

A
DESCRIPTION
OF
THE BURMESE EMPIRE,

COMPILED CHIEFLY FROM NATIVE DOCUMENTS

BY THE REV. FATHER SANGERMANO,

AND

TRANSLATED FROM HIS MS.

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ROME:

PRINTED FOR THE ORIENTAL TRANSLATION FUND
OF GREAT BRITAIN AND IRELAND.

SOLD BY

JOHN MURRAY, ALBEMARLE STREET; AND PARBURY, ALLEN, AND CO., LEADENHALL STREET.

M.DCCC.XXXIII.

Abstract of the Burmese Code entitled Damasat, or the golden rule (pp172-227)

BURMESE CODE.

CHAP. XXIV.

Abstract of the Burmese Code entitled Damasat; or the golden rule.

THIS Code is divided into ten volumes, which treat of every thing relating to donations, heirships, and all other matters under the jurisdiction of the courts.

VOL. I.

The first volume contains the origin of the Damasat, and certain rules to be observed by judges in the performance of their duties.

It relates that in the days of the Emperor Mahasamatà, there lived a famous hermit, who, having taken up his abode in one of the caverns of the great mountain Emauntà, which lies to the north of the southern island Zabudibà, occupied himself in the contemplation of those things that prepare man for the Niban. Whilst in this retirement, the solitary was tempted by the daughter of a Nat, who placing herself before the door of the cavern, begged with prayers and tears to be admitted. Moved by pity the hermit at length consented to allow her to remain for one only night; but the beauty and arts of the young Nat made such an impression upon him, that, relaxing something of his attention to his sublime meditations, he married her, and had by her two sons; one of whom he named Menù, the other Menò, and both of whom afterwards became famous for their sanctity and learning. They, despising the kingdom that their father promised to them, retired to the mountain Emauntà, where by the practice of meditation, they became Zian; by which just men acquire the property of transporting themselves flying through the air to any place they may wish. They then transported themselves into various parts of the world; till at length arriving at the great chain of the mountains Zacchiavalà, they found the Code of laws, here set down, carved in capital letters upon the rock. They made a faithful
copy

copy of them, which upon their return, they presented as an inestimable treasure to the great Emperor Mahasamatà; who being informed of the wonderful way in which they had been discovered, commanded them to be observed by all his subjects. The successors of Mahasamatà, having added some few laws to this code, they were afterwards reduced to a more perfect form, and enriched with various ordinances of one of the princes of the Nat. Finally this code, which was at first written in the Pali tongue, and kept in the island of Ceylon, was at length brought into the Burmese Empire by a certain Budelagosa, and translated into the vulgar language. And such is the origin of the Damasat.

After this there follow some admonitions and counsels to the Mandarins and judges for the regulation of their conduct; such as not to yield to the movements of anger and hatred; not to be blinded by the presents of clients, nor to propose in a judgment the hurt or ruin of any one, but only the fulfilling all the dispositions of the law; to make themselves masters of the statutes and laws contained in this code, before attempting to sit in judgment. To judges who act in this manner the esteem and praises of men are held out as a reward, as well as happiness in future lives; but if they do otherwise they will be hated by all, and after death will be condemned to the abodes of the wicked.

When judges and Mandarins are going to enter into the tribunal called Jon, they must raise up their eyes and hands to heaven. And when they are in the tribunal, they should not be ashamed to ask the opinion and advice of subordinate ministers, as to the best and speediest means of satisfying the parties in a lawsuit. They must neither in their countenance nor speech show any regard to the wealth, or dignity of either party, but must listen impartially to both; nor must they be offended if sometimes harsh words are used by the litigants towards them; and with the greatest prudence and sagacity they must hear all that is said either by the persons themselves concerned in the cause, or their lawyers. This is all that is worth extracting from the first volume of the Damasat.

Vol. II.

I.

Of donations.

There are three sorts of donations. 1. Many things are given as a mark of affection. 2. Others are given through fear; and 3. Others are given from a religious motive, as for example alms to the Talapoins. Donations of the first class may be demanded back again, if it should happen that the giver becomes extremely poor; in which case the receiver is obliged to restore the gifts, if they are still in existence; but if they no longer exist, he is not bound to restore any thing. But this last regulation does not hold with regard to the second kind of donations, such as are those exacted by robbers, as these may always be demanded, and the receivers are obliged to make restitution, even though what they received is no longer in existence. But all things that are given from a religious motive are alienated for ever from the donor, even though he should fall into extreme poverty; for these are not considered as presents of pure liberality, but as acts of reciprocal donation; since, according to the laws of Godama, all that during this life is given to the Talapoins and the poor, purchases in future lives many advantages and great felicity.

II.

Of promises.

Promises are of two kinds; for sometimes they are made by a person under the influence of fear or anger; at other times calmly and considerately. Those of the first description are not binding, since the anger and perturbation of him who made the promise, hindered him from properly reflecting on what he was saying. But things promised in the other way, become the lawful property of the person who received the promise. But it must be here observed, that promises rank among the seven things which cannot be reclaimed after the death of the Emperor under whom they were given or promised. And these are deposits, pledges, money paid unjustly by litigants in a lawsuit, things taken by force, or seized upon without a just title, promises, things secretly stolen,

stolen, and such as having been abandoned by one possessor have been occupied by another. All these by the prescription of the laws remain to the actual possessor, even though he have procured them unjustly.

III.

Of the division of a man's property among his surviving wives.

Wives may be of four different conditions; as they are the daughters of Mandarins, Brahmins, merchants, or agriculturists. A wife who is not of one of these classes cannot have any share in the inheritance. If a man have four wives of these different states, his goods after his death must be divided into ten parts; and of these four go to the daughter of the Mandarin, three to the daughter of the Brahmin, two to the daughter of the merchant and one to the daughter of the agriculturist. If there are more than four wives, the division must be made in the above proportions. The wife who does not belong to any of these four classes has no pretensions to any part of the inheritance, and can only retain what she has received from her husband during his life-time.

IV.

Of the seven kinds of slaves.

There are seven species of slaves who are bound to render personal services to their masters. 1. Those who are bought with money. 2. The children of a female slave living in a family. 3. Slaves by birth, that is, those whose parents are slaves. 4. Slaves given as presents. 5. Those who make themselves slaves to deliver themselves from some trouble. 6. Those who in times of scarcity are dependant on others for their support. 7. Those who hire themselves out for daily or monthly labour. There are also seven sorts of persons from whom no menial service can be demanded; and these are, the freedmen of Talapoins and Brahmins; those who having been slaves, have, with the consent of their masters, put on the habit of a Talapoin, these, even if they afterwards lay aside the habit, cannot again be reduced to slavery; the Brahmins and observers of the law; those who are loaded with debt; and finally, those who belong to others under the title either of habitation or possession.

V.

Of the children who participate in the paternal inheritance.

There are six descriptions of children among whom the paternal inheritance is to be divided. 1. The first-born, that is the son of the first wife. 2. The children of legitimate children, or grandchildren. 3. The children of inferior wives or concubines. 4. The children had by a female slave. 5. Adopted children. 6. Those boys or girls, who having been received into a house, have been brought up there as children of the family. There are also six description of children who are excluded from the inheritance. 1. Those who having been consigned to others to be educated, grow up under their care. 2. Boys or girls bought with money, for these, even though they have been looked upon by the father as his children, cannot pretend to a share in the inheritance. 3. Step-sons. 4. Disobedient children. 5. Children had by a prostitute, or woman of ill fame. 6. Children had by a woman, who constrained by necessity, has prostituted herself. These can retain nothing but what the father has given in his life-time.

Children have no dominion over the substance of the family before the death of the father.

Upon the death of slaves, all their rights over their children, or any thing else that they have possessed, descend to their respective masters.

VI.

Of the division of the inheritance among children.

The son of the first wife has four parts; the children of the inferior wives or concubines one part; the children had by slaves have only half a share, and this does not come to them till the death of the mother, as they have no title but that of maternal inheritance. And according to this proportion the property is divided if there be more children.

If a man has had no children, his substance is divided among his relations, and those who have been brought up in his house as children. But in case there are no relations, it goes to the royal treasury.

VII.

Of the division of the family substance in case of divorce.

If a man and wife separate by mutual consent, the family substance must be divided equally between them. And if they afterwards agree to a reunion they ought to go to live either in the house of the wife's father, or in another taken in lease.

If a girl, who has been married to a man with the consent and will of her parents, afterwards desires to be separated from him, the husband may take possession of her dower, and even sell her for a slave.

If a woman after the solemnization of her marriage, but before its consummation, has connection with another man, she loses her dower, which goes to the husband. But if after the consummation of the marriage she commits adultery, she must pay to her husband twice the value of her dower; but may then, if she please, go to live with the man with whom she has committed adultery. But if the dower was very small, the husband may sell her for a slave and retain the price.

