

“pôngyi byan” was given. The townspeople of Tavoy addressed a special letter of thanks to the Chief Commissioner in April 1888 for his interference in the matter. The suggestion which the correspondent now makes that the people of Tavoy are disloyal because the local officials, through want of supervision, have neglected their duties is a pure after thought.

The correspondent here gives it to be understood that a punitive police-tax is being levied on the whole of Tenasserim. No punitive police is maintained in any part of Tenasserim except in two townships of the Tavoy district. These townships contain an area of 2,680 square miles. The area of Tenasserim is 46,590 square miles. The statement that the levy of the punitive assessment in Tavoy is being made in a very harsh and injudicious manner is untrue. The local authorities have been enjoined to use no harshness in collecting the tax. In the beginning of July they were instructed to exempt from assessment any persons who had shown conspicuous loyalty or rendered assistance to Government during the disturbances. Again on the 11th August the Chief Commissioner caused a letter to be written to the Deputy Commissioner of Tavoy warning him against

A punitive police-tax is being levied in a very harsh and injudicious manner.

collecting the assessment in a manner which would cause distress to the people. The occasion for writing this letter was a statement by a local official that the people in one part of the Tavoy district were very poor. Extracts from the letter may be quoted with advantage. "The Chief Commissioner does not wish to press on any of the people too hardly. If the total cost of the extra police is more than the district can easily bear then the full cost need not be imposed. * * *

* * * The Chief Commissioner gives you full power to make what reductions in the tax you find to be necessary." The local authorities have acted in accordance with these instructions.

Parties of armed police with fixed bayonets visit houses, carrying off furniture and, in some instances, even food of the people.

The collection of the tax is entrusted to the local Burmese official against whom detailed charges of corruption have been made by a number of respectable inhabitants of Tavoy. All inquiry into charges against this man has been refused by the local Government. The present system pursued by the local Government in Tenasserim must end in exasperating the people and further alienating them.

The extent to which armed police have been used in connection with collection of the assessment has been stated on page 126 of this pamphlet. It will be seen that the suggestion that armed police with fixed bayonets make a practice of visiting houses is untrue.

The local Burmese official who is referred to is Maung Gale, the Extra Assistant Commissioner in charge of the township which includes Tavoy town. This officer is an old and trusted servant of Government who distinguished himself by his cour-

age and loyalty during the recent disturbances. He has consequently incurred the animosity of the disloyal faction in Tavoy. The supervision of the work of collecting the punitive assessment in Tavoy town falls within the ordinary duties of this officer. He has discharged the duty in a satisfactory manner. The history of the accusations of corruption made against him is as follows. At the end of June 1888 the correspondent in his capacity of Advocate presented to the Chief Commissioner a petition from five inhabitants of Tavoy, who are here styled "a number of respectable inhabitants of Tavoy," praying against the imposition of punitive police on the town. This petition contained the following statement:

"Several complaints have been made against Ko Maung Glay,* charging him with bribery and corruption; but I am however instructed Colonel Plant† has failed to investigate these charges."

The Chief Commissioner passed orders on the petition to the effect that he would direct the Commissioner of Tenasserim to send for the petitioners and to inquire into their complaints in connection with the punitive police. The Chief Commissioner added:

* By this the Extra Assistant Commissioner, Maung Gale, is meant.

† The Commissioner of Tenasserim.

“As to the Commissioner's alleged failure to investigate charges of bribery and corruption said to have been brought by persons who are not named or specified against the Extra Assistant Commissioner the petitioners are informed that persons wishing to bring such charges must bring them in the manner prescribed by law and in the Courts having legal jurisdiction.”

The Commissioner was instructed, in accordance with the above order. Acting under the advice of the correspondent, the petitioners refused to appear before the Commissioner or to state their grievances to him. The letter in which the correspondent informed the Commissioner that he had given this advice to his clients ran as follows :—

“From E. K. MOYLAN, Esq., &c., &c.,
to Colonel W. C. PLANT, Commissioner, Tenasserim Division,—dated the 7th July 1888.

“I have received copy of an extract from the proceedings of the Chief Commissioner in the Judicial Department, No. 53-33C., dated the 3rd July 1888, in which after deciding that your recent action in Tavoy had been illegal, he stated *inter alia* : ‘The Commissioner will be directed to send
‘for the petitioners above named,
‘to take their depositions and
‘ascertain to what extent and in
‘what way, if any, they have been
‘injured by the premature collection of the tax.’ On behalf of Maung Htoon Aung, Moungh Shway Waing, Maung Myat Thine, Mahomed Cassim, and Tset Ee, Loogyees of the town of

Tavoy, who have been appointed* by the whole body of their fellow-townsmen to represent them, I have the honour to inform you that as I am presenting an appeal on their behalf to the Government of India I have advised them not to appear before you or to make any such deposition as the Chief Commissioner suggests they can make. I have forwarded to the Chief Commissioner copy of this letter for his information. I have now to point out to you that my clients are in no way bound to attend before you to make any such depositions as the Chief Commissioner has suggested. If any attempt is made to compel my clients to make depositions against their will in reference to the levy of the punitive police-tax in Tavoy or if they are in any way illegally molested on account of their recent memorial to the Chief Commissioner prompt measures will be taken to bring the conduct of the person or persons responsible for any such proceedings to the notice of the Government of India."

The correspondent on behalf of his clients presented a petition to the Government of India in which their petition to the local Government in connection with the punitive police was re-stated and much additional matter was included. This additional matter consisted principally in a direct charge of corruption against Maung Gale. No mention of this charge had been made in the petition presented to the local Gov-

* This statement is a mere assertion of the Advocate. He produced no evidence to prove that his five clients represented anybody except themselves.

ernment. It was stated that in November 1887 a man named Shwe Ba had presented to the Commissioner of Tenasserim a petition containing specific charges of corruption against Maung Gale, and that no notice had been taken of the charges and no enquiry held into them. The petitioners produced a copy of the petition without explaining how they obtained it. The facts of the case were as follows. In November 1887 Shwe Ba sent the petition, of which the petitioners produced a copy, to the Commissioner. In this petition, without naming any witnesses, he accused Maung Gale of taking bribes from certain persons in certain civil cases tried by him. The Commissioner (at that time Mr. Hodgkinson) immediately on receipt of the petition sent it to the Deputy Commissioner with orders to send for Shwe Ba and to enquire into the truth of the charges brought. The Deputy Commissioner sent for Shwe Ba and examined him. He also sent for the principal persons named in the petition as having given bribes to the Extra Assistant Commissioner. These persons denied ever having given bribes to the Extra Assistant Commissioner, and declared that they knew nothing whatever about the matter. The charges hav-

ing been shown to be groundless no further action was taken. Shwe Ba's conduct in bringing these charges is explained by the fact that he had formerly been a clerk in Maung Gale's Court and had been dismissed for misconduct at Maung Gale's instance. From the foregoing statement of facts it will be seen that the correspondent on behalf of his clients brought defamatory charges against Maung Gale which had some months earlier been proved to be unfounded and which they dared not appear to support either before the Commissioner or in the ordinary Courts of law.

Note No. XI.—Settlement of Claims against the late Burmese Government.

*Text of Telegram which appeared in the
"Weekly Times" of 20th July 1888.*

Rangoon, 14th July 1888.

The settlement of claims against the late Burmese Government is proceeding slowly.

M. Andrino, late Consul-General for Italy at Mandalay, has been granted Rs. 2,600 for ropes sold by him to the Burmese Government. M. Andrino claimed Rs. 12,400.

THE *Times*' correspondent is advocate for many of the claimants against the late Burmese Government.

His remark about Signor Andreino's claim conveys the impression that Signor Andreino claimed Rs. 12,400 on account of ropes and received Rs. 2,600 only. This was not the case. Signor Andreino's claim was for Rs. 12,459-12-0 and was divided into two parts—

- (a) Rs. 9,854 for money lent to the King's sister. The money is said by the claimant to have been lent on his behalf by his agent on the security of some jewellery, the property of the King, which was pawned as security by the King's sister. When the King heard that the jewellery had been pawned he was very angry and insisted on its being returned. It was accordingly returned, but the money borrowed was not paid in full. The claim was on account of a purely private debt and was quite inadmissible ;
- (b) Rs. 2,605-12-0 on account of ropes supplied

to remove an image. It was proved that the removal of the image was a work of State. This portion of the claim was accordingly paid in full.

It is not known whether the *Times*' correspondent is interested in Signor Andreino's claim.

Note No. XII.—Attitude of the Buddhist Priesthood towards Government.

Text of Telegram which appeared in the "Weekly Times" of 27th July 1888.

