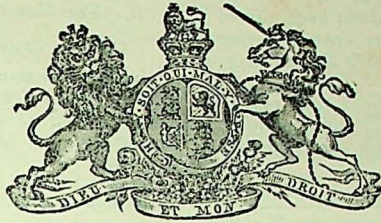


THE



Bombay Government Gazette.

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THURSDAY, 11TH JANUARY 1872.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd January 1872, and was referred to a Select Committee with instructions to make their report thereon in a month:—

Bill No. 1 of 1872.

A Bill to consolidate and amend the Law relating to the Courts in British Burma.

WHEREAS it is expedient to consolidate and amend the law relating to the Courts in British Burma; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Burma Courts Act, 1872."

It extends to all the territories subject to the Chief Commissioner of British Burma;

and shall come into force on the date of the passing thereof.

2. All suits, appeals, applications or proceedings instituted previous to such date in any Court, except those of the Chief Commissioner and the Recorders of Rangoon and Maulmain, shall be

heard and disposed of by the Courts in which they were instituted.

3. All suits, appeals, applications or proceedings pending in the Court of the Chief Commissioner and Recorder, shall be transferred to the Court of the Judicial Commissioner, those pending in the Court of the Recorder of Rangoon shall be transferred to the Court of the Judge of Rangoon; and those pending in the Court of the Recorder of Maulmain shall be transferred to the Court of the Judge of the Town of Maulmain, or, if the subject-matter thereof be beyond his jurisdiction, to the Court which has jurisdiction under this Act.

4. The Acts mentioned in the schedule hereto annexed are hereby repealed, except as to the suits, appeals, applications and proceedings mentioned in section two, but not so as to affect the operation of any Act extended to British Burma by any of the said Acts.

CHAPTER II.

LAWS TO BE ADMINISTERED.

5. Where, in any suit or proceeding, it is necessary for any Court under this Act to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution, the Buddhist law, where the parties are

CHAPTER III.

GRADES AND JURISDICTION OF COURTS.

6. The Courts mentioned in the first column of the subjoined table shall ordinarily have such criminal jurisdiction as is specified in the second column thereof, and such civil jurisdiction in the adjudication of suits arising within their local jurisdiction as is specified in the third column thereof:

Name of Presiding Officer.	Criminal Jurisdiction.	Civil Jurisdiction.
(1.) The Extra Assistant Commissioner of the third class.	Powers of a Subordinate Magistrate of the 2nd class.	Powers of a Civil Court where the amount or value of the subject-matter of the suit does not exceed Rs. five hundred.
(2.) The Extra Assistant Commissioner of the second and first class, and the Assistant Commissioner.	Powers of a Subordinate Magistrate of the 2nd class.	Powers of a Civil Court where the amount or value of the subject-matter of the suit does not exceed Rs. three thousand.
(3.) The Town Magistrate.	The full powers of a Magistrate.	None.
(4.) The Judge of the Court of Small Causes at Rangoon.	None.	Powers of a Court of Small Causes, where the suit is of a nature cognizable by a Court of Small Causes, and the amount or value of its subject-matter does not exceed Rs. one thousand.
(5.) The Deputy Commissioner.	The full powers of the Magistrate of the District.	Powers of a Civil Court in all suits, whatever be the value or the amount of the subject-matter of the suit. Powers of a District Judge. Power to hear Appeals from decrees and orders of the Courts of the first and second grades, where such Appeal is allowed by law. Power to direct the business in the Courts of the first and second grades to be distributed among such Courts in such way as he shall think fit.
(6.) The Judge of the Town of Maulmain.	Powers of a Sessions Judge.	Powers of a District Judge. Powers of a Civil Court, whatever be the amount or value of the subject-matter of the suit. Powers of a Court of Small Causes, where the amount or value does not exceed Rs. one thousand.
(7.) The Commissioner ..	Powers of a Sessions Judge.	Power to withdraw any suit or appeal instituted in any Court within his jurisdiction, except a Court of Small Causes, and try such suit or appeal himself or refer it for trial to any Subordinate Court of competent jurisdiction. Power to hear appeals from decrees and orders of the Court of the fifth grade, where such appeal is allowed by law.
(8.) The Judicial Commissioner.	Powers of a Sudder Court.	Powers of a High Court. Power to remove and try any suit or appeal instituted in any Subordinate Court. Power to hear appeals from decrees and orders of the Courts of the Commissioner where such appeal is allowed by law.

