



SUPPLEMENT
TO THE
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CONTAINING
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HOME DEPARTMENT (Legislative).

FORT WILLIAM, THE 4TH SEPTEMBER 1862.

The following Bill and Statement of Objects and Reasons accompanying it are published for general information by order of His Excellency the Governor General in Council:—

No. 52 OF 1862.

A Bill to constitute Recorders' Courts for the Towns of Akyab, Rangoon and Moulmein in British Burmah, and to establish Courts of Small Causes in the said Towns.

Whereas the Resolution of the Governor General

Preamble.

in Council, dated the 31st January 1862, declares that instead of a Judicial Commissioner for the whole province of British Burmah, whose ordinary business can well be undertaken by the Chief Commissioner, and who, as Judge of a Special Court sitting at the Headquarters of each Division, could not possibly dispose of the causes arising at each place in a manner that would satisfy the suitors, or be consistent with the prompt and regular administration of Justice, there shall be established at Rangoon and Moulmein a Court to be presided over by a Barrister or Advocate of not less than five years' standing, with full powers of Civil and Criminal jurisdiction, analogous to those now exercised by the Recorders of Prince of Wales' Island and Singapore, with the exception of the power to try cases in which European British subjects are charged with capital offences; and whereas it is expedient to make provision for the establishment of such Court and of a similar Court for the Town of Akyab and also for the establishment of a Court of Small Causes in each of the said Towns of Akyab, Rangoon, and Moulmein, and to prescribe the procedure for the said Courts respectively: It is enacted as follows:—

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I. It shall be lawful for the Governor General in Council to establish Courts of Judicature for the Towns of Akyab, Rangoon, and Moulmein in British Burmah or for any of the said Towns, which Courts, when so established, shall be called respectively the "Court of the Recorder of Akyab," "the Court of the Recorder of Rangoon," and "the Court of the Recorder of Moulmein." Such Courts shall be Courts of Record.

II. The said Courts respectively shall be held before a Judge who shall be called "The Recorder" thereof, and who shall be appointed by the Governor General in Council, and shall be a Barrister of not less than five years' standing. Every Recorder appointed under this Act shall hold his office during the pleasure of the Governor General in Council.

III. Previously to entering upon the execution of the duties of his office, every Recorder appointed under this Act shall make or subscribe the following declaration before such authority or person as the Governor General in Council may commission to receive the same:—

"I, A B, appointed Recorder of [] do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

IV. The Governor General in Council may appoint only one Recorder to be the Recorder of the said three Courts, or he may from time to time appoint a separate Recorder for any one or for any two of the said Courts.

V. So long as there shall be only one Recorder of the said three Courts, such Recorder shall hold his Court at each of the said three Towns of Akyab, Rangoon, and Moulmein at stated periods. He shall hold his

Court in Rangoon at such times as may be necessary, in Moulmein at least once in every three months, and in Akyab at least once in every four months.

VI. The Recorder shall, on or before the 1st day of January in each and every year, or at such other convenient times as the Chief Commissioner of British Burmah shall direct, notify in the Official *Gazettes* of the Towns in which the Court is to be held, the days on which he intends to hold his Court at the said Towns respectively during the then next ensuing twelve months; and a copy of such Notification shall be stuck up in a conspicuous part of the Court Houses in the said Towns respectively.

VII. If the Recorder shall be unable to hold his Court at the time and place fixed in any Notification issued under the last preceding section, he shall fix another period for holding his Court at such place, and shall publish notice of the same in the same manner, so far as circumstances will permit, in which a Notification under the said section is directed to be published.

VIII. Notwithstanding anything in Sections VI. and VII. of this Act contained, it shall be lawful for the Recorder to hold his Court at times other than those notified, as provided in the said sections, when, for any good and sufficient reason, it shall appear to him necessary and proper to do so.

IX. Whenever there shall be one Recorder for any two only of the said three Courts, the provisions contained in Sections VI., VII., and VIII. of this Act shall be applied, so far as the same may be applicable, in respect of the sittings to be held by such Recorder within the Towns of the Courts of which he is Recorder.

