabitants of that town in the matter of taxation in which Mandalay has hitherto enjoyed privileges not shared by the rest of the people.

" Serious discontent prevails in Mandalay, and this feeling re-acts to a certain extent on all Upper Burma. The discontent in Mandalay is due partly to causes which were unavoidable, but is to some extent caused by the injudicious action of the local authorities. Since its foundation some 30 years ago, Mandalay in accordance with long-established custom as the residence of the King, was exempted from taxation, a large proportion of its population consisting of officials and soldiers employed about the Court and their families. Under existing circumstances it is found impossible to continue this exemption of a large population from taxation, especially as the reason for exemption has ceased. Recent investigations have ascertained Mandalay to be nearly twice as populous as was supposed. There are over 70,000 houses in Mandalay and its suburbs, and the population probably exceeds a quarter of a million. A municipality has been established in the city, and large sums have been expended in constructing roads and in other useful public objects. Under such circumstances it was decided to impose a municipal tax.

The tax was inevitable, and delay would only have added to the difficulties ; yet the mere anticipation of a tax has roused much angry feeling in Mandalay."

The action of the Government in introducing taxation in Mandalay was as follows. As it was plainly impossible to continue to the people of Mandalay the immunity from taxation which they enjoyed in Burmese times the question of imposing a house-tax was early considered. In the beginning of 1887 it was decided to postpone action until a Municipality had been formed in order that the people might have a voice in deciding what form taxation should take. On the formation of a Municipality in July 1887 the question was considered. The Municipal Committee proposed, with the concurrence of the Burmese members, to impose a house-tax which was estimated to yield Rs. 2,37,000. Being aware that the poorer classes had suffered much by the withdrawal of the Court and by the removal of many of

them from their former dwellings in cantonments the Chief Commissioner feared that the assessment which the Committee proposed was too high. He accordingly suggested to the Committee that they should reduce it in such a manner that the total yield of the tax would not exceed Rs. 1,50,000 a year and that the benefits of the reduction would fall entirely to the poorer classes. The Committee then proposed to reduce the assessment 50 per cent. in all cases in which, under the rates originally fixed, sums of Rs. 5 per annum and under would be payable. By this means the estimated yield of the tax was reduced to Rs. 1,90,000. The Committee anticipated that it would be found necessary to make considerable reductions in particular cases when the tax came to be collected and they estimated that these reductions would amount to Rs. 40,000. Thus the amount which they expected to realize from the tax in the first year of its imposition was Rs. 1,50,000. As a matter of fact less than Rs. 1,00,000 were collected during the first year. The proposals of the Committee explained above were sanctioned by the Chief Commissioner after he had satisfied himself by personal enquiry that the tax was a light one. He examined the assessments of a rich quarter, of a fairly rich quarter, and of a poor quarter. He found that in the poor quarter the assessments were very small, amounting as a rule to only a few annas a year on single houses. When it is remembered that in rural districts the thathameda-tax from which the people of Mandalay are exempt is ordinarily assessed at Rs. 10 a house it must be admitted that the burden of taxation is much lighter in Mandalay than in Upper Burma generally.

“ Some of the methods adopted to raise a revenue in Mandalay have, however, been singularly injudicious. The palace at Mandalay is still regarded with superstitious veneration by the Burmese and the King of Burma's most prized title was Lord of the Golden Palace. The moat round the palace was considered sacred, and fishing therein was forbidden, while the water-lilies growing in the moat were in the King's time freely gathered and used as offerings at various neighbouring Buddhist shrines. The local authorities have recently sold by public auction the exclusive annual right to fish in this moat and the exclusive right to gather water-lilies from it. This latter privilege only realized the paltry sum of Rs. 300, and was purchased by a native of India. It is difficult to imagine any more ill-judged

So far as is known the palace in Mandalay is not regarded with superstitious veneration by the people. In Burmese times the excessive veneration with which the King was regarded invested the palace in which he lived with a semi-sacred character. But with the removal of the King the chief reason for regarding the palace with peculiar reverence ceased to exist. The occupation of the palace as barracks for the

last three years must have completely removed any remnants of such a feeling which may have survived the deposition of Thebaw.

scheme to raise money or one more likely to excite wide discontent among all classes of Burmans than this childish sale of the right to collect lilies in the palace moat."