Buddhists, the Muhammadan law in cases where the parties are Muhammadans, and the Hindú law in cases where the parties are Hindús, shall form the rule of decision, except in so far as such law has by legislative enactment been altered or abolished, or is opposed to any custom having the force of law prevailing in British Burma.

In cases not provided for by the former part of this section or by any other law for the time being in force, the Court shall act according to justice, equity and good conscience.

7. The Chief Commissioner may invest any Assistant Commissioner or Extra Assistant Commissioner of the first or second class with power to try suits of which the amount or value does not exceed 5,000 Rupees.

Chief Commissioner may give special jurisdiction.

8. The Chief Commissioner may invest the presiding officer of any Court of the second grade with the powers of a Judge of a Court of Small Causes to hear and determine suits of which the amount or value does not exceed one hundred rupees, and the presiding officer of any Court of the fifth grade with the powers of a Judge of a Court of Small Causes to hear and determine suits of which the amount or value does not exceed five hundred rupees.

9. The Chief Commissioner may direct that the appellate jurisdiction of any Commissioner shall vest in the Judicial Commissioner.

Chief Commissioner may transfer appellate jurisdiction to Judicial Commissioner.

10. From the date of the passing of this Act the Courts of the Chief Commissioner and of the Recorders of Rangoon and Maulmain, and of the Cantonment Magistrate of Rangoon, shall cease to exist.

Abolition of certain Courts.

11. The Governor General in Council shall fix, and may from time to time vary, the number of Courts of each grade to be established under this Act.

Power to fix number of Courts.

12. The presiding officers of all the Courts except those of the first grade shall be appointed by the Governor General in Council.

Appointment of officers.

The Extra Assistant Commissioners of the third class shall be appointed by the Chief Commissioner.

13. The presiding officer of any Court under this Act may, for any misconduct, be suspended or removed by the Governor General in Council.

Suspension and removal of presiding officers.

The presiding officer of any Court except the Judicial Commissioner and the Judge of Rangoon may, for any misconduct, be suspended by the Chief Commissioner, but shall not be removed without the sanction of the Governor General in Council.

The presiding officer of any Court of the first grade may, for any misconduct, be suspended or removed by the Chief Commissioner.

14. The ministerial officers of the Courts of the first and second grades shall be appointed by the Deputy Commissioner within whose local jurisdiction such Courts are situate. The ministerial officers of all other Courts subordinate to the Judicial Commissioner shall be appointed by the presiding officers thereof; provided that the appointment of a ministerial officer whose monthly salary exceeds fifty rupees shall be subject to the sanction of the Judicial Commissioner.

Appointment of ministerial officers of Courts of first and second grades.

15. Every Court of the first and second grades may fine in an amount not exceeding one month's salary any of its ministerial officers who is guilty of any misconduct or neglect in the performance of the duties of his office.

Power to fine, suspend, or remove such officers.

The Deputy Commissioner, subject only to the general control of the Commissioner, may on appeal or otherwise reverse or modify any such order, and may of his own motion remove, suspend from office, or fine up to the amount of one month's salary, any ministerial officer of any Court subordinate to him.

The presiding officers of all other Courts subordinate to the Judicial Commissioner may remove or suspend the ministerial officers of their respective Courts, or fine them in an amount not exceeding one month's salary, but every such removal or suspension made by a Commissioner or Deputy Commissioner shall be subject to the general control of the Judicial Commissioner.

16. Any fine imposed under this Chapter shall, if the order imposing it so directs, be recovered from the offender's salary.

Recovery of fines.

17. Nothing in this Chapter shall be deemed to bar the general control of the Chief Commissioner over all appointments and removals of ministerial officers under this Act.

Saving of general control of Chief Commissioner over appointments and removals of ministerial officers.

18. The general superintendence over all the Courts mentioned in section six is vested in the Judicial Commissioner whose Court shall be deemed the highest Civil Court of appeal; and, subject to such general superintendence, the Commissioner shall have control over the Courts of the Deputy Commissioners within his Division; and the Deputy Commissioner over all the Courts of the first and second grades within his district.

Superintendence over Courts.

19. All existing Courts of the grades mentioned in section six, and the presiding officers thereof, shall be deemed to have been respectively established and appointed under this Act.

Confirmation of existing Courts and presiding officers.

20. Every Court under this Act shall—

(1) use a seal of such form and dimensions as are for the time being prescribed by the Chief Commissioner;

Seal to be used.

