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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

THE

BURMA CODE.

FOURTH EDITION.



CALCUTTA

SUPERINTENDENT GOVERNMENT PRINTING, INDIA

1910 ■

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CONTENTS.

Page.

Preface.....i

Chronological Table . . . . . iii—xv

Part I.—Bengal Regulation in force in Burma . . . . . 1—4

„ II.—Local Acts of the Governor General in Council in force in Burma . 5—183

„ III.—Regulations made by the Governor General in Council under the Government of India Act, 1870 (33 Viot., c. 3) . . . . . 185—308

„ IV.—Acts of the Lieutenant-Governor of Burma in Council . . . 309—645

„ V.—Notifications exte' ding enactments to the Shan States, the Kachin Hills and the Chin Hills. . . . . 646 -687

Appendix I.—Enactments extended to the Arakan Hill Tracts and *o Upper Burma* under the Scheduled Districts Act (XIV of 1874) . 688—689

„ II.—The Burma Laws Act, Kachin Hill Tribes Regulation ar d Chin Hills Regulation Amendment Regulation, 1910 (Reg. II of 1910)..... 690

The Burma Process Pees Act. 1910 (Bur. Act I of 1910) . . 691

The Burma Steam-boilers and Prime-movers Aot, 1910 (Bur- Act II of 1910) 693

Index 705

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79 13 ^ 7

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CHRONOLOGICAL TABLE.

PART I.—BENGAL REGULATION IN FORCE IN BURMA.

I	2	3	4	6	6
Year.	No.	Short title.	Whether in force in Lower Burma, Upper Burma, or both.	Whether repeal 3d or otherwise affected by legislation.	Page.
1818	Ill	Th-i Bengal State Prisoners Regulation, 1818.[1]	Lower and Upper Burma.	Rep. In part, *Act XVI oj 1874.* Amended, Act XII of 1891. Supplemented, Act XXXIV of 1850.	1

PART II.—LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE IN BURMA.

1	2	3	4	5	6
Yeai	No,	Short title.	Whether in force in Lower Burma, Upper Burma, or both-	Whether repealed or otherwise affected by legislation.	Page.
1867	xxxn	*The Chief Commissioner's Powers Act.*	*Lower Burma*	*Now obsolete.*	*Not republished.*
1876	n	The Bnnna Land and Revenue Act. 1876.	Ditto . .	Rep. in part, Act II of 1880; Act XII of 1882-Bur. Act. I of 1910. Rep. in part and amended, Act XIII of 1898. Amendod, Bur. Act I of 1901. Bur Act I of 1907. Appln. of Cert iin provi siona extended, Bur. Aet III of 1905.	8

iThis short title was given by the Repealing and Amending Act, Ib97 (5 of 1897), *see* General Acta, VGL IV, p. 548.

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PART II.—LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE IN BURMA—*contd.*

1	2	3	4	6	6
Year.	No.	Short title.	Whether in force in Lower Burma, Upper Burma, or both.	Whether repealed or otherwise affected by legislation.	Page.
1877	XIII	The Burma Embankment Act, 1877.	Lower Burma	Rep. in part, Act XI of 1889. Amended, Act XIII of 1898. To be repealed on the co nini into force of Bur. Act IV of 1909.	30
1879	IX	The Burma Coast Lights Act, 1879.	Ditto . .	Rep. in part, Act X of 1889. Amended, Act XIII of 1898.	32
1S79	XIV	The Hackney Carriage Act, 1879.	Luwer and Upper Burma.	Rep. in part, Act XIII of 1889. Amended, Act I of 1903.	. 37
1880	II	The Burma District Ceases and Rural Police Act, 1880.	Lower Burma	Rep. in part, Act III of 1889, s. 1 (6). Rep. in part and amended, Bur. Act VI of 1907. Amended, Act XIII of 1898.	42
1880	V	Th« Burma Boundaries Act, 1880.	Lower and CJppnr Burma.	Rep. in part and amended, Act II of 1895. Amended, Act VI of 1600, s. 17. Bur. Act III of 1909.	48
1*83	xni	The Vaccination Act, 1880.	Ditto . .	Supt. Bur. Act VI of 1908. „ „ I of 1909.	58
1882	xvni	The Burma Steamboilers and Prime-m o v e r s Act, 1882.	Lswer and Upper Burma. ■	Rc p. when Bur. Act II of 1910 comes into force. Rep. in part, Act I oE 1903. Amended, Act I of 1885 ; Act XIII o*t* 1898.	65
1883	vin	The Little Cocos and Preparis Islands Laws Act, li,S3.	L^wer Burma	Ren. in part. Act XII of 1891.	72

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PART II—LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE IN BURMA—*contd.*

1	2	3	4	5	6
Year.	No.	Short title,	Whether in force in Lower Burma, Upper Burma, or both.	Whether repealed or otherwise affected by legislation.	Page.
1883	XII	The[1] British Burma Pilots Act, 1883.	Lower Burma	Amended, Bur. Act V of 1908.	74
1884	XIX	The Rangoon Water-works Act, 1884.	Lfwer Burma (Rangoon;.	Rep. in part, Act XII of 1891. Amended, Bur. Act I of 19(10. Burma Act II of 1907. Appln. extendible, Bur. Act III of 1898, s. 209.	82
1885	I	The Burma Steam-boilers and Prime-movers Act, 1885.	Liwer and Upper Burma.	Rep. when Bur. Act II of 1910 comes into foroe.	94
1887	XV	The Burma Military Police Act, 1887.	Ditto .	Rep. in part and amended, Act XIII oi 1898. Amended, Bur. Act III of 1899. Bur. Act II of 1901.	95
1888	XVIII	The Burma Financial Commissioner's Act, 1888.2	Ditto .	Rep. in part, Act XII of 1896; Act XIII of 1898 ; Ac* 11 of 1899.	103
1895	II	The Burma Boundaries Act Amendment Act, 1895.	Lower and Upper Burma.	Rep. in part, Act XIII of 1898.	105
1895	XI	The Pegu and Tenasaerim Validation Act, 1895.3	Lower Burma	i • ■.	106
1896	XII	The Excise Aot, 1896.	Lower and Upper Burma.	Rep. in part, Act XIII of 1898. Amended, Act VII of 1906.	110

1 Now read "Lower Burma," *see* Burma Laws Act, 1898 (13 of 1898] h. 7, *post.*
2 This short title was given by the Bu<ma Laws Act, 1898 (13 of 18S8), *po-t.*
S This short title was given bn the Burma Laws Act, 1898 (13 of 1898), *pmst,*

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PART II.—LOCAL ACTS OF THE GOVERNOR-GENERAL IN COUNCIL IN FORCE IN BUR-VlA'—*concld.*

1	2	3	*1*	6	6
Year.	No.	Short title.	Whether in force in Lower Burma, Upper Burma, or both.	Whether repealed or otherwise affected by legislition.	Page.
1898	XIII	The Burma Laws Act, 189*.	Lower and Upper Burma.	Suppt Bur. Act III of li 04. tlep. in part, Act I of 1903 Bur. Act I\ of 1902; Act I of 19H6 ; Bur. Ao III of 1905 ; Act IV of 1905 ; Act III Of 1907 ; Act VI of 1'J07 ; Act IV of 1909 ; Regn. I of 1907. Vi . rep. in part Bur. Act 11 of 19 4 Amended, Reg. II of 19.0.	129
1900	VI	The Lower Burma Courts Act, 1900.	Lower Burma	Rep. in part, Act V of 1 90S ; Act IX of 1908. Aot III of 1909. Bur. Aot I of 1910 when 'brought into foroe. S. 13 amended, Act IV of 1901. Amended, Bur. Act VII of 1900.	156
1903	>1	Rfipnaling and Amending Act, 1S03.	Low^r and Upper Burma.	....	173
1904	III	Local Authorities Loan Act, 1904.	Ditto	Amended, Act VIII of 1908.	181
1906	VII	Excise Amendment Act, 1908.	Ditto .	.~...	182
1908	VIII	Local Authoritifia Loan (Am«nd-ment) Act, 1903.	Ditto	««Ik	183

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PART III.—REGULATIONS MADE FOR BURMA UNDER THE GOVERNMENT OF INDIA ACT, 1870 (33 VICT., c. 3).

1	2	3	4	5	6
Year.	No.	Short title.	Whether in force in Lowtir Burma, Upper Burma, or both.	Whether repealed or otherwise affected by legislation.	Page.
1874	VIII	The Arakan Hills Civil Justice Regulation, 1874.	Lower Burma	Amended, Reg. V of 1876; Reg. II of 1892; Act VI of 1900.	185
1874	IX	The Arakan Hill District Laws Regulation, 1874.	Ditto . .	Rep. in part, Act XI of 1878; Act XIX of 1881; Act X of 1882; Act XI of 1889. Act VIII of 1899; Act IX of 1891; Rep. in part and amended, Act XIII of 1898; Act I of 1903. Amended, Reg. VIII of 1893.	200
1876	V	The Arakan Hills Civil Justice Amendment Regulation, 1876.	Ditto . .	. . . .	207
1887	X	The Upper Burma Stamps and Limitation Regulation, 1887.	Ditto . ,	Rep. in part, Reg. I of 1891; Reg. I of 1896; Act XIII of 1898.	208
1887	XII	The Upper Burma Ruby Regulation, 1887.	Ditto .	Rep. in part and amended, Act XIII of 1898. Amended, Reg. V of 1891; Reg. I of 1897.	209

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PART III.—REGULATIONS MADE FOR BURMA UNDER THE GOVERNMENT OF INDIA ACT, 1870 (33 VICT., c. 3)—*oonid.*

1	2	3	*i*	5	8
Year.	No.	Short title.	Whethor in force in Lower Burma, Upper Burma, or both.	Whether repealed or o'berwise affeuted by legislation.	Page
1889	Ill	The Upper Burma Land und Revenue Regulation, 1889.	Upp'r Burma.	Rep. in part, loonlly(when notified) Lur. A-t in of ino.'s. Bur. Act II of 1903. Bur. Act I of 19 0 (when brought into force). Ki'U. IV of 1S96 - Rep. in pirt and amended, Act XIII of 1898; Rog. V of 1901. Amended, Reg. Ill of 189+; Ri'g. II o £ 1895 ; Rag. Ill of 1898 ; Reg. IV of T900; Ren- III of 190:i. Reg. 6 of 1907 Apnln. extended, (when notifiel) Bur. Act III ol 1905.	219
1891	V	The Upper Burma Ruby Regulation (18^7) Amendment Regulation, 1891.[1]	Ditto . .	....	243
1892	II	The Arakan Hills Civil Justice Reg'ilation(1874) Amendment Regulation, 1832.1	Lower Burma	....	243
1892	V	The UpDer Burma Criminal Justice, 1892.	Upper Burma	Rep. in p»rt and amended, Act XIII of 1898.	245
1893	VIII	The Arakin Hill District Laws Amondmont Regulation, 1893.	Lawir Burma		250

I This short title was given by the Burma Laws Act, 1898 (13 of 1898), *post.*

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PART III.—REGULATIONS MADE FOR BURMA UNDER THE GOVERNMENT OF INDIA ACT, 1870 (33 VICT., c. 3)—*conti.*

1	2	3	4	5	6
Year.	No.	Short title.	Whether in force in Lower Burma. Upper Burma, or both	Whether repea led or otherwise affected by legislr tion.	Page.
1894	in	Th» T'pper Burma Lind ltd Revenue Regulation (1889) Amendment Regulation, 1894.[1]	Upper Burma		?51
1895	i	The Kach in Hill Tribes Regulation, 1895.	Ditto . .	Amended, Reg. 1 of 1898. Reu. I of 190?. Reg. II of 1910.	253
1895	n	The Upper Burma Land and Reven ue Regulation (1889) Amendment Regulation, 1895.1	Ditto . .	* ▶ ^ *	266
1896	i	The Upper Burma Civil Court Regulation, 1896.	Ditto . .	Rep. in part, Bur. Act I of 191(i (when brought into force.; Rep. in part and amended, Act XIII of 1898. Reg. V of 1903. Amended, Reg. VIII of 1900. Reg. Ill of 1905.	268
1896	II	The Burma Frontier Tribes Regulation, 1896.	Lower and Upper Burma.	• • * *	28l)
1896	*IV*	*The Upper Burma Villages, T tv is, and LandSevenue Law Amendment R gulation, 1896-1*	*Upper Burma*	*Sep. in pari, Bur. Ad III of 1907. Bur. Act VI of 1907. Residue spent.*	*Not republished.*
1890	V	The Chin Hills Regulation, 1890.	Ditto . .	Amended, Reg. II of 1910	284
1897	i	Tho Upper Burma Ruby Regulation (1887) Amendment Regulation, 1897.[1]	Ditto . .	▶f • •	290

1 This short title was given by the Burma Laws Act, 1898 (13 of 1898), *post.*

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PART III.— REGULATIONS MADE FOR BURMA UNDER THE GOVERNMENT OF INDIA ACT, 1870 (33 VICT., o. 3)—*conti.*

1	2	3	4	5	6
Year.	No.	Short title.	Whether in foroe in Lower Burma, Upper Burma, or both.	Whether repealed or otherwise affected by legislation.	Page.
1897	11	Tho Upper Burma Registration Regulation, 1897.	Upper Burma	....	296
1898	I	Tho Ki'-chin Hill Tribes Regulation (1895) Amendment Regulation, 1898.	Ditto . .	Amended, Reg. I of 1902.	299
1898	III	The Upper Burma Land and Revenue Regulation (1889) Amendment Regulation, 1898.	Ditto . .	S. 4 vir. rep., Reg. VI of 1907.	300
1900	IV	The Uppei Burma Land end Revonue Regulation Amondment Regulation, 1900.	Ditto . .	.*.*.	301
1900	VIII	The Upper Burma Civil Courts Regulation (189(3) Amendment Regulation, 1UOO.	Ditto . .	....	301
19ul	II	The Arakan Hill District Laws Regulation, 1901.	Lower Burma.	....	302
1901	V	The Upper Burma Land and Revonue (Amendment] Regulation, 1901.	Upper Burma	....	302
1902	I	The Kachin Hill Tribes (Amendment) Regulation. 1902.	Ditto . .	....	304
1903	III	The Upper Burma Land and Revenue (Amendment) Rngulation, 1903.	Ditto . .	....	304

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PART III.—REGULATIONS MADE FOR BURMA UNDER THE GOVERNMENT OF INDIA ACT, 1870 (33 VIOT., c. 3)—*concld.*

1	2	3	*i*	5	6
Year.	No.	Short title.	Whether in force in Lower Burma, Upper Burma, or both.	Whether repealed or otherwise affected by-legislation.	Page.
1903	• V	The Upper Burma Civil Courts (Amendment) Regulation, 1903.	Upper Burma	....	305
1905	III	The Upper Burma Civil Courts (Amendment) Regulation, 1903.	Ditto . .	....	305
1807	I	Upper Burma ind Arakan Hills Frontier Crossing and Disturbed Districts Regulation, 1907.	Ditto . .	....	306
1907	VI	U pper Burma Land .! nd Revenue (Amend ment) Regulation, 1907.	Ditto . .	....	308
1910	II	The Burma Laws Act, Kachin Hill Tribes Regulation and Chin Hills Regulation Amend ment Regulation, 1910.	Lower and Upper Burma.	....	690

PART IV.—ACTS OF THE LIEUTENANT-GOVERNOR OF BURMA IN COUNCIL.

1	2	3	4	5	6
Year.	No.	Short title.	Whether in force in Lower Burma, Upper Burma, or both.	Whether repea,led or otherwise affected by legislation.	Page.
1893	I	The Burma General Clauses Act, 1898.	Lower and Upper Burma.	Amended, Act I of 1903	310

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PART IV.—ACTS OF THE LIEUTENANT-GOVERNOR OF BURMA IN COUNCIL—*oontd.*

1	2	3	4	5	6
Year-	No.	Short title.	Whether in force in Lower Burma, Upper Burma, or both	Whether repealed or otherwise afteetfld by legislation.	Page.
189$	II	The Burma Ferries Aot, 1898.	Lower end Upper Burma.	Rep. in part, Act II of 1901. Amended, Bur. Aot II of 1899.	322
1898	III	The Buimo Municipal Act, 1898.	Ditto . .	Rep. in part and amended, Bur. Act III of 1902. Amended, Act VI of 1900, S- 47 * Bur. Act II of 1903. Bur. Act III of 1906. Bur. Act II of 19o8. Bur. Act II of 19119. Appln. restricted, Bur. Act II of 1902.	338
1898	IV	The Lower Burma Town and Village Lands Act, 1898.	Lower Burma.	Amended, Bur. Act I of 1907.	420
1899	I	The Burma Gambling Act, 1899.	Lower and Upper Burma.	Amended, Bur. Act I of 1905.	135
1899	II	Amending the Burma Ferries Act, 1898.	Ditto . .	....	411
1899	III	The Burma Military Polioe Aot Amendment Act, 1899.	Ditto . .	.... *I*	412
1899	IV	The Rangoon Police Act, 1899.	Lower Burma (Rangoun).	Rep. in pari-and amended, Bur. Act IV of 1907. Amended, Bur. Act II of 1902. Bur. Act I of 1901	448
1900	I	The Rangoon Water-worés Amendment Act, 1900.	Lower Burma	....	467

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PART IV.—ACTS OF THE LIEUTENANT-GOVERNOR OF BURMA IN COUNCIL—*cuntd.*

1	2	3	4	5	6
Year.	No.	Short title.	Whether in force in Lower Burma, Upper Burma, or both.	Whether repealed or otherwise affected by legislation.	Page.
1901	I	The (Lower) Burma Land Revenue Aot Amendment Act, 1901.	Lower Burma	....	467
1901	II	The Burma Military Police Aot Amendment Act, 1901.	Lower and Upper Burma.	....	468
1901	IV	The Lower Burma Courts Act(li'OO) Amendment Act, 1901.	Lower Burma	....	468
1902	II	Rangoon Police Act Amendment Act, 1902.	Ditto . .	——	469
1902	in	Burma Municipal Act Amendment Act, 1902.	Lower and Upper Burma.	....	469
1902	IV	Burma Forest Act, 1902.	Ditto . .	Amended, Bur. Act IV of 1906.	475
1U03	n	Burma Municipal Act Amendment Act, 1903.	Lower Burma (Rangoon).	Vir. amended, Bur. Act II of 1908.	503
1901	i	Rangoon Police Aot Amendment Act, 1904.	Lower Burma	——	503
lyOl	in	Burma Excise Law Amendment Act, 1904.	Lower and Upper Burma.	Rep. in part, Act VII of 1906.	503
1905	i	Burma Gambling Act Amendment Act, 1905.	Ditto . .	——	504
1905	n	Burma Canal Act, 1905.	Ditto . .	....	510
1905	HI	Burma Fisheries Act, 1905.	Lower and Upper Burma (s. 1) and the rest to Lower Burma [1]	Amended, Bur. Aot VI of 1909.	537

