

ACT No. III of 1866.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 26th January 1866).

*An Act to confer certain increased powers on the Registrars of the Recorders' Courts in British Burmah, and for other purposes.*

Whereas it is expedient to confer upon the several Registrars of the Recorders' Courts in British Burmah certain increased powers; It is enacted as follows:—

1. Every Registrar appointed under Act No. XXI of 1863 (*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*) may, in the absence of the Recorder of the Court to which such Registrar is

Power to Registrars appointed under Act XXI of 1863 to make certain orders interlocutory.

appointed, make all such orders for arrest before judgment, for attachment of property before judgment, for the protection, management, and custody of property in dispute in any suit, for injunctions restraining breaches of contract or wrongful acts, as such Recorder if present might make.

2. Every order made by any Registrar in the exercise of the powers conferred upon him by this Act may be altered or reversed upon the application of any person, whether a party to the suit or not, who may deem himself to be aggrieved by such order.

Such orders may be altered or reversed on application.

3. Every such application may be made to and disposed of by the Registrar of the Court in which such order shall have been made in the absence of the Recorder of such Court.

Application may be made to and disposed of by Registrar.

4. The Registrar to whom any such application shall be made, shall take down the evidence given upon the hearing of such application.

Registrar to take down evidence.

5. Every order made by a Registrar in pursuance of this Act shall be subject to an appeal, under the general rules applicable to appeals from orders, to the Recorder of the Court by the Registrar of which such order shall have been made.

Appeal against order made by Registrar.

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6. In case of the absence of the Recorder before whom the appeal is brought, the person appealing may make such application by way of petition, and may require the Registrar from whose order such appeal shall be brought, to transmit to such Recorder copies of such petition and of all the evidence received by the Registrar upon the hearing of the application from the order upon which such appeal shall have been brought.

Power to appeal to Recorder in his absence.

7. Such Recorder may affirm, alter, or reverse the order from which such appeal shall be brought, or postpone the further consideration of such appeal until the next sittings of the Court in which such order shall have been made.

Power to Recorder to alter or reverse the order appealed against.

8. No appeal from any order made by any Registrar under the powers conferred by this Act, nor any application to alter or reverse such order, shall be brought after the conclusion of the sittings of the Court in which such order shall have been made, which shall commence next after the making of such order.

Time within which appeals to be brought.

9. Every Registrar appointed under the said Act shall have power to receive affidavits and to administer oaths and affirmations in all suits which may or shall be depending in any Court established under the said Act.

Registrar to receive affidavits and administer oaths.

10. In case the Recorder of any Court established under the said Act shall be a party, or a necessary witness to or in any suit or proceeding instituted in such Court, such suit or proceeding and all applications therein shall be heard and determined by the Commissioner of the Division in which such Court shall be situated, and such Commissioner shall in every such suit or proceeding have and exercise all the powers by the said Act or by this Act vested in such Recorder.

Trial of case in which Recorder is a party or witness.

11. Upon the happening of a vacancy in the Office of Recorder and during any absence of a Recorder from British Burmah, the Governor-General of India in Council shall appoint any person with such qualifications as are required by the said Act in persons to be appointed Recorders, to perform the duties of Recorder. The person so appointed shall be authorized to sit and perform the duties of Recorder until some person shall have been appointed by the Governor-General in Council to the Office of Recorder and shall have entered on the discharge of the duties of such Office, or until the Recorder shall have returned from such absence.

Provision for vacancy of the Office of Recorder.

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**12.** So far as regards Small Causes, all or any of the powers and duties conferred and imposed on any Registrar by this Act or under or by virtue of Sections thirty-five and thirty-six of Act No. XXI of 1863, may be exercised and performed by the Recorder of the Court to which such Registrar is attached.

**13.** Whenever any person holding the Office of Registrar under Act No. XXI of 1863, shall obtain leave of absence or be disabled through illness from performing his duties, it shall be lawful for the Recorder of the Court to which such Registrar is attached, or, in his absence, for the Commissioner of the Division in which such Court is situate, to appoint some person to officiate as Registrar; and such person while so officiating shall have the same powers and perform the same duties as the Registrar of such Court under this Act and any other law for the time being in force. Any person appointed under this Section may hold at the same time any other Office under Government.

**14.** The Recorder of any Court established under the said Act shall have power to make and issue general rules for 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 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 of British Burmah.

**15.** This Act shall be read with, and taken as part of, the said Act No. XXI of 1863.