X. The Recorders appointed under this Act shall have and exercise Civil jurisdiction within such local limits in the said Towns of which they are respectively the Recorders and in the neighbourhood thereof as may from time to time be fixed by the Chief Commissioner of British Burmah, with the approval of the Governor General in Council, and the limits so fixed shall be published in the Official *Gazettes* of the said Towns: Provided that it shall be lawful for the said Chief Commissioner, with such approval as aforesaid, as often as he shall think proper to vary or alter the limits so fixed; and, save as this Act provided, no Court other than the Recorder's Court shall have or exercise any Civil jurisdiction whatever within the limits for the time being fixed as aforesaid.

XI. The Recorders appointed under this Act shall receive, try, and determine suits cognizable by Recorder. suits of every description, if, in the case of suits for land or other immovable property, such land or property shall be situate, or if in all other cases the cause of action shall have arisen, or the defendant at the time of the commencement of the suit shall dwell or carry on business, or personally work for gain within the local limits of the ordinary jurisdiction of their respective Courts: Provided that the Recorders shall not have jurisdiction in any matter concerning the

revenue or concerning any act ordered or done by any person by order of the Governor General in Council, or of the Chief Commissioner, or concerning any act ordered or done by any Judge or Judicial Officer in the execution of his office, or by any person in pursuance of any judgment or order of any Court or any such Judge or Judicial Officer.

XII. It shall be lawful for the Chief Commissioner to direct the transfer to any Recorder's Court of any case which shall have been instituted in any Court in British Burmah other than a Recorder's Court. Every case so transferred shall be tried and determined by the Recorder to whose Court it is transferred in the same manner and under the same rules as to procedure, and in all other respects as if the Recorder had originally had jurisdiction in the case, and the case had originally been instituted before him.

XIII. A Recorder, who is the Recorder of more Courts than one, shall, while sitting in any one of the Courts of which he is Recorder, ordinarily try no suits except such as shall have been instituted in such Court, or shall have been transferred to it by the Chief Commissioner as hereinbefore provided; but such Recorder may, if he think proper, try any suit instituted in any other of the said Courts of which he is Recorder, if the parties thereto shall join in an application to him (which shall be in writing, signed by all the parties to the suit or their Agents) so to try the same.

XIV. A separate seal shall be made under the direction of the Governor General in Council for each of the said Courts, and all summonses, orders, and other process issuing out of the said Courts respectively shall be sealed or stamped with the seal of the Court issuing the same. The seal shall be delivered to and kept in custody of the Recorder, but during any absence of the Recorder, or in case of the vacancy of the office of Recorder, the same shall be delivered to and kept in the custody of the Registrar of the Court appointed as is hereinafter provided; and if there be no Registrar, then it shall be delivered to and kept in the custody of the Deputy Commissioner.

XV. It shall be lawful for the Recorder of any Court or Courts established under this Act, from time to time, and subject to any rules and restrictions which may be prescribed by the Governor General in Council, to appoint such and so many Clerks and other Ministerial Officers as shall be found necessary for the administration of justice by the said Recorder in such Court or Courts respectively, and the due execution of the powers and authorities given to him by this Act, and every Clerk and Officer appointed as aforesaid shall be liable to dismissal by order of the Recorder of the Court to which he is appointed: Provided that no person shall be removed from any office, the salary of which is One hundred Rupees per mensem or upwards without the sanction of the Chief Commissioner.

XVI. No person shall be permitted to appear or act as the Advocate, or to plead verbally or in writing for any suitor in any Court held under this Act in any action or suit, or touching any matter whatever, unless such person shall have been previously licensed by the Recorder of such Court to act for the suitors of such Court generally or specially for the particular occasion, and it shall be lawful for the Recorder of every Court held under this Act, to make rules for the qualifications and admission of proper persons to act as Agents in such Court: Provided that nothing in this section contained shall be deemed to prevent any person from appearing or acting as the Agent for the Secretary of State for India in Council, or to prevent any suitor from appearing, pleading, or acting on his own behalf, or on behalf of a co-suitor: Provided also that any person who for the time being is an Advocate, Vakeel, or Attorney-at-Law of any of the High Courts of Judicature in India shall be entitled without any license to act as an Agent for

any suitor in any of the said Courts, and that any person for the time being licensed to act generally in any one of the said Courts, shall, without further license, be also entitled to act generally in any other of the said Courts.