1 Burma Aot 3 oi 1905 may be extended to any part of Upper Burma by notification under B. 1.

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PART IV.—ACTS OF THE LIEUTENANT-GOVERNOR OF BURMA IN COUNCIL -*contd.*

1	2	3	4	5	(5
Year.	No.	Short title.	Whether in force in Lower Burma, Upper Burma, or both.	Whether repealed or otherwise affected by legislation.	Page-
1905	IV	Rangoon Port Act, 1905.	Lower Buima	Amended, Bur. Act I of 1906. Bur. Act IV of 1908.	555
1UU6	I	Rangoon Port Act (1905) Amendment Act, 1906.	Ditto . .	....	590
1900	II	Burma jlotor-Vohicle Act, 190o.	Lower and Upper Burma.	....	591
1906	III	Burma Municipal Act (1898) Amendment Act, 1906.	Ditto . .	....	593
19t)6	IV	Burma Forest Act (1902) Amendment Act, I'j06.	Ditto . .	...	594
1907	I	The Lower Burma Land and Revenue Law Amendment Act, 1907.	Lower Burma	. . *.	594
1907	II	The Rangoon Water-works Act Amendment Act, 1907.	Ditto . .	....	595
19U7	III	Burma Towns Act, 1907.	Lower and Upper Burma.	Amended, Bur. Act III of 1908.	597
1907	IV	The Rangoon Polioe Act Amendment Act, 1907.	Lower Burma	.....	603
1907	V	Burma Highway Act, 1907.	Lower and Upper Burma.	——	60i
1907	VI	Burma Village Act, 1907.	Lower and Upper Burma.	——	608
1907	VII	Lower Burma Courts Act (1900) Amendment Act, 1907.	Lower Burma	....	620

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PART IV.—ACTS OF THE LIEUTENANT-GOVERNOR OF BURMA IN COUNCIL—*contd.*

1	2	3	4	5	6
Year.	No.	Short title.	\\ hether in force in Low er Burma, Upper Burma, or both.	Whether repealed or otherwise affected by legislation.	Page.
1907	VIII	Burma Defile Traffic Act, 1907.	Upper Burma	....	621
1908	I	Rangoon Victoria Memorial Act, 1908.	Lower Burma	....	623
1908	II	Burm a Municipal Act Amendment Act, 19U8.	Lower and Upper Burma.	....	625
1908	in	Burma Towi.s Act Amendment Act, 1908.	Ditto . .	....	627
1908	IV	Rangoon Port (A m e n dment) Act, 1908.	Lower Burma	....	627
19u8	V	British Burma Pilota Act Amendment Act, 19U8.	Ditto . .	——	628
1908	VI	Burma Prohibition of Inoculation and Licensing of Vaccinators Act, 1908.	Lower and Upper Burma.	....	629
1909	i	Burma Vaccination Law Amendment Act, 1909.	Ditto . .	....	631
1909	n	Burma Municipal (A m e n dment) Act, 1909.	Ditto . .	....	636
1909	in	Burma Boundaries Act (1880; Amendment Act, 1909.	Ditto . .	....	636
1909	IV	Burma Embankment Act, 1909.	Ditto . .	....	637
1909	V	Burma Repealing Act, 1909.	Ditto . .	....	642
1909	VI	Burma Fisheries (Amend m e n t) Act, 1909. '	Ditto . .	1 •»»»	643

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PART IV.—ACTS OF THE LIEUTENANT-GOVERNOR OF BURMA IN COUNCIL—*concld.*

1	2	3	*i*	5	6
Year.	No.	Short title.	Whether in force in Lower Burma, Upper Burma, or both.	Whether repealed or otherwise aftected by legislation.	Pago.
1909	VU	Burma Opium Law (Amend-ment) Ac*, l'Ju9.	Lower and Upper Burma.	....	611
1910	I	Burma Process Fees Aot, 1910.	Ditto (when brought into furoe).	....	691
1910	II	Buiua Steam Boilers and Prime-mo v e r s Act, 1910.	Ditto . .	....	C93

PART V.—SHAN STATES, KACHIN HILLS AND CHIN HILLS.

Division.	Contents.	Pago.
A.	*Notifications concerning the Shan States—*	
	(1).—Notifications declaring what constitutes the Shan States .	646
	(2).—Notifications extending laws to the Shan States .	648
B.	*Notifications relating to the Kachin Hills.*	*683*
C.	*Notifications relating to the Chin Hills.*	*686*

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THE BURMA CODE.

PART I.

BENGAL REGULATION IN FORCE IN BURMA.

BENGAL REGULATION III OF 1818.'

APPLIES TO UPPER' AND LOWER BURMA.

[7th April, 1818-2

A Regulation for the confinement of State Prisoners.

1. Whereas reasons of State, embracing the due maintenance of tlie alliances formed by the British Government with foreign powers,* the preservation of tranquillity in the territories of Native Princes entitled to its protection and the security of the British dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding or when such proceeding may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper; **Preamble,**

and whereas it is fit that, in every case of the nature herein referred

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[1] Short title, the Bengal State Prisoners Regulation, 1818, see the Repealing and Amending Act, ltJ97 ;5 of 1897), Sch. Ill, Genl. Acts, Vol. IV.

■ This Regulation has been declared to extend to the Hill District of Arakan, *see* the Arakan Hill District Laws Regulation, 1874 (9 of 1874), Sch. II, *infra,* p. 196; and tKe unrepealed parts of it have been declared to extend *mutatis mvtandis,* and from the 16th September 1875, to have extended to Lower Burma, see s. 8 of the Burma Laws Act, 1898 (13 of 1898), *post;* they have also been declared in force in Upper Burma (except the Shan States), see *ibid,* s. 4 *(1)* and the First Schedule.

So much of the Regulation, as is in force in any part of Upper Burma, has been extended to the Shan States generally, see Notification No. 11, dated 11th July, 1895, *pout,* Pt. V.

So much of the Regulation as may from time to time be in force in Uppei Burma has been extended to the Kachin Hill tracts as regards hill trihes, by the Kachin Hill-Tiibes Regulation, 1895 (1 of 1895), *post.*

So much of the Regulation as may from time to time be in force in Upper Burma is to be deemed applicable to the Chin Hills as regards hill tribes, see the Chin Hills Regulation. 1896 (5 of 1896), s. 3, *post.*

See also the State Prisoners Act, 1850 '3? of 1350), and the State Prisoners Act, 1858 (3 of 1858), Genl. Acts, Vol. I. S. 5 of Act 3 of 1858 was declared to be in force throughout the whole of British India, except the Scheduled Districts, hy the Laws Loral Extent Act, 1874 (15 of 1874), s 3, in the Hill District of Arakan, by the Arakan Hill District Laws Regulation, 1874 (9 of 1874), s. 3, *post,* anil in Upp«r Burma (except the Shan States), by the Burma Laws Act, 1898 (13 of 1898), First Schedule, *post;* in the Shan States, by *he Shan States Laws and Criminal Justice Order, 1895, *post,* Pt. V.

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to, the determination to be taken should proceed immediately from the authority of the Governor General iu Council;

and ■whereas the ends of justice require that, when it may be determined that any person shall be placed under personal restraint, otherwise than in pursuance of some judicial proceeding, the grounds of such determination should from time to time come under revision, and the person affected thereby should at all times be allowed freely to bring to the notice of the Governor General in Council all circumstances relating either to the supposed grounds of such determination, or to the manner in which it may be executed;

and whereas the ends of justice also require that due attention be paid to the health of every State prisoner confined under this Regulation, and that suitable provision be made for his support according to his rank in life, and to his own wants and those of his family;

and ■whereas the reasons above declared sometimes render it necessary that the estates and lands of zamindars, taluqdars and others situated within the territories dependent on the Presidency of Fort William, should be attached and placed under the temporary management of the Revenue-authorities, without having recourse to any judicial proceeding;

and whereas it is desirable to make such legal provisions as may secure from injury the just rights and interests of individuals whose estates may be so attached under the direct authority of Government;

the Vice-President in Council has enacted the following rules, which are to take effect throughout the provinces immediately subject to the Presidency of Fort William, from the date on which they may be promulgated.

Proceedings for placing persuns under restraint as State prisoners.

2. *First.*- -When the reasons stated in the preamble of this Regulation may seem to the Governor General in Council to require that an individual should be placed under personal restraint, without any immediate view to ulterior proceedings of a judicial nature, a warrant of commitment under the authority of the Governor General in Council, and under the hand of the Chief Secretary, or of one of the Secretaries to Government, shall be issued to the officer in whose custody such person is to be placed.

Form of wan ant.

Second.—The warrant of commitment shall be in the following form : —

" To the *[here insert the officer's designation*].

" Whereas the Governor General in Council, for good and sufficient riasons, has seen fit to determine that *[here insert the State prisoner's name*] shall be placed under personal restraint at *[here insert the name*

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cf the place], you are hereby required and commanded, in pursuance of that determination, to receive the person abovenamed into your » ■custody, and to deal with him tn conformity to the orders of the Governor General in Council, and the provisions of Regulation III of 1818.

" Fort William, the

" By order of the Governor General in Council.

" *A. B.,* Chief Secy, to Govt."

Third.—The warrant of commitment shall be sufficient authority for the detention of any State prisoner in any fortress, jail or other place within the territories subject to the Presidency of Fort William. **Authority of** waxrant.

3. Every officer in whose custody any State prisoner may be placed shall, on the first of January and first of July of each year, submit a StoteVrison- report to the Governor General in Council, through the Secretary to Government in the Political Department, on the conduct, the health and the comfort of such State prisoner, in order that the Governor General in Council may determine whether the orders for his detention shall continue in force or shall be modified. **Officers** hav-^ ing o ody o ers 40 **submit** periodical reports,

4. *First.*—When any State prisoner is in custody of a Zila [1]* * Magistrate, the Judges [2] * * >are to visit such State prisoner on the occasion of the periodical sessions, and they are to issue any orders •concerning the treatment of the State prisoner which may appear to be them advisable, provided they be not inconsistent with the orders of the Governor General in Council issued on that head. **State prison-ers in custody of Zila** or city **Magistrate** by whom visited.*0

Second.—When any State prisoner is placed in the custody of any public officer not being a Zila [1] * * Magistrate, the GovemJr General in Council will instruct either the Zilla [1] * * Magistrate, or the Judge [2] * * or any other public officer, not being the person in whose custody the prisoner may be placed, to visit such prisoner at stated periods, and to submit a report to Government regarding the health and treat- ment of such prisoner. **Stat« prison-e^ in custody o^ n.Jic offieer^ot being** city^la^s'- trateby ^ whom to be visited,

5. The officer in whose custody any State prisoner may be placed is io forward, with such observations as may appear necessary, every p,'i^nera u> representation which such State prisoner may from time to time be desirous of submitting to the Governor General in Council. **Represents-tic by State be submitted** lO OoVWTi ment.

6. Every officer in whose custody any State prisoner may be placed shall as soon after taking such prisoner into his custody as may be practicable, report to the Governor General in Council whether the Report to ,^or,iing **confinement,** C vernment etn., of prison*

[1] **The words " or City " were repealed by the Repealing and Amending Act, 1903 (1 of 1EC3). s. 4,** *poH.*

[3] **Ths words "of circuit" were repealed by the Repealing Act, 1874 (16 of 1874', B. 1.**

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degree of confinement to which he may be subjected appears liable to injure his health, and whether the allowance fixed for his support be adequate to the supply of his own -wants and those of his family, according to their rank in life.

Appropriation of allowance for support.

7. Every officer in whose custody any State prisoner may be placed shall take care that the allowance fixed for the support of such State prisoner is duly appropriated to that object.

8. *[Application of sections 3 to 7 to persons now confined as State prisoners.'] Repealed by the Repealing Act, 1874 (XVI of 1874), s. 1.*

Attachment of estates by order of Government without decision of Co'irt.

9. Whenever the Governor General in Council, for the reasons declared in the preamble to this Regulation, shall judge it necessary to attach the estates or lands of any zamindar, jagirdar, +aluqdai- or other person, without any previous decision of a Court of Justice, or other judicial proceeding, the grounds on which the Resolution of Government may have been adopted, and such other information connected with the case as may appear essential, shall be communicated, under the hand of one of the Secretaries to Government, to the Judge and Magistrate of the district in which the lands or estates may be situated,[1] * * * * [and][2] to the Sadr Diwani Adalat and Nizamat Adalat.

Management of attached estates.

10. *First.*—The lands or estates which may be so temporarily attached shall be held under the management of the officers of Government in the Revenue Department, and the collection shall be made and adjudged on the same principles as those of other estates held under kh&s management.

Attached lands not liable to sale in execution.

Second.—Such lands or estates shall not be liable to be sold in execution of decrees of the Civil Courts, or for the realization of fines or otherwise, during the period in which they may be so held under attachment.

Government to arrange for satisfaction of decrees.

Third.—In the cases mentioned in the preceding clause, the Government will make such arrangement as may be fair and equitable for the satisfaction of the decrees of the Civil Courts.

Relea«n of estate from attachment

11. Whenever the Governor General in Council shall be of opinion that the circumstances which rendered the attachment of such estate necessary have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the Revenue-authorities will be directed to release the estate from attachment, to adjust the accounts of the collections during the period in which they may have been superintended by the officers of Government, and to pay over to the proprietor the profit» from the estate which may have accumulated during the attachment.

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[1] The words " to the Provincial Court of Appeal and Circuit, and " were repealed by the Repealing Act, 1874 (16 of 1874), 1.

[1] The word " and " was inserted by the Repealing and Amending Act, 1891 (12 of 1891), Genl. Acts, Vol IV.

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PART II.

LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE IN BURMA.

THE BURMA LAND AND REVENUE ACT, 1876.

CONTENTS.

PREAMBLE.

PART I.

PRELIHINAEY.

SECTIONS.

1. Short title.
   Local extent.
   Commencement.
2. Repeal.
3. Intfiipretation-clause.

PART II.

Of RIGHTS OVEE LAND.

4. Lands excluded from the operation of Part II—
   reserved forests :
   fisheries :
   public roads, etc. :
   towns :
   dwelling-places :
   cantonments :
   civil stations :
   lands of religious and educational institutions.
   Power to exclude other land.
5. Power to define boundaries of excluded lands.
6. Rights which may be acquired over land.
7. Status of landholder how acquired.
8. Landholders' rights defined.
   5. Landholders out of possession when Act comes into force.
   Landholders relinquishing possession within three years from Act coming into force.
   Forfeiture of their status by neglect to assert it.

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SECTIONS.

10. Applications by them for possession how dealt with.
Suits by them on application being rejected.
Forfeiture of their status by neglect to institute such suits.
11. Landholders relinquishing possession after three years from Act coming into force.
12. Eight of landholder to make over land temporarily to revenue-officer;
13. and to recover possession within twelve years.
14. Applications to recover possession by persons claiming as succeeding to the rights of the petitioner.
15. Declaration and record of original acquisition of landholder's-status.
16. Cancellation of such declarations and records.
Fresh declarations.
17. Questions as to original acquisition or as to the loss of landholder's status how to be dealt with by Civil Courts.
18. Power to make rules for the disposal of available lands.
19. Temporary occupation of available land.
20. Allotment of grazing grounds.
21. Allotments of toungya-cutters.
22. Bar to acquisition of rights over lands disposed of, or allotted' under sections 18, 20 and 21.
22A. Obligation to report alienation of land.
Penalty for failure to report.

PART III.

OF REVENUE AXD T^XES.

A.—Of Land-rpvenue.

23. Land liable to land-revenue assessment.
24. Mode and amount of assessment.
25. Rates may be altered.
26. Right to a settlement.
27. Nature of settlement.
28. Rights conferred by settlement.
29. Term of settlement.
30. Continuance of expired settlement until new settlement is made-..

B.—Of the five per cent. cess.

31 —32. *[Repealed.']*

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SECTIONS.

C.—Of the Toungya-tax.

33. Toungya-tax.

D.—Of the Capitation-tax and the Land-rate in lieu thereof.

34. Capitation-tax.
35. Land-rate in lieu of capitation-tax.
36. Exemption from capitation-tax and land-rate.

E.—Of personal Liability for certain Revenue and Taxes.

37. Personal liability for land-revenue, and land-rate in lieu of capitation-tax.
38. Personal liability for tax on families.

F.—Of the Extraction of Minerals, Manufacture of Salt and Licenses to collect Edible Birds' nests.

38A. Extraction of minerals, and levy of royalties thereon.
39. Power to make rules for—

licensing salt-manufacture;
[imposing salt-duty] ;,*Repealed.*
composition with licensees.

Penalty for manufacturing or storing salt without a license.
10. Power to make rules regarding collection of edible birds' nests.

(x.—Miscellaneous.

41. Year of assessment.
42. When increase of rates takes effect.

PART IV.

OF ARREARS AND THE MODE OF RECOVERING THEM.

13. Revenue, etc., when due, where and to whom payable.
44. " Arrear " and "defaulter" defined.
45. Proceedings against defaulters for recovery of airear.
46. Proceedings against the land.
17. Where there is a permanent heritable and transferable right in such land.
48. Title conferred by purchase at sale under section 47.
19. Proceedings against the land where no permanent heritable and transferable right exists.
50. Effect of proclamation published under section 49.
51. Costs of proceedings for recovery of arrears.
52. Proceedings against defaulting revenue-officers.
53. Proceedings against sureties of defaulters and revenue-officers.

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PART V.

SECTIONS.

* MISCELLANEOUS.

54. Erection and repair of boundary-marks.
54A. Power to summon witnesses, etc.
54B. Witnesses, etc., bound to speak the truth.
55. Appeals.
56. Bar to jurisdiction of Civil Courts.
57. Additional powers which may be conferred on revenue-officers.
58. Additional powers to make rules.
59. Penalty for breach of rules.
60. Publication of rules.
Force of rules.
61. *Repealed.*

THE SCHEDULE.

TOWNS IN WHICH LAND-RATE IN LIEU OF CAPITATION-TAX IS LEVIED.

ACT No. II of 1876.[1]

APPLIES TO LOWER BURMA ONLY.

[lS;h January, 1876.]

An Act to declare the law relating to interests in land and to regulate the assessment and collection of land-revenue, capitation-tax and other taxes in British Burma.[2]

Preamble. Whereas it is expedient to declare the law relating to the acquisition by private persons of rights in land in the province of British Burma;[2]

And whereas it is expedient also to consolidate and amend the law relating to the assessment and collection of land-revenue, capitation-tax and certain other taxes in the said pro\ince;

[1] For Statement of Objects amJ Reasons, *see* Gazette of India, 1875, Pt. V, p. 60; for Proceedings in' Council, *see ibid,* 1875, pp. 236 and 317.