The facts connected with the action taken to raise revenue from the moat are as follows. The moat round the city of Mandalay supplies drinking-water to the cantonment and to part of the town. In Burmese times it was fenced in and the public were absolutely prohibited from touching it. Shortly after the occupation of Mandalay the fence was removed by the people and a practice sprang up of netting the fish. This practice involved the fouling of the water. It was accordingly prohibited, but continued surreptitiously nevertheless. Meanwhile it became evident that a considerable revenue might be derived from the moat by leasing the monopoly of fishing in it. In July 1887 a Burman offered Rs. 5,200 for one year's lease. Both for the purpose of raising revenue and in order to preserve the water-supply from contamination the Cantonment Committee decided to sell the right of fishing in the moat by auction. This was accordingly done in August 1887, strict conditions being imposed for the purpose of preventing the contamination of the water and the extermination of the fish. The right was bought on the 9th August by a Madrassi named Coopoosawmy Pillay for Rs. 14,600. This man failed to pay the first instalment of the rent and a fresh sale was ordered to be held on the 29th August. Meanwhile the matter came to the Chief Commissioner's knowledge. Fearing that the sale of these fishing rights might offend the prejudices of the people, he directed the re-sale to be suspended and instructed the Cantonment Magistrate to consult the Ministers and the Burman members of the Municipal Committee as to the feelings of the people on the subject. These gentlemen advised that a prejudice, though not a strong one, existed against the sale of the right to fish in the moat. In deference to their advice the project of selling the monopoly of the right to fish in the moat was abandoned.

The facts in connection with the sale of the right to gather water-lilies in the moat are as follows. The lilies having become a nuisance on account of their number, and because people fouled the water in gathering them, the exclusive right of collecting them was sold for Rs. 300. The right was sold not in order to raise revenue, but because the

best way of providing for the removal of the lilies without contamination of the water-supply was to give to one person the exclusive right of gathering them. The lessee was bound by his lease to refrain from fouling the water while removing the lilies. He failed to keep the moat clear, and the lilies were removed at Government expense. The Burmese gentlemen who were consulted regarding the sale of fishing rights in the moat were also consulted as to the expediency of selling the right to gather water-lilies. They approved the arrangement made and stated that no prejudices would be offended by it.

From the foregoing statement of facts it will be seen that the remarks of the *Times*' correspondent on the subject of the moat are misleading. The right to fish in the moat was practically never sold, nor can the action of Government in the matter have excited angry feelings among the people. Government voluntarily abandoned a fruitful source of revenue, from which funds are derived in many Indian cantonments, out of deference to the supposed prejudices of the people. It is worthy of remark that the decision not to sell the right was arrived at in September, while the telegram in the *Times* is dated the 12th November. The right to collect lilies was not sold for the purpose of raising revenue, but in order that the moat might be cleared. The sale was regarded with indifference by the people, and was approved by a number of leading and representative Burman gentlemen. Everything connected with the sale of the right to fish and to gather lilies in the moat was ancient history when the correspondent sent his telegram. It may be added that the substance of the information now given was communicated to the local journals when the *Times*' telegram of the 12th November reached Rangoon. In a subsequent telegram the correspondent announced that the Chief Commissioner had cancelled the late injudicious order for the sale of the lilies in the moat. As the correspondent must have known that this order was not a late order and that it had not been cancelled, it may fairly be surmised that the disingenuous nature of this telegram was not without a motive. The intention was probably to attribute the alleged action of the Chief Commissioner to the former statement in the *Times*.

"The local authorities in Mandalay are also acting unwisely in reference to titles to landed property there. Persons who had built houses when Mandalay was founded and who have since occupied them, are now required to pro-

Reference is here made to an enquiry which was conducted by the Deputy Commissioner for the purpose of

the registration of tenures. The enquiry was set on foot because it was considered desirable to take advantage of the survey of Mandalay town to institute a regular enquiry into titles and to make a complete record of the tenures in existence. The object of the enquiry was to prevent the complications arising from the transfer of land with insufficient titles, to learn the nature of the tenures, and to ascertain the extent of State land in Mandalay. The Deputy Commissioner confined his action to the registration of the names of persons claiming to be owners or occupiers and to the record of particulars concerning them and the ground in respect of which the ownership was claimed. His proceedings consisted merely in the examination of the titles produced and the entry in registers of the particulars ascertained. So far as can be ascertained no excited or uneasy feeling exists or has ever existed on the subject in Mandalay. When the enquiry was going on people attended the Deputy Commissioner's office willingly and were generally anxious to produce their titles. No complaints have been received either by the Chief Commissioner or by the Commissioner of the action of the Deputy Commissioner.

duce their title deeds and establish their right to hold their property ; but owing to the careless manner in which titles were dealt with under the Burmese rule, it is now very difficult in many cases to give satisfactory legal proof of title. Some investigation into titles at Mandalay may have been eventually necessary, but the present wholesale proceedings, which appear to call in question every title in Mandalay, have caused an uneasy and excited feeling in the city."

