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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 1st August 1872, and was referred to a Select Committee with instructions to report thereon in six weeks :—

Bill No. 16 of 1872.

A Bill for regulating the re-importation into British territory of goods cleared at Rangoon for the territory of the King of Ava.

Whereas it is expedient to provide for the re-importation into British territory of goods cleared at Rangoon for the territory of the King of Ava, under the provisions of Act IV. of 1863 (to give effect to certain provisions of a treaty between His Excellency the Earl of Elgin and Kincardine, Viceroy and Governor General of India, and His Majesty the King of Burma); It is hereby enacted as follows :—

1. In this Act, the words "Political Agent" denote any officer appointed by the Governor General in Council to reside as representative of the British Government at Mandalay, Bhámu, or any other town within the territories of the King of Ava.

2. Whoever desires to re-import into British territory goods previously exported from Rangoon to the territories of the King of Ava, must obtain from the Political Agent a certificate in the form set forth in the schedule hereto annexed.

Such certificate shall be made out in duplicate : the original shall be handed to the owner or shipper of the goods, and the duplicate shall be forwarded to the Master of the vessel in which the goods are intended to be shipped.

3. All goods protected by such certificate shall be delivered by the Master of the vessel in which they are shipped, to the Collector of Customs at Thayetmyo, or Rangoon, or at any other station in British territory on the Irrawaddy, as may be directed in the certificate aforesaid ;

and such Collector shall retain the goods until the difference between the duty of one per centum *ad valorem*, and the duty which they would have been liable to pay if cleared for home consumption when originally imported by sea, is paid to him, together with any incidental expenses incurred in removing and storing the same.

4. Should no application regarding the said goods be made to the Collector within one week after they have come into his possession, he shall cause an advertisement to be inserted in the local *Gazette*, notifying that if the said goods are not cleared within one month from the date of such notice they will be sold and the proceeds applied, in the first place, to pay all expenses of the sale, and then all dues and charges owing to Government in respect of the said goods.

The surplus (if any) shall be held to the credit of the owner of the said goods.

5. Any Master of a vessel failing to deliver to the Collector, as provided in section three, any goods protected by a Political Agent's certificate, shall be liable to a penalty not exceeding one thousand rupees.

Such penalty shall be adjudged after a summary proceeding by any Collector of Customs ; but his adjudication shall be subject to appeal to the Commissioner of the Division.

6. Any goods cleared for exportation under the said Act for the King of Ava's territory, found within British territory and not protected by a certificate as required by section two, shall be considered contraband, and shall be liable to seizure by an officer of customs, or an officer of police, and to confiscation by any Collector of Customs to whom the goods may be delivered, unless it be proved that the full duty leviable on goods cleared for home consumption has been paid on the said goods.

Nothing in this section affects—

(a) goods in transit from the Custom House at Rangoon to the vessel on which they are to be laden for export,

(b) goods found on board of any vessel on her passage from Rangoon to the King of Ava's territory, and cleared for export under the said Act.

7. This Act shall be read as part of the said Act No. IV. of 1863.

SCHEDULE

Certificate.

Mr. } _____ having declared his or
or } _____ their
Messrs. } _____
intention to re-export from _____ to _____
the undermentioned goods, originally cleared at Rangoon under Act IV. of 1863, I grant permis-

sion for the said goods to be shipped on board the ^{Steamer} ~~Ship~~ _____, and request that the Master will deliver the said goods to the Collector of Customs at

Marks and numbers.	Description of packages.	Number of packages.	Contents of each package.	When imported into

(Signed) A. B.
Political Agent at

STATEMENT OF OBJECTS AND REASONS.

Act IV. of 1863, section 1, authorises goods imported into Rangoon to be cleared at that port for the territory of the King of Ava on payment of a duty of one per cent. *ad valorem*. The present Bill is intended to authorise the re-importation into British territory of goods so cleared on payment of the difference between that duty and the duty to which they would have been liable on first importation by sea if cleared for home consumption.

The Bill has been prepared by the Chief Commissioner of British Burma.