The Act has been extended by notification under s. 5 of the Scheduled Districts Act, 1874 (14 of 1874), to the territories transferred to Lower Burma by Notifications Nos. 110 and 341, dated respectively, 21th February and 13th August, 1887. Burma Gazette, 1903, Pt I, p. 18.

The provisions of the Act have been applied in respect of certain matters to the proceedings of Revenue Officers under the Burma Fisheries Act, 1905 (Bui. Act 3 of 1905), s. 30, *post.*

For General Rules issued under this Act, see the Burma Gazette, 1897, Pt. I, p. 365; *ibid,* 1899, Pt. I, p. 510 and <*bid,* 1907 pp. 254 and 434.

[2] For the expressions " British Burma " and " British Burma Gazette," wherever they occur in this Act, the expressions " Lower Burma " and " Burma Gazette," respectively, should now be read, *see* s. 7 of the Burma Laws Act, 1898 ¡13 of 1898), *post.*

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It is hereby enacted as follows: —

PART I.

PRELIMINARY.

1. This Act may be called the [1] Burma Land and Revenue Act, 1876. **Short title.**

It extends to all the territories now under the administration of the [2] [Chief Commissioner] of British Burma except the Hill District of Arakan and except such other places as the said [2] [Local Government] may from time to time, by notification in the [3] British Burma Gazette, and with the previous sanction of the Governor General in Council, exempt from its operation; **Local extent,**

And it shall come into force on [4] such date as the [2] [Local Government] with the previous sanction of the Governor General in Council, may direct by notification in the said Gazette. **Commencement.**

2. On and from the date on which this Act comes into force, Act XXXV of 1852 *(for the abolition of the Poll-tax within the towns of Akyab and Iiyouk Phyoo in the province of Arakan, and for levying a tax on lands covered by dwelling-houses within those towns),* and all regulations and rules (if any) relating to any of the matters provided for by this Act, and then having the force of law, shall be repealed. **Repeal.**

3. In this Act, unless there is something repugnant in the subject or context,— **Interpretation-clause.**

(a) land is said to be in the possession of a person under this Act— **"Possession."**

(1) when it is occupied by him, or by his servant, agent, tenant or mortgagee, or by some other person holding under him;

(2) when he, his servant, agent, tenant, mortgagee or other person holding under him has paid the revenue which fell due in respect of such land during the last preceding year of assessment as fixed under section 41;

(3) if such land, left fallow in the ordinary course of husbandry, was when last cultivated, cultivated by him,

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[1] **The Act is cited as the (Lower) Burma Land and Revenue Act, 1876, in the Lower Burm* Land and Revenue Law Amendment Act, 1907 iBur, Act 1 of 1907). *post.***

[2] ***Of.* s. 2 of the Lower Burma Land and Revenue Law Amendment Act, 1907 ! Bur. Act, 1 of 19071, *post,* by which "Local Government" is substituted for "Chief Commissioner." *See* also ss. 7 and 15 of the Burma Laws Act, 1898 (13 of 18981, *post.***

[3] ***See* second footnote on preceding page.**

*** Act 2 of 1876 came into force on 1st Februarv, 1879, *see* Burma Gazette, 1879, Pt. II, p. 29.**

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liis servant, tenant, agent or mortgagee, or by some other person holding under him:

Provided that no person shall be deemed to be in possession merely on the grounds mentioned in the second or third clause of this definition of any land which is occupied by a person not holding under him, or of any land which he has relinquished by a notice in writing presented to a revenue-officer at such time of the year as the [1] [Local Government] may by rule from time to time appoint in this behalf:

(*b*) " revenue-officer " means any person whom the [1] [Local Government] may [2] appoint, by name or as holding an office, to do—

(1) anything required by this Act to be done by a revenue-officer;

(2) anything to be done by a Government officer under this Act or under any rule made under this Act and for the doing of which no agency is specially provided by this Act:

(c) " notification " means a notification published in the [3] British Burma Gazette.

PART II.

OF Rights over LAND.

Lands excluded from the operation of Part II— reserved forests : fisheries :

4. Nothing contained in this Part shall apply to the following: —

(d) land included in any forest constituted a "reserved forest" under the law for the time being in force:

(b) lanu included in any fishery demarcated under the [4] Burma vil of 187 Fisheries Act, 1875:

public roads, etc. :

(c) the soil of any public road, canal, drain or embankment:

towns :

(d) land included within the limits of any town:

dwelling-places :

(e) land appropriated to the dwelling-places of any town or village:

cantonments :

(*f*) land included in any military cantonment:

civil stations :

(g) land included in any civil station:

lands of religious ind educational institutions.

(h) land belonging when this Act comes into force to the site of any monastery, pagoda or other sacred building, or of any school, and continuing to be used for the purposes of such monastery, pagoda, building or school.

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[1] See second- footnote on preceding page.

[1] For classes of officers appointed tinder s. 3 *(b* to do the acts required by this Act to be done by a revenue-officer, *tee* Burma Gazette 1888, Pt. I, pp. 258 and 3fi3. i*bid* L890, Pt. I, p. 184, and *ibid,* 1894, Pt. I, p. 2"0, also *see* fourth paragraph of footnote 1, on p. 8. *ante.*

[2] *See* second footnote on p. 8.

[4] See now Bur. Act 3 of 1905, *post.*

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The [1] [Local Government] may from time to time by notification exclude any other land from the operation of this Part. **Power to exclude other lands.**

5. When the boundaries of any lands exempt or excluded under section 4 from the operation of this Part need definition for the purposes of that section, and no other mode of defining them is provided by law, the [1] [Local Government] shall cause them to be defined by the revenue-officer. **Power to define boundaries of excluded lands.**

If, before they are defined, any question arises as to whether auy land is included within them, such question shall be decided by the revenue-officer, whose decision, subject to appeal and review as hereinafter provided, shall be final.

6. No right of any description shall be deemed to have been or shall be acquired by any person over any land to which this Part applies, except the following:— **Rights which, alone, can be acquired over land.**

(a) rights created by any grant or lease made by or on behalf of the British Government;

(*b*) rights acquired under sections 27 and 28 of the [2] Indian Limitation Act, 1871, IX of 1871.

(c) rights created or originating in any of the modes hereinafter in that behalf specified:

(*d*) rights legally, derived from any right mentioned in clauses (a), (*b*) and (c) of this section.

7. Except as provided in section 22, any person having been in possession of any cultlurable land for twelve years continuously, and having during that period regularly paid the revenue due thereon, or held the same under an express exemption from revenue, shall be deemed to have, upon the expiration of that period, acquired the status of a landholder in respect of such land : **Status of landholder how acquired.**

Provided that such status shall not be deemed to have been acquired by any possession which terminated more than twelve years prior to the date on which this Act comes into force.

Explanation 1.—When land in the possession of one person comes immediately into the possession of another, by transfer or succession, the possession is deemed to be continuous, and the latter may, in reckoning his length of possession, add the possession of the former to his own.

Explanation 2.—When any revenue has been paid in respect of any land by any person holding such land under the person in possession thereof, such revenue shall, for the purposes of this section, be deemed to have been paid by the person so in possession.

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[1] *See* second footnote on p. 9, *ante.*

[2] *See* now the Indian Limitation Act. 1908 (9 of 1908), Genl. Acts, Vol. VI.

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Landholders' rights defined.

8. A landholder shall have a permanent' heritable and transferable right of use and occupancy in his land, subject only—

(a) to tha payment of all such revenue, taxes, [cesses][1] and rates as may from time to time be imposed in respect of such land under any law for the time being in force ;[2]

(b) to the reservation in favour of Government of all mines and mineral products, and of all buried treasure [3] [with all the powers conferred by section 38A].

Landholders out of possession when Act comes into force.

9. *First Clause.*—Any person having ' acquired the status of a landholder in respect of any land before the date of this Act coming into force, and having been out of possession of such land on the said date, may, within three years from the said date or within twelve years from the date on which he was last in possession, whichever first expires, proceed to recover possession of the said land in the manner hereinafter provided, that is to say: —

(a) if no other person is in possession of the same, he may resume possession thereof ;

(b) if any other person is in possession of the same, he may apply to the revenue-oificer to be reinstated in possession thereof.

Landholders relinquishing possession ■within three-years from Act coming into force.

Second Clause.—Any person having the status .of a landholder in respect of any land- and being in possession of such land on the date on which this Act comes into force, and (except as provided in section 12) voluntarily relinquishing possession of such land within the three years next following such date, may, at any time before the expiry of the said period of three years, proceed to recover possession of the same m manner provided in the first clause of this section.,

Forfeiture of their status by neglect to as.»ert it.

Third Clause.—All persons entitled to resume possession of lands or to apply to the revenue-officer under the first or second clause of this section, and neglecting to resume possession or apply in manner aforesaid within the periods limited by the said clauses respectively, shall forfeit their status as landholders in respect of such lands.

Applications by them for possession

10. On receiving any application under section 9, it shall be in the discretion of the revenue-officer, after such enquiry as he thinks fit

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[1] **The word " cesses " is probably repealed as the word " cess " is repealed wherever it ocrurs by s. 3 of the Burma District Cesses and Rural Police Act, 1880 (2 of 1B80), *post*.**

[2] ***Sen* now Act 2 of 1880, *post*.**

* **These words were substituted for the words " with full liberty to work and seari-*h for the same, paying to the landholder nnly compensation for surface damage as estimated by thi revenue-offii er " bj ■ 3 of the Lower Burma Land and Revenue Law Amendment Act, 1907 (Bur. Act. 1 of 1907), *post*.**

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to make, either to reject such application or to put the applicant in how dealt with. possession of the land comprised in his application.

Any applicant whose application is rejected under this section may, **Suits by them on application rejected.** within two months from the date of such rejection, institute a suit in the Civil Court to recover possession of the land comprised in his application.

Any such applicant who neglects to institute such a suit within the said period of two months shall forfeit his status of landholder in respect of such land. **Forfeiture of their status by neglecting to institute such suits.**

11. Any landholder who, except as provided in section 12, voluntarily relinquishes the possession of any land after the expiry of three years from the date on which this Act comes into force, shall at once forfeit his status of a landholder in respect of such land. **Landholders relinquishing possession three years from Act coming into force.**

12. Whenever any person in possession of land, and claiming to be entitled to the status of a landholder in respect thereof, desires temporarily to relinquish the possession of the same, he may present a petition to the revenue-officer, requesting him to take over such land. **Landholder making over land temporarily to revenue-officer;**

The revenue-officer on receipt of such petition, if it appears to him on such enquiry as he thinks fit to make that the petitioner is entitled to such status, shall cause a notice to be published in such manner as the [1] [Local Government] may by rule prescribe, declaring that he has taken over the land; and the land shall thereupon be at his disposal to be let on lease or otherwise dealt with, subject to the rights of any third parties over the land and to the right of the petitioner next hereinafter reserved.

13. The petitioner may, at any time within twelve years from the date on which the land has been taken over by the revenue-officer, apply to the revenue-officer to reinstate him in possession of the same, **and to recover possession within twelve years.**

On receiving such application, the revenue-officer shall, in such manner as may be provided by rules made under this Act and in force for the time being, give notice of the application to any person who may be in occupation under him, and shall in due time proceed to eject him, and shall put the applicant in possession of the land:

Provided that no person shall be ejected under this section from any land which, before receiving notice from the revenue-officer of the said application such person or his predecessor in interest has in any way prepared for cultivation, until the person sought to be ejected has gathered in his crop:

Provided also that no person shall be so ejected from any land which he or his predecessor in interest has planted, drained, embanked

[1] *Set* second footnote on p. 9, *ante.*

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or otherwise permanently improved, until he has been paid by the applicant the value of such improvements at the date of ejectment, such value to be determined, in case the parties differ, by order of the revenue-officer.

Applications to recover possession by persons claiming as succeeding to the rights of the petitioner.

14. If any person applies for possession of land under section 13, alleging that he is the successor in interest of the petitioner from whom such land was taken over by the revenue-officer, the revenue-officer may, in his discretion, reject such application, or proceed thereon under section 13 as if it were an application by the said petitioner, and the person from whom such land has been taken, or any other person, may sue to establish his title to such land.

Declaration and record of original acquisition of landholder's status.

15. Any person being in possession of any land and asserting that he himself, or any other person through whom, he claims, acquired the status of a landholder in respect of such land in the manner provided by section 7, may apply to the revenue-officer to record, in a register to be provided for this purpose, a declaration of such status having been so acquired. And the revenue-officer, if it appears to him after a notice of such application has been published for such period and in such manner as the [1] [Local Government] may by rule prescribe, and after such enquiry as the revenue-officer may think fit to make, that such status was so acquired, shall record a declaration to that effect, and furnish the applicant with a certificate of the same having been recorded.

Cancellation of such declarations and records.

16. If, within five years from the date on ■which a declaration has been record under section 15, the revenue-officer is satisfied that it is erroneous, he may cancel it: .

Provided that no such declaration shall be so cancelled until a notice of the intention to cancel it has been published for such period and/ in such manner as the [1] [Local Government] may from time to time by rule direct.

Fresh declarations.

While any such declaration remains on the register uncancelled, no fresh declaration inconsistent therewith shall be recoided in such register.

Questions a.i to original acquisition or as t< the loss of landholder's status how to be dealt with by Civil Courts.

17. Whenever a question arises in any proceeding before any Civil Court as to whether any person acquired the status of a landholder in respect of any land in the manner provided by section 7, and it appears that a declaration of the fact of such status having been acquired by him has been made under section 15 not less than five years before the commencement of such proceeding and is still uncancelled, the Court shall decide in accordance therewith.

[1] See second footnote on p. 9, *ante*.

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Whenever any such question arises in any such proceeding and it appears that no such declaration has been so made, or, if made that it has been cancelled,

and whenever any question arises whether the status of a landholder, having been acquired, has been subsequently lost,

the Court shall refer such question to the revenue-officer, and shall give judgment in accordance with his decision thereon:

Provided that, where any party desires to appeal from the decision of the revenue-officer on any question so referred to a revenue-officer of higher grade empowered to hear such appeal by the rules for the time being in force, the Court shall, on such conditions as to the furnishing of security or otherwise as it thinks fit, defer its judgment so as to admit of such appeal being preferred, and in the event of a decision being given in appeal different from that given by the revenue-officer to whom the question was originally referred, shall give judgment in accordance with the decision pronounced in appeal.

Power to make rules for disposal of lands.

18. The *[Local Government] may from time to time make [2] rules for the disposal by way of grant or otherwise of any land over which no person has a right of either of the classes specified in clauses *(a)* and (c) of section b. . disposal of

Such rules may provide among other matters for the following: —

(a) the amount or kind of interest to be created in such land, and the conditions (if any) subject to which such interest may be conferred;

(*b*) the mode in which gran+s and other dispositions of the land may be made;

(c) the total or partial exemption, either absolutely or subject to conditions, of the land from revenue for a term of years or for any life or lives or during the maintenance of any institution;

(d) the realization of any money payable in consideration of the grant or other disposition, or of any penalty payable on breach of a condition annexed to such grant or disposition, as if it were an arrear of revenue due in respect of the land by the person taking under the grant or disposition, his legal representatives or assigns.

Temporary occupation of available land.

19. The [1] [Local Government] may also from time to time make [2] rules to regulate the temporary occupation of such land as last afore-

[1] *See* second footnote on p. 9, *ante.*

[1] For consolidated rules under this Act published under s. 61 prior to its repeal, *see* fourth paragraph of first footnote on p. 8, *ante*

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said, and may empower any revenue-officer to eject any person occupy, ing, or continuing to occupy, such land in contravention of such rules.

Allotment of grazing-grounds.

20. The [1] [Local Government] shall from time to time as occasion requires make rules [2] for the allotment from the land referred to in section 18 of grazing-grounds to the inhabitants of any village in the neighbourhood whom he considers to stand in need of such allotment, and for regulating and controlling the enjoyment of such grazing-grounds by persons permitted to resort thereto.

Allotments to toungya. o utters.

21. The [1] [Local Government] shall also make rules [2] from time to-time and for different places as occasion requires—

for the allotment from the land referred to in section 18 for the use of tribes or families practising toungya-cultivation, of areas suitable for such cultivation of sufficient extent and situated in localities reasonably convenient for the purposes of the persons to whom they are allotted,

and for regulating and controlling the enjoyment of land so allotted by persons permitted to resort to the same.

Bar to acquisition of rights over lands disposed of or allotted under sections 18, 20 and 21.

22. No person shall acquire, by length of possession or otherwise,, any right over lands disposed of or alloited under section 18, section 20, or section 21 beyond that which is given by the rules [2] made under the said sections respectively.

Obligation to report alienation of land.

[3]22A. *(1)* Every person who is a party to an alienation of land,, ■whether permanent or temporary, shall report the same either orally or in wriiing within sixty days of its occurrence to such revenue-officer as the Local Government may appoint in this behalf, cr, failing su<^h appointment, to the revenue surveyor or circle thugyi.

(2) The officer to whom a report is made under sub-section (2) shall enter the necessary particulars in a register in a form to be prescribed by the Local Government and shall send a copy of the entry to the revenue-officer appointed in this behalf through the usual channels.

Penalty for failure to report.

(3) Any person who without good or sufficient cause fails to make the report required by sub-section (2) shall be liable at the discretion of the Deputy Commissioner to pay a fine which may extend to five times the amount of land-revenue payable annually in respect of the

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[1] *See* second footnote on p. 9, ante.
[1] *See* second footnote on preceding page.
* S. 22A was inserted by the Lower Burma Land and Revenue Law Amendment Act, 1907 (Bur. Act 1 of 1907), *'post.*

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land so alienated, and such fine may be recovered as if it were an arrear of land-revenue.

PART III.

OF REVENUE AND TAXES.

A.—Of Land-revenue.

Land liable revenue assessment.

23. All culturable land and all land which is culturable when this Act comes into force but which subsequently becomes unculturable in consequence of the erection of buildings or otherwise by the act of man, and all land assessed to land-revenue when this Act comes into force, shall be liable to be assessed to land-revenue in manner hereinafter mentioned.

But nothing in this section shall apply to—

(a) land which, when this Act comes into force, belongs to the site of any monastery, pagoda or other sacred building, or of any school, and which continues to be used for the purposes of such monastery, pagoda, building or school;

(b) land exempt from assessment under the express terms of any grant made by or on behalf of the British Government;

(c) land in respect of which a toungya-tax is imposed under section 33;

(d) land appropriated to the dwelling-places of any town or village and [1] exempted from the operation of the former part of this section by order of the [2][Local Government], which order the [2] [Local Government] is hereby empowered to make from time to time.