If a man after his marriage goes to live in another place, and for the space of three years does not send a letter, or money, or any thing else to his wife, she is considered as free, and may enter into another marriage.

VIII.

When parents give their daughter in marriage to a man, who has represented himself as of a noble and illustrious lineage, and it afterwards appears that this was false, they may take back their daughter; and in this case the parents must have exacted the dower brought by the husband, before the consummation of the marriage, for if they have neglected this they cannot afterwards exact it as a debt. When a man marries a girl, with the condition of going to live in the house of his father-in-law, to assist him in his labours, he must remain with him three years, but after this time may go and live elsewhere.

If parents through fear give their daughter to a Mandarin, they may demand her back if their fear should cease, nor can he refuse to surrender her. But if they have given her, not through fear, but of their own will, they cannot demand her restoration. Parents may give their daughter to a

man who has business with them. If a girl falls dangerously ill, and her parents agree to give her to a physician if he cures her; they are obliged to keep their promise; or if they will not give him their daughter, they must pay him the price of her body. Finally, if a girl secretly and without the knowledge of her parents contracts marriage, the parents are obliged, in order to save her from infamy, to have the marriage performed before legal witnesses.

IX.

When a girl promised in marriage to a man dies before the solemnization of the nuptials, the parents ought to use their endeavours to unite their second daughter with their proposed son-in-law, and even to employ menaces to induce her compliance. But if she absolutely refuses her consent, and they have no other daughter, the half of the dower, which was to have been given with the deceased, must be paid to the man.

X.

When a man and wife separate by mutual consent, the household goods are equally divided, and both retain their respective dowers. The sons belong to the father and the daughters to the mother; but still they may follow which of them they please. If it should happen that the wife had maintained the husband, the property is divided into three parts, of which two belong to the wife and one to the husband; but if the husband has maintained the wife, he takes the two parts, and the wife the remaining one. If at the separation, the daughter follows the father, he may sell her for a slave, but then he must give half the price to the mother; and the right of the mother is the same over a son who has followed her. If the wife dies after she and her husband have left the house of her father, the husband is heir to all she possessed; but if she dies whilst they are yet living with her parents, the husband inherits nothing of her property.

XI.

Parents may disinherit disobedient children and expel them from their houses; and if these secretly carry away any thing, they may be punished as thieves.

All

All the property which has been gained by a son during the life-time of his father, must, upon the death of the latter be put into the common stock, to be divided, according to the laws, among the heirs.

If a man has become rich and powerful through the favour of others, he ought, out of gratitude, not only to show respect and honour to his benefactor, but also to supply all his wants, in case that he falls into poverty; and if he neglects these duties, the judge may give to the benefactor one half of his goods.

Such children as do not perform the above mentioned duties to their parents, or refuse to support them, when in want, may be deprived of all their possessions, and exiled into distant countries.

If a man do an injury to his father or mother-in-law he may be expelled by them from their house, into which he is not again to be admitted, till he has humbly asked pardon for his offence. And if he lift his hand against them, he may be despoiled of all he possesses and driven out of the house. Finally, those who do not honour the aged shall be condemned to pay to those whom they have offended the sum of fifty ounces of silver.

XII.

If the husband brings with him to the house of his wife a female slave, whom he afterwards makes his concubine, she must be made free at his death, and if she have had a daughter by him, she belongs to the mother.

But if be a slave of the wife whom the husband has taken for his concubine, she will always be the property of the wife, even after the death of the husband, and though she may have had children by him. The slave of the wife, or of the husband and wife conjointly, must be liberated upon the death of the latter. And if the woman have had a son by the husband, he must also be liberated with his mother, but if she has only had a daughter, then the daughter is made free, but the mother belongs to the husband.

VOL. III.

I.

Of heirships, and the seven ways of dividing them among the heirs.

The following are the cases provided for in this section. How property is to be divided 1, after the death of the father among the mother, the sons and daughters; 2, among the mother and daughters; 3, after the death of the mother, between the father and son; 4, between the father and daughter; 5, after the death of both parents; among the sons and daughters; 6, what proportion the sons of a former husband, or 7, the sons of a former wife must receive.

In the first case, one of the sons is selected, generally the first-born; and he is to succeed the father in his military posts and all his other honours; the sword, horse, bed, and other utensils of his father belong to him; and he may choose one of the paternal fields for his share. All the other property is divided into four parts, of which, three belong to the mother, and one to the children. The jewels, rings and other ornaments, given by the father to his children in his life-time, do not enter into the property to be divided. The slaves are divided according to the above proportion; except that all the women belong the mother.

II.

In the second case, when the property is to be divided between the mother and daughter, the latter retains all the jewels given her by her father, and besides, receives a set of slaves, a yoke of oxen, and a certain portion of rice. All the rest goes to the mother. The reason of this provision is, that the daughter remains in the power of the mother, who may even sell her for a slave.

III.

In the third case, that is after the death of the mother, when the division is to be made between the father, and a son residing with his wife in a separate house, the father has a right to the whole inheritance; but still he must give up to his son one field and a yoke of oxen, which, however, he
may

may demand back again if he falls into poverty, provided they be in existence.

But when the father and daughter or daughters have to share the property, the latter, besides the jewels and ornaments they have already received, may claim ten cows, twenty goats, and all the female slaves employed in the domestic service of the house. All the rest belongs to the father.

IV.

After the death of both parents, when the inheritance has to be divided among the sons and daughters, the eldest takes two parts, the second one and a half, and the youngest only one part. And besides, the eldest son or daughter has an ox and a goat.

V.

If after the death of his wife a man marries again, the property is to be divided after his death among the children of the first marriage; only his second wife receives one share. But if there be no children, the surviving wife has all the inheritance; and if she dies before her husband, all her property belongs to him.

But in case there be children from both these marriages, the following rules must be observed. If the property has very much increased since the second marriage, while before this was not the case, it must all be divided into eight parts, of which five are given to the second wife, two to her children, and the remaining one to the children of the former marriage. But if, on the contrary the great increase took place before the second marriage, and ceased with it, after having set aside the five parts belonging to the first wife, two are given to her children, and one to those of the second wife.

VI.

As after the death of the parents, the eldest son or daughter naturally succeeds to their place, in order that they may always keep in mind the obligation they are under of taking care of their younger brothers and sisters, the laws decree, that to them in particular a cow and a goat shall be given.

VII.

When the wife, after the death of her husband, contracts a second marriage, her goods upon her death, provided the second husband has brought nothing to her house, and the whole property has belonged to her, are divided into four parts. Three are given to the children of her former marriage, and one goes to her second husband. But if there has been a notable increase in the property, since her last marriage, the goods are divided into eight parts, and distributed as directed in §. V.

In case of the death of both the husband and wife, the general rule is, that the property acquired during the first marriage goes to the children of that marriage, and that acquired afterwards to the children of the second.

These rules are also to be observed in dividing an inheritance among the children of the chief wife and those of the inferior ones. That is, the property received with the first wife descends to her children, and that acquired with the inferior wives to their respective children.

VIII.

The first-born son, after having received his portion of the inheritance, ought to take a paternal care of his younger brothers; and they, on their part, ought to honour and respect him as their father. If he usurps, or attempts to usurp any thing belonging to his brothers, he forfeits his inheritance, and may moreover be punished by the judge. If the younger brothers wish to leave the paternal house, and to employ their property in alms-deeds, they are not to be hindered.

IX.

If the father, or both the father and mother are reduced by sickness or old age to such a state, as not to be able to do the duties required from them by the Emperor, nor to procure for themselves their necessary food and clothing, all their property is to be divided into two parts, of which one is assigned to the eldest son, if he be capable of succeeding to the duties of his father, who is thence to take care of his parents; he ought also to receive something valuable. The remaining part is subdivided into nine shares, of which one belongs to the eldest son; the remainder is again divided into nine parts, and one given

to the younger son; the other eight parts are now again divided as before, one part is given to the eldest son, and the remaining parts to the younger. But if there be more than one younger brother, the division must be made as prudence may require.

X.

If it should happen that a woman, after giving birth to seven daughters, should have a son, the inheritance must be divided in the following manner. The son, although the last-born must have the same as his eldest sister, the second and third daughters have two shares each more than the fourth and fifth, who have a share and a half more than the sixth and seventh; and the latter are to receive one share each.

In general the heirs who are on the spot must claim their share in an inheritance between the seventh and thirtieth day after the death of their relation, and those who are at a distance, within the space of three months; after this period has expired they can have no farther claim.

XI.