(Signed) R. TEMPLE.

SIMLA,

The 8th July 1872.

WHITLEY STOKES,

Secretary to the Government of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 1st August 1872, and was referred to a Select Committee with instructions to report thereon in six weeks :—

Bill No. 17 of 1872.

A Bill to amend the Burma Courts Act, 1872.

Whereas it is expedient to amend the Burma Courts Act, 1872; It is hereby enacted as follows :—

1. This Act may be called "The Burma Courts Act Amendment Act."

It extends only to the territories under the administration of the Chief Commissioner of British Burma;

Sections three, four, and five shall come into force on the first day of October 1872: The rest of this Act shall come into force on the passing thereof.

2. Notwithstanding anything contained in the said Act, and subject to any express provision to the contrary contained in any other Act for the time being in force, an appeal shall lie from the decrees and orders of the Courts of Original Jurisdiction in British Burma to the Courts empowered by the said Act, section eight, to hear appeals from such decrees and orders.

All such appeals shall be regulated by the Code of Civil Procedure.

All such appeals presented between the fifth day of April and the passing of this Act, shall be deemed to have been presented under this section.

3. No person shall be permitted to appear, plead, or act as the Advocate of any suitor in the Court of the Judicial Commissioner, or in any Court subordinate thereto, unless such person is licensed thereto by the Judicial Commissioner, either generally or specially.

The Judicial Commissioner may from time to time make rules for the qualification, admission, and enrolment of proper persons to appear, plead, or act as aforesaid;

and for the suspension or dismissal of any such persons who are guilty of fraudulent or grossly improper conduct.

All such rules shall be published in the local official Gazette.

Any person appearing, pleading, or acting in contravention of any such rule, shall be liable, by order of the Court, to a fine not exceeding five hundred rupees.

Saving of agents of Government suitors, co-suitors, and Advocates of High Courts.

4. Notwithstanding anything contained in section three or in any rule made thereunder,

any person may appear, plead, or act as the agent for the Secretary of State for India in Council,

and any suitor may appear, plead, or act on behalf of himself or a co-suitor;

and any person who for the time being is an Advocate, Vakil, or Attorney-at-law of any High Court may appear, plead, or act as the Advocate of any suitor in the Court of the Judicial Commissioner or any Court subordinate thereto.

5. The fees to be received by any Advocate for business done in the Court of the Judicial Commissioner or in any Court subordinate thereto, shall at all times be subject to the control and taxation of the presiding Judge; and no such fees shall be recoverable unless they have been allowed on taxation by the said Judge, or such officer as he appoints in this behalf.

6. The Judicial Commissioner may call for the record of any case in which a Court of first appeal has, in his opinion, wrongly refused to submit a statement under section thirty-five of the said Act, and may pass such order in the case as to him seems fit.

STATEMENT OF OBJECTS AND REASONS.

The objects of this Bill (which has been prepared at the request of the Chief Commissioner and the Judicial Commissioner of British Burma) are to correct a mistake, and to supply two omissions in the Burma Courts Act, VII. of 1872.

That Act (section eight) gives the Appellate Courts established under it jurisdiction to hear appeals where such are "allowed by law." But the Schedule to the Act repeals Act XXIII. of 1861, section twenty-three, so far as it relates to British Burma, and this is the law which allows appeals from decrees. The result is that no appeal lies from the decrees of the Courts of original jurisdiction to the Appellate Courts so established.

The Bill corrects this mistake.

The Act gives no powers to the Judicial Commissioner to make rules for his own Court and the Courts subordinate thereto, regulating the qualification, admission, and enrolment of pleaders, their suspension and dismissal, and the fees payable to them.

And it does not enable the Judicial Commissioner to call for the records of cases in which the Courts of first appeal have wrongly refused to submit statements under section thirty-five of the Act.

The Bill supplies these two omissions.

(Signed) A. HOBHOUSE.

SIMLA,

The 20th July 1872.

WHITLEY STOKES,
Secretary to the Government of India.