(2) be held at such place or places as may from time to time be directed by the Chief Commissioner; or in the absence of any such direction at any place within the local jurisdiction of the Court which the presiding officer may think fit.

Place for holding Court.

21. The Chief Commissioner may empower the presiding officer of any Court mentioned in section six to exercise the powers which might be exercised by the presiding officer of any other Court of the same grade within the local limits of the jurisdiction of the latter Court.

Officers specially empowered may exercise powers within local jurisdiction of other courts.

22. The Chief Commissioner shall, with the previous sanction of the Governor General in Council, fix, and may with the like sanction from time to time vary, the local limits of the jurisdiction of any Court under this Act.

23. The present local limits of the jurisdiction of every Court, with the exception of that of the Chief Commissioner and those of the Recorder of Rangoon and Maulmain and the Cantonment Magistrate of Rangoon, shall be deemed to be fixed under this Act.

24. No presiding officer of any Court shall, unless with the consent of the parties or the direction of the Chief Commissioner, try any suit or appeal in which he is a party or personally interested, or any appeal against a decree or order passed by himself; or shall adjudicate upon any proceeding connected with, or arising out of, such suit or appeal.

When any such suit, appeal or proceeding comes before any such presiding officer, he shall forthwith, unless the parties apply that he proceed with the case himself, transmit the record to the Court to which he is immediately subordinate, with a report of the circumstances attending the reference.

The superior Court shall thereupon try the case itself, or transfer it for trial to any Subordinate Court of competent jurisdiction.

In the event of an appeal being preferred to a Judicial Commissioner from a judgment or order passed by him in any other capacity, or in which he has any personal interest, he shall, unless the parties apply that he proceed with the case himself, report the fact to the Chief Commissioner, who shall either direct the Judicial Commissioner to try the case himself or transfer it to the Court of the Judge of Rangoon.

25. Where a suit is brought for immoveable property situate within the local jurisdiction of different Courts, included in the same Division, application for authority to proceed with the same shall be made to the Commissioner of the Division.

If the Courts belong to different Divisions the application shall be made to the Judicial Commissioner through the Commissioner of the Division, in which the Court wherein the suit was instituted, is included.

26. Subject to the orders of the Chief Commissioner, the Judicial Commissioner shall prepare a list of days, to be observed in each year as close holidays in his Court and the Courts subordinate to him.

CHAPTER IV.

APPEALS.

27. The memorandum of appeal must, when the appeal lies to the Commissioner, be presented within six weeks, the period being reckoned from and exclusive of the

day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of such decision or order.

28. The Appellate Court may confirm the decision of the Lower Court, without summoning the respondent, if upon perusal of the Judgment of the Lower Court and of the petition of appeal in the presence of the Appellant or his pleader, there appear to the Appellate Court to be no reason to alter the decision appealed from.

29. When in the trial of any civil appeal the Appellate Court entertains a doubt in regard to a question of law or usage having the force of law, or as to the construction of a document, or as to the admissibility of any evidence affecting the merits of the case, such Court may draw up a statement of the point as to which it is in doubt, and refer it with the Court's own opinion, for the decision of the Judicial Commissioner.

30. The Judicial Commissioner shall, after considering the point so referred, send a ruling thereon to the Court by which the reference was made, and such Court shall, on the receipt of such ruling, proceed to dispose of the case in conformity with such ruling.

The costs, if any, consequent on the reference of the case to the Judicial Commissioner, shall be costs in the appeal out of which the reference arose.

31. If in any suit the decision of the Deputy Commissioner, or of the Commissioner, passed in appeal, reverse or modify the decision of the Court of original jurisdiction, the Judicial Commissioner may receive a second appeal, if, on a perusal of the grounds of appeal and of copies of the judgments of the subordinate Court, a further consideration of the case appears to him to be requisite for the ends of justice.

32. If the Court of first appeal confirms the decision of the Court of first instance on a matter of fact, such decision shall be final.

33. If the Court of first appeal confirms the decision of the Court of first instance on a question of law or custom having the force of law, or the construction of any document, or the admissibility of any evidence affecting the merits of the case, the party aggrieved by such decision may apply to such Court to draw up a statement of the point as to which he considers such Court to have ruled amiss, and to submit it to the Judicial Commissioner.

Such application shall not be admitted, unless it is made within the period and after payment of the fee prescribed by law in regard to the presentation of appeals.