ONE very unsatisfactory feature in the present position of affairs is the generally hostile attitude of the Buddhist monks in Lower Burma. General Roberts, when commanding in Burma, by his courtesy and conciliatory action succeeded in rallying to British rule the Buddhist Archbishop and the great body of the pôngyis in Upper Burma. The local Government, however, has not succeeded in securing the pôngyis' support in Lower Burma, and has failed to take any active measures for enlisting the sympathy of the priesthood.

It is not true that the Buddhist monks in Lower Burma are generally hostile. The correspondent can know nothing about them or their feelings. There are some fanatical monks who are undoubtedly hostile, and who have thrown in their lot with dacoits and disturbers of the peace, but the mass of the priesthood do not sympathize with them.

The suggestion that the policy adopted by the late, or by the present, Chief Commissioner in respect of the Buddhist priesthood in any way differs from that adopted by His Excellency the Commander-in-Chief when he commanded the troops in Burma is without foundation. Sir Charles Bernard used all available means to enlist the sympathies of the priesthood on behalf of the Government and in the cause of law and order. Sir Charles Crosthwaite has pursued the same policy. He is on the most friendly terms with the so-called Buddhist Archbishop, and he does all he can to consult the feelings and conciliate the prejudices of the monks whose abbots visit him and have access to him whenever they wish. Quite

recently the Chief Commissioner has received at Mandalay a deputation of Sadaws (Buddhist ecclesiastics) and has issued orders in compliance with their suggestions on points which they brought to his notice. In Lower Burma there is more difficulty in officially recognizing the position of the Buddhist monks because there is no separate recognized head as there is in Upper Burma. But so far as is consistent with the declared policy of the Government and with the law which prevents public officers from interfering in religious matters, the Chief Commissioner has always endeavoured to secure the aid of the Buddhist monks in Lower Burma and to afford them all legitimate sympathy and support. It is impossible and it would be contrary to the explicit orders of the Supreme Government for the Chief Commissioner, as the representative in Burma of Her Majesty's Viceroy, to assist actively in the propagation or establishment of the Buddhist faith. But as instances of the attitude of friendly impartiality with which the Chief Commissioner has treated the Buddhist priesthood it may be mentioned that it was while Sir Charles Crosthwaite was Chief Commissioner of British Burma in 1883-84 that steps were taken to afford legal facilities

to the Buddhists of Rangoon to undertake the charge of the Shwe Dagôn Pagoda, the most sacred Buddhist shrine in the world ; and that within the month of August 1888 (before the telegram from which extracts have been cited was received in Burma or known to the Chief Commissioner) similar facilities had been offered in respect of a pagoda in Moulmein. It may, moreover, be mentioned that as some compensation for the occupation of certain monastic buildings by the troops before the barracks were completed a considerable sum is expended on largesses of rice to the Buddhist monks in Mandalay.

Note No. XIII.—Chief Commissioner's Visit to Myinmu in August 1888.

Text of Telegram which appeared in the "Times" of 6th August 1888.

Rangoon, 4th August 1888.

THE latest official bulletin regarding Upper Burma is more favourable. Several murders and petty skirmishes with dacoits are reported, but a diminution in the disturbed area and in the number of crimes is shown. It is difficult to judge whether this improvement will be a permanent or a temporary one due to the rains, which make it difficult for the dacoits to move. The *Rangoon Times* today states that Ottama is causing trouble in the Myinmu district, where the durbar was recently held, and that the Chief Commissioner left Mandalay yesterday for Myinmu.

THE last sentence of the extract quoted in the margin contains a correct statement of fact. A Rangoon paper, the *Rangoon Times*, published on the 3rd August a telegram from a Mandalay correspondent to the effect that the Chief Commissioner had proceeded to Myinmu, "where Ottama is giving trouble." The first portion of the telegram, that the Chief Commissioner had gone to Myinmu, was correct; the second part, that Ottama was giving trouble in Myinmu, was an absurd *canard*. In accordance with a programme arranged more than a fortnight before the Chief Commissioner went to Myinmu for three days to visit the country which had till recently been dominated by the celebrated dacoit leader Shwe Yan and which within the last five months has been so successfully reduced to order by Colonel Symons, Mr. Fforde, and Mr. Carter. The second portion of the telegram which appeared in the Rangoon paper, that Ottama was giving trouble in Myinmu, was probably due to a misprint or an error in the transmission of a telegram. The district

to which Ôktama belongs is Minbu, a word which in Burmese is pronounced in almost precisely the same manner as Myinmu. Minbu is over a 100 miles distant from Myinmu. Ôktama is a purely local outlaw with no connections in Myinmu. It would be almost impossible for him to make his way to Myinmu and, if he got there, he would be quite helpless as he would know nothing about the country and would have no friends amongst the people. There can be little doubt that the correspondent of the Rangoon paper telegraphed, or intended to telegraph, that Ôktama was giving trouble in Minbu. The Rangoon paper probably published the telegram in good faith. The *Times*' correspondent, however, telegraphed it to London in the full knowledge that it was false. On the morning of the 4th August he wrote to the Secretariat in the following words: "Is the statement in the *Rangoon Times* that Ootama is giving trouble in Minbu (*sic*) and that the Chief Commissioner has proceeded there correct?" He was informed on the same day that, so far as was known, there was no truth in the statement of the *Rangoon Times* that Ôktama was giving trouble in Myinmu, and it was explained to him that Ôktama's hunting-

ground was the Môn valley of the Minbu district, over 100 miles distant from Myinmu, and that it was most improbable that he should go to Myinmu or be able to give any trouble if he got there. The *Times*' correspondent was of course under no obligation to accept as correct information given him by the Secretariat. But, if he doubted it, he had means of ascertaining its truth.* There are many people in Rangoon, in no way connected with Government, from whom he could have ascertained the obvious falseness of a statement that Ôktama had gone to Myinmu. • Indeed it is quite impossible that the *Times*' correspondent should have had any doubt in the matter. He has made it his business for the last three years to learn all that happens in the way of disturbances in Upper Burma and he must have perceived at once the falseness of a statement that Ôktama, a purely local outlaw, had gone over a hundred miles from his usual haunts to a district of which he had no knowledge and where he possessed no adherents.* The reason which induced the correspondent to telegraph this falsehood is obvious. In stating, as he in effect did, that the Chief Commissioner had left Mandalay

* See pages 99 and 100 of this pamphlet on which is quoted a long account by the correspondent of "Ottawa," i.e., Ôktama.

for an outlying district because a well-known outlaw was giving trouble there he gave it to be understood that a serious outburst of disturbance was anticipated.

Note No. XIV.—Rumours of Disturbances in Pegu in August 1888.

Extract from a telegram which appeared in the "Times" of 13th August 1888.

Dated Rangoon, 11th August 1888.

Information was received here on the 9th instant that a band of dacoits intended to tear up the railway line between Pegu and Pyuntaza. Reinforcements of military police were despatched by special train to the menaced portion of the line, and they arrived in time to prevent an attack. The line is now regularly patrolled.

THE facts of the incident referred to were as follows. On the 9th August an Extra Assistant Commissioner at Pegu telegraphed to Rangoon in the absence of the Deputy Commissioner that he had received information that a gang of 40 dacoits were planning to tear up the line between Rangoon and Pegu. The information was received with suspicion as the part of the country to which it referred has been perfectly tranquil for many months past. It was thought better, however, to err on the side of precaution. A detachment of 25 police was accordingly sent to strengthen the railway stations in the Pegu district. Three stations were strengthened with five men each and ten men were sent to Pegu. Nothing happened, and as soon as inquiry was made into the report which had imposed on the Extra Assistant Commissioner it was found to be a cock-and-bull story set going by a priest. This man told a friend that a number of dacoits had planned an attack on the railway in his monastery. The priest had a reputation for wealth and was afraid of being robbed. There

is every reason to believe that he concocted his story in order to obtain police protection. His story was communicated through an indirect channel to the Extra Assistant Commissioner, who, instead of inquiring into it, lost his head and telegraphed to Rangoon. The 25 men who had been sent from Rangoon on the 9th returned on the 10th. The statement of the correspondent that police were sent by special train is untrue. The detachment of 25 men who were sent went by a regular train. The statement that the men "arrived in time to prevent an attack" is pure fiction. As has been remarked above, the story that the line was to be attacked was an idle scare. The men could not arrive in time "to prevent an attack" because no one, not even the priest who invented the story, had mentioned what point was to be attacked and because, as a matter of fact, no attack was planned or attempted. The final statement of the correspondent that "the line is *now* regularly patrolled" is misleading. The words quoted convey the impression that before the scare of the 9th August the line was not patrolled and that since and in consequence of the scare it has been patrolled. As a matter of fact the whole of the railway line from Prome to Ran-

goon and from Rangoon to Toungoo has been patrolled since an attempt was made to wreck the mail train in the Tharrawaddy district on the 1st July. This precaution is dictated by ordinary prudence. No change whatever was made in the system of patrolling after or in consequence of the Pegu scare. The facts which are stated above could have been ascertained by the correspondent, before he telegraphed, from half-a-dozen different quarters.