XVII. The Recorder of any Court may for any sufficient reason withdraw or vacate any license which shall be granted by such Recorder to any person to act generally or specially as an Agent under this Act.

XVIII. The fees to be received by any Agent, whether general or special, licensed under this Act, or entitled to act as an Agent of the said Courts, without a license under Section XVI. of this Act, shall at all times be subject to the control and taxation of the Recorder of the Court having jurisdiction in the case in respect of which such fees are payable, and no fees shall be recoverable by any Agents except such fees as shall have been allowed by the Recorder on taxation.

XIX. It shall be lawful for the Recorder of any Court or Courts established under this Act to make and issue rules to regulate the service and execution of the processes of the Court or Courts within the territorial limits of his jurisdiction, and also to settle a table of fees to be allowed to the persons employed in such service or execution, and from time to time to alter any such rule or table, and the rules so made and the tables so issued shall be used and observed in the said Court or Courts: Provided that such rules and tables be not inconsistent with the provisions of any Law in force, and shall, before they are issued, have received the sanction of the Chief Commissioner. All such rules and tables shall be published in the Official *Gazettes* of the said Towns, and shall thenceforth have the force of Law until repealed or over-ruled by any Act of the Legislature, or by any rule or table subsequently issued and published with the sanction and in the manner aforesaid.

XX. Save as in this Act otherwise provided, the proceedings in Civil suits of every description between party and party brought in any Court established under this Act, shall be regulated by Act VIII. of 1859 (the Code of Civil Procedure), as amended by Act XXXIII. of 1861, and by any other Act or Acts that may hereafter be passed for that purpose.

XXI. In all suits cognizable by any Court held under this Act, all questions as well of fact as of Law or equity shall be dealt with and determined according to the Law administered by the High Court of Judicature at Fort William in Bengal in the exercise of its ordinary original Civil jurisdiction.

XXII. If, in any suit, any question of law or usage having the force of Law, or the construction of a document affecting the merits of the decision, shall arise, on which the Recorder shall entertain any doubt, the Recorder may, either of his own motion or on the application of either of the parties to the suit, draw up a statement of the case, and submit such statement with his own opinion for the decision of the High Court of Judicature at Fort William in Bengal.

XXIII. The Recorder may proceed in the case, notwithstanding a reference to the said High Court and may pass a decree contingent upon the opinion of the High Court on the point referred; but no execution shall be issued in any case in which a reference shall be

made to the High Court until the receipt of the order of that Court.

XXIV. Cases referred for the opinion of the High Court shall be dealt with by a bench of two or more Judges of that Court.

XXV. The parties to the case may appear and be heard in the High Court in person or by an Advocate or Pleader, and the High Court when it has heard and considered the case, shall transmit a copy of its judgment under the seal of the Court and the signature of the proper Officer of the Court to the Recorder, who shall, on the receipt thereof, proceed to dispose of the case conformably to the decision of the High Court.

XXVI. Costs, if any, consequent on the reference of a case for the opinion of the High Court, shall be costs in the suit.

XXVII. There shall be no appeal from any decision or order made by a Recorder in any suit under this Act. But it shall be competent to the Recorder, if he shall think fit, to grant a new trial in any suit tried by him, if applied for within three months from the date of the decision if the suit relate to any land or other immovable property, and in all other cases if applied for within thirty days from the date of the decision: Provided that nothing in this Act contained shall interfere with the power of the Recorder to allow a review of judgment under the Civil Procedure if such review be applied for within the period allowed by the said Code for making such applications: Provided also that in any case in which the Recorder may think it necessary to do so, he may, before granting a new trial or a review, require the party applying for the same to give sufficient security for the due compliance with the terms of the decree or order which it is sought to set aside or review.