When a father has given one of his sons a sum of money for commerce, this is not mingled with the common stock at the death of the father, but continues to be the property of the son.*

XII.

When a girl contracts marriage contrary to, or without the consent of her parents, her property does not go to her husband at her death, but to her parents. And if a woman has married twice, once with and once without the consent of her parents, her dower then belongs to the children of the first marriage, to the exclusion of those of the second.

XIII.

If a man has had several wives, but only one son, his goods at his death go to this only son, and the surviving wife has nothing. When there is no surviving

* At present this is not the case. For now the gain alone belongs to the son, but the capital must be returned to the common inheritance.

surviving child the inheritance is divided among the wives, in the manner before set down.

A hermaphrodite child cannot claim an equal share with the other brothers.

XIV.

Of the divisions of inheritances among Talapoins.

When a Talapoin dies, his relations can have no pretensions to his goods. Upon the death of a great Talapoin, all his furniture and utensils go to the next in dignity, or to his successor; the rest of his goods are divided into four parts, two of which are given to the second Talapoin, and the other two again divided into four parts, of which one is given to the Pazen, the remaining three to the other persons constituting the family.

XV.

Elder brothers have no right to any thing that the younger gain by their industry or labour. When a husband dies without children, the wife has the whole inheritance. Before dividing a man's property among his heirs, his wife must take out sufficient to pay his debts, and for alms.

If a son who has married dies before his father has made a division of his property, his children can claim no part of the goods of their grandfather; though he may, with the advice of some prudent and aged persons, give to them a small share.

VOL. IV.

I.

There are four cases of fornication between a man and an unmarried woman. 1. When the girl consents to the violation. 2. When she refuses her consent. 3. When, although she consents, she is not of the same cast or condition as the man. 4. When she consents, and is of the same class. In the last case, the parties ought to marry each other; in the third they must be separated, and the man must pay the price of the body of the woman. If the violation has been forcible, the man must be punished in proportion to his crime;

crime; and if death be the consequence of his violence, he must pay to the parents of the girl, ten times the price of her body.* But if the girl has given her consent, there is no punishment for the man, even though the girl should die in consequence.

All who cooperate in seducing girls are to be punished.

II.

A man may punish his wife in the following cases. 1. If she is accustomed to drink wine. 2. If she is careless of her domestic duties. 3. If she encourage any gallant. 4. If she is fond of running about to other people's houses. 5. If she is very often standing at the door or window of the house. 6. If she is petulant, and quarrelsome with her husband. In like manner it is lawful for husbands to punish those wives who are very extravagant in dress or in eating, those who show a disregard of modesty, or a too great curiosity in looking about them, and those who, by reason of their beauty, or of the property they have brought for their dower, are proud and overbearing. In these cases the husband must at first bear with his wife patiently, and admonish her in the presence of others; but if she does not amend, he may then punish her, and even beat her. If after this she still continue in her evil courses, he may put her away, making with her a division of the property.

III.

Of buying and selling.

There are two ways of selling any thing. The first is by a private agreement between the buyer and seller; the second is, for some third person, having a competent knowledge of the thing to be sold, to determine a price. The following articles however cannot be lawfully offered for sale. Things that are a great way off; things which are indeed on the spot, but are hidden; things of no value; and finally stolen goods. When a person, after having made a purchase, discovers that he has paid an exorbitant price, he may return the article and reclaim the money, provided five days have not passed since the transaction; but after the fifth day, the sale stands good. Supposing that a person buys, for example, an ox or a horse, and after he has paid only a part of the price the animal dies, he is not obliged to pay the remainder.

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* At present, death is the punishment in this case.

IV.

Of those who cannot be admitted as witnesses.

In judging causes, the testimony of persons, respectable by their state in life and their wisdom, disinterested, and who believe in the merit of good works, ought to be received. But there are several persons whose testimony cannot be admitted. These are, those who do not believe in the merit of good works, such as trade with other people's goods, the parties interested in the cause, as well as their relations, friends and enemies, great talkers, sick persons, old men, children, overbearing men, public singers, dancing girls, women who roam about or are of ill fame, goldsmiths, painters, blacksmiths, cobblers, those who are inclined to harbour hatred, asthmatic persons, persons of vile condition, gluttons, gamesters, choleric persons, thieves, physicians, those whose kindred and habitation are unknown, pregnant women and hermaphrodites. All these are incapacitated from giving testimony; though they may be allowed to do it with the consent of the parties. The judge also cannot appear as a witness. A witness too, otherwise unexceptionable, if, before appearing in court, he goes into the house of either of the parties, is thereby incapacitated; but this precaution does not affect persons of weight, as the Talapoins. If a person refuses the testimony of a witness who has all the qualities required by the law, he loses his cause; and the same is the case when a man will not produce his witnesses nor take the customary oath.

When one of the parties brings forward a witness, he is not obliged to swear; and when he takes the oath, he is not obliged to produce a witness. If a man before judgment has been pronounced goes to the house of the witness he loses his cause.

V.

*Of the crimes a man may be guilty of towards married women,
and their penalties.*

If a man touch another's wife with his hands, or if he go to visit her when her husband is not at home, or walk with her in lonely places, or talk much with her, or place himself in the door-way, or on the stairs, or go into her bedchamber, he may be made to pay the half of the fine attached to the actual commission of adultery. But still it must be observed, that there must have been something in the character of the man to excite suspicion.

VI.

If a husband surprise a man in adultery with his wife, he may lawfully kill him. But if he have time to fly, and has got as far as the stairs, the husband cannot lawfully kill him; and if he does he is guilty of murder.

If a man find that a person, whose character warrants suspicion, is accustomed to give betel and make other presents to his wife, or passes jokes with her, he may bring him before a judge, and force him to pay half the fine for adultery.

VII.

The husband may command his wife not to visit at certain houses, not to frequent lonely places, etc, and if she will not obey, he may accuse her as guilty of a crime.

When a man is guilty of adultery with another's wife, and it is proved to be the first time, he must pay the ordinary fine for adultery; but for the second offence he is only to pay half the fine; and if he is guilty a third time, he is free from all penalty.

VIII.

When a woman accuses a man of having violated her person, and he denies it, he must be made to take the oath. If within seven days after, no one of the misfortunes, described in the oath, befalls him, he is acquitted, and the woman must pay a certain sum in punishment for the calumny. But if both take the oath, neither of them must be reputed guilty, only they are bound to pay the expenses of the trial.

It must here be observed that the trial by water, described in the chapter on government, is not proper to be forced upon women in these cases, as men are generally more expert at it than women.

IX.

If a man carries away a married woman, and after the death of her husband sells her, he must give her the price he has received, and moreover pay the fine of adultery. If he drives her out of his house, he must pay only the half; and as he has deceived her he has no right whatever over her.

It is not reckoned a crime for a married woman to revile or even to beat a man who by promises or blandishments attempts to draw her to sin; and if the man retorts he may be condemned to pay the woman the usual fine.

X.

If a rich man violates the wife of a poor man, he must pay the ordinary fine; but if a poor man violates the wife of a rich man, the penalty will be the forfeit of his liberty.

If a man, after committing adultery with the wife of a respectable person, flies, his wife must give ten slaves to the injured person or their equivalent in money.

If a drunken man sleep upon the bed of another man's wife, but without being guilty of any indecency towards her, he cannot be punished in any way; but if he takes any liberties with her, he may be condemned in the ordinary fine.

XI.

If a slave forms a connection with another slave he must be punished as a slave; but if the woman be the slave of a brother or near relation to the master of the man, there is no penalty; because the slaves of brothers and near relations are supposed to be members of the same family.

It is no crime for a slave to have a connection with a free woman if she consents to it; but if a free man forms a connection with the female slave of another, he must pay the value of the woman to her master.

XII.

If a woman by deceit induces a boy of thirteen or fourteen to sin with her, she alone is reckoned guilty. When a slave violates a female slave of his master, and she dies in child-birth, the violator must pay the customary fine.

When the adulterer is not able to pay the fine, he must become a slave to the man he has injured; but at the death of the wife he regains his liberty. If a son should be the fruit of this connection, he is free.

XIII.

The fine for the violation of a female slave is the value of a slave; for the violation of a poor woman it is the value of two slaves; for the violation of

a woman of the class of husbandmen, the value of three slaves; for the violation of the wife of a merchant, the value of four slaves; for the violation of the wife of a physician, the value of five slaves; for the violation of the wife of a wise or rich man, the value of eight, or if he be a person of consequence, of twelve slaves; for the violation of the wife of a lesser Mandarin, the value of fifteen slaves, but if he be a Mandarin of the higher class, of twenty or thirty slaves. When the women thus violated were not wives but only concubines, the fine is diminished one half.

XIV.