Note No. XV.—Policy of Government in Disposing of Waste Lands.

"Times" of 13th August 1888.

Dated Rangoon, 11th August 1888.

Mr. Philip Nolan, General Secretary of the Government of Bengal, arrived here today on a special mission to arrange for an extensive scheme of migration to Burma from certain districts in Bengal adjoining Assam. The sparse population of Burma has been greatly thinned by the long-continued disturbances. The loss of life during the past three years has been very large, and a large number of prisoners have been transported to India. The Government of Burma have vast tracts of land available for new settlers, and a great many of the military police have expressed their willingness to settle in Burma if grants of land are made them. The policy of the local Government, under successive Chief Commissioners, in reference to public lands has been very obstructive. Great difficulties are experienced by persons who wish to take land for cultivation.

It is not a fact that the sparse population of Burma has been greatly thinned by the disturbances which have taken place during the last three years. The loss of life resulting from those disturbances has not been great and can have had no appreciable effect on the population of Burma. At the census of 1881 the population of Lower Burma numbered 3,736,771 men. Since then it has probably increased by at least half a million.* The population of Upper Burma cannot be accurately estimated as no census has ever been taken. The common estimate is from two to three millions. It is probably more. The total population of Burma may be taken at seven millions at least. The number of persons who have died violent deaths in Burma during the last three years has certainly not exceeded 10,000 and has probably been less than 5,000. A loss of even 10,000 persons in three years can, obviously, have had no appreciable effect on a population of seven millions. The exact number of prisoners who have been deported from Burma to India,

* Between 1872, a census year, and 1881, the last census year, the population of Lower Burma increased by, in round numbers, a million.

including the Andamans, since the beginning of 1886 has been 2,667. A population of seven millions can hardly be said to have been greatly thinned by the deportation of 2,667* persons in three years.

The statements which the correspondent makes on the subject of the land policy of Government are misleading. His assertion that the policy of the Government in reference to public lands has been obstructive is refuted by a statement of the rules regarding the occupation of waste land. Under present rules a man may obtain land in two ways—

(a) by occupation ; | (b) by grant.

Land in Burma is generally obtained in the former manner. A cultivator wishing to extend his holding proceeds to cultivate waste land in its vicinity. He goes through no formalities except to report to the thugyi, who is the local revenue official, that he has taken up fresh land. The thugyi measures the area he has taken up and assesses him to taxes on it. Under this simple system thousands of acres of waste land are occupied and brought under cultivation every year in Burma. The second form of obtaining land, namely, by grant, is generally employed only when the cultivator desires to be exempted from taxation in respect of the land which he acquires. In such cases he applies to a revenue official for the plot of waste land which he wishes to obtain. After it has been ascertained by a summary enquiry that the land is waste land an absolute title to the land is given to the applicant, who in most cases is further exempted from taxation for a varying number of years according to the time, as judged by the nature of the jungle with which the land is covered, which it will take to bring the land under cultivation. A reference to the revenue reports of the last few years shows how rapidly cultivation is extending. The cultivated area of Lower Burma increased by 532,852 acres in the four years

* On the 1st September the correspondent telegraphed some more nonsense on this subject. In the *Times* of the 3rd September appeared the following telegram from him: "One of the local newspapers estimates the number of convicted prisoners transported to India since the annexation of Upper Burma at nearly 50,000." It is difficult to imagine that the correspondent believed this absurd statement. If he had made any endeavour to verify it he would have discovered its untruth. The newspaper which published it has since learned the truth and has contradicted its first statement. The correspondent has not deemed it necessary to telegraph the contradiction to the *Times*.

between March 1883 and March 1887. Statistics for a later date than March 1887 are not available. So far from throwing obstacles in the way of the acquisition of land by cultivators Government spares no efforts to facilitate the spread of cultivation. In doing so Government merely consults its own interests as extension of cultivation means increase of revenue.

The foregoing remarks apply principally to the indigenous inhabitants of Burma. There is another class of persons who sometimes desire to obtain land and who sometimes experience difficulty in obtaining it, namely, European or Eurasian speculators. Men of this class not unfrequently apply for large areas of land, generally for several thousand acres, but very rarely possess any capital to bring it under cultivation. Experience has taught Government the necessity of dealing cautiously with such men. They seek to obtain land, purely as a speculation, for the purpose of letting it to Burman cultivators. In former years a considerable number of grants were made to needy speculators of this class. In every case the grantees made no efforts to cultivate their land themselves, but satisfied themselves with what they could get from their Burman tenants. Capitalists who can show that they have the means of opening out the country are not common in Burma. When such men apply for grants they have no difficulty in obtaining them. Thus a grant of 15,000 acres is about to be made to an Indian planting firm which is known to possess the means of developing the grant. Further, it is the wish of the Government that members of the military police should settle in Burma, and in order to induce them to do so the Government of India was asked several months ago to grant them special concessions to enable them to bring their families to Burma. The Risaldar-Major or Chief Native Commissioned Officer of the 7th Bengal Cavalry has been given a grant of 2,821 acres in the Kyaukse district and has just arrived with 52 peasants from Northern India to occupy the grant. Much money has been spent from time to time by the Burman Administration in promoting immigration into Burma from India. As a matter of fact the policy for years has been to do everything to encourage *bonâ fide* immigrants and capitalists, but to discourage the needy class of Europeans who, having failed to obtain a living by any other means, resort as a last chance to an application for a grant of land.

Note No. XVI.—Condition of Sagaing in August 1888.

Text of Telegram which appeared in the "Times" of the 13th August 1888.

Dated Rangoon, 11th August 1888.

The unsatisfactory condition of the police and the inefficiency of many of their officers still attract attention: Sagaing has been throughout the recent troubles the most disturbed district in Upper Burma. It has been the scene of repeated outrages of the gravest character. The present state of affairs in Sagaing is mainly due to the inefficiency of the police administration. Sagaing specially required to be controlled by a Police Superintendent who was thoroughly acquainted with the people. Yet the district has been for the past year left in charge of an officer who neither speaks nor understands Burmese.

IN the extract cited in the margin* the correspondent represents the Sagaing district as in a desperate condition and attributes that condition to the fact that it "has been for the past year left in charge of an officer who neither speaks nor understands Burmese." The condition of Sagaing at the time when the correspondent's telegram was written was one of almost complete tranquillity. The manner in which the pacification of the district was carried out and the completeness of the pacification are set forth in the papers submitted to the Government of India on the 20th August 1888. The statement of the correspondent that "for the last year the district has been left in charge of an officer who neither speaks nor understands Burmese" is not correct. During the last year Messrs. Stevenson, Colquhoun, and Ffiorde have been in charge of the district. Mr. Stevenson, who before his appointment served for 16 years in the police, held charge from June to December 1887, Mr. Colquhoun from December to May, and Mr. Ffiorde from the 7th May up to the present date. All these officers have

spent all their service in Burma and have a thorough knowledge of the Burmese language. Mr. Stevenson and Mr. Fforde are particularly distinguished for their intimate knowledge of the language and manners of the people. Mr. Stevenson is the best Burmese scholar in the Commission. Mr. Fforde was originally a police officer and served in the Burma police from 1863 to 1887. He was one of the most capable officers in the whole force and was appointed a Deputy Commissioner in 1887 in consideration of his distinguished services. In 1888 he was selected by the Chief Commissioner out of the whole Civil staff in Burma as the officer best fitted to reduce the Sagaing district to order. Besides Mr. Fforde the Chief Commissioner has appointed Mr. Carter, who has also had long police experience to special duty in Sagaing in connection with the suppression of dacoity. Mr. Carter has been in the district since February last. There are also several capable junior police officers. There is no district in Burma more efficiently officered than Sagaing. The District Superintendent of Police to whom the correspondent refers, quite incorrectly, as "controlling" the Sagaing district is a Mr. Mayne, who was transferred with other officers from India

last year. It is a fact that Mr. Mayne has not yet learnt the Burmese language. He was placed in the Sagaing district because it is necessary to employ the men transferred from India somewhere, and the Sagaing district was the district selected for Mr. Mayne. As it was in charge of very active District Officers the need for a police officer acquainted with the people was less felt there than in most other districts. The necessity of employing officers who are unacquainted with the language has been and is one of the difficulties of the situation.