XXVIII. All cases and proceedings arising under Act XIX. of 1841 (for the protection of moveable and immovable property against wrongful possession in cases of successions), Act XXXV. of 1858 (to make better provision for the care of the Estates of Lunatics not subject to the jurisdiction of the Supreme Courts of Judicature), Act XL. of 1858 (for making better provision for the care of the Persons and Property of Minors in the Presidency of Fort William in Bengal), as amended by Act IX. of 1861 (to amend the Law relating to Minors), or Act XXVII. of 1860 (for facilitating the Collection of Debts on Successions, and for the Security of Parties paying Debts to the representatives of deceased persons), may be received and disposed of by the Recorder of any Court established under this Act (and by no other Court within the local limits of his jurisdiction), subject always to all the rules and provisions as to jurisdiction and otherwise in the said Acts contained respectively. Orders passed by the Recorder in cases arising under the said Acts shall not be open to appeal, but the parties shall be at liberty to contest such orders in a regular suit.

XXIX. For the trial of Civil suits under this Act, the Recorder may constitute one or more persons Assessor or Assessors of the Court. Such person or persons shall attend during the trial of the suit, and shall deliver his or their opinion or opinions in writing to be recorded on the proceedings. But the decision of the case shall rest with the Recorder. No Officer of the Recorder's Court shall be appointed an Assessor under this section, but this prohibition shall not extend to any other public officer.

XXX. The Recorder may pass decrees contingent upon the opinion of the High Court, pending which execution not to issue.

XXXI. The Recorder may, either of his own motion or on the application of either of the parties to the suit, draw up a statement of the case, and submit such statement with his own opinion for the decision of the High Court of Judicature at Fort William in Bengal.

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XXX. It shall be lawful for the Governor General in Council to appoint to each or any of the Recorder's Courts established under this Act, an Officer who shall be called the Registrar of the Court to which he shall be appointed.

XXXI. The Registrar of the Recorder's Court shall be the Chief Ministerial Officer of the Court, and shall, subject to the provisions in the next following section contained, receive all plaints presented to the Court, and in the absence of the Recorder shall issue notice of suit to the defendants, receive any documents which the parties may wish to put in, and issue process for the attendance of their witnesses; he shall also keep lists of all cases coming on for trial and shall fix such days for their being heard respectively as may seem to him fit, having regard to the period appointed for the Recorder's sittings.

XXXII. If the Registrar shall be of opinion that any plaint presented to the Court is defective in any of the particulars mentioned in Section 28, Section 29, Section 30, Section 31, Section 32, or Section 33 of the Code of Civil Procedure, he shall not reject the plaint, but shall point out to the plaintiff wherein the plaint is defective, and shall, with as little delay as possible, forward the plaint to the Recorder of the Court for his orders, together with any statement which the plaintiff may think proper to make, and such plaint shall be dealt with as the Recorder shall order: Provided always that if the defect in the plaint is capable of being cured under any of the said sections, and the plaintiff shall be willing to amend it, it shall not be necessary for the Registrar to send the plaint to the Recorder, but such amendment may thereupon be made.

XXXIII. The Registrar shall also receive applications for the execution of decrees passed by the Recorder of the Court of which he is the Registrar, and subject to any orders which he may receive from the Recorder, shall execute such decrees in the same manner as the Recorder may execute them. No appeal shall lie from any order passed by the Registrar under this section, but the Recorder may, of his own motion, reverse or modify any such order whenever he shall think it necessary to do so.

XXXIV. The Registrar shall have the powers of a Small Cause Court Judge in suits of the nature of those described in Act XLII. of 1860 (for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter) arising within the limits of the jurisdiction of the Court of which he is the Registrar, provided that the amount or value of the claim shall not exceed 200 Rupees, but he shall exercise such powers subject to the general control of the Recorder. The Governor General in Council may invest any Registrar appointed under this Act with jurisdiction to hear and determine suits of the nature cognizable by him as a Small Cause Court Judge under this section in which the amount or value of the claim does not exceed 500 Rupees.