If a man has insulted, or struck, or wounded others, or dishonoured another's bed, he alone, but not his wife or children must be punished. But in case of debt, upon the flight or death of the husband, the wife and children must satisfy the creditors.

XV.

If any man seize another by the hair, he must pay a fine of thirty rupees; if a man strike another on the head, he must pay a fine of fifteen rupees; whoever gives another a blow so as to draw blood from the nose or mouth must pay twenty rupees; whoever beats another with a stick must pay fifteen rupees, or forty, if any bone be broken, or eighty if the flesh is much bruised or blackened. If the man dies from the effects of the beating, the aggressor must be fined in the sum of 300 rupees.

Whoever strikes a Mandarin must pay the sum of 400 rupees, or 500 if the Mandarin be of high rank.

XVI.

But if a person does not actually strike a Mandarin, but merely touches him disrespectfully, he must be condemned to a fine of 150 rupees, or of 100, or seventy if it be one of the lesser Mandarins. And if any one disrespectfully touch a rich man of great consequence he must pay fifty rupees, and forty if he is not of the first class; for thus offending against a wise man the fine is forty rupees; against a soldier thirty-five, and so on in proportion to the rank of the injured person.

XVII.

If any one shall strike a Talapoin, he must offer to him 100 baskets of cooked rice, 100 jars of curry, and 100 hearth-cakes, and must moreover humbly beg his pardon. If the injured person be a Brahmin, he must offer him cloth, and clothes, and other utensils, and beg his pardon. Whoever lays hands upon one of the chief Mandarins must pay the value of seventy slaves; if the Mandarin be not of the highest order the fine is the value of sixty slaves.

The code then goes on to speak of the fines which those must pay who insult, or strike, or wound persons in conditions superior to their own.

If any one in the public streets lays hands upon another of equal condition with himself, he must pay the value of two slaves. Then the different parts of the body are enumerated which may be wounded in quarrels, and according to the danger or size of the wound the fine is regulated.

XVIII.

If a man, free-born and of a respectable state in life, kills a poor man, he must pay the price of ten slaves; and the fine is the same in case a poor man kills a slave; but if he kills a person superior to himself he must pay the value of seventy slaves; for killing the slave of a Mandarin the fine is the value of fifteen slaves. The murderer of a Talapoin or a Brahmin must pay a fine of fifty ounces of gold.*

XIX.

If two persons quarrel and fight, and one of them is killed, there is no penalty; but if a third person interfere, and he kills one of those engaged in the quarrel, he must pay the ordinary fine for murder; but if he himself is killed, the other two are subject to no penalty.

If any one accepts a commission to murder another, even though the crime is not committed, both he and the person giving the order must pay the full fine of murder.

When two persons mutually insult or strike each other, if they are both of equal condition, each must pay the usual fine, but if one is superior to the

* At present, murder is punished with death.

the other, the fine is increased or diminished one fourth, according to their respective states in life.

XX.

It is no crime for children not more than ten years old to strike or insult any one. When Talapoins, or Brahmins, or Mandarins, or old men, or children, or mad or sick people beat any one, they are guilty of no crime, even though death should be the consequence of the blows, since it is supposed they did not do it with the intention of murder, but only of correction.

XXI.

If a man insult another, calling him a thief, a wizard, a vile fellow, and such like, he must pay in penalty the price of a man. And if a man in a passion shall tell another that he is a murderer, a killer of other men's oxen, pigs, etc, if this be a calumny, he must pay the price of ten men.

If any one insult his own parents, he must be stripped of all his goods and expelled from his father's house.

XXII.

If any one plays tricks upon a person of higher condition than himself, or throws water or filth upon him, he must be punished with the bastinado. When any one grievously insults another, he must pay the ordinary fine, and if he be a poor man, his face must be blackened with charcoal, and he is to be conducted in this state through all the streets of the city.

Vol. V.

I.

This volume speaks of those who may act as judges. All persons whether Mandarins or Brahmins, or prudent and pious men may act in this capacity, provided they have those qualities which constitute a good judge, which are especially these; to be considerate, prudent, wise, eloquent, and well versed in the laws and statutes contained in this book. It then goes on to point out those who more commonly exercise the office of judge, and these

these are the governors of cities, and the chiefs of the villages or their lieutenants, those who have made a study of the Damasat, and arbitrators.

After the chiefs of the villages or the governors of towns have given their judgment in any cause, if the parties are dissatisfied with the decision, they may have recourse to another judge; and if this judge has been chosen by consent of both parties they must abide by his award.

II.

There are four causes for arrest and imprisonment; debt, quarrels, enmity and theft. A creditor may arrest his debtor and keep him confined till he has paid him. If a creditor tortures his debtor in such a manner as to cause his death, he may be punished as a murderer. If a debtor wishes to prosecute his creditor for the vexations he has suffered from him, he must first pay the debt before he can begin the prosecution.

If the people of a village seize upon a robber, and in securing him or conducting him to prison he is killed, they are not subject to any penalty.

III.

A debtor must be released when he promises that he will submit the cause to a judge, and abide by his decision.

If a person is bail for another, who afterwards flies, or refuses to satisfy the claims upon him, the surety is bound to make all payments good.

IV.

A man may suffer an injury in three ways; in his body, in his possessions, or in both body and possessions at the same time. And where an injury has been inflicted, reparation must be made either by restitution or an equivalent.

If a person is made to pay a fine unjustly, which ought to have been paid by another person, he may exact a double fine from the real offender.

V.

Of interest on money.

When a person puts out his money to interest, if he be a poor man, he may receive monthly, one per cent; two per cent if he be of the class of
Mandarins;

Mandarins; four per cent if he be a rich man; and five per cent if he be a merchant.*

When a person pays back the capital without any interest, he is no longer bound to pay any interest. And so also when a person restores half of the capital and half the interest, he is not bound to pay any interest for the half thus restored. If a person who has lent out money calls in the capital and the interest before the stipulated time, he can only demand the capital, in punishment for having broken his agreement. If the owner of the money lent employs his debtor in doing him various services, he cannot make him pay any interest but simply restore the capital; and if he is very vexatious towards the debtor, he loses half of the capital. If a person having gratuitously lent a sum of money, afterwards pretends that he did it with the obligation of interest, the judge may sentence him to lose the whole debt.

VI.

If a woman takes a loan of stolen money, her husband is obliged to restore twice the sum to the real owner, whenever he shall appear to claim it. But if it was not the chief wife, but only one of the inferior ones who accepted the loan, the husband is then bound to pay merely the capital with the usual interest. And if a slave borrows stolen money, the master is only to restore three quarters of the sum.

VII.

When a husband, after having borrowed a sum of money, sets off for a distant country without the knowledge of his wife, and dies on the way, the wife is not bound to pay the debt; and in like manner if a woman borrows money in the absence of her husband, and dies before his return, the creditor cannot force the husband to pay the debt. Finally if a person lends money to another's wife in his absence, and under suspicious circumstances, he cannot claim payment from the husband.

VIII.

If the near relations of a debtor, as his brothers or sons, should go to the house of the creditor, to entreat him to release their kinsman who was in prison, promising to arrange things so that the debt shall be paid, and the

2 B

debtor

* At present the interest is five per cent for all persons.

debtor upon his release flies, or conceals himself, these relations shall be answerable for the debt. But this does not hold, if the intercessors were only friends or distant connections.

IX.

When several persons stand surety for a debt, they are all bound *in solidum* to payment, in case the debtor withdraws himself from the country; so that if the creditor meets with one of the sureties, he may exact from him alone the full payment, provided he is not a poor person or a slave.

The sureties however are only bound for the capital, but not for the interest. If the creditor, without advertising the surety, arrests his debtor, and he afterwards escapes from him, then the surety is no longer bound to any thing, and the same is the case, when the debtor makes his escape, after he has been consigned by the surety to the custody of his creditor.

X.

When the interest in the space of two or three years, comes to be equal to, or greater than the capital, the debtor is no longer bound to restitution.*

When a debtor runs away, all his property must be divided among his creditors in proportion to their respective credits.

XI.

In case of the denial of a debt, the judge may administer the oath to the party most illustrious for his family, or remarkable for his integrity. But if the litigants are equal in these respects, he must require both to take the oath, and the one who refuses loses his cause.

XII.

If a person lends money to a slave not knowing him to be such, the master is bound to the payment; but if the lender was acquainted with the condition of the borrower, the master is bound to nothing.

* To elude this law, creditors have now the practice of making their debtors give them new bonds every year.

XIII.

If a person gives money with the condition of receiving at a stated period a quantity of rice for example, and the article is not delivered as agreed, he may exact interest for his money. A person who lends another a quantity of rice may at any time demand its repayment, even in a year of scarcity; and he may also require compensation for any damage he may have suffered through the loan.