**THE UPPER BURMA VILLAGE REGULATION, No. XIV OF
1887, AS AMENDED BY REGULATION No. I OF 1891,
AND STANDING ORDERS CONNECTED THEREWITH.**

RANGOON : PRINTED BY THE SUPDT., GOVT. PRINTING, BURMA. APRIL 1891.

[Price,—Four annas.]

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REGULATION No. XIV OF 1887.
THE UPPER BURMA VILLAGE REGULATION.

Legislative Department Notification No. 33, dated Simla, the 28th October 1887.

WHEREAS by Resolution passed by the Secretary of State for India in Council the provisions of the 33rd Vic., Chapter 3, Section 1, were declared to be, from the 1st March 1886, applicable to Upper Burma, with the exception of the Shan States :

And whereas the Chief Commissioner of Burma has proposed to the Governor-General in Council a draft of the following Regulation, together with the reasons for proposing the same :

And whereas the Governor-General in Council has taken the draft and reasons into consideration, and has approved of the draft and the same has received the Governor-General's assent on the 28th day of October 1887 ;

In pursuance of the direction contained in the said section, the said Regulation is now published in the *Gazette of India*.

REGULATION No. XIV OF 1887.

A Regulation to provide for the Establishment of a Village system in Upper Burma.

WHEREAS it is expedient to provide for the establishment of a village system in Upper Burma ; it is hereby enacted as follows :—

Title, extent, and commencement. 1. (1) This Regulation may be called the Upper Burma Village Regulation, 1887 ;

(2) it extends to the whole of Upper Burma except the Shan States ; and

(3) it shall come into force on such day as the local Government may, by notification in the official Gazette, appoint in this behalf.

Definition. 2. (1) For the purposes of this Regulation “ village ” includes—

(a) village-lands, and

(b) rivers passing through or by, and lakes adjacent to, those lands.

(2) The Deputy Commissioner may determine the limits of a village for the purposes of this Regulation.

Appointment of headmen. 3.* (1) The Deputy Commissioner shall appoint a headman in every village or group of villages.

(2) In appointing a headman the Deputy Commissioner shall have regard, so far as circumstances admit, to any established custom which may exist respecting the right of nomination or succession or otherwise and to claims based thereon.

* See rules published in Revenue Department Notification No. 170, dated 6th October 1890, and form of appointment order printed as Standing Order No. 3 at the end of this pamphlet, also Revenue Department Circular No. 2 of 1891.

(8) A headman holding office in any village or group of villages at the commencement of this Regulation under the name of myo-thugyi, shwehmu, thugyi, tamôn, or other name, shall be deemed to have been appointed under this section.

of 1882.

(4) When in any village or group of villages there are two or more headmen, one of whom by custom exercises authority over the other or others, the Deputy Commissioner shall decide which of them shall be the headman for the purposes of this Regulation, and, with the previous sanction of the Commissioner, may make rules to define and regulate their relations to each other.

Substitution of new section for section 45 of the Code of Criminal Procedure.

4. For section 45 of the Code of Criminal Procedure, 1882, the following shall be substituted, namely:—

“45. A headman appointed under the Upper Burma Village Regulation, 1887, shall forthwith communicate to the nearest Magistrate, or to the officer in charge of the nearest police station or military post, whichever is the nearer, any information which he may obtain respecting—

Village headman bound to report certain matters.

- (a) the permanent or temporary residence of any notorious receiver or vendor of stolen property in his village;
- (b) the resort to any place within, or the passage through, his village of any person whom he knows, or reasonably suspects, to be a dacoit, robber, escaped convict, or proclaimed offender;
- (c) the commission of, or attempt or intention to commit, within his village any of the following offences, namely:—
 - (i) murder,
 - (ii) culpable homicide not amounting to murder,
 - (iii) dacoity,
 - (iv) robbery,
 - (v) offence against the Indian Arms Act, 1878, and
 - (vi) any other offence respecting which the Deputy Commissioner by general or special order, made with the previous sanction of the Commissioner, directs him to communicate information;
- (d) the occurrence in his village of any sudden or unnatural death, or of any death under suspicious circumstances.

“EXPLANATION.—In this section ‘village’ has the meaning assigned to that word in the Upper Burma Village Regulation, 1887.”

1 of 1878.

of 1882.

Duties of headman.

5. The headman of a village shall be bound—

- (a) to investigate every offence respecting which he is required by section 45 of the Code of Criminal Procedure, 1882, to communicate information;
- (b) to search for and arrest any person whom he has reason to believe to have been concerned in the commission or attempted commission of any such offence, and to recover, if possible, any property taken by any such person;
- (c) to arrest any person found lurking within the limits of the village who cannot give a satisfactory account of himself;

- (d) to forward as soon as may be to the nearest police station or military post any person arrested by him or made over to his custody, together with any weapon or other article likely to be useful as evidence ;
- (e) to resist any unlawful attack made upon the village ;
- (f) to take such measures and execute such works for the protection of the village and for keeping open the communications between it and adjacent posts as the Deputy Commissioner may direct ;
- (g) on the written order of the Deputy Commissioner, or other Magistrate not below the rank of Myoök, to collect and furnish on payment supplies of food or carriage for troops or police posted in or near, or marching through the village ;
- (h) on the requisition of any Magistrate not below the rank of Myoök, to furnish labourers for the making or repair of roads, embankments, or other public works ;
- (i) to collect or aid in collecting revenue and other money due to the Government from residents of the village or persons holding land therein ;
- (j) to allot unoccupied land within the village for cultivation or house-building up to such limit and on such conditions as the Deputy Commissioner may direct ;
- (k) if so ordered, and in accordance with such rules as may be made in this behalf by the Commissioner, with the sanction of the local Government, to register all births and deaths which take place within the village, and any other vital statistics which may be prescribed by such rules ;
- (l) to take such measures for the prevention of public nuisances and for the general sanitation of the village as may be prescribed in any rules made in this behalf by the Commissioner, with the sanction of the local Government ;
- (m) to supply to the best of his ability any local information which any Magistrate or officer of police may require ; and
- (n) generally to assist all officers of the Government in the execution of their public duties.*

6. (1) If any of the offences mentioned in the next following sub-section is committed in a village, the headman of the village may, on complaint made to him within eight days from the date of the commission of the offence, take cognizance of it and try any person

[Bom
Act VII
ss. 14-15]

Disposal of petty criminal cases by headman.

accused thereof.†

* Judicial Department Notification No. 16, dated the 16th November 1837 provides that all headmen shall, when required, give information to Military Officers in command of posts or of parties or columns or travelling on duty.

† A register of cases and a register of fines are prescribed by Judicial Department Circular No. 10 of 1890.

(2) The offences referred to in sub-section (1) are the following, namely:—

- (a) assault ;
- (b) theft, when the value of the property stolen does not exceed five rupees ;
- (c) mischief, when the mischief causes damage to an amount not exceeding five rupees ;
- (d) criminal trespass ; and
- (e) any other offence which the local Government may, by notification in the official Gazette, declare to be triable by headmen under sub-section (1).

(3) If the accused is convicted, he may be sentenced to fine not exceeding five rupees, or, if the offence was theft or mischief, twice the value of the property stolen or twice the amount of the damage caused, as the case may be, or to imprisonment in such place as the Deputy Commissioner may appoint in this behalf for a term not exceeding twenty-four hours, or to both.*

(4) A headman specially empowered by the local Government in this behalf may on complaint try any person accused of theft or mischief when the value of the property stolen or the amount of the damage caused does not exceed fifty rupees, and may in any case triable by him sentence the accused, on conviction, to fine not exceeding fifty rupees, or to imprisonment in any place appointed as aforesaid for a term not exceeding fifteen days, or to both.

(5) Proceedings under this section shall be held in the presence of the complainant and accused.

(6) The offence out of which the proceedings have arisen may be compounded at any time before the headman pronounces his decision.

(7) The proceedings need not be reduced to writing, but such record shall be kept of the cases decided as the Deputy Commissioner directs.

(8) Any fine imposed for an offence referred to in this section may be awarded as compensation to any person injured by the offence.

(9) A fee of one rupee may be levied on a complaint under sub-section (1), and of two rupees on a complaint under sub-section (4).†

(10) No other fee shall be leviable in any case under this section.

(11) If the accused is convicted, the amount of any fee paid in respect of the complaint shall be recovered from him and repaid to the complainant.

* Special powers granted under this section should be endorsed on the appointment order (*vide* General Department letter No. 352-9P., dated 14th April 1888).

† Judicial Department Notification No. 17, dated 16th November 1887, prescribes that all fees levied under section 6 (9) may be retained by the headman who tries the case and that a written receipt shall be given for all fines levied under section 6. General Department letter No. 352-9P., dated 14th April 1888, lays down that headmen specially empowered under section 6 (4) may levy a fee of Rs. 2 in all cases tried by them, and Judicial Department Circular No. 6 of 1890 prescribes a register of fees.