“The recent outbreak of beri-beri among the prisoners in Lower Burma has been successfully checked by the prison authorities.”

“Mandalay jail, however, continues unhealthy, and there have been many cases of beri-beri there during the last two years.”

There has been no outbreak of beri-beri in Lower Burma for the last eight years.

This statement conveys a wrong impression. Mandalay jail was not opened for the reception of prisoners till February 1887 and beri-beri did not break out till July 1887. It cannot be said, therefore, that there have been many cases of beri-beri during the last two years.

Note No. VII.—Conduct of the Upper Burma Military Police.

IN the *Times* of the 5th March 1888, there appeared a telegram from the Rangoon correspondent making various charges against the Indian military police and quoting the Rangoon papers in support of his assertions.

Below is a *précis* of the references which have been made in the Rangoon Press to the conduct of the military police. The first article on the subject is that which appeared in the *Rangoon Gazette* of the 3rd March and which no doubt inspired the *Times*' correspondent's telegram. This article was followed by a very similar one in the *Rangoon Times* on the 16th March. On the 20th March the *Rangoon Gazette* published an article in which it completely recanted its former condemnation of the military police. It must be mentioned that the article of the 20th March was inspired from the Secretariat. The attention of the Editor of the *Rangoon Gazette* was called to the inaccurate and mischievous statements made in the *Rangoon Times*' article of the 16th March, and facts were communicated to him regarding the organization of the military police. He was told that he might verify these facts in any way he saw fit, and that they were communicated to him in order that he might contradict the article of the *Rangoon Times* if he felt inclined to do so. The hollow nature of the charges which the *Rangoon Gazette* had formerly made may be judged from the alacrity with which it published a complete refutation of them. The Editor can have had no time to verify the accuracy of the communication made to him, and it is reasonable to infer that he took equally little trouble to verify the accuracy of the communications on which he based his former sweeping condemnation of the military police.

It is worthy of notice that both the *Rangoon Gazette* and the *Rangoon Times* in their articles of the 3rd and 16th March, while declaring the military police to be composed largely of men of the most abandoned and turbulent character, and asserting that cases of oppression and extortion committed by them are of every-day occurrence, mention no single specific instance of misconduct on the part of an Indian member of the military police.

The fact is that the Rangoon papers snatch eagerly at any sensational piece of news which may have the effect of increasing their circulation. The recklessness with which they publish grave charges against the administration is only equalled by the facility with which they recant the charges which they had made when they have served their turn.

The telegram of the *Times*' correspondent consists partly of statements made on the authority of the Rangoon Press, partly of statements which the correspondent appears to make on his own authority. It has been already shown that little weight can be attached to the charges made by the Rangoon Press. The first statement made by the correspondent on his own authority is cited in the margin. The latter part of this statement, which implies a condemnation of the military police, merely states a truism. It is true that the Upper Burma military police are almost useless for ordinary police duties. Ordinary police duties in a settled country are the detection and prevention of crime. The Upper Burma military police are a garrison in a newly conquered country. It was never intended that they should be used, nor was it ever supposed that they would be capable of being used, for ordinary police duties. Their employment is necessary for the prevention of rebellion. In their absence the country would relapse into a condition of general disorder. They must be retained

Text of Telegram which appeared in the "Times" of 5th March 1886.

"Their fighting qualities leave little to be desired, but for ordinary police duties they are almost useless."

as a garrison until tranquillity has been completely established. The need for them will then have ceased to exist and they will be gradually disbanded. Ordinary police duties in Upper Burma are performed by the Burman police, which numbers some 6,000 men, and which is being rapidly organized and trained.

“ Their conduct in many cases would seem to support this view (*i.e.*, that large numbers of the military police have come to Burma allured by the prospect of looting the newly conquered country). The local journals contain many complaints of acts of violence committed by them not only in outlying districts but in Rangoon.”