XIV.

When two persons are joint creditors of another, and one of them consigns the debtor to the custody of the other, if this one after receiving his share of the debt releases the debtor, he is bound to satisfy the claims of the other creditor. If at the time that a creditor holds his debtor in confinement, another creditor appears, and tells him to keep him safe, and if the prior creditor afterwards releases the debtor, upon receiving the payment of his own demands, he is obliged to give to the other creditor one half of the sum he has received: but if the other creditors do not come forth before his debt has been paid, he is not bound to pay them any thing. But if the creditor, having been thus paid, persuades the debtor to run away, he is then obliged to satisfy all the claims of any other creditors who may appear.

XV.

If a person lends money to another, not knowing that he was a slave, or if the borrower afterwards becomes a slave, and he arrests him and tortures him in such a manner as to cause his death, he must pay to the master of the slave half his value. But if the slave only flies and does not return to his master's house, the creditor is under no obligation of restitution of any kind.

But if he knew that the borrower was a slave, and he die in consequence of the ill treatment of the creditor, the latter must pay the full price of the slave to his master, or the third part if he merely runs away.

XVI.

If a person accompanies another when he is going to satisfy his creditor, and the debtor runs away without paying, the creditor may require the whole

debt from his companion, or if the latter be the slave of the debtor, he becomes the slave of the creditor. These laws take place when a debtor has no children or near relations to succeed to his property.

XVII.

A creditor may arrest his debtor when he refuses to pay; and if he perseveres in his refusal, after three years he may be sold for a slave by the creditor, who may thus pay himself out of the price he receives for him. But if he keeps the debtor in prison ten years and then sells him, he may appropriate the whole price, even though it exceed the original debt.

XVIII.

If a man contracts a debt during the life-time of his first wife, and after her death runs away from his creditor, the latter can have no claim upon the second wife.

But though creditors are allowed thus to arrest and imprison their debtors, they are nevertheless forbidden to punish or torture them in the same way as criminals.

XIX.

Of deposits.

A depositary ought to be a person of a respectable station in life.

The depositary must not restore the deposit to any one but its master; if he does he must make compensation for all losses.

If the depositary asserts, that the things committed to his care have been stolen, or burnt, or otherwise destroyed, he must produce good testimonies for the fact. If he appropriates the deposit to his own use and afterwards denies it, he must take the oath; and if within the eight following days, none of the denunciations contained in it happen to him, he is acquitted and absolved from making any compensation.

XX.

When two persons enter into partnership, and buy a boat, a house or a field for trading, both must employ themselves in the common concern, if they are to participate in the gains. If they quarrel and dispute, he loses the
the

the cause who began the litigation, unless the other has exceeded him in injuries and insults. But if the dispute runs so high that they come to blows, that one wins the cause who sustains the greatest injury.

XXI.

No one has a right to any thing he has agreed to purchase, unless he has paid down the earnest-money, which is forfeited if he afterwards fails in his promise.

When two persons entering into partnership buy any thing in common, and one of them dies, his share of the purchase goes to his heirs.

XXII.

If a person gives a lease of a piece of land for one year, and in the mean time sells the land, he must pay to the tenant double the annual rent, unless the field, by reason of the drought, have been totally unproductive.

When a person mortgages his land to obtain money, and within three years pays back the mortgage, his land must be restored to him. But if he does not pay it off in less than five years; he is only bound to one half of the original sum. And if he does not pay it within ten years, the debt is liquidated and he is not obliged to any thing.*

Vol. VI.

I.

Of Theft.

Whoever steals a horse, must restore two; whoever steals an ox, must restore fifteen; whoever steals a buffalo, must restore thirty; whoever steals a pig or a goat must restore fifty; whoever steals a young goose or a fowl, must restore 100; whoever steals a man must restore ten, or four if he only conceals him.

As for inanimate things, whoever steals any thing, must restore, if it be the property of the Emperor, the Brahmins or the Talapoins, tenfold; if of a Mandarin,

* In consequence of this law, money-lenders, among the Burmese, are very solicitous to have their money back before three years are expired; and if the debtor is unable to repay it, they will make him give them a new bond, that thus they may continue to receive the interest of the money they have lent.

darin, fivefold; if of a rich man, threefold; and if of a poor man, twofold what he has taken.

II.

Whoever secretly enters into another man's house in the night, even though when he is caught he has taken nothing, must pay the value of two men; but if any stolen goods are found upon him, he is fined in the value of four or five men. If a man steals in a street or public place, and is caught by the owner of the stolen property in the town where the robbery was committed, he may be obliged to restore double what he has taken. But if he is pursued, and taken in another town, the stolen goods must be sold in the place, and half the sum arising from the sale be given to the chief of the town.*

III.

If, when two persons are living together, one of them takes away or hides any thing from the other, he is only obliged to a simple restitution. Those who are watching in the house of a deceased person, may lawfully make use of the food they find there; as also the inhabitants of one village, being invited by those of another to a festival, may make use of any thing belonging to the latter.

IV.

If a man lends a sword to one, who afterwards uses it to kill or wound some one, if he was ignorant of this evil intention at the time he lent the sword, he is not guilty of any crime; but if he knew it, or ought to have known it, he must pay a third of the ordinary fine. When a thief has been pursued and taken, he must not be immediately put to death, but consigned into the hands of the judge to be punished according to the law. But the master of an orchard or of a field may kill a thief, whom he finds stealing there in the night. If however a thief is caught stealing fruit in the day-time, he must pay a fine of the value of a man.

V.

If a person should buy an old and worn out boat from a thief, and after having mended it, should discover its owner, he is only bound to make known the

* At present thieves, especially if they are old offenders, are mostly condemned to death.

the thief, from whom the owner must exact the fine; as it is presumed that he could not have suspected it to be stolen property.

If two people together buy a stolen garden, and one of them dies before the owner has reclaimed his property, the other is obliged to endeavour to discover the thief, but, if he is unable, to restore the whole garden to the true owner.

VI.

If a man having stolen a boat, gives it to a carpenter to mend, when the owner appears, five times the value of the boat must be paid as a fine; of which the carpenter must pay one third, and the thief the other two. If a slave turns robber and is taken, he must be condemned to death, or else to pay the usual fine for theft; which must be paid to the judge by him, who has received the thief into his house; half the fine must be given to the master of the slave.

VII.

If a thief being discovered in the night, and closely pursued, leaves behind him the stolen goods; they are to be divided into three parts; one of which is to be given to the person who discovered the thief, one to the judge, and one to the feudatory of the town. If any thing is missed in a place, near which a number of people have been playing, they are bound to pay its value to the owner. In like manner, when any thing is lost in a village the inhabitants must make it good.*

VIII.

Whoever appropriates to himself things found in the woods or mountains is to be considered as a thief, and treated as such. On the contrary those who restore them untouched to their owners merit great praise; and moreover they are also to receive a third part of the value of what they have restored, if it is not gold or silver, as then only a sixth part is due to them. The same law holds when any one finds a lost child or slave; and those must be punished, who, instead of restoring them to those to whom they belong, retain them in their own employ.

* The inhabitants of a town are also responsible for any crime, as for example, murder, which has been committed in the neighbourhood.

IX.

According to the rules of justice and honesty, a person who has found any thing, should keep it in his possession for three years, and then consign it to the chief of the town or city, who must restore it to the owner when he appears; and if any one declares the thing to be his, and it is discovered upon examination that this is not true, he must be condemned to pay twice the value of the thing that was lost.

X.

Natural or adopted fathers, sponsors, and masters may make use of the property of their children or scholars; the husband has also a right to the property of his wife; and a master to that of his slave.

XI.

Of lying and deceit.

Whoever takes money from another, promising at some stated time to give him some merchandise, but afterwards breaks his word, is bound to pay double the sum he has received.

A calumniator must receive the same punishment, that would be inflicted for the crime of which he had accused his adversary.

XII.

When a compromise has been made between the two parties in a lawsuit, and confirmed by a written instrument, if either of them attempts to renew the question, he shall be condemned to lose the cause.

He also loses his cause who will not appear before the judge.

The lawyer who undertakes to conduct a lawsuit, is obliged to answer the opposite party in every thing, if his client flies away.

XIII.

If one man takes another into places, unwholesome by reason of the malaria, or dangerous, or full of robbers, he must pay the customary fine
for

for any evil that may happen, provided he was not ignorant of the nature of the place. If both were ignorant of it, the one who induced the other to go must pay half the usual fine.

XIV.

If two persons challenge each other to swim, to ride on horseback, or to any similar trial of skill, and any accident happens to one of them, the other is not bound to any penalty. In like manner, if a person, seeing another's horse or carriage approach, warns him to keep at a distance, but he notwithstanding will approach, and in consequence suffers some injury, the latter cannot institute a lawsuit on this ground.

