

ages to have their differences settled by arbitrators—who receive a fee—and consequently they are content with such an award and hardly ever dream of disputing it; for them it is as binding as any Civil Court could make it.¹ If they wanted an arbitrator with greater authority they could resort to the circle headman, and very few ever encountered any official higher than the circle headman. If finally they obstinately took the matter into court, they would find that it tended to support the decision of the circle headman, and that the law administered was still based on Burmese custom as expounded in the first Civil Code of 1860.

In practice it was only in some criminal matter that people ever had to come into contact with the law. And there was very little crime, and among all sections of the community the Burmese section was the most law-abiding. In this matter there was an astonishing contrast between Burma then and now. In 1826 the British occupation was followed by a period of unrest both in Arakan and Tenasserim. But after the country had been effectively pacified, the annual reports testify repeatedly to 'the generally peaceable and orderly habits of the people...' and to 'their highly flourishing circumstances with consequent diminished temptation of crime'. Moulmein with its 'motley mixture of people of all countries and castes' was a partial exception, but this was attributed to bad characters from Martaban across the border, and to 'the constant influx of strangers from all parts of India'. 'The country districts and villages continued to be very generally free from offences of all descriptions, although none of them have any Police Establishment.'²

The course of events was very similar later on in Pegu. At first the country was disturbed and there were numerous local risings, some on a considerable scale, until about 1860, but then, for nearly twenty years, there was little crime, and those chiefly responsible were Karens or Tounghus from the hills or Shans and Upper Burmans from beyond the frontier.³ The Burmese and Talaings were conspicuously law-abiding; in 1879, 0.74 % of the Hindu population was in jail, 0.28 % of the Moslem population, 0.20 % of the Christian population, and only 0.12 % of the Buddhist population.⁴ In the light of future development these figures are of great significance. The British Government relieved the people from the abuses to which they were subject under Burmese rule, and beyond that left them free to prosper

¹ *SL*, pp. 159, 161, 176-7.

² *BBG*, I, 514.

according to their own devices and in their own way. Despite the slow rate of economic progress, or because of it, there was a general diffusion of greater material welfare, and it is probably correct that, as reported in 1879, although there was no enthusiasm for British rule, the majority of the respectable classes were content with it and would be unwilling to see it disturbed.¹

Note on Growth of Population, 1826-72.

The first regular census in British Burma was held in 1872; previously there had been annual estimates based on revenue returns. In the census of 1872 the population was given as 2.75 million. From subsequent enumerations it appears that the record in rural areas was very defective, and that the correct figure should have been about 3.11 million.² In the revenue returns for 1872 the population was given as 2.63 million. In earlier years, when conditions were still unsettled, they must have been much less accurate.

In 1852 the population of Arakan was estimated at 352,348, of Tenasserim at 191,476 and of Pegu and Martaban at 718,464. For Pegu and Martaban the estimate was certainly far too low.³ From about 1858 there began a steady flow of immigration from Burmese territory, partly of people returning to their homes and partly of newcomers. The earliest figures for British Burma as a whole are those of 1861, which gave a population of 1.90 million. Until that year, pacification was not complete, and between 1861 and 1870 the country was quieter and cultivation more profitable, so it would seem likely that the increase, whether from natural causes or immigration, would be slower between 1852 and 1860. The returns show an increase from 1.90 million in 1861 to 2.50 million in 1870; even if it increased at the same rate in the earlier decade the population in 1852 would have been 1.44 million and of Pegu and Martaban about 890,000 instead of only 718,000.

Similar difficulties hinder attempts to gauge the increase of population in Tenasserim and Arakan between 1826 and 1852. According to the official returns the population in Tenasserim grew from 70,000 to 191,000 and in Arakan from 100,000 to over 350,000. On the basis of these figures Fytche calculated the immigration from Pegu and other native Burman states up to 1855 as 257,000

¹ *RAB*, 1880-1, Intr. p. 4.

² *BBG*, I, 443; II, 553.

³ Census, 1891, p. 21.

and this figure, which was followed in the official Gazetteer has frequently been quoted.¹ But it is demonstrably absurd. Harvey puts the immigrants into Tenasserim in 1827 at 30,000, and the Gazetteer says that 20,000 arrived in the first four years. Both these estimates seem to be based on the Annual Administration Report for 1868-9. Desai, apparently following reports from Burney, the Resident in Ava, mentions 12,000.² But the original records are practically silent as to immigration from Burma except for 10,000 who came with the Governor of Syriam on the failure of his rebellion in 1827, and some of these returned.³ Attempts to encourage immigration from Siam, Malaya and China were unsuccessful. The only immigrants were Indians, and these remained in Moulmein, where in 1852 there were about 25,000. Thus the increase in population in Tenasserim must have been almost entirely due to natural causes.

Arakan was annexed to Burma in 1784, and there followed numerous reports of emigration into Bengal, where it seems that two Arakanese settlements, each of some 10,000, were established at Harbang and Cox's Bazar about 1798, though within a few years many returned to Arakan.⁴ The Burmese Census figures, however, though in most cases rather low, give the population in 1802 as 248,604. The apparent decline to 100,000 in 1826 is usually ascribed to further emigration consequent on Burmese oppression, and the subsequent increase to the return of the emigrants after Arakan had come under British rule. But, according to the official *Gazette*, a great trade was carried on between Arakan and Ava before the war of 1826, employing annually, it was said, forty thousand people; and a road laid down in 1816 to carry the traffic was maintained in excellent order.⁵ This is hardly consistent with the references to widespread devastation. The alleged influx after 1826 is also contradicted by the evidence. In 1840 Phayre reported that emigrants were 'gradually returning'.⁶ At that time it was believed that many had returned before 1833, although no figures were available. Yet, according to a report of 1835, unfavourable rumours as to conditions in Arakan had deterred emigrants from returning for some years after 1826, and it was not until recently that a better opinion

¹ Fytche, II, 291; *BBG*, II, 50.

² Harvey, *CHI*, V, 567; *BBG*, II, 50; *RAB*, 1868-9, p. 1; Desai, p. 57.

³ *SL*, pp. 60, 74.

⁴ Banerjee, *Eastern Frontier*, p. 192 n.

⁵ Banerjee, *Eastern Frontier*, p. 46 and n.

⁶ *BBG*, II, 15.

had been 'gradually spreading and bringing with it a return of the original inhabitants and their descendants to the country of their forefathers'.¹ It seems, moreover, that this flow was checked again in 1838.² Doubtless some returned, but if British rule in Tenasserim did not induce emigrants to return from Siam, one would not expect many to return from Bengal, where they already enjoyed its benefits. The early records refer also to the immigration of Indians, but even in 1861 there were less than 27,000 Indians in Arakan out of a population of 376,000. There were also reports of immigration from Ava and Pegu, but in fact this was negligible; so late as 1872 there were less than 5000 Burmese and not a single Talaing in Arakan.³ It would seem, therefore, that the revenue returns were no more accurate in Arakan than in Tenasserim, and that the increase of population was mainly due to natural causes. Thus with a population of over 500,000 for the two provinces in 1852, the population in 1826 cannot well have been less than 300,000.

¹ *Letters Issued, Arakan* (unpublished) 1835, p. 100; 1841, p. 142.

² *BBG*, II, 15.