If the Court consider that there is a question of law or custom having the force of law, or as to the

construction of a document or admissibility of evidence affecting the merits of the case, it shall make a statement of the same and of such facts only of the case as are necessary to explain it, and shall submit such statement, together with the record of the case, to the Court of the Judicial Commissioner.

34. The Judicial Commissioner shall, with as little delay as possible, proceed to try the case referred as if it were an appeal instituted in such Court, and shall send a copy of its judgment to the Court submitting the point, which shall dispose of the case in conformity therewith.

35. The provisions of section thirty, as to the adjustment of costs, shall apply to cases referred under the last preceding section.

CHAPTER V.

COURT OF THE JUDGE OF RANGOON.

36. In addition to the aforementioned Courts, it shall be lawful for the Governor General in Council to establish a Court for the Town of Rangoon, which shall be called the Court of the Judge of Rangoon.

The said Judge shall be appointed by the Governor General in Council, and shall be a Barrister of not less than five years' standing, and shall hold his office during the pleasure of the Governor General in Council.

He shall hold his Court ordinarily in the Town of Rangoon, but the Chief Commissioner may direct him to hold his Court at any other place in British Burma.

37. The present local limits of the jurisdiction of the Recorder of Rangoon shall be the local limits of the jurisdiction of the Judge of Rangoon, but the Chief Commissioner may from time to time vary them with the previous sanction of the Governor General in Council.

38. The Court of the Judge of Rangoon shall have civil jurisdiction in the adjudication of suits of every description, and of whatever value arising within his local jurisdiction, except those which are cognizable by a Court of Small Causes.

39. There shall be no appeal from the decree or order of the Judge of Rangoon passed in any original suit or proceeding where the amount or value of the subject-matter thereof does not exceed three thousand rupees; but where the amount or value exceeds three thousand rupees, an appeal shall lie to the High Court of Judicature at Fort William in Bengal.

40. For the trial of Civil suits under this Act, the Judge of Rangoon 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 Judge. No Officer of the Judge's Court shall be appointed an Assessor under this section.

41. The Judge of Rangoon shall, within the local limits of his civil jurisdiction, exercise the powers of a District Judge, and he shall also exercise the powers of a District Judge under Act IV. of 1869 (*The Indian Divorce Act*) throughout British Burma.

42. The Judge of Rangoon shall exercise all the powers of a Court of Session as defined in the Code of Criminal Procedure, within the local limits of the civil jurisdiction of his Court. Sentences of death passed by him shall not be subject to confirmation by any Sudder Court, but shall require the concurrence of the Judicial Commissioner. If there be any difference of opinion as to the propriety of the sentence, the record of the trial shall be forwarded to the High Court of Fort William in Bengal, who shall pass such sentence or order in the case as to the said Court shall seem right.

43. The Judge of Rangoon shall exercise the powers of a High Court for the trial of European British subjects; and all commitments of European British subjects on charges of offences committed within British Burma shall be made to his Court.

44. Provided that, when the offence be one punishable with death, the Judicial Commissioner shall sit with the Judge and form a Special Court of Sessions for the trial of the accused person; and if there arise any difference of opinion, the case shall be referred for the decision of the High Court of Fort William in Bengal.

45. The proceedings on trials held by the Judge of Rangoon as a Court of Sessions, or by the Judicial Commissioner and Judge of Rangoon sitting together as a Court of Sessions, for the trial of European British subjects, shall be regulated by the Code of Criminal Procedure.

Provided that European Officers in the Military Service, Commissioned and Non-Commissioned, resident within ten miles of the place of sitting of the Court, shall be liable to serve as jurors for the trial of European British subjects.

The Officer Commanding the Station where the Court of Sessions is about to be held shall, when required, send into the Court a list containing the names of all Officers liable to serve.

The summons to any such Officer to serve as a juror shall be sent through the Officer Commanding the Station, but no Officer shall be excused from attendance unless the Officer Commanding the Station shall certify in writing to the Court that the presence of the Officer summoned is required elsewhere on urgent military duty. And in such certificate the Commanding Officer shall supply the name of some other Officer for service upon the jury.

46. In cases tried before the Judicial Commissioner and the Judge of Rangoon, as a special court of Sessions, the Judge of Rangoon shall sum up the evidence to the jury.