XXXV. The suits cognizable by the Registrar under the last preceding section shall be set down for hearing before such Registrar, and he shall hear and determine such suits and execute the decrees made therein in such manner as is prescribed in the said Act XLII. of 1860, and subject to such rules as to procedure and otherwise in all respects as are in the said Act contained: Provided that the Recorder may call up any such suit to his own file and hear and determine the same.

Such suits how to be heard and determined.

XXXVI. No appeal shall lie from any order or decision made or passed by the Registrar in any case heard or disposed of by him under the last preceding Section; but in any case in which the Registrar shall entertain any doubt upon any question of law or usage having the force of law, or the construction of a document affecting the merits of the decision, he shall be at liberty to state a case for the opinion of the Recorder in like manner as the Recorder may, under Section XXII. of this Act, state a case for the opinion of the High Court of Judicature at Fort William in Bengal, and all the rules and provisions hereinbefore contained relative to the stating of a case by the Recorder shall apply *mutatis mutandis* to the stating of a case by the Registrar so far as the same are applicable.

XXXVII. It shall be lawful for the Recorder to refer to the Registrar of his Court any suit not falling within the description of suits contained in Act XLII. of 1860, which shall be instituted in the Court of such Recorder, and the amount or value of the property in dispute in which shall not exceed 100 Rupees. Every suit so referred to the Registrar shall be heard and determined, and the decree made shall be executed by him under the same rules as to procedure and otherwise as are applicable to suits tried by the Recorder. In such suits the Registrar shall have no power to state a case to the High Court or to the Recorder, but an appeal shall lie on questions of law and of fact from the Registrar's decision to the Recorder under the rules for regular appeals contained in the Code of Civil Procedure. The decision on the appeal shall be final, but the Recorder shall be at liberty to state a question of law or usage having the force of law or the construction of a document affecting the merits of the decision for the opinion of the High Court in the same manner as in cases originally tried by himself.

XXXVIII. The Recorder shall exercise all the powers of a Court of Session, as defined in the Code of Criminal Procedure, within the territorial limits of the Civil jurisdiction of the Court or Courts of which he is Recorder, and shall, at the place or places where such Court or Courts are held, hold gaol deliveries at convenient periods, of which due notice shall be given in the manner prescribed in Sections VI. and VII. of this Act, for the trial of all persons charged with offences punishable under the Indian Penal Code, who may be committed to take their trial before his Court as a Court of Sessions: Provided that the Recorder shall not have power to try any European British subject charged with an offence punishable with death under the said Code. The commitment of any European British subject charged with any such offence shall be made to the High Court of Fort William in Bengal. In all other cases the commitments made within the limits of the jurisdiction of any Recorder's Court for offences punishable under the Indian Penal Code shall be made to that Court.

XXXIX. If any European British subject shall be charged in British Burmah with any offence (other than an offence punishable with death under the Indian Penal Code) which a Justice of the Peace shall not be competent to punish, and there shall be sufficient grounds for committing him for trial, such European British subject shall be committed to take his trial before the Recorder, and shall be tried by the Recorder of the Court held within the division of British Burmah in which either such European British

Commitment and trial of European British subjects charged with other than offences punishable with death.

subject shall have been arrested, or in which the offence with which he is charged shall have been committed; that is to say, before the Recorder at Rangoon, if the arrest took place or the offence were committed in Pegu; before the Recorder at Akyab, if the arrest took place or the offence were committed in Arracan; and before the Recorder at Moulmein, if the arrest took place or the offence were committed in the Tenasserim provinces.

XL. The proceedings on trials held by the Recorder as a Court of Session under this Act shall be regulated by the Code of Criminal Procedure, and shall be subject to all the provisions of this Act in so far as the same may be found applicable.

XLI. If on any trial sentence of death shall be passed by the Recorder, such sentence shall not be carried into execution until it shall have been confirmed by the Chief Commissioner. It shall be lawful for the Chief Commissioner in any case in which it shall seem proper to him so to do to commute a sentence of death to a sentence of transportation for life or for any shorter period not less than seven years.

XLII. No appeal shall lie from any order or sentence passed by the Recorder in any Criminal case. But it shall be at the discretion of the Recorder to reserve any point or points of Law for the opinion of the said High Court.