7. If a headman neglects to perform any of the duties imposed upon him by this Regulation, or abuses any of the powers conferred upon him thereby, he shall be liable, by order of the Deputy Commissioner, to pay a fine not exceeding fifty rupees, or to be suspended from office for a period not exceeding six months, or to be dismissed from office.*

Penalty for neglect of duty or abuse of authority by headman.

8. (1) Every person residing in a village shall, on the requisition of the headman, be bound to assist him in the execution of his public duties.

(2) If any such person refuses or neglects to comply with the requisition of the headman, he shall, in the absence of reasonable excuse, the burden of proving which shall lie upon him, be liable, by order of the headman, to fine not exceeding five rupees, or to imprisonment in such place as the Deputy Commissioner may appoint in this behalf for a term not exceeding twenty-four hours, or to both, or on conviction by a Magistrate, to fine not exceeding fifty rupees, or to imprisonment for a term not exceeding one month, or to both.

8A. (1) The local Government may, by notification in the official Gazette, invest any headman with the powers of a Civil Court for the trial of suits between persons, of whom both or all, as the case may be, reside within his village or group of villages, and may, by general or special order notified in the official Gazette, specify the classes and the value, not exceeding twenty rupees, of the suits which such headman may try.

(2) The local Government may at any time cancel or vary any such notification or order.

(3) In any suit tried in exercise of powers conferred under subsection (1) the decision of the headman shall, subject to revision by such authority as the local Government may appoint in this behalf, be final.

(4) A fee of ten per centum of the value of the suit shall be paid on its institution before a headman, and no other fee shall be paid for the issue of processes or otherwise.

(5) Notwithstanding anything in section 15 of the Code of Civil Procedure, or in any like enactment for the time being in force, a person shall not be bound to institute a suit before a headman.†

9. (1) The Deputy Commissioner may, with the sanction of the Commissioner, impose fines‡ on all or any residents of a village if after enquiry he has found—

Civil jurisdiction of headman.

[Reg 1887, s

(a) that they have colluded with or harboured or failed to take all reasonable means to prevent the escape of any criminal ;

* Dismissals require the sanction of the Commissioner, who submits a quarterly return to the Secretariat (*vide* Judicial Department letter No. 131-81P., dated 7th September 1887, and letter No. 500, dated 31st July 1888).

† Inserted by Regulation No. I of 1891.

‡ Fines levied under section 9 should be credited to *Land Revenue* (*vide* Judicial Department Circular No. 10 of 1889). Registers of fines under this section are prescribed by Judicial Department Circular No. 6 of 1890. The sanction need not necessarily be previous (*vide* Judicial Department Circular No. 10 of 1889, paragraph 3). Returns of fines inflicted under this section are prescribed by Judicial Department Circular No. 4 of 1891.

(b) that they have suppressed or combined to suppress evidence in any criminal case ;

(c) that stolen property having been tracked to their village, they have failed or neglected to restore the property or to take on the track beyond the limits of their village.*

(2) In either of the following cases, namely,—

(a) when a fine is imposed on the ground stated in clause (a) or in clause (b) of sub-section (1), and the offence of which the criminal is accused or to which the criminal case relates, is mischief by fire, dacoity, robbery, or cattle-theft, or

(b) when a fine is imposed on the ground stated in clause (c) of sub-section (1), a sum not exceeding the amount of the damage caused on the value of the property stolen may be given out of the fine as compensation to the owner of the damaged or stolen property.

Reg. IV.,
7, s. 25.)

10. When within any village a person is dangerously or fatally wounded by unlawful attack, or the body is found of a person believed to have been unlawfully killed, the residents of the village shall be deemed to have committed an offence under the last foregoing section unless they can show that they—

(a) had not an opportunity of preventing the offence or arresting the offender, or

(b) have used all reasonable means to bring the offender to justice.

11. (1) If any person comes into a village of which he is not a resident, he or the person (if any) in whose house he is living shall, within twelve hours of his coming to the village, report to the headman his arrival, his name and occupation, and the name of the place where he last resided.

(2) The departure from a village of a person whose arrival has been reported under sub-section (1) shall also be reported by the person, if any, in whose house he has been living.

12. A person who is not a resident of a village shall not build any house, hut, or enclosure, or take up his residence in the village, without the permission of the headman.

Reg. IV.,
7, s. 35.)

13. (1) When the Deputy Commissioner has reason to believe on the report of a headman, or otherwise, that a person residing in any place is in the habit of harbouring, aiding, or abetting dacoits, robbers, or cattle-thieves, or has taken up his residence in that place for the purpose of such harbouring, aiding, or abetting, he may require that

* Instructions regarding the working of the Track Law are contained in Judicial Department Circular No. 7 of 1891.

person to leave that place and to reside in such other place as the Deputy Commissioner may direct.*

14. (1) If a person contravenes the provisions of section 11 or section 12, he shall be punished on conviction by a Magistrate with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to fifteen days, or with both. [Reg. I
1887, s. 8]

Penalty for breach of orders under immediately preceding sections.

(2) If a person disobeys a requisition under section 13, he shall be punished, on conviction by a Magistrate, with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

15. (1) A fine imposed under this Regulation may be recovered as if it were an arrear of revenue.† [Reg. I
1887, s. 9]

Mode of recovering certain fines.

(2) A fine imposed under section 9 may, with the previous sanction of the local Government, be commuted into an annual addition to the capitation-tax payable by the residents of the village or to the land revenue payable in respect of the village lands, or, in the case of revenue-free lands, to an annual assessment at such rates and for such term of years as the local Government may direct. [Reg. I
1887, s. 10]

16. (1) An appeal shall not lie from any order made under this Regulation.

Finality of orders.

(2) But the Deputy Commissioner may revise any such order made by any officer subordinate to him, and the Commissioner may revise any such order made by the Deputy Commissioner.‡

(3) Save as provided by this section, an order made under this Regulation shall be final and shall not be liable to be contested by suit or otherwise.

“(4) The word ‘order’ in this section does not include the decision of a headman in a suit tried in exercise of powers conferred under section 8A, sub-section (1).”§

17. (1) The local Government may, subject to the control of the Governor-General in Council, make rules consistent with this Regulation—

Power to make rules.

(a) for the disposal of fees levied under section 6, sub-section (9), and section 8A, sub-section (4);

(b) prescribing the procedure to be observed by a headman trying a suit in exercise of powers conferred under section 8A, sub-section (1), the record which he is to make of the


* The exercise of powers under this section is governed by the rules published in Judicial Department Circulars Nos. 19 and 20 of 1889 and by letter No. 1822-652P., dated 29th October 1890. Monthly returns of action taken under this section are prescribed by letter No. 8-325P., dated 1st June 1889, and a register is prescribed by Judicial Department Circular No. 6 of 1890.

† Deputy Commissioners are authorized to order the remission or refund of fines provided that the refund of fines exceeding Rs. 500 requires the sanction of the Commissioner. This rule does not apply to fines which have been commuted under section 15 (2) (*vide* Judicial Department Notification No. 43, dated the 29th January 1891).

‡ A register of revisions is prescribed by Judicial Department Circular No. 6 of 1890.

§ Added by Regulation No. I of 1891.

suit and the mode in which that record is to be disposed of, the powers which he may exercise as regards the costs of the suit, and of any proceeding arising thereout, the manner in which a decree or order made by him may be executed by himself, and the manner, circumstances, and conditions in and on which such a decree or order may be sent for execution to, and be executed by, another headman or a Civil Court; and

(c) generally for carrying into effect the purposes of this Regulation."* 

Act II of 1882, Act 1870, Act 1886, (1) (b); g. VII, Sched. II and notification Fin. and m., No. 1, dated Novem- 1886.

(2) All such rules shall be published in the official Gazette and shall thereupon have the force of law.

18. This Regulation shall take effect notwithstanding anything in the Code of Criminal Procedure, 1882, or in any other enactment for the time being in force.

19. Where in any enactment or notification passed or published before the commencement of this Regulation the word "myothugyi" or the word "thugyi" occurs, it shall be held to include any person, however designated, who in any part of the territories to which this Regulation extends occupies a position similar to that which is held by a myothugyi or thugyi, as the case may be, in other parts of those territories.

J. M. MACPHERSON,

Offg. Secretary to the Government of India.

* As amended by Regulation No. I of 1891.

RULES CONCERNING THE TRIAL OF SUITS BY HEADMEN.

General Department Notification No. 194, dated Rangoon, the 2nd September 1891.