The next statement made by the *Times*’ correspondent is not borne out by facts. The police force has been remarkably well conducted and free from crime. General Stedman* remarks as follows on the subject of crime among the military police: “ I send you a return of all crimes, excluding the few purely military, such as jail escapes, ordinary insubordination, *i.e.*, which do not interest the general public.

“ If you will compare the number of offences with the number of men on our books at the various periods, you will see that the amount of crime is very small.

* * *

“ I am ‘morally certain’ that there is no screened crime. It is rather the other way, as the unfortunate policeman having an unpopular name gets credit for what his military confrères do. I had recently a complaint from an Inspector of

* The Inspector-General of Police.

Pyinmana about the atrocious conduct of the Taungdwingyi police and on investigation the offenders proved the 33rd Bengal Infantry on the war-path ! All the Commissioners and Deputy Commissioners have assured me that they are satisfied with the men and their conduct."

The second statement quoted by the *Times*' correspondent is also inaccurate. It is not a fact that the local papers contain many complaints of acts of violence committed by the military police. The local papers have published from time to time general accusations against the force, but the number of specific acts of misconduct quoted are extremely few. From the beginning of 1888 up to the end of March the only definite acts of misconduct charged against Indian police in the local papers were—

- (i) a charge of black-mailing in the Pegu district of Lower Burma (*Rangoon Gazette* of 9th January). In this case the culprits were punished, but it is admitted that the conduct of the Pegu police is generally good ;
- (ii) a charge of misconduct on the part of some Indian police in going astray with a party of prisoners (*Rangoon Gazette* of 26th January). As is explained at page 62, the police were not to blame ;
- (iii) a charge against some Indian police for shooting Karens at Thandaung in Toungoo, Lower Burma (*Rangoon Gazette* of 30th January). In this case also (see page 63) the police were not to blame ;
- (iv) a charge of misconduct on the part of Indian police in Rangoon in maltreating European sailors (*Rangoon Times* of 9th and 10th February). There is no ground for believing this charge to be true. The Deputy Commissioner, Rangoon Town, reports that during the first three months of the year no single charge of misconduct was made either to him or to the District Superintendent of Police, Rangoon, against the Rangoon Indian police ;

- (v) a charge against a Punjabi policeman in Mandalay of shooting a gharrywallah. This appears to have been an isolated case of running amuck. It would be absurd to base a charge of general misconduct on such a case.

From the foregoing analysis it will be seen that the local papers contained during the first three months of 1888 only five charges of misconduct against the Indian police, one only of which appears to have referred to an act of misconduct, three of which are disproved or unproved, and one of which referred to a case of running amuck. General Stedman's remarks on the general good conduct of the military police are therefore fully borne out by the local Press. The hostile tone of the articles published in the early part of the year by the local Press leaves no room for doubt that publicity was given to all cases of misconduct on the part of Indian police which came to the notice of the Press.

"This want of discipline among the military police is mainly, if not entirely, due to inadequacy in the number of European officers attached to the force. It is urgently necessary that a large increase should be made in the number of European officers. If this be not done, the military police force will become a standing source of danger."

The remarks of the *Times*' correspondent cited in the margin are an echo of the *Rangoon Gazette* article of the 3rd March. As has been shown above the military police is not deficient in discipline. General Stedman remarks as follows on the subject of the need for more European officers: "My own opinion is that their conduct is extremely good and almost wonderful considering the youth and short training they have received. The *Times*' assertions are therefore based on very weak premises. If this view be taken, the question of more European officers deduced from the *Times*' argument falls to the ground. I should wish, if possible, to get six more Seconds-in-Command as a matter of expediency, but not as a matter of absolute

necessity. My present staff of Military Officers is insufficient to allow of men going on leave, and when an officer goes on sick certificate I have to disturb other districts to fill his place."

General Stedman's remarks are undoubtedly correct. The number of European Military Officers allowed to each battalion, namely, a Commandant and a Second-in-Command, was fixed by the Government of India after mature consideration. Although efficiency would be increased by the addition of officers they are not absolutely required. The existing staff of officers has brought the force into a high state of discipline, and there is no justification for the fears of the correspondent that owing to paucity of officers the force will become a standing source of danger.

Précis of references made in the local papers between the 1st January and the 31st March 1888 to the conduct of the military police.

Rangoon Gazette.