XV.

If a person curses another and some evil happens to him who was cursed, the other must pay twice the value of the evil which has been suffered; thus if the man dies, he must pay twice the value of a man.

It must here be observed that at the death of the Emperor, a general pardon and remission of all crimes and fines is given, excepting in cases of debt.

XVI.

If while a stranger is living in a house a thief comes there to steal, and the stranger pursues him and makes himself master of his clothes, they must be divided into two parts, of which the master of the house takes one and the stranger the other.

XVII.

When a stranger dies, all his goods belong to the master of the house where he was residing. In like manner if a man, who has been wounded by robbers, dies in another man's house, his goods, together with the fine to be paid by the thieves, go to the owner of the house. If a woman is brought to bed in another person's house, she must offer to the master one dress for a man and another for a woman, as also a sum in gold if she be able. When a sick man remains in another's house till his death, and receives all his food and medicine from his host, the latter must be repaid double what the sick man has consumed, and four times as much, if, during the sickness, he has waited upon him.

XVIII.

If a sick man, in offering rice or any other species of food to the Nat of the woods or mountains, throws it near the steps of another man's house, he is not guilty of any fault; but if he throws it under his house, and any misfortune afterwards happens to its owner, as for example, if he dies, the one who has put the rice there must pay the price of the body of the deceased, as well as for all the medicines that have been taken.

XIX.

If a sick man in warming himself, sets fire to another person's house, he must pay to its owner the third part of the value of his body. And a person who in any other way, as in lighting a lamp, sets fire to a house, must pay the owner two thirds of the value of his body. If the fire was caused by him whilst he was drunk or in a passion, he must pay the full value of his body. If an inhabitant of a village, whilst carrying fire in his hands, quarrels with an inhabitant of another village, and is the cause of its taking fire, the inhabitants of the last mentioned place may for vengeance set fire to the village of the incendiary, without being liable to any prosecution.

If a person sets fire to a wood that does not belong to any one, and the fire is thence communicated to a neighbouring garden, the owner may demand reparation for all damages.

Vol. VII.

I.

If a young man, to induce a girl to marry him, gives her a ring or any other pledge, but afterwards marries another woman, he cannot demand back what he had given.

When a person deposes another, to go into another town, and contract for him a marriage with a woman, giving her at the same time a pledge for the fulfilment of the contract, if when he goes himself to receive his bride, he finds some defect in her, as that she is infected with the leprosy, or has known some other man, he may break off the contract and require the pledge to be given back. But this law does not hold when the woman is of the same village as the man, or he has personally been acquainted with her.

If

If parents have promised a young man to give him their younger daughter in marriage, but deceive him and give him her elder sister, and if he has consummated his marriage with her, he may retain the elder without losing any of his rights over the younger.

II.

If a young man, after having given the usual dower required for marrying a girl, has a connection with her sister, the former may, if she pleases, break the contract, and the man cannot demand the dower he brought with him.

A father-in-law may drive out of his house a son-in-law, who shows great inaptitude for labour, and give his daughter to another man. But he must give to his son-in-law the clothes of his wife, if he is going to marry another woman, or half the value of her body, if he is going to remain single.

III.

If during the celebration of a marriage, the bride runs away, her parents must give their younger daughter in her place, if they have one, or else restore the dower. But if the bride only hides herself in the house, and refuses to receive her husband, double the sum given as a dower must be paid to him.

IV.

If a man forcibly violates another's daughter, he must, if he be a low person, forfeit all his goods in favour of the girl, and moreover be punished by the judge. But if he be of a more noble condition, he must give her a dower corresponding to her state in life. If his condition be the same as the girl's, he must first be punished, and then must marry the girl, or else give her a dower, which must be equal to the value of her body. When a person, denying a former marriage, is united with a woman, and it is afterwards discovered that a former wife is living, he must be forced to separate himself from his first wife, or else must forfeit all his property to her whom he has deceived. To make a marriage good the consent of the father is always necessary, so that if a mother gives her daughter in marriage in the absence of the father, he, upon his return may annul the marriage.

V.

If a son-in-law, whilst living in the house of his wife's father, traffics with the money borrowed from another and makes any gain, he must give a third part of all such gains to his father-in-law; and if the money belonged to the latter, he must yield to him the whole. If a person, who has freed a young man from slavery, gives him his daughter in marriage, even after the death of his wife, the young man continues to be free. But whatever property he may have possessed, as also that of his wife, and all the daughters he has had by her, belong to the father-in-law; to whom, moreover, he must give the third part of his gains, as long as he remains in his house.

And if the young man, during the life-time of his wife, goes to live elsewhere, he must pay the price of her body.

The property of a slave, who marries a free woman, belongs, after his death, to his master.

VI.

If a stranger, after giving the usual dower to a girl, goes to his own country, but with the promise of returning at a certain period and celebrating the marriage, the parents of the girl cannot give her to another, nor take possession of the dower, before the time fixed has elapsed.

VII.

If a man after his marriage returns to his father's house, and for the space of three years does not provide for the clothing of his wife, she is, at the end of that period, free to marry another man. She is also free if she hears nothing of her husband for six years, when he has gone out on a military expedition. But if he is travelling for objects of commerce she must wait seven years, and if from religious motives, ten.

VIII.

A young man should look upon his father-in-law as his natural father, and the father-in-law on his part should consider the former as his own child. If a son-in-law should dare to lift his hand against his father-in-law, upon being corrected by him, he must humbly beg pardon, and according to the greatness of the offence pay in forfeit the price of a slave or an ox. But the father-in-law must use discretion in correcting his son-in-law.

IX.

If a married couple, from their continual disagreements, consent to separate, each one takes his dower, and then whatever has been acquired since their marriage is divided into three parts; of which the wife takes one and the husband two. But if the husband brought no dower with him, the common gains are equally divided between them.

But if the separation takes place, not by common consent, but at the pleasure of one party alone; then, if it be the husband who seeks the divorce, he must leave the property to the wife and go out of the house, with only one suit of clothes; but if it be the woman that wants to separate, the husband, besides taking all the property, may also sell her for a slave.

X.

If a man buys a female slave to make her his wife, and afterwards repudiates her, he does not thereby lose the right of exacting the price of her body. But this does not hold in the converse case, when a woman has bought a man to make him her husband, for in case she afterwards separates herself from him, she loses all right over him.

Here there is an exhortation to judges to punish husbands who ill-treat good wives; as well as wives who revile and ill-treat good husbands.

XI.

When a husband sets out for distant countries, leaving in his house every thing necessary for the maintenance of his wife, the latter may not leave the house and go to her parents. And if the husband is out in the service of the Emperor, or from religious motives, she is not allowed to abandon the house even if there be a want of necessaries. And if the husband upon his return finds his wife living out of his house, he may have satisfaction by sentence of a judge, who may decree a separation for three years, or, if the husband demands it, a perpetual divorce.

XII.

Even if the husband goes to live with another woman, the wife is not immediately to proceed to a divorce; but she must wait three years, after which time

VOL. VIII.

I.

Of the sale of slaves.

There are two kinds of slavery, one temporary, the other perpetual. A man may be sold in both these kinds of slavery. Still there may be cases in which the buyer has no right to any services from the slave; as when the person sold was previously the slave of another, or when he has contracted debts; for in these cases the former master or buyer must have all his demands satisfied, before the new master can have any right over his slave.

If a slave, within seven days after he has been sold, runs away from his new master, the latter may demand back from the seller the price he has paid. And if within ten days the slave falls sick of any foul malady, the buyer may send him back to the house of his old master, who is bound to provide him with food and medicine, and, if he is cured, to restore him to the buyer.

II.

When any one to obtain money, gives in pledge his son, or an ox, or any thing else, promising to redeem the pledge within three months, if he fails in his promise, he loses his pledge.

If any one in want of money sells his slave who is involved in debt or other embarrassments, he, and not the buyer, is responsible for the debts of his slave.

III.

When any one sells a slave who afterwards returns to his house, and is sold to another at a higher price, the surplus over the first sale, belongs to the man who then bought him.

A person who has sold a slave has the right before any one else of repurchasing him.

IV.

When two slaves of the same master agree to run away together, and one afterwards sells the other, and they divide the price, and then the one who has been sold returns to his old master, if the new master comes to claim him, the
old

old master must give him two slaves, unless he can swear, or bring testimony that the whole transaction was without his advice, and then he is only bound to give one.

V.