XLIII. On such point or points of Law being so reserved as in the last preceding section mentioned, or on its being certified by the Advocate General at Fort William that, in his judgment, there is an error in the decision of a point or points of Law decided by the Recorder, or that a point or points of Law which has or have been decided by the said Recorder should be further considered, the said High Court shall have full power and authority to review the case, or such part of it as may be necessary, and finally determine such point or points of law, and thereupon to alter the sentence passed by the Recorder, and to pass such judgment and sentence as to the said High Court shall seem right.

XLIV. The Stamp Duties prescribed by Schedule B annexed to Act X. of 1862 (to consolidate and amend the Law relating to Stamp Duties) for Instruments and Writings in the Sudder Court shall be chargeable on Instruments and Writings in the Courts of the Recorders established under this Act, if the amount or value of the claim exceed 1,000 Rupees, or if the case be on appeal. The foregoing limitation as to amount shall not extend to petitions of plaint. For such petitions, whether the suit be tried by the Recorder or the Registrar of the Court, and for Certificates granted under Act XXVII. of 1860, the duty prescribed by the said Schedule B shall be chargeable. For copies of decrees in suits in which the amount or value of the claim does not exceed 1,000 Rupees, as well as for copies of judgments and orders, the same duty shall be chargeable as prescribed by the said Schedule B for copies of decrees, judgments, and orders passed or made by a Court below the Sudder Court. On Instruments and Writings in all other cases, as well in the Recorders' Courts as in the Courts of Registrars in cases cognizable by those officers, on which a duty of 8 annas is prescribed by the said Schedule B, the duty chargeable shall be 8 annas.

XLV. The Commissioners of the Divisions within which the said Towns of Akyab, Rangoon, and Moulmein are respectively situated shall be *ex-officio* Judges of the Recorders' Courts at the said Towns respectively. If there shall for the time being be no Recorder, or if the Recorder of any of the said Courts shall at any time, from sickness or from being absent on leave or other cause, be unable to attend to the duties of his office, it shall be lawful for the Commissioner of the Town wherein such Court is situate to sit in such Court and to exercise all the powers vested by this Act in the Recorder, but subject to all the rules, provisions, and limitations herein prescribed and declared: Provided that no Commissioner shall act as Recorder or exercise any authority under this section without the sanction of the Chief Commissioner first obtained.

XLVI. The Recorder shall keep such Registers and Books and Accounts, and submit to the Chief Commissioner such Statements and Returns of the work done in his Court on the Civil and Criminal sides, as may be prescribed by the said Chief Commissioner with the approval of the Governor General in Council. The Recorder shall also comply with such requisitions as may be made by the Governor General in Council, or by the Chief Commissioner for records.

XLVII. The word "Barrister" in this Act shall be deemed to include Barristers of England or Ireland or Members of the Faculty of Advocates in Scotland, or Advocates of any High Court or Colonial Supreme Court authorized by Royal Charter to admit Advocates.

Interpretation of the word "Barrister."

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to give effect to that part of the Resolution of the Governor General in Council, dated the 31st January last, relating to the administration of British Burmah, which declares that, instead of a Judicial Commissioner for the whole Territory, as had been proposed, there shall be established at Rangoon and Moulmein a Court, to be presided over by a Barrister or Advocate of not less than five years' standing, with full powers of Civil and Criminal jurisdiction analogous to the powers now exercised by the Recorders of Prince of Wales' Island and Singapore, with the exception of the power to try cases in which European British subjects are charged with capital offences.

The Resolution of the date above-mentioned contemplates the establishment of a Recorder's Court only for the Towns of Rangoon and Moulmein; but it is considered advisable to give the Governor General in Council power to establish a similar Court at Akyab, if he should think proper to do so. The Town of Akyab has a large European mercantile community which seems likely to increase rapidly, and the arrangements which have recently been made for regular and frequent communications by sea between that place and Rangoon and Moulmein will enable the Recorder to pay periodical visits to Akyab, and hold sittings there without difficulty, and with little inconvenience as regards his duties at other places.