Mode and amount of assessment.

24. The assessment referred to in section 23 shall be either—

(a) by annual rates per acre or other superficial measure of the land, or

(b) by annual rates on trees growing on the land.

The[2] [Local Government] may from time to time make rules [3] for fixing such rates and determining under what circumstances each description of rate is to be imposed.'

Subject to such rules, the nature and amount of such assessment shall be in the discretion of the revenue-officer:

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[1] **For instance of an exemption from payment of land-revenue under this section, *see* Bumi. Gazette, 1895. Pt. I, p. 124.**

[2] ***See* second footnote on p. 9, *ante*.**

[1] **For an example of a rule made under this section, *see* Burma Gazette, 1897, Pt. I, p. 383.**

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Provided that no assessment shall he made in derogation of the terms of any grant made by or on behalf of the British Government.

Bites may be altered.

25. Subject to the rules made under section 24 and for the time being in force, and except as provided in that section and in sections 28 and 42, the rates payable in Tespect of any land may be altered from time to time as the [1] [Local Government] may direct.

Right to a settlement.

26. Any person in possession of any culturable land which is liable to be assessed to land-revenue may apply to the revenue-officer to make a settlement with him of such land.

If such person appears to have a permanent heritable and transferable right of use and occupancy in the land, the revenue-officer shall offer him a settlement of the nature hereinafter described.

If such person does not appear to have such a right, it .shall be in the discretion of the revenue-officer to offer or refuse such settlement.

Nature of settlement.

27. The settlement offered to the applicant may be either—

(a) a settlement of a single annual sum payable in respect of the whole land, or

(*b*) a settlement of certain annual rates per acre or other superficial measure of land.

In either case the settlement may provide that, for any additional land situate within certain local limits which the applicant may cultivate (not being land acquired by him by transfer or succession), he shall not be required to pay during the continuance of such settlement any revenue whatever or any revenue in excess of rates fixed thereby, for such additional land.

The [1] [Local Government] shall by rules[2] determine the cases in which each of the said descriptions of settlement shall be offered, and the general principles on which the amount or rate of the revenue-payable thereunder shall be fixed.

Subject to such rules, the nature and stipulations of the settlement tu be offered in each case shall be in the discretion of the revenue-officer.

Rights conferred by settlement.

28. When a settlement of any land offered under sections 26 and 27 has been accepted, neither the person on whose application such settlement has been made, nor any person succeeding him in possession of the land by transfer or succession, nor any person holding under iiim or under a person so succeeding him, shall, during the term of such settlement, be held liable to pay any revenue in respect of such land beyond that fixed by the settlement.

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[1] *See* **second footnote on p. 9,** ***ante.***

[3] **For general rules under the Act,** *see* **fourth paragraph of first footnote on p. 8,** *ante*

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But no person shall be deemed to have acquired any right to or over any land, as against any other person claiming rights to or over the same land merely on the ground that a settlement of such land has been made on his application, or on the application of some person through whom he claims.

29. The settlement shall be made for such term as the [1] [Local Government] may from time to time by rule direct. **Term of settlement.**

The settlement of any land shall terminate at the close of any year of assessment prescribed under section 41, if the person in possession of such land, and entitled under section 28 to the benefit of such settlement, not less than three months before the close of such year presents to the revenue-officer a notice in writing declaring that he desires to rescind the settlement, and at the same time pays to him all revenue payable in respect of the said land to the close of such year.

If any such person omits to give the notice and make the payment required by this section, he shall continue liable for the revenue payable from time to time under the settlement, although he may have relinquished possession of the land.

30. If the term for which a settlement of any land has been made elapses before a new settlement thereof is made, any person who was entitled to the benefit of the expired settlement at the time of its expiration and continues in possession of such land, and any person holding under him or claiming through him without an interruption of possession, shall be entitled to the benefit, and be bound by the stipulations, of the expired settlement until a new settlement of such land is made: **Continuance of expired settlement until new settlement made.**

Provided that the said stipulations shall cease to be in force at the close of any year of assessment as aforesaid, if the person in possession, not less than three months before the close of such year, presents to the revenue-officer a notice in writing requiring that they should so cease.

B.—Of the five per cent. cess.

31-32. [4 *five per cent, cess to be levied—how to be applied*] *Rep., Burma District Cesses and Rural Police Act, 1880 (II of 1880), s. 3.*

C.—Of the Toungya-tax.

33. The [1] [Local Government] may direct that, in lieu of the revenue assessable on any land under toungya-cultivation, there shall **Toungya tax.**

[1] *See* second footnote on p. 9, *ante*.

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be collected an annual tax, either on each male person who has completed his age of eighteen years, or on each family of persons, taking part in the cultivation of such land at any time during the year of assessment as fixed under section 41.

The rates of such tax may be fixed from time to time by the [1] [Lccal Government], but shall not exceed the following, that is to sa« : —

on oach male cultivator, two rupees;

on cnch family of cultivators, two rupees.

D.—Of the Capitation-tax and the Land-rate in lieu thereof.

Capitation-tax.

34. A capitation-tax shall be payable by all males between the ages of eighteen and sixty years, at such rates as the [1] [Local Government] may from time to time by notification direct:[2]

Provided that such rates shall not exceed the following, that is to say : —

on married men, five rupees a year;

on men who have no wives, two rupees eight annas a year:

Provided also that this tax shall not be payable—

(a) by the residents of any of the towns mentioned in the schedule hereto annexed;

(*b*) by the residents of any other town on which the [1] [Local Government] may impose a land-rate under section 35.

Land-rate in lieu of capitation tax.j.

35. In the towns mentioned in the schedule hereto annexed, and in such other towns as the [1] [Local Government] may from .time to time by notification direct, there shall be levied, instead of the capitation-tax, an annual rate [2] upon land to be fixed from time to time by the [1] [Local Government] by notification but not to exceed the following, that is to say: —

on land covered with buildings, one pie and a half per square foot;

on land not covered with buildings, three rupees per acre.

The boundaries [2] of the towns in which such rate is leviable shall be fixed from time to time, for the purposes of this section, by the [1] [Local Government] by notification, and may be so fixed as to include any suburbs of such towns.

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[1] **See second footnote on p. 9, *ante*.**

[2] **For land-rate in Henzada, Rangoon, Bassein, Touneoo, Akyab. Kyaukpyu, Prome and Thayetmvo, and for the defining of the boundaries of these towns for the put poses of this section, *see* Notification No. 422, Burma Gazette, 1896, Pt. I, p. 545.**

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Explanation.—The rate leviable on any land under this section shall be in addition to any land-revenue payable thereon.

i, ·.em|Jion from capita-tion-ux unit linJ rate.

36. The [1] [Local Government] may, by notification,—

(a) exempt[2] any person or class of persons, or the residents of any particular locality, from the payment of capitation-tax ;

(b) exempt any lands, or any class of lands, throughout the province or in any part thereof, from land-rate in lieu of capitation-tax;

(c) revoke any such exemption.

E.—Of personal Liability for certain Revenue and Taxes.

Perrawl L.tUH'y !nr land-revenue tod Undnto 1» iii-j of capitation-tax.

37. The amount payable on account of revenue [3]* * * or land-rate in lieu of capitation-tax on any land for any year of assessment shall be due jointly and severally from all perspns who have been in possession of such land at any time during such year, and all persons who have held under them as tenants, mortgagees or conditional vendees.

P.-rsonal liability for tax on families.

38. When a tax per family of cultivators of any land is imposed, the amount due fur any year of assessment from each family shall be due jointly and severally from all males of such family who at any time during such year, being then above the age of eighteen years, took any part in the cultivation of such land.

[4] *F.—Of the Extraction of Minerals, Manufacture of Salt and Licenses to collect Edible Birds' nests.*

Extraction of rninfinli and levy of royalties thereon.

[4] **38A. (2)** In the case of any land wherein the right to minerals is reserved to or otherwise belongs ,to Government, the Government shall have all powers necessary for the proper enjoyme,nt of its right thereto, and may dispose of any such light and powers to any persons in such manner as to it may seem fit.

(2) Whenever in the exercise of any such rights and powers by the Government, or by any person to whom the Government may have disposed of such rights and powers, the rights of any owner or occupier of any such land are infringed by the occupation oi disturbance of the surface of such land, the Government shall pay, or cause to be paid, to such owner or occupier compensation for the infringement.

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[1] *See* second footnote on p. 9, *ante.*

[3] For exemptions, *see* Burrr.a Gazette, 1890, Pt. I, p. 436, *ibid,* 1893, p. 267 and 1894, p. 49fi: as lands, <ee *ibid,* 1896, p. 546.

* The words " five per cent, cess " were repealed by the Burma District Cesses and Rural Police Act, 1880 (2 of 1880), s. 3, *infra.*

[4] Heading " F " was substituted and * 38A inserted by s. 5 of the Lower Berms Land and Revenue Law Amendment Act, 1907 (Bur. Act 1 of 1907), *infra.*

Original heading F was as follows :—" F.—Of the Manufacture of Salt, and of Licenses to collect Edible Birds' nests."

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The compensation shall be determined, as nearly as may be, in accordance with the provisions of the Land Acquisition Act, 1894.

I of 1891.

(3) The Local Government may, from time to time make rules.

(*a*) for [1] regulating or prohibiting the mining, quarrying or digging for or the excavating or collecting of minerals on land 'wherein the right to minerals is reserved to or otherwise belongs to Government;

(b) for the disposal by way of lease, license or otherwise of such right of the Government, and fixing the conditions subject to which and the mode in which such dispositions may be made ;

(c) for the levy and collection of royalties and fees in respect of minerals mined, quarried, excavated or collected on any such land ; and

(d) for regulating and controlling the transport and export of minerals.

Power to make rules for— licensing salt manufacture ;

39. The [2] [Local Government] may from time to time make rules—

(a) for granting licenses to manufacture salt;

(b) [imposing salt-duty.~\ Rep., Indian Salt Act, 1882 (XII of 1882), s. 2.

composition with licensees.

(c) for compounding [3] with any holder of a license for the payment by him of an annual sum assessed upon the plant employed by him, in lieu of the duty which would be payable by him [4] * * * on the salt produced with the aid of such plant.

Penalty for manufacturing or storing aa.!t without * license.

[5] [Any person who, without, or in contravention of the terms of, a license for the time being in force,—]

(d) engages in the manufacture of salt ;

(e) owns works for the manufacture of salt ; or

(*f*) stores salt exceeding such quantity as the [2] [Local Government] may from time to time by notification fix in this behalf ;

shall be liable on conviction before a Magistrate to a fine not exceeding fifty rupees, and to a further fine of ten rupees for every day after

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[1] For rules regulating mining for tin in the Tavoy and Mergui districts, see Buima Gazette, 1909, Pt. I, p. 762.

* *See* s~-ond footnote on p. 9. *ante.*

* For notification fixing the rates of salt composition duty, *see* Burma Gazette, 1900, I, p. 800.

Ft 'T^he words " under clause (6) " were repealed by the Indian Salt Act, 1882 (12 of 1882"), s. 2, Genl. Acts, Vol. III.

6 T lie ? c words were substituted for the words '* any person who, without 3 license for the time being in forcc," by s. 2 of the Lower Burma Land and Revenue Act Amendment Ait, 1901 (Eur. Act 1 of i&Ol), *post.*

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a first conviction under this section in which he continues such manufacture or storage :

And all salt in respect of which a conviction under this section has taken place, and all materials and implements used for the purpose of manufacturing such salt, shall he liable to confiscation by order of the convicting Magistrate.

40. The [1] [Local Government] may from time to time make rules [2]— Powpr to **make rules regarding** colleotion

(a) for granting licenses to * *[3] collect, or farms of the right *of [3] * * collecting, [3]* * * * of edible * * * edible birds' nests, upon land over which blrda' nests. no person has a right of either of the classes specified in clauses (a) and (c) of section 6 :

(*b*) for fixing the amount of fees to be charged in respect of such licenses or farms.

G.—Miscellaneous.

41. The year of assessment of any revenue, [4] * * rate, tax or fee Year of leviable under this Part shall commence on such day <jf the calendar ",c,BriMlt year as the [1] [Local Government] may from time to time by rule prescribe.

42. Notwithstanding anything contained in this Part, no enhance- 'Whenin- ment made in any such revenue, rate, tax or fee shall take effect until takeTeffeot.[6]* the commencement of the year of assessment following that in the course of which it is made. of rs

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TART IV.

Of Arrears and the Mode of recovering them.

43. Every sum payable under this Act on account of any revenue, tax, * *[4] rate, fee, duty or composition shall fall due on such date, and ^h<£$_e$'lind t:> ¿hall be payable at such place and to such person, as the [1] [Local Government] may from time to time by rule direct. **Revenue et«., h- ue, whompayable.**

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[1] *See* second footnote on p. 9, *ante.*

[1] *See* general rules quoted in iourth paragraph of first footnote on p. 8, *ante.*

.j' The words " prepare or," " preparing or " and the words " cutch, beeswax, honey lac, cardamoms, and other forest produce or " were repealed by the Burma Laws Act, 1898 (13 of 1898), *see* the Fifth Schedule, *post.*

* The word " cess " was repealed by the Burma District Cesses and Rural Police-Act, 1880 (2 of 1880), s. 3, *post.*

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''Arrear'' ind "defaulter" defined.

44. When any such sum has fallen due, and a written notice of demand for it h-s been served on any one of the persons liable for it, or published in such manner as the [1] [Local Government] may from time to time by [2] rule direct, and ten days have elapsed from the service or publication • of such notice without such sum having been paid, such sum shall be deemed to be an arrears and every person liable for it shall be deemed to be a defaulter.

Proceedings against defaulters for recovery of arrear.

45. An arrear may bo realized as if it were the amount of a decree for money passed against the defaulter in favour of any revenue-officer whom the [1] [Local Government] may from time to time appoint[3] in this behalf by name or as holding any office.

Proceedings with a view to the realization of such arrears may be' instituted by such officer before any other revenue-officer ■whom the [1] [Local Government] may from time to time appoint by name or as holding any office; and, except in so far as the [1] [Local Government] may otherwise by rule direct, such other officer may exercise all the powers conferred on, and shall conform to all rules of procedure prescribed for, a Court executing a decree by the 'Cod; of Civil Procedure:

Provided that—

except when execution is applied for against a defaulter who has absconded, or who is reasonably believed to be about to abscond,

the officer before whom proceedings are instituted under this section shall, before issuing any process of execution against a defaulter, cause a notice to be served on him in the manner prescribed for the service of summons on defendants in civil suits, requiring him either to pay the amount of the arrear or to appear on a day fixed in the notice and show cause why such amount should not be realized from him.

If on the day so fixed such amount has not been paid and the defaulter does not appear, or appearing fails to show cause as aforesaid* the said officer may order the process to issue forthwith.

Proceedings against tho land

46. Instead of, or in addition to, the proceedings which may be instituted under section 45, a revenue-officer empowered in this behalf by the [1] [Local Government] may, when the arrear is one of land-revenue, [5] * * * or land-rate in lieu of capitation-tax, proceed against the land on which such arrear has accrued as next hereinafter provided.

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[1] *See* second footnote on p. 9, *ante.*

[1] *See* general rules quoted in fourth paragraph of first footnote on p. 8, *ante.*

* With regard to the appointment of Cantonment Magistrates and tax-collectors 1» Lower Burma, and certain officers in various towns, to be revenue-offi-'ers for certain purposes, *see* Burma Gazette, 1885 Pt. I, p. 331 and *ibid,* 1894, p. 289.

* *See* now Act 5 of 1908. Genl. Acts, 'Vol. VI.

[8] The words "five per rent, *cem* ' were repealed by the Burma District Cesses and[1] Rural Police Act, 1880 (2 of 1880), s. 3, *post.*

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(Part IV.—Of Arrears and the Mode of recovering them.)

Where there is a permanent heritable and transferable right in land.

47. If such officer finds on enquiry that there exists any permanent heritable and transferable right of use and occupancy in the land, he may sell by public auction such right in the whole of the land, or such portion thereof as he may deem sufficient, for the realization of such arrear.[1]

The proceeds of such sale shall be applied in the first place in liquidation of the arrear, and, in the event of there being any surplus remaining, the revenue-officer shall, if he is satisfied as to the right of any person claiming such surplus, pay the amount thereof to such person, and, if he is not so satisfied, shall hold the amount in deposit for the person who may ultimately succeed in due course of law in establishing his title thereto.

Purchaser at sale under section 47.

48. The purchaser at a sale held under section 47 shall be deemed to have acquired the right offered for sale, free from all encumbrances created over it and from all subordinate interests derived from it, except such as may be expressly reserved by the revenue-officer at the time of sale.

Proceedings against the land where no permanent heritable and transferable right exists.

49. If the revenue-officer proceeding against the land finds on enquiry that no permanent heritable and transferable right of use and occupancy exists therein, he may, by proclamation published on the land in such manner as the [1] [Local Government] from time to time by rule directs, declare that he has taken possession of such land on behalf of the Government, and may summarily eject any person found in occupation thereof.

Effect of proclamation published under section 49.

50. When a proclamation is published under section 49 in respect of any land over which any private rights of any description exist, such land shall be deemed to have been, from the date of such proclamation, vested in the Government free from all such rights as have not been expressly reserved by the terms of such proclamation.

Costs of proceedings for recovery of arrears.

51. All costs of any proceeding under this Act for the recovery of an arrear may be recovered as if they formed part of such arrear.

Proceedings against defaulting revenue-officers.

52. If a revenue-officer has reason to believe that a revenue-officer subordinate to him who has collected any sum due under this Act has absconded or is about to abscond without accounting for such sum, he may issue a warrant for the apprehension of such subordinate officer and proceed against him or cause proceedings to be instituted against him as if he were a defaulter in the amount so collected.

Proceedings

53. Any person who has become liable for any amount as surety for

[1] *See* second footnote on p. 9, *ant**.

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against sureties of defaulters and revenue-officers.

a defaulter of revenue-officer may Be proceeded against as if he himself were a defaulter in such amount.

PART V.

MISCELLANEOUS.

Erection and repair of boundary, marks.

54. A zevenue-officer may, by a notice in writing duly served in accordance with rules to he made under this Act, require any person liable for the revenue of any land, or entitled to hold such land free of revenue, to erect boundary-marks sufficient for defining the limits of such land, or to repair any such boundary-marks already existing; and, if such person fails to comply with his requisition within a period tc be sjiecified in the notice, may cause the work to be done, and recover the cost thereof as if it were an arrear of revenue due in respect of the land. .

Power to summon witnesses, ■etc.

[1] 54A. *(1)* A revenue-officer may summon any person whose attendance he considers necessary for the purpose of any business before him as a revenue-officer. Such summons shall be issued and served in accordance with the provisions of the [2]Code of Civil Procedure regarding the service of summonses. XIV of 1882

!2) Every person so summoned shall be bound to appear at the time and place mentioned in the summons in person or, if the summons so allows, by his recognized agent or legal practitioner.