When a slave, having run away from his lawful master, sells himself to another, but as soon as he has received the price runs away again and sells himself to a third, if the first and second masters then discover the runaway, they may sue the last possessor for the restitution of the slave and the reparation of all damages, unless he can prove, that he acted through an involuntary ignorance, that he had examined the slave, and used all the necessary precautions, in which case he may demand reparation for what he has paid.

VI.

If a person hires a slave, and takes him with him to another village, where he is obliged to sell him, and the slave then runs away, the purchaser is not bound to pay any thing to his original master, as he had bought him from one who had a right over him, since he had hired him.

VII.

If a slave who has been sent to war, or to conduct some business for his master, is taken by the enemy, but afterwards escapes and returns to his own country, his master loses all right over him.

VIII.

A master may slightly punish a slave; but if he strikes or beats him violently, he loses a third part of the price of his body; and if the slave dies from the beating, he must pay twice the value of his body to the slave's parents, or, if they are not living, to the judge. And if a slave runs away to avoid the cruelty of his master, there is no penalty for any one who receives him into his house.

IX.

The master of a runaway slave may exact from him, or from the person who has received him, the gains he would have derived from his services.

If a son or a slave, given in pledge, dies in the house of the creditor,
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the parents are not thereby freed from the debt, unless during the sickness they asked permission to take him into their own house, and were refused.

X.

If any one hires a slave by the day or month, and he dies in his service, the value of the slave must be paid to his master. If a person, having taken a slave as a pledge, becomes discontented with him, and returns him to his master, and shortly after he runs away, the person who has had him in pledge, must seek after him and restore him.

XI.

If a father sells himself for a slave, and at the same time gives his son in pledge to the same or any other master, if the son runs away, his master may demand restitution from the father; and if the father runs away, his master may demand restitution from the son.

XII.

If a free man marries a female slave without the knowledge of her master, the children all belong to the master of the slave, in the same way as a calf belongs, not to the owner of the bull, but to the owner of the cow. But if the master of the slave, in consideration of some present, has consented to the marriage, then some of the children belong to the free man and others to the master of the slave. If a woman marry a stranger, not knowing that he was a slave, the children must be divided between the mother and the master of the slave.

XIII.

If a new-born child is given to a woman to nurse, and the parents do not ask for it, till it has arrived at puberty, then the value of its body is divided into four parts, of which three belong to the nurse and one to the parents. But if the child was not given into her care till it could call upon its father and mother by name, or get up the steps of the house, then three parts only are to be made of the value of the body, of which two must be given to the woman and one to the parents. If, finally, the child could dress itself, the value must be divided equally between them.

XIV.

When the child of a slave is thus given out to nurse, one third of the price must be given to the nurse, when it is reclaimed.

XV.

If a person hires a boat to take him to any place, and after his arrival it is lost, he is bound to make good the damage, besides paying the hire agreed upon. When any one hires a cart to carry his merchandise, if the driver goes by frequented roads, he is not responsible if the goods are stolen; but if he chooses a new and unfrequented track, or driving very furiously causes some damage, and the goods are thus lost or spoilt, he is obliged to repair all losses.

XVI.

If a person has borrowed a vessel from another to wash his head,* and it happens, that after it has been restored, its owner falls sick, the borrower is obliged to furnish all the medicines; and in case the man dies, to pay the value of a man and a half to his relations. The same is the law respecting clothes borrowed to accompany a funeral.

XVII.

A man may reprove and even slightly beat another whom he has hired to cultivate a field, if he is lazy or negligent in his work. If it happens that a hired labourer is drowned, or breaks a limb, or is eaten up by tigers, or meets with any other accident, the owner of the land is not bound to any thing, if he has paid him all the wages agreed on; otherwise he must pay the value of his body, or only half of it, if he was his debtor for only half his wages. If in working in a field any precious thing is found, half goes to the labourer and half to the owner of the land.

XVIII.

If a man hires another man's slave, who runs away after he has received his wages, he is not bound to pay any fine to the master of the slave. But if, knowing

* Sometimes the Burmese wash their heads, to free themselves from an incantation, to which they believe themselves subject.

knowing him to be a slave, he did not ask the permission of his master, then if the slave runs away, or dies before he has received his wages, the master may claim the value of his slave.

XIX.

If a Mandarin obliges a man to climb up a tree, and he falls down, the Mandarin must pay double the value of his body if he is killed, and the simple price if he is only bruised.

XX.

When a strange ox gets into a fold, the owner of the fold must give notice of it to the chief of the village, who is to look out for the owner of the ox, and restore it to him. If an ox gets into a field and eats or tramples down the crop, the first time, warning must be given to the owner of the ox; and if after that, the ox still continues to do the same damages, the owner of the field may kill it, and, giving a half to the chief of the village, may keep the other for himself.*

If two oxen or two buffalos begin to fight, and one of them is killed, their owners are not subject to any fine; but if a loose ox kills one that is tied, then the owner of the first is bound to pay the value of the other. When the masters of both incite them to fight, and one of them is killed, the master of the other is bound to pay triple the value of the one that is killed. For any other damage that these animals are the cause of, their respective masters are responsible.

XXI.

When a labourer who has been hired for six months, demands his wages at the end of three, he loses all further right to it.

Vol. IX.

I.

When a man beats a woman or a child, or two men beat one, in these three cases by reason of the inequality of strength in the parties, the guilty must be
condemned

* This custom is out of use at the present day.

condemned to pay a double fine. If a woman through contempt throws women's clothes on a man's head, she must pay fifteen ounces of silver. If any one, man or woman pulls another's clothes so as indecently to expose his body, if the offending party be poor, the fine is an ounce and a half of gold, and two ounces and a half, if rich.

II.

When a lawsuit has been settled finally before a judge, it must not be renewed; and the party seeking to revive it may be punished with the loss of his tongue, and if he obstinately persists in forcing his adversary into litigation he ought also to lose his hand. But although this punishment be just, the judge does not generally proceed to such severity. When a lawsuit is terminated, the fortunate party requires from the other the accomplishment of the sentence, for if he delays this for three years, or till the death of the Emperor, he can no longer demand it.

III.

When a poor man, or one of base condition insults or offends a rich person, or one of a noble family, he must pay fifty ounces of silver. But if a rich man insults a poor man, he is only to pay three ounces and a half.

IV.

If a person has given an ox or any thing else to another in sign of friendship, or if he has given him one of his female slaves for a concubine, and afterwards wishes to resume his gift, he must still leave half what he has given, or half its value to his friend. In like manner if a person has in this way given, for example, a house to a friend, who however dies before him, the gift in this case does not go to the heirs, but returns into the possession of the former owner. But this is not the case with respect to things which are situated at some distance, and which the person to whom the present was made, has acquired with difficulty and danger, as the property then descends to his heirs.

V.

When a master commands a slave to marry one of his female slaves, both are thereby made free.

When

When a master has had a connection with one of his female slaves, he has no claim to the price of her body; and if she was a virgin, and born of honest parents, he must let her go where she pleases.

VI.

When a lawyer promises his client to finish a lawsuit in a certain number of days or months, and does not fulfil his promise, he must pay twice the value of the fees he has received.

VII.

Whoever falsely asserts that another owes him a sum of money, must pay to the person he has accused double the debt he had charged upon him.

And if a real debtor denies his debt, he must pay it double in punishment.

If a person dies in debt, and religious and pious men charitably defray the expenses of his funeral, they are not subject to any claims from the creditors; but if they were friends or acquaintances who performed this office, they must pay a quarter of the debts, and half of them if they were relations.

VIII.

If a boat, laden with merchandise, goes down, and the owners mark the spot by a pole or some other sign; any one, afterwards recovering any part of the cargo, must be treated as a thief, if he keeps it in his own possession; but if he faithfully restores it to the owner, the latter in gratitude must give him a third part.

IX.

If a man has married a woman, not knowing that she was another's wife, and the rightful husband afterwards appears, she must be restored to him, even though she has had six or seven children by the second husband. But if the first husband knew that his wife was marrying another man, and did not protest against it, then after the lapse of three years, he loses his claim to her.

X.

If a master learns that one of his slaves is maintained in another's house, in a time of scarcity, and fraudulently allows him to remain there till the scarcity is over, he then loses his right to the slave, who becomes the property of the man who had fed him.

XI.

Whoever destroys or arbitrarily changes the land-marks, that distinguish one property from another, such as trees, brooks, or public roads, must be condemned to pay a fine of seventeen ounces of silver and a half.

XII.

Of wagers.

There are two kinds of wagers; one made by the spectators upon rowing-matches, or races of men, oxen, or horses; the other, made for the display of a man's own strength or agility, in which latter there is generally a risk of life; such are challenges to wrestle, run, or swim. Of the first kind of bets, the winner can only claim two thirds, but the whole of the second.