The Bill empowers the Governor-General in Council to appoint a Recorder to each of the three Courts, which may be established under its provisions, or to any two of those Courts, or to appoint a single Recorder to the three Courts, and it provides for the manner in which the Recorder is to regulate his sittings in the Courts of the different Towns when he is the Recorder of the three Courts or of any two of them.

At first it is probable that only one Recorder will be appointed, whether his jurisdiction is confined to the Towns of Rangoon and Moulmein, as proposed in the

Resolution of the 31st January last, or extended to the Town of Akyab also, and it appeared to be necessary therefore to make some provision for carrying on the current business in the several Courts during the absence of the Recorder on duty elsewhere. This consists, amongst other things, of the execution of decrees, the reception of plaints, and of any documents connected therewith which the parties may desire to file, the issue of notice to the defendants, and of summonses to witnesses, and the fixing of days for the trial of causes which will be necessary in order that, on the arrival of the Recorder, there may be always cases ready for hearing to the disposal of which he may immediately apply himself.

For the conduct of the current duties, inclusive of those above described, in each of the Recorders' Courts, the Bill empowers the Governor General in Council to appoint a Registrar who is to be the Chief Ministerial Officer of the Court to which he is appointed. But as the current business would not be sufficient to give this Officer full employment, it is proposed that he shall be a Judge of Small Causes within the local limits of the jurisdiction of the Recorder's Court of which he is Registrar, and that he shall in that capacity, subject to the control of the Recorder, determine all small causes of the nature described in Act XLIII. of 1860, in which the amount or value of the claim does not exceed the sum of 200 Rupees, a power being given to the Governor General in Council to enlarge the jurisdiction of any Registrar in cases of the like description as far as 500 Rupees. It is further proposed that the Recorder shall have power to refer for trial and decision to the Registrar any suit other than suits falling under the Act above-mentioned, in which the amount or value of the claim does not exceed 100 Rupees. The decisions passed by the Registrar in the cases so transferred to him will be open to appeal to the Recorder, under the rules relating to appeal contained in the Code of Civil Procedure. The effect of these provisions will be to relieve the Recorder of a good deal of work which may very well be performed by an Officer receiving a smaller salary, and give him time for the disposal of the more important cases coming before him; they will also afford a speedy remedy in cases of small amount and generally of a simple character which is very desirable.

The Code of Civil Procedure will regulate the proceedings in all Civil cases instituted under the Bill,

subject to the provisions of the Acts relating to Small Cause Courts in cases of the nature described in those Acts, and the Law to be administered will be the Law administered in the High Court of Judicature at Fort William in Bengal in the exercise of its ordinary original Civil jurisdiction.

On the Criminal side the Recorder will, within the local limits of his Civil jurisdiction, have all the powers of a Court of Sessions, as defined in the Code of Criminal Procedure, for the trial of persons not being European British subjects and of the High Courts of Judicature for the trial of European British subjects charged with offences punishable under the Indian Penal Code except offences punishable with death. For such offences, when committed by European British subjects the commitment will be made, as at present, to the High Court at Fort William in Bengal. The procedure on trials held before the Recorder will be the procedure contained in Act XXV. of 1861 (the Code of Criminal Procedure). In cases in which the Recorder may sentence any person to suffer death, the sanction of the Chief Commissioner will be necessary before the sentence can be carried into execution. It is proposed that the Chief Commissioner shall have power in any such case to commute a sentence of death to a sentence of transportation for life, or for any shorter period not less than seven years.

It will be in the discretion of the Recorder to reserve any point of Law arising in the course of a trial held before him for the opinion of the High Court at Calcutta, and on any point so reserved, or on its being certified by the Advocate General that in his judgment there is an error in the decision of a point of Law decided by the Recorder, or that a point of Law which has been decided by the Recorder should be further considered, the High Court will have power to review the case, and to pass such judgment and sentence as to it shall seem right.

The foregoing are the only provisions of the Bill which seem to call for particular notice.

H. B. HARRINGTON.

A. G. MACPHERSON,

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