9th January.—Letter from Pegu thinks sentence on the Punjabi police who black-mailed the boats at Abya very lenient (18 months and six months). It adds: "The general tone of the police in this district is very good."

26th January.—*Paragraph.* Eight prisoners sent from Rangoon to Shwebo had, through the ignorance of the police guard, lost themselves wandering through the country, and one prisoner died in consequence. [The police guard was not to blame in this case. It was wrongly directed at Mandalay and therefore lost its way.]

30th January.—*Paragraph* reporting killing by Native of India police of two Karens at Thandaung : “ The Chief Commissioner thinks that the mistake lies in sending Natives of India ignorant of this country about in this way without any officer to guide them.” [The police in this case were hardly, if at all, to blame. The Karens fired on them thinking them to be dacoits and they returned the fire thinking the Karens to be dacoits.]

3rd March.—*Leader* generally condemning the Punjabi police. The leader takes as its text the case of an Inspector of Police who caused two women to be flogged by his Punjabi police. It mentions that the Inspector was compelled to resign as a punishment for his misconduct, and goes on to animadvert generally on the Upper Burma military police. This police is said to consist of the offscourings of the Punjab and the North-Western Provinces, men of good physique, but of turbulent character, who have enlisted principally in hopes of loot. They are said to have signalized themselves even in Rangoon by their truculent conduct, and cases are said to have been known (but are not stated) in which they have robbed women in the streets of fruit which they were carrying, and when they resisted, to have stripped them naked. The leader goes on to quote some Colonel (name not given) who is said to have remarked that after the troops had been withdrawn another army would have to be brought into the country to keep the military police in order. Cases of misconduct on the part of the military police are, it is said, allowed to pass unnoticed by their officers, who decline to hear anything evil against their men. It is not until an outrage is brought to the notice of the Chief Commissioner that punishment is inflicted. Finally, the leader states that the only remedy for the existing state of things is to treble the number of European officers.

20th March.—*Leader* written in a completely different tone and as it were apologizing for the last article. It begins by admitting the necessity for such a force. It goes on to say that when the police began to arrive 2½ years ago cases of misconduct were sometimes heard of. But “ they have been brought to their true bearings by General Stedman
“ * * * From time to time reports of oppression
“ and extortion have reached us, but we may admit that the
“ charges or reports have not been of a specific character. *
“ * * * They are the acts of a few incorrigible black-
“ sheep amongst them, and there are such to be found in

“every community.” The leader goes on to quote a gentleman (name not given) who “claims to have seen a good deal of them both at headquarters and at outposts.” It is stated on the authority of this gentleman that “it is quite untrue to represent them as the oppressors of the people * * * the people are only too glad to have them in their villages.” The leader next deals with the question of officers. It mentions the organization for officering the force, expresses its opinion that the proportion of European officers is too small, but admits that considerations of expense, which are of importance, have to be taken into account. It adds that it is not true that the officers are ignorant of the language spoken by their men, and that it is not true that Punjabis are placed under Burman officers.

The leader concludes by remarking that the military police “are doing excellent work as our telegrams from Upper Burma testify.”

Rangoon Times.

6th January.—*Leader* contains extract from a letter in the *Civil and Military Gazette* * from a Mandalay correspondent which says that the system of discipline amongst the Indian police is rotten. “A stripling with a few years’ service commands 500 men, three-fourths of whom are old soldiers who have seen service * * * for the slightest thing a Native Officer is thrown under arrest, and the punishments inflicted are generally five times as severe as those in the Native Army. Hence the men are discontented throughout and seize every opportunity of quitting the force and returning to India.”

Criticising this the *Rangoon Times* says: “It would be more useful if correspondents pointed out the districts where this sort of thing goes on.”

19th January.—In continuation of above quotes some sentences passed on military police. “The punishment which has been meted out to these sepoys is more severe than the average sentences inflicted on Burman dacoits.”

28th January.—A letter on previous two articles pointing out that the sentences were passed by the Civil and not by the Police authorities.

9th February.—A letter from a “Citizen of Rangoon,” who states that he saw a European sailor being beaten un-

* A Punjab paper.

mercifully by about half-a-dozen Punjabis and other constables.

10th February.—A similar letter from “Another citizen of Rangoon.” [These of course both refer to the police stationed in Rangoon.]