UNDER the provisions of section 8A, sub-section (3), of the Upper Burma Village Regulation, 1887, the Chief Commissioner is pleased to direct that the decision of a headman in a civil suit tried under that section shall be subject to revision by the Subdivisional Officer, or, where there is no Subdivisional Officer, by the Deputy Commissioner.

General Department Notification No. 195, dated Rangoon, the 2nd September 1891.

UNDER the provisions of section 17 (1) of the Upper Burma Village Regulation, the Chief Commissioner is pleased to make the following rules concerning the trial of suits by headmen under section 8A of that Regulation and for the disposal of fees levied under section 8A, sub-section 4.

1. The plaintiff may begin his suit either by making a verbal complaint, to be reduced to writing by or under the orders of the headman, or by presentation of a written plaint.

2. On the institution of a suit the headman shall cause to be served on the defendant a written notice specifying the name of the plaintiff, the nature of the claim, and the time and place at which the suit will be tried, and directing him, if he wishes to dispute the claim, to appear with his witnesses at the time and place fixed. He shall also inform the plaintiff of the date so fixed.

3. At the time and place fixed the headman shall proceed to hear and try the case. He shall examine the parties and their witnesses and deliver judgment.

4. The headman shall record or cause to be recorded the names of the witnesses and the substance of their evidence and a brief statement of the grounds for his order.

5. The headman may adjourn the case from time to time, noting the dates of adjournment on the record, either to obtain the attendance of further witnesses or for any other reasonable cause.

6. The headman shall decide whether the unsuccessful party shall pay the costs of the other party or not. He may award as costs any reasonable charges incurred by the successful party for the purposes of the suit, provided that the total costs including the fee of 10 per centum prescribed by section 8A, sub-section (4), shall in no case exceed one-quarter of the value of the suit.

7. If the plaintiff does not appear at the time and place fixed, the headman shall dismiss the suit, unless for any reasonable cause he thinks proper to adjourn it. Similarly, if the defendant fails to appear, the headman shall proceed with the trial in his absence, unless for some special reason he thinks better to adjourn. In the former case, if his decision is in favour of the plaintiff, a copy of it shall be served upon the defendant, and if the latter within ten days appears before the headman and proves that he was unable to attend, the headman shall hold a fresh trial, provided that the cost of the second trial shall in all cases be borne by the defendant, whatever the result. A suit dismissed on account of the non-appearance of the plaintiff may similarly be re-opened within 10 days on sufficient cause shown.

8. If the unsuccessful party neglects or refuses to pay the amount awarded within ten days, the headman may on the application of the other party, serve the unsuccessful party with a notice, directing him to pay to the headman the amount with one rupee additional as a fee within five days. If the debtor still neglects to pay the headman shall, after the expiry of the five days, attach and sell by public auction so much of the debtor's moveable property as is sufficient to defray the amount awarded together with the fee. The headman shall out of the proceeds of the property pay the amount awarded to the successful party; the balance, after deducting the fee of one rupee, shall be returned to the judgment-debtor. The headman shall record a brief note of any action taken by him under this rule and shall file it with the record of the suit.

9. If the judgment-debtor has removed to another village or group of villages, the headman shall inform the headman of the debtor's new village verbally or by sending the notice above mentioned, and the second headman shall then proceed to recover the amount as if he had passed the order himself; the only difference being that he will pay the amount awarded to the first headman instead of to the successful party.

10. The headman shall be entitled to retain all fees for execution of judgments as well as all fees levied under section 8A, sub-section (4).

11. The headman shall keep an account of all suit fees in the following form :—

Name of person from whom levied.	Amount.	Whether levied on the institution of a suit, or on executing a judgment.
	Rs. A. P.	

12. This account, together with the records of all suits tried by the headman during the month under section 8A, shall, provided that the judgment has been satisfied, be sent to the Township Officer not later than the 20th of the following month : provided that in the case of any particular headman, the Deputy Commissioner may direct that the account and records shall be submitted quarterly instead of monthly. All such records shall be destroyed at the end of the year following that to which they belong.

13. Whenever it appears to the headman that the decision of a case involves a difficult or intricate question of law it shall be competent for him at any time to stay proceedings and refer the case to the Township Officer for decision.

E. S. SYMES,
Chief Secretary.

STANDING ORDERS CONNECTED WITH THE UPPER BURMA VILLAGE REGULATION OF 1887.

(1)

Judicial Department Notification No. 16, dated Rangoon, the 16th November 1887.

WITH reference to section 5, sub-section (n), of the Upper Burma Village Regulation, 1887, and in exercise of the powers conferred by section 17 of that Regulation, the Chief Commissioner is pleased to make the following rule :—

All headmen shall, when required, give information to Military Officers in command of posts, or of parties or columns, or travelling on duty.

(2)

Judicial Department Notification No. 17, dated Rangoon, the 16th November 1887.

IN exercise of the power conferred by section 17 of the Upper Burma Village Regulation, 1887, the Chief Commissioner makes the following rules for the disposal of fees levied under section 6, sub-section (9), of that Regulation, and for the maintenance of records of fees levied and fines imposed under that section :—

1. All fees levied under section 6, sub-section (9), of the Upper Burma Village Regulation may be retained by the headman who tries the case in respect of which they are levied.

2. *(superseded by Judicial Department Circular No. 6 of 1890).*

3. A headman shall give a written receipt for all fines paid to him under section 6 of the Regulation.

(3)

PRESCRIBED FORM OF ORDER OF APPOINTMENT OF VILLAGE HEADMAN.

UNDER section 3 (1) of the Upper Burma Village Regulation, 1887,
Maung.....son of.....
is appointed to be headman of the village.....
.....

Duties and Powers of Village Headmen.

THE headman must report at once to the nearest Magistrate or police station any information which he may obtain regarding dacoits, robbers, escaped convicts, proclaimed offenders, and receivers of stolen property living in or passing through the limits of his village.

He must report all murders, dacoities, and robberies, all cases of illegal possession of arms, and all cases of sudden or suspicious death, also attempts or intents to commit murders, dacoities, and robberies. He must arrest persons concerned in such offences and endeavour to recover all stolen property. He must arrest any suspicious character found lurking within his limits.

Any persons so arrested are to be sent at once to the nearest police station.

The headman may, on complaint made to him within eight days from date of offence, try the following cases :—

Assault.	Mischief to value of Rs.
Theft to value of Rs.	Criminal trespass.

He may sentence the offender to fine up to Rs. or to twice the value of the property stolen or of the mischief inflicted, or to imprisonment for or to both fine and imprisonment. He may pay compensation to complainant out of this fine.

The headman may take for himself a fee of for every complaint from the complainant. If accused is convicted, the headman must levy this fee and pay it to the complainant in addition to any sum which he may award to the complainant out of any fine which may be inflicted.

The headman must keep a register of cases decided by him and of all fees and fines recovered. The register of fees and fines shall be the following form :—

Name of headman's village.	PERSON BY WHOM THE FEE OR FINE IS PAID.			Offence charged.	Amount of fee or fine.	Headman's signature or mark.
	Name.	Father's name.	Village.			

Every man residing in the village must assist the headman in performing his duties. The headman may fine any person refusing to assist him and obey his orders up to Rs. 5, or may imprison him up to 24 hours.

Any stranger coming into the village must report his arrival to the headman within 12 hours of arrival, and when he goes away the owner of the house where such person has been staying must report his departure.

No stranger shall build a house or take up his residence in the village without the permission of the headman.

(4)

Extract from a letter to the Commissioner of the Eastern Division,—No. 852-9P., dated the 14th April 1888

* * * *

4. The Chief Commissioner doubts whether it is advisable to print separate appointment orders for headmen invested with special powers under sub-section (4). It will be sufficient if the Deputy Commissioner endorses on the appointment order of each headman invested with special powers the fact that he has been so invested. The Deputy Commissioner has authority under sub-section (4) to issue such orders as he may see fit regarding the confinement of prisoners sentenced by headmen who are specially empowered.

5. In paragraph 5 of your letter you ask for a ruling whether headmen empowered under sub-section (4) are entitled under sub-section (9) to levy a fee of Rs. 2 in all cases tried by them, or only in cases which they would not be competent to try had they not been empowered under sub-section (4). In reply I am to say that the Chief Commissioner considers that headmen empowered under sub-section (4) are entitled to charge a fee of Rs. 2 in all cases tried by them.

(5)

From DONALD SMEATON, Esq., Officiating Chief Secretary to the Chief Commissioner, Burma, to all Commissioners of Divisions in Upper Burma,—No. 131-81P., dated Mandalay, the 7th September 1887.