Witnesses, etc., bound to speak the truth.

[1]54B. Every person attending in obedience to a summons issued by a revenue-officer and every applicant or other person appearing before a revenue-officer shall be bound to. state the truth upon any matter respecting which he is examined or makes statements, and to produce such documents and other things relating to any such matter as the revenue-officer may require.

Appeals.

55. Appeals shall lie from orders and decisions given under any provision of this Act, in such cases, to such officers and subject to such limitations as to time and such other conditions as the [3][Local Government] may from time to time by rule determine:

Provided that decisions by an officer of a grade lower than "that of a Commissioner of a division in or on the following matters, claims and questions shall not be final (namely): —

(a) matters disposed of by revenue-officers under section 5, section 10 and sections 12 to 17, inclusive, except orders as to the value of improvements;

[1] Sections 54A and 54B were inserted by s. 6 of the Lower Burma Land and Revenue Law Amendment Act, 1907 I Bur. Act 1 of 1907), *post.*

[1] *See* now Act 5 of 1903, Genl. Acts, Vol. VI.

[3] Substituted for " Chief Commissioner " by s. 2 of the Lower Burma Land and • Revenue Law Amendment Act, 1907 (Bur. Act 1 of 1907), *post.*

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(b) claims to occupy or resort to lands under sections 19, 20 and 21, and disputes as to the use or enjoyment of such lands between persons permitted to occupy or resort to the same;

(c) questions as to whether any land or any person is liable to be assessed to any revenue, [1] * * tax or rate;

(d) questions as to the mode or principle of assessment of any revenue, [1] * * tax or .rate, or as to the amount assessed ;

(e) questions as to the light to a settlement of land-revenue, or the nature or term of the settlement to be offered;

(/) questions as to the validity or effect of any settlement, or as to whether the conditions of any settlement are still in force;

(g) questions as to the liability of any person under sections 37 and 38;

(h) questions as to whether any revenue, [1] * * tax or rate is in arrear;

(i) questions as to the legality of any process issued under section 45;

(j) questions as to the validity of a sale under section 47, or as to the effect of a proclamation under section 49:

Provided also that in all cases the [2][Financial Commissioner] shall have power to call for and review the proceedings, if he thinks fit to do so, and pass such order thereon consistent with the provisions of this Act as he thinks fit.

56. Except as hereinbefore expressly provided, no Civil Court shall exercise jurisdiction as to any of the following matters (namely):— **Bartojurisdiction of Civil Courts.**

(a) matters, claims f nd questions mentioned in the first proviso to section 55;

(b) claims to any office connected with the revenue-administration, or to any emolument appertaiDing to such office, or in respect of any injury caused by exclusion, suspension or removal therefrom;

(c) claims to have allotments made under section 20 or section 21 and objections to the making of such allotments;

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[1] **The word " cess " was .epealed by the Burma District Cesses and Rural Police Act, 1880 (2 of 1880), s. 3,** *post*

[2] **These words were substituted for the words " Chief Commissioner," by the Burma Laws Act, 1898 (13 of 1898;, see the Third Schedule,** *infra.*

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(id) claims to a remission or refund of any revenue, [1] * * tax, rate, fee, duty or composition payable or paid under this Act;

(e) questions as to the right to, or amount of, any compensation for improvements award able under section 13.

Additional powers which may be conferred on revenue-officers.

57. The [2] [Local Government] may, subject to any restrictions from time to time imposed by the Governor General in Council, invest any revenue-officer by name or as holding any office with any of the following powers, in addition to the powers directly conferred on revenue-officers by this Act, to be exercised by him in any part of [3] British Burma or in any class of cases in any such part:

(a) power to enter upon any land and to survey, demarcate or make a map of the same;

(b) power to cut and thresh the crop on any land and weigh the grain with a view to estimating the capabilities of the soil;

(e) any power exercised by a Civil Court in the trial of suits;

(d) power to delegate the exercise of any power, or the performance of any duty, to a subordinate revenue-officer;

(e) power to review any decision or order given by a revenue-officer which is not open to appeal, or from which, if open to appeal, no appeal has been preferred;

(f) power to call for the proceedings of any subordinate revenue-officer and review any order or decision given therein which is not open to appeal, or from which, if open to appeal, no appeal has been preferred.

Additional; powers to i make rules.

58. In addition to the other matters for which the [2] [Local Government] is empowered to make [4] rules by this Act, he may from time to time make rules—

(a) for the assessment and collection of all [5] revenue and of every

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[1] The word " cess " was repealed by the Burma District Cesses and Eural Police Act, 1880 (2 of 1880), s. 3, *post.* ■

[J] Substituted for the words " Chief Commissioner " by s. 2 of the Lower Burma Land and Revenue Law Amendment Act, 1.907 CBur. Act 1 of 1907), *infra.*

* Read now Lower Burma, *tee* the Burma Laws Act, 1898 (13 of 1898), s. 4, printnd, *infra,* p. 260.

* For consolidated lules under s. 58, *-ee* Burma Gazette, lo97. Pt. I, p. 365. and lo99, Pt. I, p. 510 and 1907, Pt. I, pp. 254 and 434.

' fa to method of payment of revenue due from manufacturers of salt, eee Notification No. 78, Burma Gazette, 1888, Pt. I, p. 274.

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tax, ** rate, lee, duty and composition leviable under this Act;

(b) to determine the person by whom, and the time, place and manner at or in -which, anything to be done under this Act, and for -which no express provision is made in these respects, shall be done; and generally to regulate the procedure of revenue-officers in all cases;

(c) to provide ior the investigation by the higher revenue-officers of charges of misconduct preferred against revenue-officers of lower grade;

[2] *(d)* to determine the fees to be charged for the service of process issued under this Act, and the mode in which such fees shall be realized;

(*e*) to regulate the costs in all proceedings before revenue-officers, and to provide for their realization, as if they were arrears of land-revenue;

(*f*) as to making advances of money to agriculturists for the purchase of seed and cattle, for the construction, maintenance and repair of dwelling-houses and other buildings and for other such purposes not coming within the scope of the [3] Land Improvement Act, 1871;

XXVI of 1871.

(g) for the recovery of advances made under clause (*f*) of this section from the persons to whom they were made or their legal representatives; and,

(*h*) generally, to carry out the provisions of this Act.

Penalty for breach of rules.

59. The [4] [Local Government] may, in making any rule under this Act, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding one month's imprisonment, or two hundred rupees fine, or both.

Publication of rules.

60. All rules made by the [4] [Local Government] under this Act shall, when sanctioned by the Governor General in Council, be published in the [5] British Burma Gazette, and shall thereupon have the force oi law.

Force of Rules.

61. [*Consolidation and republication of rules.*] *Rep. by the Burma Laws Act, 1898 (13 of 1898).*

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[1] **The word " cess " was repealed by the Burma District Cesses and Rural Police Act, 1880 '2 of 1880),** B. **3,** ***post.***

[1] **Clause (<?) will be repealed by ihe Burma Process Fees Act, 1910 (Bur. Act 1 of 1910), » 4, when that Act ia brought into force,** ***see*** **ipper.dix II,** ***post.***

[3] **Bead now the Land Improvement Loans Act, 1883 (19 of 1883),** ***fee*** b. **2** ***(2)*** **of the Act, Genl. Art., Vol. III.**

* **Substituted by •. 2 of the Lower Burma Land and Revenue Law Amendment Act, 1907 (Bur. Act 1 cf 1907),** ***post.***

' **Read now Burma Gazette, see s. 4 of the Burma Laws Act, 1898 (13 of 1898),** ***post.***

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THE SCHEDULE.

(See sections 34 and 35.)

TOWNS IN WHICH LAND-EATE IN LIEU OF CAPITATION-TAX IS LEVIED.

Rangoon.	Prome.
Bassein.	Tounghoo.
Thyetmyo.	Akyab.

Kyoukpyu.

ACT No. XIII of 1877.[1]

APPLIES TO LOWEE BTJEMA ONLY.

[28th June, 1877.]

An Act to provide for the execution of works urgently required in connection with embankments in [2] British Burma.

Preamble. Wiieeeas it is expedient to provide for the execution of works urgently required in connection with embankments in [2] British Burma ; It is hereby enacted as follows: —

Short title. 1. This Act may be called the Burma Embankment Act, 1877.

Local extent. It extends to all the territories for the time being under the administration of the [3] Chief Commissioner of [2] British Burma ;

Commencement. And it shall come into force on the passing thereof.

Interpretation-clausc. **2.** In this Act—

" embankment " means any embankment constructed for the purpose of excluding, regulating or retaining water, and includes all earthen walls, dams, canals, drains, piers, groins, sluices, buildings, water-gauges, bench-marks and other works subsidiary to any such embankment; and

" embankment-officer," used with reference to an embankment, means the officer appointed by the [3] Chief Commissioner, by [4] notification in the [5] British Burma Gazette, to carry out this Act in respect of such embankment.

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[1] For Statement of Objects and Reasons, *see* Gazette of India, 1877, Pt. V, p. 127 ; for Proceedings in Council, *see ibid*, Supplt., pp. 810, 1687 and lfj63

Act 13 of 1(177 will be repealed from the date the Burma Embankment Act, 1909 Bur. Act 4 of 1909), is brought into force, *see* s. 1 *(3)* of that Act, *pout,* p. 633.

[2] For the expression " British Burma " wherever it occurs in thia Act, the expression " Lower Burma " should be read, *see* Buima Laws Act, 1898 <13 of 1898), s. 7. *infra.*

[3] The Chief Commissioner is now Lieutenant-Governor uf Burma, see Proclamation-dated 9th April, 1897, Gazette of India, 1897, Pt. I, p. 261. All powers conferred anH duties imposed on the Chief Commissioner are to be deemed to have been respectively conferred and imposed on the Lieutenant-Governor, with effect from the 1st May, 1897, *see* s. 15 of the Burma Laws Act, 1898 (13 of 1898), *infra.*

[4] For instances of notifications making such appointments, see Bur. R. M., Vol. IT* p. 189.

* Read now Burma Gazette, *see.* s. 7 of the Burma Laws Act, 1898 (13 of 1898),' *infra.*

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3. Whenever the embankment-officer has reason to believe that, Circum-
unless some work is quickly executed in connection with an embankment, ^h"]*his[3] loss of life or extensive damage to property will ensue, and that the Act may te
labourers or materials required for the execution of such work cannot be ln' pub.' two.
obtained in the ordinary course in time to enable him to execute such work with the expedition necessary iu order to avert such loss or damage, he may, by order under his hand, direct that the provisions of this Act shall be put into operation for the execution of such work; and thereupon—

(a) every able-bodied person who resides in the neighbourhood of such embankment, and whose name appears in the list hereinafter mentioned, shall, if required to do so by such officer or by any person atithorized by him in this behalf, be bound to assist in the execution of such work by labouring thereon as such officer or any person authorized by him in this behalf may direct; and Power to impresslabour.

(*b*) such officer or any person authorized by him in this behalf may enter into and Upon any immoveable property in the said neighbourhood and take possession of, appropriate and remove any trees or bamboos, whether standing or not, and any timber, mats, rope or other materials found in or upon such property, .and use the same for the purposes of such work. Power to take materials.

4. Subject to such [1]rules as the Local Government may from time to time with the previous sanction of the Governor General in Council, ' prescribe in this behalf, the Deputy Commissioner shall prepare a list of the persons liable to be required under section 3, clause *(a),* to assist as aforesaid, and may from time to time add to or alter such list or any part thereof. List of labourers.

5. All persons labouring, or detained for the purpose of labouring, Pjymentfor in compliance with a requisition made under section 3, or whose materials pressed and may be taken under that section, shall, as soon as may be reasonably materials practicable, be paid by the embankment-officer for their labour and detention, or for such materials (as the case may be), at such rates, not being less than the highest market rates for similar labour or materials for the time being prevailing in the said neighbourhood, as the [2]Chief Commissioner may from time to time by written order direct. labour impressed and taken.

6. When, from the removal of any trees, bamboos or other materials Com^ensa-
under section 3, any damage, over and above the price payable for such ,i,,,, dune
materials under section 5, results directly to any person, the embank- in taking
ment-officer shall pay to such person such sum as may be agreed upon material*,

[1] **For rules under this section, see Bur. R. M., Vol. II, pp. 190 and 191.**
[3] **See third footnote on preceding page.**

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as compensation for such damage or, in case of dispute as to the amount so to be paid, as the Deputy Commissioner of the district may award, subject to such rules as to appeal or otherwise as the [1] Chief Commissioner may from time to time prescribe in this behalf.

Penalties for trespass on embankments, etc.

7. Where an embankment-officer has been appointed for any embankment, any person who, without the permission of such officer,—

(*a*) grazes any cattle or allows any cattle under his charge [2] [or of which he is the owner] to trespass on such embankment, or

(*b*) cuts or roots out any trees, shrubs or grass growing on such embankment, or

(c) obstructs any drain or sluice connected with such embankment,

shall be punished with imprisonment for a term which may extend to sis months, or with fine which may extend to two hundred rupees, or with both.

Explanation— In this section, clause *(a),* "cattle" includes also elephants, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids.

Certain persons to be deemed public servants.

8. Every embankment-officer and every person authorised by an embankment-officer to act under section 3 shall be deemed to be a puohc servant" within the meaning of the [3] Indian Penal Code XLV of 1860.

ACT No. IX of 1879.«

APPLIES TO LOWER BURMA ONXT.

[23rd May, 1879.1

An Act to amend the law relating to Coast-lights in the eastern part of the Bay of Bengal.

Preamble.

Whereas it is expedient to increase the coast-light dues paid under the Provisions of Act No. XIII of 1867 *(An Act to provide for the establishment and maintenance of coast-lights in the eastern part of the Bay of Bengal),* and to render chargeable with coast-light dues certain

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[1] *See* third footnote on p. 30, *supra.*

[2] SchedIle'**pJi? [ldS W6re inS6rted by the Burma LaWS A<:t> 1880 ,13 1898)» the Third of

* Genl. Acts, Vol. I.

[4] The words and figures " and nothing in the British Burma Labour Law, 1876, s. 71, shall apply to any such officer or person acting under section 3 of this Ac^ " were repealed by the L'.wei Burma Courts Act, 1889 ill nf feügj. 2 </) . s.

For Statement of Objects and Reasons, *see* Gazette of India 11(70 pi w „ io Proceedings m Council, *see ibid,* 1879, Supplt., pp. 17, 48 and 528 ' ' P' ' *10T*

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vessels which are not now so chargeable; It is hereby enacted as follows: —

Preliminary.

1. This Act may be called the Burma Coast-lights Act, 1879. **Short title.**

It shall come into force on the first day of July, 1879. **Commencement.**

Aid it shall extend to the territories respectively administered by **Local extent,** the Governors oi Fort St. George and Bombay in Council, the Lieutenant-Governor of Bengal and the [1] Chief Commissioners of [2] British Burma and the Andaman and Nicobar Islands.

But nothing herein contained shall apply to any vessel belonging to or in the service of Her Majesty or the Government of India, or to any vessel of war belonging to any Foreign Prince or State.

2. Act No. XIII of 1867 *(to provide for the establishment and maintenance of coast-lights in the eastern part of the Bay of Benqal)* is hereby repealed.

But any appointment made under the said Act shall be deemed to have been made under this Act.

3. tn this Act, unless there is something repugnant in the subject or context,— **interpretation-clause***

"Customs-Collector" means a Customs-Collector appointed under the Sea Customs Act, 1878, and includes any person appointed by the Local Government by name or in virtue of his office to discharge the functions of a Customs-Collector under this Act at any port: VIII of 1878.

"vessel" includes anything made for the conveyance by water of human beings or of property:

"master," when used in relation to any vessel, means any person (except a pilot or harbour-master) having, for the time being, the charge or control of such vessel r

"voyage" mean» the whole distance between a vessel's place of departure and her final place of arrival; but the return of a vessel from any place shall, notwithstanding the terms of any charter-party, be deemed a distinct voyage.

Coast-light Dues.

4. For the purpose of establishing and maintaining coast-lights in the eastern part of the Bay of Bengal, a toll, hereinafter called "coast- **Coast-light dues payable in respect of**

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* **The Chief Commissioner ii now Lieutenant Governor of Burma, *see* Proclamation** dated **9th April, 1897, Gazette of India, 1897, Pt. I, p. 261. All powers conferred** and dntieB **imposed on the Chief Commissioner are to be deemed to have been respectively conferred and imposed on the Lieutenant-Governor, with effect from the 1st Mav, 1897, *see* b 15 of the Burma Laws Act, 1898 (13 of 1898), *pout.***

[2] [3] For the expression "British Burma" wherever it occurs in this Act, the expression "Lower Burma" should now be read, see the Burma Laws Act, 1898 (13 of 1898) s 7, *infra.*

[a] **Genl. Acts, Vol. II.**

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vessels of fifty tons.

light dues," shall be paid in respect of every vessel of the burden of fifty tons and upwards making any voyage mentioned in th& schedule hereto annexed, at the rate of one anna and sis pies per ton of burden :

Provided that such vessel sails from or enters during the course of, or at the termination of, any such voyage a port in British India, or takes in, or discharges, cargo off the coast of British India.

Dues when payable.

5. The said coast-light dues shall become due and payable—

(a) in the case of a vessel clearing out of a port in British India upon any such voyage—previous to the grant of any port-clearance;

(b) in the case of a vessel entering a port in British India in the course, or at the termination, of any such voyage—immediately upon her entering such port:

Provided that the said dues shall not be levied more than once on any vessel in the course of the same voyage.

Power to v»ry rates of dues.

6. The Governor General in Council may from time to time, by notification in the Gazette of India, reduce or raise the rate of coast-light dues in respect of all vessels or any particular class of vessels :

Proviso..

Provided that such rate shall not in any case exceed the rate fixed by section 4.

Collection of dues. Voucher to be given.

7. The Customs-Collector shall collect the coast-light dues,

and shall grant to the person paying the same a voucher in writing under his hand, setting forth the name of his office, the port at which the coast-light dues are paid, the amount so paid, the name, tonnage and other proper description of the vessel in respect of ■jvhich such payment is made, and the voyage on which she is or has been bound.

Master to report arrival.

8. Within twenty-four hours after the arrival within a port of any vessel chargeable with coast-light dues, the master of such vessel shall give notice of such arrival fo the Customs-Collector.