47. Sentence of death passed upon an European British subject shall not be referred to High Court. Sentence of death to be referred to High Court. Court at Fort William in Bengal, to whom the case shall be referred.

48. Any party aggrieved by a judicial order of the Judge of Rangoon, other than a decree or sentence in a criminal trial, or by any alleged misconduct on the part of the said Judge, may appeal against such order, or complain of such misconduct to the High Court of Fort William in Bengal, and the High Court shall have power to make such order thereon as it thinks fit.

49. The Judge of Rangoon 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, subject to the approval of the Governor General in Council. The Judge of Rangoon shall also comply with such requisitions for information as may be made by the Chief Commissioner, shall hold his Court at such times, observes such holidays and vacations as shall be prescribed by the Chief Commissioner, and generally, in matters not Judicial, shall obey the orders of the Chief Commissioner.

50. The Judge of Rangoon may make and issue general rules of regulating the practice and procedure of his Court and to prescribe forms for every proceeding therein for which he shall think that a form should be provided, and from time to time to alter any such rule or form; and the rules so made, and the forms so framed, shall be published in the local Official Gazette, and after being so published shall be observed and used in the said Court: Provided that such rules and forms shall not be inconsistent with the Code of Civil Procedure or any other law for the time being in force, and shall, before they are published, have received the sanction of the Chief Commissioner.

51. No person shall be permitted to appear or act as the Advocate of any suitor in the Court of the Judge of Rangoon, unless such persons shall have been licensed thereto by the said Judge either generally, or specially; and the Judge may make rules for the qualification and admission of proper persons to act as Advocates in his Court, and from time to time may add to any such rules. 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-sutor. 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 Advocate for any suitor in the Court of the Judge of Rangoon.

52. The Judge of Rangoon may, for any sufficient reason, suspend or withdraw any such license. License may be suspended or withdrawn.

53. The fees to be received by any Advocate, whether general or special, licensed by the Judge of Rangoon or entitled to act as an Advocate for another person in his Court without a license, under section 51 of this Act, shall at all times be subject to the control and taxation of the said Judge, and no fees shall be recoverable by any Advocates except such fees as shall have been allowed by the said Judge on taxation.

54. The Judge of Rangoon may, with the previous sanction of the Chief Commissioner, make and alter rules to regulate the service and execution of the processes of his Court within the local limits of his jurisdiction, and settle a table of fees to be allowed to the persons employed in such service or execution. All such rules and tables shall be published in the local Official Gazette, and shall thenceforth have the force of law.

55. Rules made and issued by the Judge of Rangoon under sections 16 and 19, Act XXI. of 1863, and section 14, Act III. of 1866, shall be deemed to have been made and issued under this Act.

56. Subject to the provisions of Section 5 of this Act, all questions of fact, law, and equity arising in suits before the Judge of Rangoon and the Judge of the town of Maulmain, shall be dealt with and determined according to the law administered by the High Court at Fort William in Bengal, in the exercise of its ordinary original civil jurisdiction.

57. Upon the occurrence of any vacancy in the office of Judge of Rangoon and during any absence of the said Judge, the Chief Commissioner may direct the Judicial Commissioner or any Commissioner to perform the duties of the Judge, and the Judicial Commissioner or Commissioner shall thereupon be authorized to preside in the Court of the Judge and to exercise the jurisdiction of the Judge until some person shall have been appointed by the Governor General in Council to fill or officiate in the office of Judge of Rangoon, and shall have entered upon the discharge of the duties of such office, or until the Judge shall have returned from such absence.

58. When any suit or proceeding comes before the Judge of Rangoon in which he is a party or personally interested, he shall, unless the parties

apply that he proceed with the case himself, report the fact to the Chief Commissioner, who shall either direct the Judge to try the case himself, or transfer it to the Court of the Judicial Commissioner.

59. The ministerial officers of the Court of the Judge of Rangoon shall be appointed by the said Appointment of ministerial officers. Judge, who may also remove or suspend them, or fine them in an amount not exceeding one month's salary, but the removal or suspension of any officer drawing a salary of 100 rupees or upwards shall be subject to the orders of the Chief Commissioner.

CHAPTER VI.

SPECIAL COURT.

60. The Special Court under this Act shall ordinarily be constituted by the Judicial Commissioner and the Judge of Rangoon sitting together; but the Chief Commissioner may direct any Commissioner to sit in the Court as an assessor. Such Commissioner shall record his opinion in the case, but the decision shall rest with the Judicial Commissioner and the Judge of Rangoon.