From perusal of the correspondence which has recently passed between Commissioners of Divisions and Deputy Commissioners in connection with the customary powers, privileges, and duties of village headmen in Upper Burma, and also from local enquiries made on tour, it appears to the Chief Commissioner that the orders conveyed in this office letter No. 949, dated the 22nd March 1887, have been overlooked, and that there is a tendency on the part of certain District Officers to introduce the rules and procedure current in Lower Burma in regard to appointment, dismissal, and duties of village officers. For example one District Officer in the Eastern Division reports having grouped a large number of village thugyiships under one circle thugyi, whom he appears to have practically converted into the typical taik-thugyi of Lower Burma. Others report dismissals of village headmen or thugyis on grounds which indicate attention on the part of the District Officers rather to procedure in Lower Burma than to old-established custom in the district itself.

The Chief Commissioner wishes the old hereditary village system interfered with as little as possible. Petty delinquencies are not to be treated as offences calling for dismissal. The village officers are to be taught their duty gradually, not peremptorily punished for acts or omissions which, under the old administration, were not considered as offences. It is the Chief Commissioner's earpest desire to maintain and improve the old village organization, not to supplant it by an artificial system which in the lower province has resulted in so much evil and so little good.

3. I am accordingly to request that, in communicating to District Officers the spirit of the Chief Commissioner's policy just described in regard to the village system in Upper Burma, you will issue orders to the following effect:—

- (i) The jurisdictions of existing village thugyis shall not be enlarged by placing villages under them except where administrative expediency urgently requires it, and where the benefits clearly outweigh the disadvantages of the change, and in no case is any such enlargement to be made without the written order of the Commissioner of the division.
- (ii) All enlargements of existing village thugyiships which may be sanctioned by the Commissioner are to be reported for the Chief Commissioner's information.
- (iii) No thugyis or myothugyis are to be dismissed without the written sanction of the Commissioner of the division.
- (iv) Vacancies caused by dismissals are to be filled, wherever possible, according to local custom.
- (v) All dismissals of thugyis or myothugyis are to be reported for the Chief Commissioner's information, and also the steps taken to fill the vacancies. This information should be submitted in the form of a list of dismissals, showing reasons for dismissal, name of the person appointed to the vacancy, and grounds of appointment.
- (vi) No change of village organization is to be made in any way without the express sanction of the Chief Commissioner.

4. The Chief Commissioner trusts that Commissioners will give their personal attention to the important subject of this circular.

(6)

Letter to the Commissioner of the Eastern Division,—No. 500, dated the 31st July 1888.

In reply to your No. 561-12—19, dated the 29th May 1888, I am desired to say that only those cases in which village headmen are dismissed as a punitive measure need be reported. It will be suffi-

cient if a quarterly statement of such dismissals is submitted to this office in the following form :—

Name of district.	Township.	Village.	Headman.	Reason for dismissal.

(7)

Circular letter to Commissioners in Upper Burma,—No. 235-468P., dated the 6th October 1888.

CASES have recently occurred in which thugyis and others have been killed for assisting the Government or for giving information to Government officers.

* * * *

The Chief Commissioner desires to impress on all officers concerned the need of taking special measures to protect informers and other persons, who by their active loyalty have incurred the risk of being made the object of attacks by dacoits and other outlaws. Failure to afford protection to these persons must result in causing loyal people to lose confidence in the will or in the power of the local authorities to protect them and must appreciably add to the difficulties of maintaining order and suppressing crime.

(8)

Judicial Department Circular No. 10 of 1889.

* * * *

It is the duty of District Officers, Subdivisional Officers, and Myoóks to take the trouble to clearly explain to the headmen the meaning of the Regulation, the nature and extent of their powers, and the manner in which the provisions of the law should be worked. If District Officers and their subordinates are, as they should be, constantly on tour in their charges, and if they make a point of becoming personally acquainted with the headmen and assisting them in their work, there need be no difficulty in making them thoroughly acquainted with the Village Regulation. At present village headmen make little use of their powers under section 6 of the Regulation.

2. The obligation which lies on all officers connected with the civil administration to make themselves thoroughly conversant with the provisions of this important Regulation has now been pointed out. The Chief Commissioner is not satisfied that hitherto the officers of the military police have had their attention sufficiently drawn to this subject. In September last translations of part of the Re-

gulation in Urdu and Hindi were sent to the Inspector-General of Police for distribution to Military Police Officers. If more copies are required, they can be obtained on indent from the Superintendent, Government Printing. The Chief Commissioner again directs Deputy Commissioners to satisfy themselves that all officers (Judicial, Revenue, and Police, including military police) are well acquainted with the provisions of the Regulation, and that systematic steps are taken to instruct subordinate officers of these departments.

3. Turning to the manner in which the important provisions of section 9 of the Regulation have been worked. * * *

The Chief Commissioner cannot too strongly impress on Deputy Commissioners the importance of these provisions of the law which enable them to enforce the joint responsibility of the inhabitants of a village for collusion with dacoits and other criminals, for failure to afford active assistance in the detection of crime and the arrest of offenders, and for permitting the admission of stolen cattle to, or its passage through, their village. If the powers conferred by section 9 of the Regulation are judiciously but firmly exercised, if villagers are made to feel that it is directly to their interests to afford active assistance to the authorities, the result cannot fail to be most beneficial. The Chief Commissioner takes this opportunity of pointing out that section 9 of the Regulation does not require that the previous sanction of the Commissioner should be obtained in all cases in which fines are imposed. In cases in which it is necessary that sanction should be previously obtained, *e.g.*, section 3, sub-section (4), and section 15, sub-section (2), the Regulation is explicit on the point. In cases under section 9, if delay is likely to impair the efficacy of a fine, the Deputy Commissioner may impose the fine and obtain the Commissioner's sanction afterwards. It is scarcely necessary to point out that Deputy Commissioners are not justified in imposing fines which it is unlikely that the Commissioners will sanction and that, if they do so, they run the risk of having their authority weakened by the reversal of their orders.

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(9)

Judicial Department Circular No. 11 of 1889.

Letter to Commissioners in Upper Burma,—No. 1-269P., dated the 1st April 1889.

In supersession of all previous orders on this subject I am directed to say that fines levied under section 9 of the Upper Burma Village Regulation, 1887, should be credited in treasury accounts to the head "Land Revenue" and not to the head "Law and Justice." The same rule applies to cases where the fine imposed under section 9 is commuted under section 15, sub-section (2), to an additional assessment of capitation-tax or land revenue to be annually paid by the residents.

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3. In order to obviate the difficulty which would otherwise exist in connection with the sanction of refunds of fines under the Village Regulation, a rule has been made under section 17 of the Regulation empowering Deputy Commissioners to sanction refunds. A copy of the rule is enclosed.

(10)

Judicial Department Notification No. 43, dated the 29th January 1891.

In exercise of the power conferred by section 17 of the Upper Burma Village Regulation, 1887, the Chief Commissioner is pleased to make the following rule in respect of the refund of fines imposed under that Regulation :—

RULE.

The Deputy Commissioner may order the remission or refund of any fine imposed under the Upper Burma Village Regulation, 1887, provided that when the amount to be remitted or refunded exceeds Rs. 500, the previous sanction of the Commissioner to the refund or remission shall be necessary.

Note—This rule does not apply to fines which have been commuted under section 15 (2) of the Regulation.

(11)

Extract from letter to Commissioners in Upper Burma,—No. 3-575P., dated the 1st June 1889.

* * * *

2. I am * * to request that you will require Deputy Commissioners in your division to report monthly to you the action taken under section 13 of the Upper Burma Village Regulation in the following forms :—

A*Statement of Persons ordered to remove.*

Name of township.	Village.	Name of person ordered to move.	Brief abstract of reason for order.	Place to which removal was ordered.

B

Statement of Persons allowed to return.

Name of township.	Village.	Name of person allowed to return.	Reference to statement in which order of removal was reported.

(12)

Judicial Department Circular No. 19 of 1889.

Letter to Commissioners in Upper Burma,—No. 237-575P., dated the 11th June 1889.

In continuation of my Judicial Department letter No. 3-575P., dated the 1st June 1889, I am desirous to give you further instructions regarding the working of section 13 of the Upper Burma Village Regulation.

2. In future no Deputy Commissioner shall order any person to remove under the provisions of this section until he has laid the facts of the case, and the reasons which render the removal necessary, before the Commissioner and has obtained your consent and your approval of the place chosen for the residence of the person moved, and of the arrangements made for the conveyance, house accommodation, and support of the person ordered to move.

3. You have already been instructed that, except in special cases, no person shall be directed to reside outside the limits of the revenue division to which his village belongs. I am now to add that the place of residence named in the order should be the headquarters of a district or a subdivision, and that the Deputy Commissioner or Subdivisional Officer should be held personally responsible that the persons removed are suitably cared for.

