

ACT No. XI OF 1880.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 2nd July,
1880.)

An Act to provide for the appointment of an Additional Recorder of Rangoon, and for other purposes.

WHEREAS it is expedient to provide for the temporary appointment, from time to time, of an Additional Recorder to assist the Recorder of Rangoon; Preamble.

and whereas it is also expedient to remove certain doubts which exist as to the jurisdiction of the said Recorder under section sixty-two of the Burma Courts Act, 1875; It is hereby enacted as follows:—

1. This Act may be called “The Burma Courts Act, 1880”; Short title.

and it shall come into force at once. Commence-
ment.

2. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, appoint, to be an Additional Recorder and to sit as such in the Court of the Recorder of Rangoon, such person as he thinks fit, being a Barrister of not less than five years’ standing, or a person who has for at least three years served as a District Judge, or exercised the like powers as those of a District Judge. Appointment
of Additional
Recorder.

Every person so appointed shall hold his office during the pleasure of the Governor General in Council.

3. Every Additional Recorder appointed under section two shall sit at such of the places at which, under the said Act, the Recorder’s Court can be held, Cases to be
disposed of
by Additional
Recorder.

as

as the Chief Commissioner of British Burma, from time to time, directs, and shall dispose of such cases, now or hereafter pending in the said Recorder's Court under any enactment for the time being in force, as the said Chief Commissioner or Recorder may, from time to time, direct, and in the disposal of such cases shall administer the same law, follow the same procedure, exercise the same powers and use the same seal as would be administered, followed, exercised and used by the said Recorder in like cases.

All decrees, orders and sentences made or passed in such cases by any such Additional Recorder shall, for the purposes of the law relating to appeals, references and revision, be deemed to be made or passed by the Recorder.

The Chief Commissioner may at any time cancel any direction given under this section requiring the Additional Recorder to dispose of a case.

Additional Recorder to sit in Special Court in place of Recorder.

4. The Additional Recorder shall also sit in the place of the Recorder as a member of the Special Court established under chapter V of the said Act, for the disposal of such cases as the Chief Commissioner directs, and shall, while so sitting, take precedence according to the same rule as the Recorder, and exercise all the powers and perform all the duties which under the said Act may be exercised and performed by the Recorder as a member of such Special Court.

Section 80 of the Burma Courts Act to apply when Additional Recorder sits in Special Court.

5. Whenever, in cases tried by the Judicial Commissioner and Additional Recorder of Rangoon sitting together as a Special Court without a Commissioner, a difference of opinion arises, the rules prescribed by section eighty of the said Act shall be observed, the words "Additional Recorder" being substituted for the word "Recorder" wherever it occurs in the said rules.

Amendment of section 62 of the Burma Courts Act, 1875.

6. For the first paragraph of section sixty-two of the said Burma Courts Act, 1875, the following paragraph shall be substituted:—

"Notwithstanding anything hereinbefore contained,

tained, the Recorder shall have all the powers of a High Court, under the Code of Criminal Procedure, in respect of offences committed by European British subjects and persons charged jointly with European British subjects within British Burma.”