61. Appeals from orders and decrees passed by the Judge of the town of Maulmain in civil suits and proceedings shall, where appeal is allowed by law, be heard and determined by the Special Court. Such appeals shall be presented in the Court of the Judicial Commissioner.

62. Any person convicted on a trial held by the Judge of Rangoon as a Court of Sessions may appeal to the Special Court. Such appeal shall be presented in the Court of the said Judge.

63. If, in any civil suit or appeal, or in any criminal case or appeal pending in the Court of the Judicial Commissioner or of the Judge of Rangoon, the one Court wishes to obtain the opinion of the other on any question of fact or law, or usage having the force of law, or the construction of a document, or wishes to obtain the assistance of the other for the determination of the case pending before it, such Court shall record a memorandum to that effect; and after the receipt of a copy of such memorandum by the other Court, the Judicial Commissioner and the Judge of Rangoon shall sit together as soon as may be convenient, and shall form a Special Court for the disposal of the said question or for the determination of the case.

64. It shall be lawful for the Chief Commissioner to direct that any civil suit or appeal, or any criminal case or appeal, pending in the Court of the Judicial Commissioner or of the Judge of Rangoon, shall be tried before the Special Court.

65. When a difference of opinion arises in the Special Court, the following rules shall be observed:—

(1). If the difference of opinion arise in a civil appeal, and be on any question of fact, and if either the Judicial Commissioner or the Judge of Rangoon agrees with the finding of the Court from whose decision the appeal has been made, the finding of that Court shall be upheld.

(2). If the difference arise in a civil appeal, and be on a point of law or usage having the force of law, or the construction of a document, the ruling of the Court from whose decision the appeal has been made shall be upheld, unless either the Judicial Commissioner or the Judge of Rangoon be of opinion that the point should be referred to the High Court of Judicature at Fort William in Bengal, in which case they shall state the point as to which they differ, and forward the statement with their respective opinions thereon to such High Court.

(3). In all other cases, the point shall be referred to the High Court with a similar statement of opinions.

66. Where the reference is in a civil suit, the Decree may be passed contingent on opinion of High Court, but execution not to issue. Special Court may proceed in the case notwithstanding such reference, and may determine the suit contingent on the opinion of the High Court on the point referred; but no execution shall be issued in any civil case in which a reference shall have been made until the receipt of such opinion.

67. The High Court shall proceed to determine the point referred, as if it were an appeal instituted in such Court. A copy of the determination shall be sent to the Court from which the case was referred to the Special Court, and such Court shall dispose of the case accordingly. The costs, if any, consequent on the reference of the case for the opinion of the High Court, shall be the costs of reference. The High Court shall be costs in the suit or appeal.

68. Any decree or sentence passed by a Special Court as above constituted shall issue as and be deemed to be a decree or sentence of the Court from which the case was referred to the Special Court.

69. The Judicial Commissioner and the Judge of Rangoon may in concurrence, and subject to the orders of the Chief Commissioner, frame rules of practice and for regulating the times and places of the sittings of the Special Court. Any difference of opinion in regard to such rules shall be decided by the Chief Commissioner.

SCHEDULE.

No. and year.	Title.	Extent of repeal.
I. of 1863	An Act to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burma, and to provide for the extension of certain Acts to the said Territory.	The whole.

No. and year.	Title.	Extent of repeal.
XXI. of 1863	An Act to constitute Recorders' Courts for the Towns of Akyab, Rangoon and Maulmein in British Burma, and to establish Courts of Small Causes in the said Territory.	The whole.
XXIV. of 1863	An Act to amend Act I. of 1863.	The whole.
III. of 1866	An Act to confer increased powers upon the Registrars of the Recorders' Courts in British Burma, and for other purposes.	The whole.

STATEMENT OF OBJECTS AND REASONS.

It having been determined to appoint a Judicial Commissioner for Burma, the object of this Bill is to provide for the constitution of that Officer's Court, and to carry out certain modifications of the existing legal machinery of the Province which experience has shown to be desirable. Provision is made for a special Court, consisting of the Judicial Commissioner and another officer, which will in certain cases sit as the final Court of Appeal, and will dispose of capital cases against European British Subjects.

(Signed) J. F. STEPHEN.

The 21st December 1871.

H. S. CUNNINGHAM,
*Officiating Secretary to the Council of the
 Governor General for making Laws
 and Regulations.*