

ACT No. XIV OF 1885.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 31st July, 1885.)

An Act to amend the Burma Courts Act, 1875, and section 360 of the Code of Civil Procedure.

WHEREAS it is expedient to amend the Burma Courts Act, 1875, and section 360 of the Code of Civil Procedure; It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Burma Courts Act, 1885; and

(2) It shall come into force at once.

Power to vest in local officers insolvency jurisdiction vested in Recorder in Moulmein, Akyab and Bassein.

2. (1) The Chief Commissioner of British Burma may, from time to time, by order notified in the official Gazette, direct that, from a date to be therein specified, the jurisdiction vested in the Recorder within the towns of Moulmein, Akyab and Bassein by section 66 of the Burma Courts Act, 1875, shall be vested, as regards each or any of those towns, as follows:—

- (a) in the Civil Judge of Moulmein within the town of Moulmein;
- (b) in the Deputy Commissioner of Akyab within the town of Akyab;
- (c) in the Deputy Commissioner of Bassein within the town of Bassein.

(2) While any such order is in force, the said section 66 shall, with respect to any town to which the order applies, have effect as if it referred to the officer in whom the jurisdiction is so vested instead of to the Recorder, and all cases pending at the date of the order shall be disposed of accordingly.

(3) Provided

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(3) Provided that nothing in this section shall prevent the Recorder from entertaining and disposing of in his own Court any case, whether pending at the date of the order or subsequently instituted, which, by reason of its importance or otherwise, may, in his opinion, be more conveniently so disposed of.

(4) The Chief Commissioner may, by order notified as aforesaid, cancel any order made under subsection (1) as to all or any of the towns to which the order applies, but not so as to affect any proceedings pending at the date of the cancelling order.

3. The last paragraph of section 360 of the Code of Civil Procedure is hereby repealed.

Partial repeal of section 360 of Code of Civil Procedure.

4. (1) The Chief Commissioner may, from time to time, transfer to the Court of the Judicial Commissioner any particular cases or particular classes of cases that may be pending in the Court of the Recorder.

Power to transfer cases from Court of Recorder to Court of Judicial Commissioner.

(2) In the disposal of such cases the Judicial Commissioner 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 Recorder in like cases.

(3) Section 84 of the Burma Courts Act, 1875, shall apply to the Court of the Judicial Commissioner when disposing of such cases.

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

ACT No. XV OF 1885.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 2nd October, 1885.)

An Act to amend the Local Authorities Loan Act, 1879.

WHEREAS it is expedient to amend the Local Authorities Loan Act, 1879; It is hereby enacted as follows:—

Addition to section 8, Act XI of 1879.

1. After clause (b) of the proviso to section 8 of the said Act the following shall be added:—

“or

“(c) to affect the power conferred on any local authority by any such enactment to charge its funds by guaranteeing the payment of interest on money to be applied to any purpose to which the funds of the local authority can legally be applied.”