

ACT No. XXIV OF 1863.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 16th May 1863.)

*An Act to amend Act I of 1863 (to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burmah, and to provide for the extension of certain Acts to the said Territory).*

WHEREAS it is expedient to amend Act I of 1863 *(to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burmah, and to provide for the extension of certain Acts to the said Territory)*; It is enacted as follows:—

Preamble.

I. It shall be lawful for the Governor-General of India in Council to invest any Court in British Burmah of the second, third, and fourth grades of Courts mentioned in Section II of the said Act I of 1863, with power to receive suits, and to take cognizance of other matters, arising within the jurisdiction of the Court so invested, which from their amount as well as in other respects may be cognizable under the provisions of the said Act by a Court of a lower grade, and to try and determine the same subject to all the provisions of the said Act.

Governor-General may invest certain Courts in British Burmah with power to try suits, &c., now cognizable by Courts of lower grade.

II. Appeals from orders and decisions passed by any Court invested as aforesaid, in suits or other matters of the nature described in the last preceding Section, shall lie to the Court to which appeals from orders and decisions passed by the said Court in the exercise of its ordinary jurisdiction lie under the said Act I of 1863, and shall be subject to all the rules contained in the said Act in relation to such appeals.

Provision for appeals from orders and decisions in suits, &c., dealt with under preceding Section.

III. The

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III. The Court of the Deputy Judicial Commissioner at Rangoon shall, for the purposes of Act I of 1863, be a Court of a Deputy Commissioner as constituted by the said Act; and the said Deputy Judicial Commissioner shall exercise the same jurisdiction in respect to receiving, trying, and determining suits and other matters arising within his jurisdiction as Deputy Judicial Commissioner, as a Deputy Commissioner is competent to exercise under the said Act.

IV. The Code called the "Civil Code of the Province of Pegu," with exception to Chapter III of the said Code as to the limitation of suits, and Chapter XXVII relating to Stamps, shall be held to have been repealed from the twentieth day of May 1862; and on and after the said date, until the first day of May 1863, Act VIII of 1859 (*for simplifying the procedure of the Courts of Civil Jurisdiction not established by Royal Charter*), as extended by the Chief Commissioner of British Burmah to the Province of Pegu, shall be held to have been in force in that Province.

V. No order or decision passed, and no proceeding held by any Court in the Province of Pegu, or by any Appellate Court in relation to any such order or decision or proceeding, on or after the said twentieth day of May 1862, and before the said first day of May 1863, shall be held to be invalid merely by reason of such order or decision having been passed, or of such proceeding having been held under the said Act VIII of 1859, as extended to the said Province by the Chief Commissioner of British Burmah, instead of under the Code called the Civil Code of the Province of Pegu, or *vice versa*.

Provision as to order or decision passed, or proceeding held, by Courts in Pegu on or after the 20th May 1862.