13th February.—Reports the shooting at Mandalay of a gharriwallah by a Punjabi policeman. After shooting the gharriwallah the policeman shot himself. “These military police are too liberally supplied with cartridges, and they might be better looked after and not allowed to go in the streets with loaded rifles.”

16th March.—*Leader* containing similar statements to those made in the *Rangoon Gazette* of the 3rd March and contradicted in the *Rangoon Gazette* of the 20th March. Contains no specified charge.

21st March.—*Leader* replying to *Gazette's* leader of 20th says that near Rangoon Punjabis have been put under a Burman officer. The leader goes on to qualify its former condemnation of the military police. It states: “We have every confidence that the Punjabis under General Stedman, C.B., will continue to do the excellent services so many of them have already performed in Upper Burma. They will every day gain a knowledge of their work and become better disciplined.” In conclusion the writer quotes a case coming within his own knowledge in which a Punjabi policeman behaved with great politeness and adds: “Our belief is that where Punjabis have been treated courteously by Europeans they have never failed to be courteous in return.”

The *Mandalay Herald* contains only one reference and that is an article criticising a letter appearing in the *Civil and Military Gazette*. It says that the military police have made themselves conspicuous by their generally turbulent conduct, by the disgraceful crimes which they commit, and by the frequency with which they commit them. It adds: “* * the opinion of officers who have served with these bright specimens (the military police), or who have come into close contact with them, is that the general run of them consists mainly of the scum of the North-West * * it is openly asserted that Government care-fully sent over as many of the dangerous unemployed as could be raked together in the bazaars.” The article quotes no instances in support of its sweeping charges.

Note No. VIII.—Disarmament of Burma in 1888.

[THE telegram which is cited in the margin refers to the resolution which was issued in January 1888 for regulating the possession and sale of arms and ammunition in Burma.]

Text of Telegram from the Rangoon correspondent which appeared in the "Times" of the 30th January 1888.

The local Government has resolved on taking important steps. It has been decided that the whole of Burma shall be disarmed, and that as a rule firearms shall be possessed only by Government officials, not below the rank of the thugyi, who are the officials employed in collecting revenue and are entrusted with certain limited magisterial powers.

The statement made here is misleading because it does not state the whole of the order on this subject. Permission to possess firearms is not confined solely to Government officials not below the rank of thugyi. Persons specially exempted from the provisions of the Arms Act are also entitled to possess them. The following is an extract from paragraph 9 of the resolution on disarmament which contains the orders on the subject:—

“After careful consideration of the opinions of all the officers consulted and of the history of the administration of the province during the past few years, Mr. Crosthwaite has decided that, as far as possible, the whole of Burma shall be disarmed and that, as a general rule, firearms shall be possessed only by Government officials not below the rank of thugyi, when they can be trusted and when it is necessary for the public service that they should be armed, by the police, and by persons specially excepted from the provisions of the Arms Act and Rules.”

This regulation will not apply to Europeans or Eurasians in certain outlying places.

This statement suggests the inference that in all but certain outlying places the regulation (*i.e.*, the recent

orders regarding disarmament) will apply to Europeans and Eurasians, and that in all but such places no Europeans or Eurasians who are not Government officials of the rank of thugyi will be permitted to possess arms. Under the Arms Rules all Americans and Europeans, not British-born subjects of Her Majesty, who are temporarily residing or travelling in India, and all European and Eurasian subjects of the Queen-Empress in India, are entitled to possess and carry firearms without a license. The recent orders about disarmament do not deprive them of this right.

This statement is correct so far as it goes, but it omits an important part of the orders. The rule of disarmament is relaxed not only under the circumstances stated in the telegram, but also in parts of the country where a loyal and trustworthy population can be found. In the resolution on disarmament the Karens are specially referred to as coming within this description. The following extract from the disarmament resolution supports the foregoing remark:—

“ In certain outlying places, where adequate protection cannot be constantly afforded by the district authorities, it will be necessary to relax this rule. In these places a fixed number of persons may be allowed to possess and carry firearms under the rules

Where adequate police protection cannot be offered, the rule will be relaxed, and also in cases of travellers from the Shan States, so as to prevent any risk of interfering with the growing trade. Subject to these exceptions the disarmament will be rigorously enforced throughout the entire province.

and conditions given at the foot of this resolution. By these rules the persons licensed to possess and carry arms will practically become a special police force liable to be called out when necessary for the restoration of order. *This relaxation of the rules may be allowed, with the Chief Commissioner's sanction, not only in border tracts which lie outside the protection of our posts, but also in parts of the country where a loyal population can be found, which is ready and willing to assist the Government against the disturbers of the peace.* In some parts of Lower Burma the Karens have proved themselves to bear this character, and experience has shown that the influence of their missionaries and pastors is sufficient to maintain discipline among them and to render it safe to entrust them with arms."

