

ACT No. X OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 6th June, 1884.)

An Act to amend the Burma Courts Act, 1875.

WHEREAS it is expedient to amend the Burma Courts Act, 1875; It is hereby enacted as follows:—

XVII of 1875.

1. (1) This Act may be called the Burma Courts Act, 1884; and Short title.

(2) It shall come into force at once. Commence-
ment.

2. In this Act, unless there is something repugnant in the subject or context, "section" means a section of the Burma Courts Act, 1875. Definition of
"section."

XVII of 1875.

3. (1) In section 6, in clause (a), for the words "Extra Assistant Commissioner of the third class" the word "Myo-ôk" shall be substituted, and in clause (b), the words "of the second class, the Extra Assistant Commissioner of the first class" shall be omitted. Alteration of
names of
certain
Courts.

(2) In the table subjoined to section 12, in clause (a), for the words "Extra Assistant Commissioner of the third class" the word "Myo-ôk" shall be substituted, and in clause (b), the words "of the second class, the Court of the Extra Assistant Commissioner of the first class" shall be omitted.

(3) In section 13, the words "of the first or second class" shall be omitted.

(4) The substitutions and omissions made by this section

section shall be deemed to have been made from the thirty-first day of March, 1882.

Substitution
of new sec-
tion for sec-
tion 8.

4. For section 8 the following section shall be substituted :—

“8. The Governor General in Council may, from time to time, vary the number of the Courts mentioned in clauses (c), (d), (e) and (f) of section six, and the Chief Commissioner may, from time to time, vary the number of the Courts mentioned in clauses (a) and (b) of the same section.”

Substitution
of new sec-
tion for sec-
tion 9.

5. For section 9 the following section shall be substituted :—

“9. The Chief Commissioner may, from time to time, vary the local limits of the jurisdiction of any Court mentioned in section six, clauses (a) and (b), and, with the previous sanction of the Governor General in Council, of any Court mentioned in section six, clauses (c), (d), (e) and (f).”

Insertion of
section after
section 9.

6. After section 9 the following section shall be inserted, namely :—

“9A. Any order heretofore passed, or decree made or proceeding taken by any Civil Court in British Burma acting as if it had the jurisdiction of a Court mentioned in section six, clause (a) or clause (b), shall not be invalid merely because the Court was established by the Chief Commissioner instead of by the Governor General in Council, or because the local limits of its jurisdiction were varied by the Chief Commissioner without the previous sanction of the Governor General in Council, or because any person not an Extra Assistant Commissioner has been appointed to be the presiding officer of the Court of an Extra Assistant Commissioner.”

Validation
of certain
proceedings
already
taken.

Amendment
of section 23.

7. In section 23 the following amendments shall be made, namely :—

(a) after the word “Commissioner,” each time it occurs, the words “or Deputy Commissioner,”

(b) after

(b) after the words "Judicial Commissioner," the first time they occur, the words "or Commissioner respectively," and

(c) after the words "Judicial Commissioner," the second time they occur, the words "or Commissioner,"

shall be respectively inserted.

8. After section 23 the following section shall be inserted, namely :—

Insertion of section after section 23.

"23A. The Chief Commissioner may invest any Assistant Commissioner with power to hear appeals from decrees and orders in original suits and proceedings of any Court mentioned in section six, clause (a) or (b).

Power for Chief Commissioner to invest Assistant Commissioners with appellate powers.

"The Chief Commissioner may withdraw the power with which any Assistant Commissioner has been invested under this section."

9. For section 38 the following section shall be substituted, namely :—

Substitution of new section for section 38.

"38. The presiding officer of the Court of the Judicial Commissioner shall be appointed by the Governor General in Council.

"The presiding officers of all the Courts mentioned in section six, clauses (a), (b), (c), (d) and (e), may be appointed by the Chief Commissioner."

10. For section 39 the following section shall be substituted, namely :—

Substitution of new section for section 39.

"39. The presiding officer of any Court mentioned in section 6, clauses (a) to (f), both inclusive, may be suspended or removed by the Governor General in Council.

"The presiding officer of any such Court, except the Court of the Judicial Commissioner, may be suspended or removed by the Chief Commissioner."

11. The following addition and insertion shall be deemed to have been made to, and in, sections 76 and

Amendments of sections 76 and 80.

80, respectively, of the Burma Courts Act, 1875, immediately after the passing of that Act, namely :— XVII of
1875.

(a) To section 76—

“Provided that, if in the opinion of both Courts the point as to which they differ ought to be referred to the High Court, it shall be so referred in manner provided by section eighty, clause (b), and thereupon sections eighty-one and eighty-two shall apply.”

(b) In section 80, after the words “without a Commissioner” the words “and not being cases provided for by section 76.”

New section
to follow
section 94.

12. After section 94 the following section shall be inserted, namely :—

Language of
Rangoon
Small Cause
Court.

“94A. Notwithstanding anything contained in the Code of Civil Procedure, all or any proceedings, written or oral, before any person appointed under section 94 of this Act and section 15 of Act XI of 1865 to exercise the powers of a Judge of a Court of Small Causes in the Small Cause Court at Rangoon, shall be in such language as the Chief Commissioner may, from time to time, prescribe.”