If a man who has got no money, in the presence of some person of note, says to another, "let us bet what I have in my hand", then in penalty of his deceit, he must pay the half of what he pretended to hold.

The obligation of debts contracted by betting does not pass to a person's heirs; so that if the loser runs away or dies before he has paid, the money lost cannot be exacted from his wife or children, unless they have been surety for its payment.

When any one is hurt in wrestling, or in any other similar game, he cannot claim damages from his opponent; only in case of the death of one of the parties, the other must pay the value of his body.

When the winner in a wager pursues the loser, who is running away or hiding himself, and upon overtaking him strikes or wounds him, he not only loses the bet, but must also be punished by the judge.

VOL. X.

I.

If a person buys another man's daughter, before she had arrived at the age of puberty, and afterwards, when she has reached it, makes her his wife or concubine, without advertising her father of it, the children of this marriage must be divided between the master of the girl and her father. But this does not hold, when the girl had attained the age of puberty at the time of the sale.

II.

If a master pursues his fugitive slave, and finds him in some village, he may not of his own authority seize him, or bind him, but he must give notice to the chief of the place, who, in virtue of his office, is obliged to seek out the slave, and consign him to his master.

III.

If a man takes a fugitive slave for his companion in remote and uninhabited places, but was ignorant that the man was a slave, he is not guilty of any crime; but if he was acquainted with his condition, he may be accused of theft.

A master may also accuse a person of theft, who, being the relation of his fugitive slave, meets him in unfrequented places and converses with him; but not if he does it in the public streets or porticos.

IV.

If the relation of a fugitive slave receives him into his house, and then conducts him back to a particular spot, he cannot be treated as a thief, because he was the relation of the slave.

V.

When a slave, who has had several children during his captivity, desires to purchase his freedom, he must pay twice the value of his own body. Formerly he had besides the value of his own body, to pay that of all his children.

VI.

A master is not responsible for the crimes committed by his runaway slave; and if for his crimes the slave is condemned to labour, the profits of it must be divided between the judge and the master.

VII.

When a person incites another to steal, and himself buys the stolen goods; upon the appearance of the real owner, the thief must restore what he has stolen, and the receiver is to be punished as the thief.

Also when a man steals the female slave or the daughter of another, and gives her to another man to keep for him, if the latter did not know that she was another's slave or daughter, he is not guilty of any thing; but if he knew it, he must pay half the accustomed fine, and the real thief the other half.

VIII.

If a man quarrels with a woman or a child, or two persons with one, in a remote place, and the affair is brought before a judge, if the persons injured depose to having been struck or wounded, and can show any marks of it upon their body, the judge must give credit to their assertion, even though no witnesses can be brought forward. But he must not believe a man who says he has been struck by a woman or child, even though he may show marks of violence upon his body, unless he can produce some testimony.

IX.

In cases of quarrels, that party must be thought guilty which began with insults and blows, or which returned a slight insult or blow with more serious ones.

It is not so unbecoming for a man to be first in abusing a woman or a child, but it is very unbecoming for a woman to begin to rail at a man, or for a youth thus to offend an old man; a poor one, a rich one; or a vulgar person, one more noble; and if in these cases the offended party, unable to bear the insult, slightly strikes the offender, he must not therefore be punished.

X.

When two people of equal condition mutually insult or strike each other in a quarrel, neither of them can be considered guilty; but if one of them calls in his slave to his assistance he may be fined by the judge.

XI.

This paragraph contains the regulations concerning appeals from one judge to another. When it is evident that a judge has given an unjust sentence, an appeal may be made to a superior Mandarin; and if he also decides unjustly recourse may be had to the queens, or to the heir to the crown; from them there is an appeal to the Emperor; and from the Emperor to the Brahmins,

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Talapoins

Talapoins and other just men, who must then go to the Emperor and persuade him to rescind his unjust decision; and the queens and the heir to the throne must likewise assist in this, when he is unwilling to retract his sentence.

XII.

If a boat in ascending the river meets another, and they run foul of each other, so that the one which was going against the stream is sunk, and the cargo lost, the owner of the other is not responsible; but if the one which was coming with the stream goes down, the owner of the other must make good the loss, unless the accident was caused by the violence of the wind or because the rudder was broken. With respect to two people meeting on land, of whom one has the sun in his face the other on his back, the former must give way; and if they run against each other and any hurt happens to the one with the sun at his back, the other is bound to pay the damage, unless he was seized with a sudden fear, which hindered him from seeing what was before him. When two carts meet on a road, of which one is heavily loaded, the other not, the latter must make way for the other to pass.

XIII.

The keeper of an elephant or an ox is obliged to hinder his beast from passing through places, where people either sick, or mad, or drunk are lying; otherwise, if any one is killed by the animal, he must pay fifty ounces of silver, or twenty-five if only some serious injury is caused; if, however, the animal was furious and unmanageable, he is not subject to this fine.

XIV.

An accusation against a man who has stolen flowers during the night, must be made before mid-day; and an accusation of fruit-stealing, must be made before the fruit has been eaten, as afterwards it is unlawful to accuse a person. It is no crime to take fruits which are lying under the trees.

XV.

If two people quarrel and fight during the royal festivals, they must pay a fine of 250 ounces of silver, for having shown contempt of the imperial majesty.

XVI.

Whoever commits a nuisance within the enclosures of the Pagodas, or Baos, or in any other place which ought to be kept clean, must be punished by the judge, provided it was not involuntary. They also must be punished who sit down or sleep in the places appropriated to the Talapoins, the Brahmins or the Mandarins. Those too are liable to punishment who dare to put on the dress of a Mandarin, unless in case of a war, when this is lawful.

XVII.

It is not lawful for creditors to exact debts in the following places. In those where the royal festivals are being celebrated. In those where the customary oblations are made to the Nat, the guardians of the city or town. In the places where the Talapoins recite their prayers. Finally, in other people's houses. If a person offends against this law, he may be punished. And if he not only asks for his money, but seizes and binds the debtor, he then loses the whole debt.

XVIII.

When a person discovers a treasure in the earth, if he is a rich man, the treasure must be divided into twenty parts, eight belong to him and twelve to the Emperor; if he is a poor man, he must give two thirds to the Emperor, reserving only one for himself.

XIX.

If the contracts, made in the sale of slaves, or in concluding any other bargain, which are generally cut upon a palm-leaf, become old and worn out, they cannot be renewed upon another leaf by private authority; and writings thus unlawfully renewed have no weight in a court of justice.

XX.

If a person who holds another's money in trust, puts it out to interest, and the owner after a short time demands back his money, he must immediately restore it, together with the interest he had received upon it; but if he does not ask for his money for a long time, the holder of the trust may lawfully make use of the interest received.

XXI.

When a brother takes his share of the paternal inheritance before the regular division has been made, and engages in trade with it, all the profit belongs to him alone, and the other brothers have not the least claim upon him.

XXII.

When any one buys any merchandise, with the promise of paying at a definite period, if he lets the time go by without payment, the creditor may exact the accustomed interest.

XXIII.

In any lawsuit where witnesses are required, those ought in the first place to be chosen, who are just, pious and religious, who give alms, and do other good works, who are men of honour, and conscientious, or else rich men and those in dignity. But in case the transaction has taken place at a distance, where witnesses of this character were not to be found, the testimony of such as were present may be received.

XXIV.

The following persons must not be listened to by judges, but must lose their cause; 1. Those who, after having taken the oath, of themselves bring forward witnesses; 2. those who having promised to produce witnesses, are afraid to interrogate them; 3. those who having promised to take the oath, in the act of taking it, put in words which do not signify what they are swearing to; 4. those who having pointed out a witness, will not permit him to be interrogated in the court, but bring forward others.

XXV.

In this last paragraph the price of men and animals is determined. A male child of free parents as soon as it is born, is reckoned at four rupees; a female child, at three; a young man of free condition is valued at thirty rupees, a girl at twenty-five; and thus the value of rich men, Mandarins, queens, etc, goes on increasing, each superior rank being valued at twice as much as the one below it.

As

As for slaves; a new-born male infant ranks at three rupees, a female at two; a boy is worth ten rupees, a girl seven; when arrived at puberty a man is worth thirty rupees, a woman twenty. The value of the body of a dead slave is ten rupees.

With regard to animals; an elephant is worth 100 rupees, a horse fifty, a buffalo three, an ox two, and a pig two. A goat, a peacock, a dog, and similar animals are worth the quarter of a rupee, and the price diminishes in proportion to the smallness of the animal.

A rupee of gold is equal to twenty-five of silver; and a rupee of silver to fifty of lead.

The price for daily labour is a quarter or the eighth part of a rupee for a woman, and twice as much for a man. But at the present day these prices have very much varied from the ancient standard.