

tion of its kind, at least in this province, and the fact that the appellants belong to a class of society to whom even a short term of rigorous imprisonment would be a severe deterrent.

In the case of each appellant therefore I reduce the sentence to one year's rigorous imprisonment, the sentences to run concurrently.

The appellants will be called upon to surrender to their bail and will be re-committed to prison.

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APPELLATE CRIMINAL.

Before Mr. Justice May Oung.

KING-EMPEROR

v.

NGA KYAUNG.*

1924
 Jan. 3.

Burma Habitual Offenders' Restriction Act (Act II of 1919), Section 7—Applicability to offenders under Burma Opium Law Amendment Act (Act VII of 1909), Section 3.

Held, that the effect of section 3, Opium Law Amendment Act, is to introduce an additional ground on which section 110 of the Criminal Procedure Code can be applied, and that consequently an order of restriction under the Burma Habitual Offenders' Restriction Act, can be passed against persons dealt with under the Opium Law Amendment Act.

MAY OUNG, J.—The respondent, Nga Kyaung, was ordered under section 7, Burma Habitual Offenders' Restriction Act, to reside at Maulmyaing-gyun for a period of two years and to report himself once a week at the police-station. The ground alleged against him was that he earned a livelihood wholly or in part by the unlawful sale of opium, within the meaning of section 3, Burma Opium Law Amendment Act. Under that section, such a person may be dealt with as nearly as may be as if

* Criminal Revision No. 769-B of 1923 from the Court of Subdivisional Magistrate, Kyaiklat, in Criminal Miscellaneous No. 62 of 1923.

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the information received about him were of the description mentioned in section 110, Code of Criminal Procedure ; in other words, such a person may be required by a Magistrate, under the provisions of section 110, to show cause why he should not be ordered to execute a bond for his good behaviour. In effect, therefore, the Legislature added another ground to the six set out in section 110.

Section 3 of the Habitual Offenders' Restriction Act lays down that, whenever the provisions of section 110 can be applied, the Magistrate may proceed under the Act.

Holding as I do that the effect of section 3, Opium Law Amendment Act, is to introduce an additional ground on which section 110 of the Code can be applied, it follows that the order in the case under consideration was perfectly legal. It is therefore confirmed.

APPELLATE CIVIL.

Before Mr. Justice Heald and Mr. Justice May Oung.

MA THEIN YIN

v.

MAUNG THA DUN AND TEN.*

Burmese Buddhist Law—Superior and inferior wives—Right of inferior wives to inherit in the estate of the husband—Inferior wife higher than a mistress.

In Buddhist Law, a man might marry two or more women at the same time who might all have the status of a wife. Such wives, whether they live together with the husband or not, inherit his estate on an equal footing.

The Buddhist Law also contemplates the existence of other women of humbler standing who are differentiated from wives proper or "superior wives" who inherit on an equal footing, by being described as "inferior" or "lesser wives." Such an "inferior" or "lesser wife," if living together with the husband, is entitled to two-fifths and the "superior wife" to three-fifths of the

* Civil Miscellaneous Application No. 63 of 1923 for review of the judgment passed in Civil First Appeal No. 276 of 1922 of the High Court.