The official Gazette of January 28th contains a lengthy minute from the Chief Commissioner announcing the decision of the Government, giving reasons for enforcing a general disarmament, stating the opinions of numerous high military and civil officials who have been consulted on the question, and publishing the rules which will henceforward be enforced as regards the possession of arms and ammunition.

An alternative policy was submitted for the consideration of the officials who were consulted—namely, that of freely arming the loyal villagers to enable them to resist the dacoits. In Lower Burma for many years it was the policy of the local Government to encourage the possession of firearms by the law-abiding population, *and in 1884 the rules regarding the possession of firearms were relaxed for that purpose.* There is a considerable preponderance of opinion among those consulted in favour of total disarmament, although *there are some dissentients whose opinions are entitled to great weight.* The arguments used in favour of a total disarmament are that the result of leaving arms in the hands of the villagers is not

Detailed remark is not necessary on the extract cited in the margin. The statements made are on the whole accurate. The only portions of the extract requiring special remark are those printed in italics. It is not strictly accurate to say that "*in 1884 the rules regarding the possession of firearms were relaxed.*" The only alteration made in the rules in 1884 was to extend the term of currency of licenses to carry firearms from one to five years. No general relaxation of the rules on the subject of the possession of firearms was made. The statement that "*there are some dissentients*

“ whose opinions are entitled to great weight ” is too sweeping. An examination of the opinions of officers which are appended to the resolution on disarmament shows that Colonel Street is the only officer of weight and experience who can be correctly described as a dissident from the policy of disarmament.

The statements made regarding Colonel Street's experience and regarding the value attached to his opinion in Burma are correct. But the opinion which he holds in the matter of disarmament is supported by no other officer of experience in the province. Officers like Colonel Strover, Commissioner of Mandalay,

that the villagers are encouraged to resist attacks, but that the dacoits are tempted to attack the villagers for the purpose of obtaining arms. It is asserted that villagers who have possessed arms have in the majority of cases offered no resistance to armed robbers. Many of the formidable bands of robbers which have given trouble during the past two years, especially in Lower Burma, began by attacking police stations or villagers known to possess arms. The Chief Commissioner observes—

“ The history of the past two years has shown only too plainly how easy it is for designing people to beguile a credulous population into joining in disloyal plots and to obtain recruits for hopeless attempts against the constituted authority. The facility with which the monks and the *soi-disant* prince obtain recruits among a population not previously known to be criminal or disloyal is an even more serious matter than the apathy or cowardice of the villagers when attacked.”

The military officers whose opinions were asked, including Sir George White and General Gordon, Commanding Lower Burma, unanimously favoured the complete disarmament so far as firearms are concerned. Brigadier-General Wolseley says :—

“ I have so little confidence in the trustworthiness of the Burmans as a class that I unhesitatingly record my opinion in favour of a complete disarmament of the entire country.”

Colonel Symons, Commanding in the Chindwin district, stated that Burma should be completely disarmed of all firearms, and also that for a considerable time no Burman policeman should be intrusted with a rifle or gun. The opinions of other military officers do not go quite so far, and are couched in more guarded language.

The chief opponent to the proposed policy is Colonel Street, Commissioner of Pegu. He is the senior officer in the Burma Commission, and has had 30 years' experience. Colonel Street's opinion on public questions carries great weight with all classes in Burma. He writes :—

“ I think there is a great deal more to be said in favour of encouraging the people to arm themselves and issuing licenses freely. As a rule villages in which there are known to be firearms have not been attacked. Those who have firearms have always turned out

readily to assist in hunting dacoits and to put down crime. There is no doubt that we can do very little without the assistance of the villagers themselves. I do not think it is likely that we shall encourage them in giving assistance by disarming them and showing that we do not trust them. The dacoits will get firearms somehow or other, and the people will be at their mercy if they are not allowed to have firearms too. It will be difficult to say what the thugyis will do when collecting their revenue if the people are disarmed. The thugyis always call together the armed villagers to accompany them, and to protect the revenue when it is being collected. Persons travelling, who are compelled to carry sums of money with them, undoubtedly require firearms for their protection ; and so do those living in jungle tracts require them, not only for protecting themselves against dacoits, but for protecting their cattle against wild animals.