Tonnage of vessel how asoertained— ifj registered ;

9. In order to ascertain the tonnage of any vessel chargeable with coast-light dues, the following rules shall be observed: —

(a) If such vessel be a British registered vessel or a vessel registered under [1]Act No. X of 1841 or *Act No. XI of 1^50, or under any other law for the time being in force for the registration of vessels in India, the Customs-Collector may require the owner or master of such vessel or any other person having possession of her register, to produce such register for inspection. If any such owner, master or other person neglects or refuses to produce such register, or otherwise to satisfy the Customs-Collector an to what is

[1] Geni. Acts, Vol. I«

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the true tonnage of the vessel in respect of which such coast-light dues are payable, he shall be punished with fine which may extend to' one hundred rupees, and the Customs-Collector may cause such vessel to be measured and the tonnage thereof to be ascertained; and in such case the owner or master of such vessel shall also be liable to pay the expenses of such measurement.

(b) If such vessel be not a British registered vessel or a vessel if registered under *Act No. X of 1841 or *Act No. XI of 1850, or under any other law for the time being in force for the registration of vessels in India, and the owner or master thereof fails to satisfy the Customs-Collector as to what is her true tonnage according to the mode of measurement prescribed by the law in force for the time being for regulating the measurement of British registered vessels, the Customs-Collector shall cause such vessel to be measured and the tonnage thereof, according to the mode aforesaid, to be ascertained; and in such case the owner or master of such vessel shall be liable to pay the expenses of such measurement. **not registered.**

10. If the master of any vessel refuses or neglects to pay to the Customs-Collector on demand by him the amount of any dues or expenses ^payable in respect of such vessel under this Act, the Customs-Collector may distrain or arrest such vessel, and the tackle, apparel and furniture belonging thereto or any part thereof, and detain the same until the amount of such dues or expenses is paid; **On refusal to pay dues or expenses, the Collector may distrain or arrest.**

and in case any part of such dues or expenses, or of the costs of the distress or arrest, or of the keeping of the same, remains unpaid for the space of five days next after any such distress or arrest so made, the Customs-Collector may cause the vessel or other thing so distrained or arrested to be sold, and with the proceeds of such" sale may satisfy such dues, expenses and costs (including the cost of Rale) remaining unpaid, and shall render the surplus (if any) to the master of such vessel upon demand.

11. The officer of Government whose duty it is to grant a port-clearance for any vessel shall not grant such port-clearance until her master or some other person has paid, or secured to the satisfaction of such officer, the amount of all dues, expenses and costs with which such vessel is chargeable under this Act, and of any fine to which any person is liable for anything done by him in contravention of this Act. **No port-clearance to be granted until dues etc. are paid.**

[1] **Genl. Acts, Vol. I.**

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(Coast-light Dues. Determination of Disputes under Act. Prosecutions under qther Laws. Statement of Receipts and Expenditure.)

Master to specify on demand voyage on which vessel is bound.

12. The master of any vessel departing from or entering any port in British India upon, or in the course of, or at the termination of, any voyage shall, upon the demand of the Customs-Collector, specify upon what voyage she is or has been bound.

Penalty for eiadin? payment of dues, etc.

13. If the master of any vessel evades, or attempts to evade, the payment of any coast-light dues, expenses or costs payable in respect of such vessel under this Act, he shall be punished with fine which may extend to two hundred rupees.

Determination of Disputes under Act.

Magistrate to decide disputes.

14. If any dispute arises as to whether any vessel is chargeable with any coast-light dues, expenses or costs under this Act, or as to the amount of such dues, expenses or costs, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined in the towns of Calcutta, Madras and Bombay by a Presidency Magistrate, and elsewhere by any Magistrate exercising, at the place where the dispute arises, powers under the [1]Code of Criminal [x] of*1882 Procedure, not less than those of a Magistrate of the second class. All decisions under this section shall be final.

Prosecutions under other Laws.

Saving of prosecutions under other laws.

15. Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act: Provided that no person shall be punished twice for the same act or omission.

Statement of Receipts and Expenditure.

Statement of receipts and expenditure to be published.

16. The Governor General in Council shall, [2][publish annually] in the Gazette of Ind'.a a statement shotting the amount received on account of coast-light dues during the year ending on the thirty-first day of March last preceding, and the amount expended during the same period on the establishment and maintenance of coast-lights in the eastern part of the Bay of Bengal.

17. *[Amendment -of Indian Ports Act, 1875.] Rep.* [3] *Indian Ports Act, 1889 (X of 1889), s. 2 (1).*

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[1] *See* now the Code of Criminal Procedure, 1898 (Act 5 of 1898), Genl. Acts, Vol. V.

* These 'rords were substituted for the words " on or before the first day of October in each year, publish," by the Burma Laws Act, 1898 (13 of 1898), see the Third Schedule, *pat.*

* Genl. Acts, Vol. IV.

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THE SCHEDULE.

(See section 4.)

1. A voyage to or from Chittagong or any place west of the longitude of Chitta- gong—	(a) from or to any port in [1] British Burma; or *(b)* from or to any port in the Andaman and Nicobar Islands oi any place east of the longitude of Mergui, by a course passing between the northern, extremity of the Anda- man Islands and the coast of [1] British Burma,
2. A voyage to or from any port in [1] British Burma except voyages to or from Maulmain, from or to Tavoy or Mergui, or to or from from or to Mergui.	from or to any other port in 'British Burma, Tavoy,
3. A voyage to or from Rangoon and from or any port in [1] British Burma west of the longitude of Rangoon—	to any place ea6t of the longitude of Mergui,
4. A voyage to or from any port in [1] Bri- tish Burma other than Tavoy and Mergui—	from or to any port in the Andaman and Nicobar Islands.

ACT No. XIY of 1879.[3]

APPLIES TO TJIPER AND LOWER BURMA.

[5th September, 1879.~

An Act for the regulation and control of Hackney-carriages in certain Municipalities and Cantonments.

Preamble. WHEREAS it is expedient to provide for the regulation and control of hackney-carriages in certain municipalities and cantonments; It is hereby enacted as follows : —

Short title, Commence- ment. 1. This Act may be called the Hackney-carriage Act, 1879: and it shall come into force at once; but nothing herein contained shall affect any power conferred by any saving. law relating to municipalities, or any rule made in exercise of any such p>wer.

Interpreta- tion-clause. 2. In this Act— " hackney-carriage " means any wheeled vehicle drawn by animals and used for the conveyance of passengers, which is kept, or offered, or plies, for hire; and

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[1] Read now " Lower Burma " see s. 7 of the Burma Laws Act, 1898 (13 of 18981, *infra.*

[1] For Statement of Objects and Reasons, *set* Gazette of India, 1879, Pt. *V,* p. 52; for Proceedings in Council, *see ibid,* Supplt., pp. 49, 78 and 1141.

The Act has been declared in force in Upper Burin.i (except the Shan States), by the Burma Laws Act, 1898 (13 of 1898;, *see* the First Schedule, *post.*

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"committee" means a municipal committee, or a body of municipal commissioners, constituted under the provisions of any enactment for the time being in force.[1]

Application of Act to muni eipalities.

3. [2][The Lieutenant-Governors of the *United Provinces of Agra and Oudh, the Punjab* and Burma,] and the Chief Commissioners of the Central Provinces, [3] Assam, Ajmere and Coorg, may, by notification in the official Gazette, apply[4] this Act to any municipality in the territories administered by them respectively.

Power of committees to make rules.

When this Act has been so applied to any municipality, the committee of such municipality may from time to time make [5]rules for the regulation and control of hackney-carriages within the limits of such municipality, in the manner in which, under the [6]law for the time being in force, it makes rules or bye-laws for the regulation and control of other matters within such limits.

Confirmation and publication of rules.

Every rule made under this section shall, when confirmed by the Local Government and published for such time and in such manner a? the Local Government may from time to time prescribe, have the forc& of law :

Power of Local Government to rescind rules.

Provided that the Local Government may at any time rescind any such rule.

Power to make rules for cantonments.

4. The Local Government of any of the said territories may from time to time, subject to the control of the Governor General in Council, make rules for the regulation and control of hackney-carriages in any 'military cantonment situated in the territory administered by it; [7] * * *

* * *

All rules made under this section, when published for such time and in such manner as the authority making the same may from time to time prescribe, shall have the force of law.

Power to extend operation of

5. ^ authority making any rules under this Act may [8]extend their operation to any railway-station, or specified part of a road, not

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[1] See the Burma Municipal Act, 1898 (Bur. Act 3 of 1898), *post.*

* These words were substituted for " The Lieutenant-Governors of the North-Western Provinces and the Punjab, and the Chief Commissioners of Oudh, the Central Provinces,. British Burma " by the Repealing and Amending Act, 1903 il of 1903), *post.*

[z] The Chief Commissioner of Assam is now Lieutenant-Governor of Eastern Bengal' and Assam, see Proclamation No. 2832, dated 1st September, 1905, Genl. Stat. H. and O., Vol. I. *Cl.* also the Bengal and Assam Laws Act, 1905 (7 of 1905), E. B. & A. Code, Vol. I.

[4] For list of Municipalities to which the Act has been applied under s. 3, see Appendix B to Bur. R. M., Vol. I.

[5] For rules made under this section, see Burma Gazette, 1883, Pt. I, p. 289, *ibid,* 1888, Pt. I, p. 585, *ibid,* 1907, Pt. I, p. 385

* *See* Burma Municipal Act, 1898 (Burma Act III of 1898), s. 30, *post.*

[7] The words " and the Governor General in Council may, from time to time, make-rales for the tegulation and control of hackney-carriages in any plane in »India, but not in British India, in which British troops are cantoned " were repealed by the Cantonments Act, 1889 (13 of 1889), Genl. Acts, Vol. IV.

[8] *For* list of notifications extending the operation of rules made under this Act, *see* Bur. R. M., Vol. I, p. 72.

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more than six miles from the local limits of the municipality or canton- rules beyond limits of municipality or cantonment.
ment concerned :

Provided that such extension shall be made, in the case of a [or] canton-
municipality, with the sanction of the Local Government, and, in the case of a cantonment situate in British India, subject to the control of the Governor General in Council.

When any rules have been made under this Act for any municipality, the Local Government may, subject to the control of the Governor General in Council, extend the operation of such rules to any cantonment the boundary of which is not more than six miles distant from the boundary of such municipality.

6. The rules to be made under section 3 or section *4* may, among what ruipsl other matters,— *nder sec- tfons 3 and 4

(a) direct that no hackney-carriage, or no hackney-carriage of a yi™e af0£ro d particular description, shall be let to hire, or taken to piy, or offered for hire, except under a license granted in that behalf;

(*b*) direct that no person shall act as driver of a hackney-carriage except under a license granted in that behalf;

(c) provide for the issue of the licenses referred to in clauses *(a)* and *(b)*, prescribe the conditions (if any) on which such licenses shall be granted, and fix the fees (if any) to be paid therefor;

(d) regulate the description of animals, harness and other things to be used with licensed carriages, and the condition in which such carriages, and the animals, harness and other things used therewith shall be kept, and the lights (if any) to be carried after sunset and before sunrise;

(e) provide for the inspection of the premises on which any such carriages, animals, harness and other things are kept;

(*f*) fix the time for which such licenses shall continue in force, and the events (if any) upon which within such time they shall be subject to revocation or suspension;

(*g*) provide for the numbeiing of such carriages;

(*h*) determine the times at which, and the circumstances under which, any person keeping a hackney-carriage shall be bound to let or refuse to let such carriago to any person requiring the same;

(i) appoint places as stands for hackney-carriages and prohibit such carriages waiting for hire except at such places;

(j) limit the rates or fares, as well for time as distance, which may be demanded for the hire of any hackney-carriage;

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and prescribe the minimum speed at which such carriages when hired bv time shall be driven;

(*k*) limit the number of persons, and the weight of property, which may be conveyed by any such carriage;

(I) require the owner or person in charge of any such carriage to keep a printed list of fares in English and such othei language as may be prescribed affixed inside such carriage in such place as may be determined by the rules, and prohibit the destruction'or defacement of such list;

(m) require drivers to wear a numbered badge or ticket, and to produce their licenses -nhen required by a Magistrate or other person authorized by the rules in this behalf, and prohibit the transfer or lending of such licenses and badges; and .

(n) provide for the deposit of property found in such carriages, and the payment of a fee by the owner of such property on the delivery thereof to him.

Penalty for breach of rules.

7. Any person breaking any rule made under this Act shall be punished with fine which may extend to fifty rupees.

Disposal of fees and payment of expenses.

8. The amount of any fees received and the amount of any expenses incurred in giving effect to this Act shall in any municipality be credited and debited, respectively, to the municipal fund, and, in any cantonment where there is a cantonment-fund, to such fund.

Power of Magistrate to decidn disputes regarding fares.

9. If any dispute arises between the hirer of any hackney-carriage and the owner or driver of such carriage as to the amount of the fare payable by such hirer under any rule made under this Act, such' dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined by any Magistrate or Bench of Magistrates within the local limits of 'whose jurisdiction such dispute has'arisen; and such Magistrate or Bench may, besides determining the amount so in dispute, direct that either party shall pay to the other such' sum as compensation for loss of time as such Magistrate or Bench thinks fit.

Any sum determined to be due or directed to be paid under this section shall be recoverable as if it were a fine.'

The decision of any Magistrate or Bench in any case under this section shall be final.

"When any such case is heard by a Bench, any difference of opinion arising between the members of such Bench shall be settled in the same manner as differences of opinion arising between such members in the trial of criminal cases.

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10. If, at the time any dispute mentioned in section 9 arises, any Magistrate or Bench of Magistrates having jurisdiction in respect of such dispute is sitting -within the local limits to which the rules apply, the hirer of the carriage may require the driver thereof to take him in the same to the Court of such Magistrate or Bench for the purpose of making an application under that section.

In case of dispute hirer may require driver to take him to Court.

Any driver neglecting or refusing to comply with such requisition shall be punished with imprisonment for a term which may extend to one month, or with fine not exceeding fifty rupees, or with both.

THE BURMA DISTRICT CESSES AND RURAL POLICE ACT, 1880.

CONTENTS.

PEE AMBLE.

Preliminary.

SECTIONS.

1. Short title.
   Commencement.
   Local extent.
2. Interpretation-clause.
3. Repeal.

Cesses.

4. Cess on land.
5. Saving of existing house-tax.
6. Cess on houses.
7. Power to abolish or exempt from cess or tax.
8. Powers of Deputy Commissioner.
9. Purposes to which funds are to be applied.
10. Time and mode of payment of cesses, etc.
11. Realization of cesses, etc.

Rural Police.

12-20. [Repealed.]

Miscellaneous.

21. [Repealed.']
22. Powers and duties of revenue-officers.
23. Control of Commissioner and. Chief Commissioner.
24. Power to make rules.

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ACT No. II of 1880.[1]

(APPLIES TO LOWER BUEMA O.NLY.)

*[24th January, 1880.*J

An Act to amend the law relating to District Cesses and Rural Police in [2] British Burma.

Preamble.

TV iiereas it is expedient to mate better provision in [2]British Burma, ior the maintenance of rural police and of a local postal service, the construction of worts of public utility, sanitary improvement and .the promotion of education;

And whereas it is also expedient to declare and amend the 'law relating to rural police in the said province;

It is hereby enacted as follows: —

Preliminary.

Short title. • 1. This Act may be called the [s]Burma District Cesses and Rural Police Act, 1880:

Commence- an^ it shall come into force on such date as the [4] Chief Commissioner
rnent. 0f [2] British Burma may, by notification in the local [5] Gazette, direct.

Local extent. It extends to all the territories for the time being administered by the said [4] Chief Commissioner :

Pro\ ided that the said [4] Chief Commissioner may, from time to time, by notification in the local Gazette, exempt any portion of the said Territories from its operation and cancel such exemption :

[Provided also that nothing herein contained applies to any to^n to which the Burma Municipal Act, 1898, extends.] Bur. Act ^ of 1898

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* ' ior Statement of Objects and Reasons, *see* Gazette of India, 1879, Pt. V. p. 830- tor Pro<eeamRs in Council, *see ibid,* Supplement, p. 79; ai.d *ibid,* 1880, pp. 831 and 344 '

» Xnow. ' L<?w er Burma, ' *see* the Burma Laws Act, 1898 (13 of 1898), s. 7, *post.*

The act is calle Q the ; jI L^ e r B u r m a District Ceases and Rural Police A.-t, 1880,"' n the Third Schedule to tho Buima Laws Act, 1898 (13 of 1898,, *post.*

4 Ibi; officer designated " Chief Commissioner " is now the Lieutenant-Governor of Burma, *see* Proclamation, dated 9th April, 1897, Gazette of iLdia, 1897, Pt. I p 261- and all powers conferred and duties imposed upoi; the Chief Commissioner are to be deemed to have been conferl®d »"posed on the Lieutenant-Governor, with effect from the It A1qv and 1st May, 1897. *see* s. 15 of the Burma Laws Act, —98 (13 of 1898 *post*

Act
11[3] p. *DO.* tt 2 of 1880 came into force on the 1st April 1880, *see* Burma Gazette, 1880, Pt. & I, p. 318).

5 This proviso was substituted for the 01]?[na]l proviso by the Burma Laws Act, 189a (13 of 1898). *see* the Third Schedule, *post.* The original proviso ran as fallows • " Pra- T ♦ r h a t x . i 0 t ^ n g h freln corned «ppj.« to any towa to w>.i?h the Burma Munich«} Act, 1874, for the time bjing, sxtends.

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2. In this Act, unless there is something repugnant in the subject or context,— **interpretation-olause.**

" land-revenue " means revenue assessed upon land under the provisions of the [1] Burma Land and Revenue Act, 1876: and

II of 187b.

" revenue-officer " means any person appointed a revenue officer under the same Act.

II of 1876.

3. The following portions of the said [1] Burma Land and Revenue Act, 1876, are repealed (namely): sections 31 and 32, in sections 37 and 46 the words " five per cent, cess," and the word " cess " wherever it occurs in the said Act; but all cesses imposed under that Act shall be deemed to have been imposed under this Act. **Repeal.**

Cesses.

4. On all lands assessed to land-revenue there shall be levied in addition thereto an annual cess of ten per cent, on the amount of such revenue. **Cesses on land.**

5. In every town, village or hamlet in which at the date on which this Act comes into force a house-tax is levied, such tax shall continue to be levied. **Saving of existing** ai»u*c-Ux.

6. The [2] Chief Commissioner may, from time to time, by notification in the local Gazette, direct that in any [3] specified town, village or hamlet there shall be levied from the occupier of each house an annual cess, to be fixed in manner hereinafter provided, but which shall in no case exceed two rupees: **Cess on houses.**

Provided that such cess shall not be levied; —

(a) in any place in which the house-tax referred to in section 5 is levied, or,

(b) in respect of any monastery, pagoda, sacred building. Government building, public rest-house or school:

Provided also that in respect of any house occupied by a person bound to pay cess under section 4 no larger amount shall be levied under this section than will, together with the cess so payable by such person, amount to two rupees.