4. Whenever you sanction a Deputy Commissioner's proposal to order a person to move his residence, I am to ask you to be so good as to forward a copy of the Deputy Commissioner's proposals and your orders to the Chief Commissioner for his perusal without delay.

(17)

5. All action taken under section 13 before the receipt of these orders should be reviewed and brought into conformity with the instructions now given and the result reported to this office.

(18)

Judicial Department Circular No. 20 of 1889.

Letter to Commissioners and Deputy Commissioners in Upper Burma,—No. 282-575P., dated the 18th June 1889.

In continuation of my letter No. 237-575P., dated the 11th June 1889, I am directed to say that reasonable expenditure may be incurred in defraying the cost of the conveyance to their destination of persons required to move their residences under section 13 of the Upper Burma Village Regulation, and on the housing and maintenance of those persons after their arrival. A statement of expenditure on these objects should be forwarded from time to time as incurred for the Chief Commissioner's sanction.

(14)

Circular letter to Commissioners in Upper Burma,—No. 1822-652P., dated the 29th October 1890.

In continuation of Judicial Department Circular No. 20 of 1889 I am directed to say that, in cases in which it is necessary to incur expenditure on the maintenance of persons ordered to move their residence under section 13 of the Upper Burma Village Regulation, contracts for the supply of food to the persons who have to be maintained must not be given. The persons ordered to reside in a specified place, which, under the orders contained in Judicial Department Circular No. 19 of 1889, must be the headquarters of a district or of a subdivision, should be placed in charge of a gazetted officer, who should be responsible for their proper treatment.

(15)

Judicial Department Circular No. 6 of 1890.

Extract from the Proceedings of the Chief Commissioner, Burma, in the Judicial Department,—No. 296P., dated the 29th March 1890.

RESOLUTION.—In order to secure uniformity of practice, the Chief Commissioner prescribes the use of the following registers and the submission of the following returns in connection with the working of the Upper Burma Village Regulation :—

I. Register of Headmen.—This register shall be kept in each district office in the form prescribed in the Chief Commissioner's Resolution No. 70N., dated the 11th April 1889 (General Department Circular No. 8 of 1889).

II. Headman's Register of Cases.—A register of all cases decided under section 6, sub-section (1), and of punishments imposed under

section 8, sub-section (2), of the Upper Burma Village Regulation, shall be maintained in the following form. This form has already been prescribed for Lower Burma in the rules published in Judicial Department Notification No. 332, dated the 7th August 1889 :—

Complainant's name.	ACCUSED.				Offence charged.	Date of institution of trial.	Result of trial.	Sentence.	Date of conclusion of trial.	Headman's signature or mark.
	Name.	Age.	Father's name.	Residence.						

III. Deputy Commissioner's Register of Punishments.—A register of all punishments ordered by the Deputy Commissioner under section 7 of the Upper Burma Village Regulation shall be maintained in every district office in the following form :—

Village.	Name of headman.	Brief statement of offence.	Punishment awarded.	Deputy Commissioner's signature.

IV. Headman's Register of Fees and Fines.—A register of fees and fines levied under section 6 or section 8 of the Upper Burma

Fines imposed under Section 9 of the Upper Burma Village Regulation, Clause (a).

	Serial No.
	Village.
	Number of persons fined.
	Aggregate value of property of persons fined.
	Amount of fine.
	Highest fine on any one person.
	Lowest fine on any one person.
	Average fine on each person.
	Date of commission of offence in respect of which fine was imposed.
	Date of collection of fine.
	Date of Commissioner's order of confirmation.
	Amount paid as compensation.
	Whether commuted or not under section 15, sub-section (2), Upper Burma Village Regulation, or section 17, sub-section (2) of the Lower Burma Village Act.
	If commuted, brief abstract of terms of commutation.
	No. and date of orders of Chief Commissioner directing commutation.
	Deputy Commissioner's initials.

Fines imposed under Section 9 of the Upper Burma Village Regulation, Clause (b).

	Serial No.
	Village.
	Number of persons fined.
	Aggregate value of property of persons fined.
	Amount of fine.
	Highest fine on any one person.
	Lowest fine on any one person.
	Average fine on each person.
	Date of commission of offence in respect of which fine was imposed.
	Date of collection of fine.
	Date of Commissioner's order of confirmation.
	Amount paid as compensation.
	Whether commuted or not under section 15, sub-section (2), Upper Burma Village Regulation, or section 17, sub-section (2) of the Lower Burma Village Act.
	If commuted, brief abstract of terms of commutation.
	No. and date of orders of Chief Commissioner directing commutation.
	Deputy Commissioner's initials.

Fines imposed under Section 9 of the Upper Burma Village Regulation, Clause (c).

	Serial No.
	Village.
	Number of persons fined.
	Aggregate value of property of persons fined.
	Amount of fine.
	Highest fine on any one person.
	Lowest fine on any one person.
	Average fine on each person.
	Date of commission of offence in respect of which fine was imposed.
	Date of collection of fine.
	Date of Commissioner's order of confirmation.
	Amount paid as compensation.
	Whether commuted or not under section 15, sub-section (2), Upper Burma Village Regulation, or section 17, sub-section (2) of the Lower Burma Village Act.
	If commuted, brief abstract of terms of commutation.
	No. and date of orders of Chief Commissioner directing commutation.
	Deputy Commissioner's initials.

VI. Register of persons ordered to remove.—A register of all person ordered to remove under section 13, Upper Burma Village Regulations shall be maintained by each Deputy Commissioner in the following form :—

Serial No.	Township.	Village.	PERSONS ORDERED TO MOVE.			Abstract of reason for order.	Date of order.	Place to which removed.	Date of permission to return.	Expenditure, if any, incurred.	Deputy Commissioner's initials.
			Name.	Age.	Occupation.						

VII. Register of Revisions.—A register of all revisions of orders under section 16 (2) of the Upper Burma Village Regulation shall be kept by each Deputy Commissioner in the following form :—

Serial No.	Name and designation of officer whose order is revised.	Brief abstract of order with date.	Brief abstract of order in revision.	Date of order of revision.	Deputy Commissioner's initials.

2. In order that the working of the Village Regulation may be carefully watched, the Chief Commissioner desires that Commissioners will forward an annual report of the working of the Regulation with separate returns for each district in the forms attached. The report should reach the Secretariat by the 31st March in each year.

I.—Return of Punishments imposed on Headmen.

District.	Number of headmen in district.	NUMBER OF HEADMEN		
		Dismissed.	Suspended.	Fined.

II.—Return of Fines imposed on Villages.

District.	Number of villages fined.	Aggregate value of property of persons fined.	Aggregate amount of fines.	Highest fine on any one person.	Lowest fine on any one person.	Average fine.	NUMBER OF CASES IN WHICH FINES WERE COMMUTED INTO	
							(a) Addition to capitation-tax.	(b) Addition to land revenue.

III.—Return of Persons ordered to remove.

District.	Number of persons ordered to remove.	Number of persons permitted to return.	Expenditure incurred on removal.

IV.—Return of Revisions of Deputy Commissioner's Orders.

District.	Number of cases called for in revision.	NUMBER OF CASES IN WHICH ORIGINAL ORDER WAS		
		Confirmed.	Reversed.	Modified.

3. Cases tried by Magistrates under section 8 (2) or section 14 of the Upper Burma Village Regulation will be entered in the ordinary judicial registers and returns, and not in the special registers and returns prescribed above.

4. The orders contained in this Resolution do not supersede those contained in this Department letter No. 3-575P., dated the 1st June 1889, regarding the monthly report to Commissioners in Upper Burma of the number of persons ordered to remove under the Upper Burma Village Regulation. The registers should be opened as soon as possible. The first annual report will be for the year 1890 and will be due on the 31st March 1891.

5. Registers in the prescribed forms and forms of statements can be obtained by Deputy Commissioners on indent from the Superintendent of Government Printing.

Judicial Department Circular No. 4 of 1891.

RESOLUTION.—In continuation of Judicial Department Circular No. 6 of 1890 the Chief Commissioner prescribes the following quarterly return for submission by all Commissioners in Burma. The first of these returns will be due in the Secretariat on the 1st May 1891 and will be for the first quarter of 1891. In Lower Burma this return will take the place of the three quarterly returns prescribed in Judicial Department Circular No. 12 of 1889.

2. The Chief Commissioner is of opinion that, in most cases in which fines are imposed under section 9 of the Upper Burma Village Regulation, or section 14 of the Lower Burma Village Act, compensation should be granted to the owner of the damaged or stolen property, though not necessarily to the full value of the property lost. From cases which have come before him he has reason to think that in some districts insufficient use is at present made of the provisions of the law relating to the grant of compensation.