Mr. Ireland, Commissioner of Irrawaddy, and Mr. Jameson, late Inspector-General of Police, whose experience in Burma has been nearly as long as that of Colonel Street, and whose opinion on public matters carries nearly equal weight with his, are among the most strenuous advocates of thorough disarmament. It must further be remarked that so far facts have been against Colonel Street. The district in which his policy of arming Burman villages has had the longest and most complete trial is Tharrawaddy. That district was during the early part of 1888 the most disturbed in Lower Burma. Dacoities and robberies by well-armed marauders were of almost daily occurrence. It was found necessary to increase the police force largely and to take other special measures to restore order in this district. While Tharrawaddy was disturbed, the adjoining districts, Henzada, Prome, Hanthawaddy, in which the policy of arming villagers had either been abandoned or employed with caution, were and still are in a state of tranquillity. Colonel Street states that, as a rule, villages possessing firearms are not attacked. This statement is not borne out by facts, and is controverted by other officers of experience. The following extracts from the resolution

on disarmament may be cited with advantage :—

“ In May 1886, when acting as Commissioner of Pegu, Colonel Strover wrote* as follows :—

‘ Hardly a day passes without the receipt of violent crime reports showing that dacoits have obtained possession of firearms for the mere asking. A few bad characters have only to go to a village and imperatively demand the production of a gun when the possessor, whether a kyedangyi or not, very quickly gives up the gun, wherever he may have concealed the same.

‘ It is an established fact that insurgents and dacoits during the past few months have completely armed themselves with guns taken from villages, and in this way, in many instances, have formed formidable gangs quite beyond the power of the police to cope with and much less armed parties of villagers.

* * * *

‘ Practically it may be said firearms are now held in the districts for the protection of the person ; but instead of being a protection, they are a positive danger to the public at large.’

“ About the same time Major Butler, Deputy Commissioner, Henzada, wrote :†

‘ When the disturbances broke out in this district the first thing that each gang of bad characters did was to make for the houses of all those who possessed arms and to at once seize and appropriate them for their own use, and thus the very arms that were allowed to be carried by villagers for their own use and defence were used against them by dacoits and bad characters, and it was the wholesale collection of arms in this way all over the country that enabled the gangs to become as formidable as they did.’

“ Colonel Alexander, Deputy Commissioner, Prome, wrote :‡

‘ It is of course excessively annoying that villagers give in to comparatively small bands of dacoits and give up to them their arms.’

* Letter dated 19th May 1886.

† Letter dated 29th May 1886.

‡ Letter dated 31st May 1886.

“ Mr. Jameson, then Inspector-General of Police, Lower Burma, wrote :*

‘ For all the dacoities that have been committed this year the instances in which armed villagers have attempted any resistance may be counted on your fingers. The utility of arming villagers for their defence is therefore virtually nil. On the other hand the muskets given up to dacoits without resistance may be counted by hundreds. The danger of arming villagers is thus seen to be great.

‘ The possession of arms by a village so far from having a deterrent effect seems rather to have induced attack.

* * * *

‘ By disarming the country dacoits would be unable to procure firearms in future, and villagers would, being on the same footing with them, be more ready to defend themselves with their national weapon the da. (sword).

“ Mr. Ireland, Commissioner of Irrawaddy, wrote :†

‘ Every District Officer and policeman knows that allowing firearms to the people in outlying villages has, as a practical fact, armed the dacoits. One of two things almost invariably occurred when the dacoits or robbers came—

- (i) the villager's gun was in a state of unreadiness ; or
- (ii) if ready, the holder feared to fire on the dacoits.

‘ There was, however, only one result.—the dacoits possessed themselves of the arms.

* * * *

‘ Gun dacoities are now fashionable and therefore it is dangerous to have isolated guns in small hamlets. Evil-disposed persons are sure to come with the object of getting the arms alone to be used elsewhere.’

“ In August 1887 the Officer Commanding the Mounted Infantry in the Eastern Division of Upper Burma, after describing a case in which a band of dacoits armed with 10 guns took 78 head of cattle from a village in which there were 40 muskets, wrote :

* Letter dated 28th May 1886.

† Memorandum dated 21st June 1886.