"House" in this section means any building used as a human dwelling or for the custody of property.

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[1] *Ante*

[a] *See* fourth footnote on preceding page.

* For instances of notifications imposing cesses, *see.* Burma Gazette, 1886, Pt. II, p. 80 \ *ibid,* 1892, Pt. I, p. 513; *ibid,* 1908. Pt. , p. 125.

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Power to abolish or exempt from oess or tax.

7. The [1] Chief Commissioner may, from time to time, by notification in the official Gazette, direct that any [2] tax or cess levied in any place under section 5 or section 6 shall cease, or that any person or class of persons sha!l be exempted from the whole or any specified part o*i* such tax or cess.

Powers of Deputy Commissioner.

8. Subject to the other provisions of this Act and to any rules made hereunder and for the time being in force, the Deputy Commissioner of the district may from time to time—

(a) declare what shall, for the purposes of this Act, be held to be a house;

(6) fix the amount of cess to be levied in respect of each house;

(c) remit such cess in whole or in part.

Purposes to whir-h funds are to be applied.

9. A separate account shall be kept for each district of all cesses and house-tax levied under this Act in such district; and such cesses and tax shall be appropriated in each year in that district, in such [3] proportions as the [1] Chief Commissioner may from time to time direct, to all or any of the following local objects (namely) : —

[4] [(a) the remuneration of the headmen and the maintenance of the rural police appointed under the [5] Burma Village Act, 1907 ;] VI of 1807.

(*b*) the maintenance of a local postal service ;

(c) the construction and maintenance of district-roads and other communications and the improvement of river channels;

(*d*) other works of public utility;

(e) sanitary improvement; and

(*f*) the promotion of education :

[6] [Provided that the Local Government may at any time, for reasons to be recorded, transfer a sum of money from the accounts of any one district to the accounts of any other district.]

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[1] *See* the fourth footnote on p. 42, *ante.*

* For instance of a notification discontinuing a house-tax, *see* Burma Gazette, 1896, Pt. I, p. 603, *ibid,* 'fiOo, Pt. I, p. t06.

' F o r notification containing directions in regard to appropiiitions of cesses, see No. 260, dated 31st December, 1883, Burma Gazette, 1883, Pt. I, p. 1884.

* Clause (a) was substituted by s. 27 of the Burma Village Act, 1907 (Bur. Act 6 of 1907), ■*pout.* The orieinal clause was as follows :—" (a) the maintenance of the rural police appointed under this Act."

· *Post.*

~ This proviso « as substituted for the original proviso, by the Burma Laws Act, 1898 13 of 1898), «e» the Third Schedule, *post.*

The original proviso was as follows :—" Provided that the Chief Commissioner may, on the thirty-first day of March in any year, transfer the whole or part of any balance then standing under either of the heads (4) or (c) in the account of any district to the corresponding head in the account of any other district in the same division."

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10. All cesses and house-tax levied under this Act shall be payable for the year of assessment of land-revenue as fixed under the [1] Burma Land and Revenue Act, 1876, section 41, and shall be payable at the place at which, and to the person to whom the land-revenue is from time to time payable, or at such other place and to such other person as the [2] Chief Commissioner may direct. **Time and manner of payment.**

II of 1876.

Sums assessed on the amount of land-revenue shall fall due on the date on which the land-revenue falls due.

Sums assessed on houses shall fall due on such dates as the [2] Chief Commissioner may from time to time in that behalf direct.

11. All sums assessed under this Act on the amount of any land-revenue may be recovered as if they were part of such revenue. **Realization of cesses, etc.**

All other sums payable under this Act may be recovered in the manner prescribed in sections 44 and 15 of the [1] Burma Land and Revenue Act, 1876.

II of 1876.

Rural Police.

12—20. *Rep., Bur. Act 6 of 1907.*

Miscellaneous.

21. *[Help in cases of dacoity and robbery.] Rep., Bur. Act 6 of 1907.*

22. For the purposes of this Act the [2] Chief Commissioner may, from time to time, by notification in the local Gazette invest any revenue-officer with any of the powers, and impose on him any of the duties, with which he may invest him or which he may impose upon him under the [1] Buima Land and Revenue Act, 1876, and the rules framed under it. **Powers and duties of revenue-officers.**

II of 1876.

23. All proceedings of any Deputy Commissioner or revenue-officer under this Act shall be subject to control, revision and alteration by the Commissioner to whom he is subordinate and by the [2] Chief Commissioner. **Control of Commissioner.**

24. The [2] Chief Commissioner may from time to time [3] make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement. **Power to make rules.**

All such rules and all other rules made under this Act shall be published in the local Gazette, and shall thereupon have the force of law.

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[1] *Ante.*

[3] *See* the fourth footnote on p. 42 *ante.*

[3] For manner in which arrears of any tax or eess under the Act may be realized, see Bur. R. M., Vol. II, p. 191.

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THE BURMA BOUNDARIES ACT, 1880.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title.
   Local extent.
   Commencement.
1A. Definition of survey-mark.
2. Power to appoint Demarcation-officers and Boundary-officerB ; functions of such officers.
2A. Orders passed to be based on occupation.

CHAPTER II.

DEMARCATION OF BOUNDARIES.

A.—Proceedings of Demarcation-officers.

3. Power to direct demarcation of boundaries.
4. Power to enter on land to effect demarcation.
5. Publication of general notice.
6. Power to issue special notice to procure attendance.
7. Clearing of boundary-lines.
8. Compensation for injury done by clearance.
9. Power to summon person to give information or produce document.
10. Demarcation-officer to mark out boundaries, and submit report to Boundary-officer.
When Demarcation-officers may alter demarcation.

B.—Proceedings of Boundary-officer s.

11. General notice to persons affected.
Special notice to persons likely to object.
Statements of objections.
12. Order of Boundary-officer.
13. Objections subsequently made how dealt with.

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¿SECTIONS.

14. Boundary-officer to make further inquiry.
15. Power to enforce attendance of witnesses, etc.
16. Power to refer dispute to arbitration.
17. Effect of orders of Boundary-officer.

C.—Appeals from Orders of Boundary-officer.

18. Orders appealable to Commissioner.
Effect of Commissioner's order.
19. [*Repealed.*}
■*20.* Limitation of appeals.
'21. Commissioner's power in appeal.

D.—Boundary-marks.

22. When permanent boundary-marks are to be erected.
23. Apportionment of expense of erection of marks.
24. Notice to owners to pay share of expense.
25. Power to place marks under charge of owners and occupiers.
Duty to preserve boundary-marks.
Duty to give notice of any injury occurring to them.
'26. Power to re-erect and repair boundary-marks.
27. *[Repealed.]*

CHAPTER III.

MISCELLANEOUS.

"28. Survey-officer.
28A. Duties of village-officers and of owners and occupiers of land.
'29. Power to perform order under Act at expense of person disobeying it.
■30. Penalty for failure to discharge duty imposed or for refusing or neglecting to comply with orders or notice under Act.
31. Recovery of amounts due under Act.
•32. Power to make subsidiary rules.
Mode of publication.

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ACT No. Y OF 1880.[1]

(Applies to Uppeb and Loweb Bubma.)

[20th February, 1880.J

An Act to provide for the demarcation of land and for the establishment and maintenance of Boundary-marks in [2]British Burma.

Preamble.

[3] **Whereas** it is expedient to provide for the demarcation of land and for the establishment and maintenance of boundary and survey marks in Burma ;

It is hereby enacted as follows : —

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called the Burma Boundaries Act, 1880:

Local extent.

It extends to the territories for the time being administered by the-[4] Chief Commissioner of [2] British Burma:

Commencement.

and it shall come into force at once.

Definition of "survey-mark."

[5]1A. In this Act,—

" Survey-mark " means any pillar, pipe, post or other mark erected or placed above or below the surface by or by order of any officer appointed by the Local Government to make a survey, of any land on or within the boundaries of such land for the purpose of indicating survey points or lines.

Power to appoint Demarcation and Boundary-officers ; functions of such officers.

2. The Local Government may from time to time appoint persons,, by name or by virtue of their office, to be Demarcation-officers and [6] Boundary-officers and may suspend or remove any person so appointed.

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[1] For Statement of Objects and Reasons, *see* fiazette of India, 1880, Pt. V, p. 9; for Proceedings in Council, *see ibid*, Supplement, p. 79; and *ibid,* l"i80. pp. 153, 173, and 565.

The Act was declared in force in Upper Burma by the Burma Laws Act, 1898 (13 of 189H), *see* the First Schedule, *post.*

* R?ad now " Lower Burma," *see* the Burma Laws Act, 1898 (13 of 1898', s. 7, *post.*

[1] This Preamble -was substituted for the original, by the Burma Boundaries Act Amendment Act, 1895 (2 of 1895), s. 2, *post,* Act 2 of 1895 extends to the whole of Buima (inclusive of Upper Burma), except the Shan States, *see* Act 2 of 1895, s. 1 *(2).* In the original Pieamble there ■was no reference to survey marks, and the reference was to "British Bu^ma."

* The officer designated Chief Commissioner in this Act, ia now the Lieutenant-Governor of Burma, *see* Proclamation, dated 9th April, 1897, Gazette of India, 1897, Pt. I, p 261.

* This section was added by the Burma Boundaries Act Amendment Act, 1895 (2 of 1895), s. 3, *pr>st.*

' For appointments made under this section, *see* Burma Gazette, 1895, Pt. I, p. 503,. *ibid,* 1907 Pt. I, p. 17.

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Every person so appointed shall, subject to the control of the Local Government and of any [1] superior officer appointed by it in this behalf, exercise and perforin, within such local limits as the Local Government may from time to time direct, the powers conferred, and the duties imposed, by this Act or the rules made hereunder on such officers respectively.

[2] 2A. The enquiries made, the boundaries demarcated, and the orders passed by any Demarcation Officer or Boundary Officer appointed under this Act shall be based upon the actual possession of land without reference to the claim of any person to a right to possess such land : **Orders based on actual occupation.**

Provided that if in the course of an enquiry the Demarcation Officer is unable to satisfy himself which party is in possession, he shall refer the case for the orders of the Boundary Officer before marking out the boundaries of the land. If on the report of the Demarcation Officer or in the course of an enquiry made by himself, the Boundary Officer is unable to satisfy himself as to which party is in possession, or if it is shown that possession has been obtained by wrongful dispossession of the lawful occupants of the land within a period of three months previous to the commencement of the enquiry, the Boundary Officer—

(a) in the first case, shall ascertain by summary inquiry who is the person best entitled to the land and shall put such person in possession;

(b) in the second case, shall put the person so dispossessed in possession; and shall then fix the boundary accordingly.

CHAPTER II.

Demarcation of Boundaries.

A.—Proceedings of Demarcation-officers.

3. The Local Government may, whenever it thinks fit, by a notification in the official Gazette, direct that the boundaries of any land shall be demarcated by a Demarcation-officer. **Power to direct demarcation of boundaries.**

4. On the publication of any such notification, a Demarcation-officer appointed by the Local Government in this behalf may enter upon the land specified therein, and make all enquiries and do all other things necessary for demarcating the boundaries of the said land. **Power to enter on land to effect demarcation.**

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[1] *See* **sixth footnote on preceding page.**

[2] **Section 2A was added by s. 2 of the Burma Boundaries Act (1880) Amendment Act 1909 (Bur. Act 3 of 1909),** *post.*

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Publication of general notice.

5. The Demarcation-officer shall cause to be published a general notice addressed to all persons owning, occupying or otherwise interested in the said land and the land inarching therewith, and to all persons employed on or connected with the management of such land, calling upon them to attend either personally or by agent, before him, at such places and at such times as may be stated in such notice, for the purpose of pointing out the boundaries and of rendering such aid as may be necessary in setting up or repairing the boundary-marks, and of affording such other assistance and information as may be needed for the purposes of the demarcation.

The persons to whom such notice is addressed shall not be legally bound to attend.

Power to issue special notice to produce attendance.

6. The demarcation-officer may also cause a special notice to be served on any of the persons mentioned in section 5 requiring such person to attend, personally or by agent, before him on or beiore a specified date, at such places and for such of the purposes aforesaid as may be stated in such notice; and every person upon whom such special notice may be served shall be legally bound to attend as required by the notice, and, so far as he may be able, to do any of the things mentioned therein.

Clearing of boundary line.

7. The Demarcation-officer may cause a special notice to bs served any owner or occupier of the said land requiring such owner or occupier to clear any boundary or other line which it may be necessary to clear for the purposes of the demarcation of such land, by cutting down and removing any trees, jungle, fences or standing crops, or to provide labour by furnishing flag-holders, or otherwise to assist in the demarcation of such land; and, if it is necessary to employ hired labour for these or other similar objects incidental to the demarcation, the Demarcation-officer may assess and recover from such owner or occupier the cost of such labour.

Compensation for injury done by clearance.

8. If any demand for compensation is made in respect of the clearing in accordance with a requisition under section 7, the Demarcation-officer shall determine and record the value of any trees, jungle, fences or standing crops which may have been cut down or removed, and shall pay or tender to the owners thereof the amount of compensation which, in his opinion, should be allowed therefor.

Any dispute arising concerning the sufficiency of the amount so paid or tendered shall be determined by the Deputy Commissioner upon application made to him for that purpose by either of the disputing parties.

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9. The Demarcation-officer may issue a special notice calling upon any person who he has reason to believe can give anv information respecting the boundaries of the land, or in whose possession or power any document relating to such boundaries is alleged to be, to attend before him and give such information or produce such document, on a date and at a place to be mentioned in the notice. **Power to summon person to give information or produce document.**

Every person on whom any such notice is served shall be legally bound to attend and to give such information or to produce such document as required by the notice.

10. The Demarcation-officer shall, after making such inquiry as he thinks fit, mark out the boundaries of the land, and may cause boundary-marks, of such materials, in such number, and in such manner, as he thinks fit, to be erected by the owners or occupiers of the land, or may erect such marks and charge the cost of such erection to such owners or occupiers, and shall forward a report of his proceedings to the Boundary-officer: **Demarcation to boundaries, and submit report to Boundary-officer.**

Provided that, at any time before forwarding his report to the Boundary-officer, the Demarcation-officer may, for any sufficient reason to be stated in such report, alter any boundary marked out by him. **When Demarcation-officer may alter demarcation.**

B.—Proceedings of Boundary-officers.

11. The Boundary-officer shall, on receipt of the report of the Demarcation-officer, cause a general notice to be published, informing all persons concerned that such report is open to inspection, and requiring any person who may have any objections to make thereto to submit a written statement of such objections within one month from the date of the publication of such notice. **General notice to persons affected.**

Whenever the Boundary-officer has reason to believe that any person interested is likely to object to any boundary as laid down in such report, he shall cause a special notice to be served on such person requiring him to submit, within the said period of one month, a written statement of his objection. **Special notice to persons likely to object.**

No person shall be entitled as of right to submit any statement of objection after the expiration of the said period of one month; but it shall be in the discretion of the Boundary-officer to admit any cuch statement after the expiration of such period and before the order next hereinafter mentioned has been made. **Statements of objections.**

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Order of Boun officer Ur-*

12. When the said period of one month has expired and the objections (if any) made within it or subsequently admitted by the Boundary-officer have been inquired into by him, and any further inquiry which he may deem necessary has been made by him, the Boundary-officer shall pass such order as he thinks fit, confirming or modifying the boundaries as determined by the Demarcation-officer.

If any objection seems to him not to be well-founded, the Boundary-officer may direct that all expenses of the inquiry which have arisen from such objection shall be recovered from the person who made the same.

Objections subsequently mide tiow dealt with.

13. ^^en any person, within sixty days from the date of the order passed under section 12, makes any objection to the correctness of the demarcation-proceedings, the Boundary-officer may, in his discretion, either refuse to inquire into such objection, or may require the person making the same to deposit, within a reasonable time, the estimated cost of any further inquiry which it may be necessary to make in respect thereof.

Boun<ry- officer to make further inquiry.

]4. Jf the costs of such further inquiry are deposited, the Boundary-officer shall, after making such inquiry, pass an order rejecting such objection or admitting the same and amending the order passed under section 12.

If, on such inquiry, the objection seems to the Boundary-officer not to be well founded, he may pass such order as he thinks fit in respect of the recovery, from the person making the objection, of any sum expended on the inquiry in excess of the sum deposited, and of any necessary expenses incurred by any other person on account of such inquiry.

No person making an objection under section 13 shall, unless the Buundary-officer specially so directs, recover any portion of the amount deposited by him under section 13.

Power to enlor »t- tendanc- oi witnesses, eto.

15. For the purposes of any inquiry under this Act, the Boundary-officer shall, in addition to the powers conferred specially by this Act, have all the powers of a Demarcation-officer and also power to summon and enforce the attendance of witnesses and compel the production of documents, so far as may be, by the same means and in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure. XIV of 1»8

Power to refer -lispute to arbitra- tion.

1®- The Boundary-officer, whenever ha thinks fit, may, with the consent of the parties concerned, refer to arbitration a» dispute as to a ooun **y-

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The procedure laid down in Chapter XXXYII of the [1] Code of Civil Procedure shall apply (so far as may be) to such references.

17. The order passed by the Boundary-officer under section 12, or, when such order is amended under section 14, such amended order, shall, unless and until it be reversed or modified in manner hereinafter provided, be conclusive [2][as to the fact of actual possession but shall not deeide the claim of any person to a right to possess land]. **Effect of** ,,rdera o£ officer!** Boun-

C.—Appeals from Orders of Boundary-officer s.

18. An appeal shall lie to the Commissioner of the division from every order passed by a Boundary-officer under section 12, section 1'3 or section 14 [3][and the order of the Commissioner shall be final and conclu- sioner.[1] sive as to the fact of actual possession but shall not decided the claim of Effects of any person to a right to possess land]. **Orders appealable** to Comm's- **Commis- swner's**

19. [*Decision when final. Second appeal when allowed.* J *Rep. s.* 5 order" *of Bur. Act 3 of 1909.*

[4]20. *(1)* The period of limitation of an appeal under section 18 shall be sixty days. **Limitation** of **appeals.**

(2) In computing such period of sixty days and in all respects not herein specified the limitation of such a period shall be governed by the provisions of the [5] Indian Limitation Act, 1908. ax of 1908;

[6] 21. The Commissioner shall in hearing and determining appeals under section 18 have as nearly as may be the powers of an Appellate Court under the [5] Code of Civil Procedure. **Commission- er s pe appeal** in V of 190Ri

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[1] *See* now the second Schedule to the Code of Civil Procedure, 1908 ; Act 5 of 1908', Geril. Acts, Vol. VI.

[3] These words were added to s. 17 by s. 3 of the Burma Boundaries Act (1880) Amend- ment Act, 1909 (Bur. Act 3 of 1909;, *post.*

[3] These words were added to s. 18 by s. 4 of Bur. Act 3 of 1909.

* Section 20 was substituted by s. 6 of the Burma Boundaries Act (1880) Amendment Act, lb09 (Bur. Act 5 of 1909[1], *post.*

The original section was as follows :—The period of limitation for an appeal under section 18 or section 19 shall run from the date of the order or decision appealed against and shall be as follows, that is to say :—

(a) in the case of an appeal under section 18—sixty days;

(b) in the case of an appeal under section 19—ninrty days;

In computing such periods of sixty and ninety days, and in all respects not herein specified, the limitation of such appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

* Geril. Acts, Vol. VI.

* Section 21 was substituted by s. 7 of Bur. Act 3 of 1909.

The original section as amended by Act 6 of 19CC was as follows :—The Commis- sioner, the Judicial Commissioner [of Upper Burma and the Chief Court of Lower Burma] shall in hearing and determining appeals presented under this Act have, as nearly as may be. the same powers as they have ;n the case of appeals from decrees and orders in ci\il suite.

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D.—Boundary-marks.

When permanent boundary-marks are to be erected.

22. Whenever an order determining a boundary has become final,, the Boundary-officer shall, unless permanent boundary-marks of a suitable description have already been erected along such boundary, cause to be erected permanent boundary-marks, of such materials, in such number, and in such manner, as he may consider sufficient to distinguish such boundary.

An order determining a boundary becomes final for the purposes of this section when it is not open to appeal.

Apportionment of expense of eroction of marks.

23. All expenses incurred by the Boundary-officer in erecting such boundary-marks for any land shall be apportioned amongst tlie owners-or occupiers of such land, in such proportions as the Boundary-officer may think fit.

Notice to owners to pay share of expense.

24. When the expenses have been apportioned among such owners or occupiers, the Boundary-officer shall cause a notice to be served on each of them, specifying the amount payable by him in respect of such expenses, and requiring him to pay such amount to the Bouudary-officers within one month from the service of such notice.

Power to place marks under charge of owners and occupiers.

25. The Boundary-officcr may further cause a notice to be served on any owner or occupier, placing under his charge any boundary-marks erected on the boundary of his land, whether by order of such officer or otherwise.

Duty to preserve boundary-marks.

Every owner or occupier shall preserve such boundary-marks as may be placed under his charge under this section, and shall give immediate notice to the nearest Magistrate or the officer in charge of the nearest police-station if any such marks are injured, destroyed or removed, or require repairs,

Duty to give notice of injury occurring to them.

Power to re-erect and repair boundary-marks.

26. Whenever a Magistrate of the first or second class becomes aware that any mark erected under this Act within the local limits of his jurisdiction has been injured, destroyed or removed, or requires repairs, such Magistrate may cause such mark to be re-erected, restored or repaired, and may recover any expenses incurred in respect of such re-erection, restoration or repair from the owner or occupier who is bound under section 25 to preserve such mark.

27. *[Duties of village-officers.] Rep. by the Burma Boundaries Act Amendment Act, 1S95 (2 of 1895), s. 4.*

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CHAPTER III.

MISCELLANEOUS.

Survey officers.

[1] 28. When any officer is appointed by the Government to make a survey of any land, the [2] Chief Commissioner may [3] invest such officer, for the purposes of such survey, with all or any of the powers conferred on Demarcation-officers by sections 4 to 9 (both inclusive), and also with power to cause any boundary or survey or other marks to be erected or placed by the owners or occupiers of any land, or to erect or place such marks and to charge the cost of such erection or placing to such owners or occupiers.

All the provisions of sections 23 to 26 (both inclusive) shall apply to such marks, and the officer invested with such powers shall have ali the powers of a Boundary-officer under the said sections.

Duties of village-officers and owners of land.

[4]28A. It shall be the duty of every viliage-headman and thugvi and of every owner or occupier oi land,—

(a) so far as he lawfully can, to prevent the destruction, injury and alteration of any boundary or survey mark within the local limits of his jurisdiction or o"n or within the land owned or occupied by him, as the case may be;

(*b*) whenever he becomes aware that any such boundary or survey-mark has been destroyed, injured or altered, to report immediately to the officer in charge of the nearest police-station or to the nearest Magistrate such destruction, injury dr alteration.

perform order

expense of person

29. If any owner or occupier of any land, or any other person, Po»[1]» to being ordered in accordance with the provisions herein contained to under Act ij perform any act, fails to perform such act within a reasonable time, the officer who gave the order may, after giving notice to such owner, obeying it.

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[1] **Ss. 28 and 28A were substituted for the original s. ?8, by the Burma Boundaries Act Amendment Act, 1895 12 of 1895), s. 5, *post.***

The original section was the same as the present section -with the addition of the words " or survey " after " boundary " and the words " or planed," " or place " ar.d " or placing " after the words " erected," " erect " and " erection."

[3] **The Chief Commissioner is now Lieutenant-Governor of Burma, *see* Proclamation, dated 9th April, 1897, Gazette of India, 1897, Pt. I, p. 261. All the powers and duties conferred and imposed on rhe Chief Commissioner are to be deemed to have been conferred and imposed on the Lieutenant-Governor, with effect from the first day of May, 1897, *see* s. 15 of the Burma Laws Act, 1898 (13 of 189 , *post.***

[4] **For notification investing all Superintendents of Land Records with the powers conferred on Demarcation Officers by sections 4 to 9 of the Act, see Burma Gazette, 1907, Pt. I, p. 741.**

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occupier or other person of his intention so to do, cause the act to he performed; and the expenses incurred in such performance shaJl be payable by such owner, occupier or other person.

Penalty for failure to discharge duty imposed or for refusing or neglecting to comply with orders or notice under Act.

[1] **30.** Whoever—

(a) knowingly fails to discharge any duty imposed on him by this Act or any rule made thereunder, or

(b) being legally bound to comply with any lawful order under this Act or -with the requisition contained in any special notice served upon him under this Act, refuses or neglects to comply therewith,

shall be punished with fine which may extend to fifty rupees.

Recovery of amounts due under Act

31. Every amount due under the provisions of this Act may be recovered as if the same were an arrear of land-revenue.

Power to make subsidiary rules*

32. The [2] Chief Commissioner may from time to time make [3] rules consistent with this Act—

(a) for the collection and record of any information in respect of any land;

(b) prescribing and limiting the powers and duties of officers conducting proceedings under this Act;

(c) regulating the delegation by such officers to subordinate officers of the powers and duties conferred and imposed on them respectively by this Act or the rules made thereunder;

(d) for the proper performance of all things to be done, and for the regulation of all proceedings to be taken, under this Act;

(e) for the publication, issue and service of all notices, whether general or special, to be published, issued or served under this Act, and

(f) for carrying out generally the purposes of this Act.

Modo of publication.

All such rules shall be published in the local official Gazette, and shall thereupon have the force of law.

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[1] This section was substituted for the original s. 30 by the Burma Boundaries Act Amendment Act, 1895 (2 of 1895/, s. 6, printed, *post.*

The original section was as follows :—" Whoever, b»ing legally bound to comply with any lawful ordei under this Act, or with the requisition contained in any special notice served upon him under this Act. refuses or neglects to comply therewith, shall be punished with fine which may extend to fifty rupees."

[1] *Se** the second footnote on preceding page.

* For rules under this section, *see* Bur. R. M., Vol. II, pp. 192 and 195.

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THE VACCINATION ACT, 1880.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
Application.
2. Interpretation-clause.
3. Extension of Act to municipalities.
4. Extension to cantonments.
5. Power to withdraw local area from operation of Act.
6. Prohibition of inoculation.
Inoculated persons not to enter, without certificate, local area subject to Act.
7. Vaccination-circles.
Vaccinators.
Superintendent of vaccination.
8. Private vaccinators.
9. Unprotected children to be vaccinated.
Vaccinator to vaccinate children, or deliver certificates of postponement.
10. Inspection after vaccination.
11. Procedure when vaccination is successful.
12. Procedure when vaccination is unsuccessful.
13. Procedure when child is unfit for vaccination.
Renewal of postponement-certificates.
14. Certificates of insusceptibility of successful vaccination.
15. What lymph to be used.
16. No fee to be charged except by privace vaccinator.
Proviso.
17. Duties of Superintendent of vaccination.
Notice to parent or guardian neglecting to comply with Act.
18. Order by Magistrate -when notice not complied with.
Procedure when order not obeyed.
Magistrates to be non-official Natives.
19. Power to make rules for municipalities.
'20. Power to make rules for cantonments.
21. What rules under sections 19 and 20 may provide for.
22. Punishment of offences.
'23. Municipal funds to receive fines and meet expenditure.

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ACT No. XIII of 1880.[1]

(APPLIES TO UPPER AND LOWER BURMA.)

[*9th July, 1880.*]

An Act to give power to prohibit inoculation, and to make the vaccination of children compulsory, in certain Municipalities and cantonments.

Preamble. WHEREAS it is expedient to give power to prohibit inoculation, and make the vaccination of children compulsory, in certain municipalities and cantonments ; It is hereby enacted as follows : —

Short title. 1. This Act may be called the Yaccination Act, 1880; and

Application. it shall apply only to such Municipalities and cantonments situate in the territories administered respectively by the Lieutenant-Governors of the North-Western Provinces and the Punjab, and the Chief Commissioners of Oudh, the Central Provinces, [3] British Burma, Assam, Ajmere and Coorg as it may be extended to in manner hereinafter provided.

Interpretation-clause. *2.* In this Act, unless there is something repugnant in the subject or context,—

Municipal commissioners. *(1)* the expression " municipal commissioners " means a body of municipal commissioners or a municipal committee constituted under the provisions of any [4] enactment for the time being in force :

Parent. *(2)* " parent" means the father of a legitimate child and the mother of an illegitimate child :

Guardian. *(3)* " guardian " includes any person who has accepted or assumed the care or custody of any child :

Unprotected child. *(4)* " unprotected child " means a child who has not been protected from small-pox by having had that disease either naturally or by inoculation, or by having been successfully vaccinated, and who has not been certified under this Act to be insusceptible to vaccination :

Inoculation. *(5)* " inoculation " means any operation performed with the object

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[1] For Statement of Objects and Reasons, *see* Gazette of India, 1850, Pt. V, p. 80; for Report of the Select Committee, *see ibid,* p. 205 ; for Proceedings in Council, *see ibid,* 1879, Supplement, p.. 1225; *ibid,* lübO, pp. 566 and 1204.

Art 13 of 1830 was declared in force in Upper Burma (except the Shan States), by the Burma Laws Act, 1898 ! 13 of 1898), *see* s. 4 and the First Schedule, *post.*

For other Acts relating to vaccination and vaccinators, *see* the Burma Prohibition of Inoculation and Licensing of Vaccinatoit Act, 1908 (Bur. Act 6 of 1908), and the Burma Vaccination Law Amendment Act, 1909 IBur. Act 1 of 1909), *post.*

[1] For list of municipalities and cantonments in Burma to which this Act has been extended, see Bur. R. M., Vol. I, App. B, p. x.

[3] Read now " Lower Burma," *se.f* Burma Laws Act, 1898 (13 of 1898), s. 7, *post.*

The officer designated Chief Commissioner ia now Lieutenant-Governor of Burma, see» Proclamation, dated 9th April, 1897, Gazette of India, 1897 Pt. I, p. 261."

[4] *See* the Burma Municipal Act, 1898 (Bur. Act 3 of 1898), s. 7, *post.*

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of producing the disease of small-pox in any person by means of variolous matter:

(6) " vaccination-circle " means one of the parts into which a municipality or cantonment has been divided under this Act for the performance of vaccination : Vaccination-circle.

(7) [1] "vaccinator" means any vaccinator appointed under this Act to perform the operation of vaccination, oi any private person authorized by the Local Government in manner hereinafter provided to perform the same operation; and includes a [1] " Superintendent of vaccination " : Vaccinator.

(8) " vaccination-season " means the period from time to time fixed by the Local Government for any local area under its administration by notification in the official Gazette, during which alone vaccination may be performed under this Act. Vaccination-season.

3. A majority in number of the persons present at a meeting of the municipal commissioners specially convened in this behalf may apply to the Local Government to extend this Act to the whole or any part of a [2] municipality; and thereupon the Local Government may, if it thinks fit, by notification published in the official Gazette, declare its intention to extend this Act in the manner proposed. Extension of Actto municipalities.

Any inhabitant of such municipality or part thereof who objects to such extension may, within six weeks from the date of. such publication, send his objection, in writing, to the Secretary to the Local Government, and the Local Government shall take such objection into consideration. When six weeks from the said publication have expired, the Local Government, if no such objections have been sent as aforesaid, or (when such objections have been so sent) if in its opinion they are insufficient, may, by like notification, effect the proposed extension.

4. The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, extend this Act to the whole or any part of a [2] military cantonment. Extension to cantonments^

5. The Local Government may, by notification in the official Gazette, withdraw any local aiea in a municipality or, with the previous sanction of the Governor General in Council, any local area in a cantonment from the operation of this Act. Power to withdraw local area from operation ot Act.

6. In any local area to' which the provisions of this Act apply, inoculation shall be prohibited; and Prohibition of inoculation.

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[1] *See* now definition of " Vaccinator " and " Superintendent of vaccination " in s. 5 of the Burma Prohibition of Inoculation and Licensing or Vaccinatois Act, 1908 iBur. Act 6 of 1908-, and in s. 3 (a) of the Burma Vaccination Law Amendment Act, 1909 Bur. Act 1 of 1909), *pout.*

[1] For list of notifications in connection with extensions of the Act to Municipalities and Cantonments, *see* Bur. R. M., Vol. I, App. B, p. x.

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Inoculated persons not to enter, without certificate, local area subject to Act.

no person who has undergone inoculation shall enter such area before the lapse of forty days from the date of the operation, without a certificate from a medical practitioner, of such class as the Local Government may from time to time by written order authorize to grant such [1] certificates, stating that such person is no longer likely to produce small-pox by contact or near approach.

Vaccinai ion-circles.

7. Every local area to which this Act applies shall be a vaccination-circle, or shall in manner hereinafter provided be divided into a number of such circles :

Vaccinators.

one or more vaccinators shall be appointed in manner hereinafter provided for each such circle ; and

Superintendent of vaccination.

one or more Superintendents of vaccination shall be appointed in manner hereinafter provided for each such local area.

Private vaccinators.

8. The Local Government may by -written license authorize private vaccinators to perform vaccination in any vaccination-circle, and may suspend or cancel any such license.

Unprotected children to be vaccinated.

[2] 9. When any unprotected child, having attained the age of six months, has resided for a period of one month during the vaccination-season in any local area to which the provisions of this Act apply, and has not at the expiration of such period attained the age, if a boy, of fourteen years, and if a girl of eight years, the parent or guardian of such child shall take it, or cause it to be taken, to a vaccinator 1o be vaccinated, or send for a vaccinator to vaccinate it.

Vaccinator to vaccinate children or deliver certificates of postponement.

Such vaccinator shall vaccinate the child and deliver to its parent or guardian a memorandum stating the date on which the vaccination has been performed and the date on which the child' is to be inspected in order to ascertain the resulf of the operation, or shall, if he finds such child in a state unfit for vaccination, deliver to its parent or guardian a certificate under his hand to the effect that the child is in a state unfit for vaccination for the whole or part of the current vaocination-season.

Inspection after vaccination.

10. The parent or guardian of every child which has been vacciuated under section 9 shall, on the date of inspection stated in the memorandum, take the child, or cause it to be taken, to a vaccinator for inspection or get it inspected at his own house, by a vaccinator; and

such vaccinator shall then append to the memorandum a certificate stating that the child has been inspected and the result of such inspection.

Pro-edure when vaccin-

11. When it is ascertained at the time of inspecting a child under section 10 that the vaccination has been successful, a certificate shall be

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[1] **For officers appointed to grant certificates, *see* Bur. R. M., Vol. II, p. 196.**

[2] **S. 4 of the Burma Vaccination Law Amendment Act, 1909 (Bur. Act 1 of 1909). shall for the purpose of the application in the case of children -whose vaccination Is directed under that section of the second paragraph of 8. 9 and sections 10 to 22 of this Act be read as if it were part of s. 9 of this Act.**

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delivered by the vaccinator to the parent or guardian of such child to tionis
that effect, and such child shall thereafter be deemed to be protected. successful.

12. When it is ascertained as aforesaid that the vaccination has been procedure
unsuccessful, the parent or guardian shall, if the vaccinator so direct, "henvaccina-
cause the child to be forthwith again vaccinated and subsequently unsuccessful,
inspected in manner hereinafter provided.

13. A certificate granted under section 9 showing the unfitness of a **Procedure**
child for vaccination shall remain in force for the period stated therein, **"hen child**
and, on the termination of that period, or if that period terminates vaccination,
after the vaccination-season is over, when the next vaccination-season
begins, the parent or guardian of such child shall take the child, or
cause it to be taken, to a vaccinator to be vaccinated, or procure its
vaccination at his own house by a vaccinator :

Provided that, if the child is still found to be in a state unfit for Renewal of
vaccination, the certificate granted under section 9 shall be renewed. pos*pone-

14. If the Superintendent of vaccination is of opinion that a child **certificates**
which has been three times unsuccessfully vaccinated is insusceptible of
successful vaccination, he shall deliver to the parent or guardian of **successful**
such child a certificate under his hand to that effect; and the parent **vaccination,**
or guardian shall thenceforth not be required to cause the child to be
vaccinated.

15. The vaccination of a child shall ordinarily be performed with **Whatlymph**
such lymph as may be prescribed by the rules to be made under this Act : to e us*

Provided that,

;*first*, if animal-lymph is so prescribed and the parent oi guardian of any child desires that such child shall be vaccinated with human-lymph it shall be so vaccinated ; and

second, if in any local area in which animal-lymph is procurable human-lymph is so prescribed, and the parent or guardian of any child desires that such child should be vaccinated with animal-lymph, and tenders to the vaccinator the amount of such fee, not exceeding one rupee as may be fixed by such rules in this behalf, such child shall be so vaccinated.

16. No fee shall be charged by any vaccinator except a private
vaccinator to the parent or guardian of any child for any of the duties except by
imposed on such vaccinator by or under the provisions of this Act: vaccinator.

Provided that it shall be lawful for a vaccinator to accept a fee for proviso,
vaccinating a child by request of the paient or guardian elsewhere than
in the circle for which such vaccinator is appointed.

17. The Superintendent of vaccination, in addition to th« other Duties of
duties imposed on him by or under the provisions of this Act, ?>hall '

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dänt of vaccination.

ascertain whether all unprotected children, under the age of fourteen years if hoys, and under the age of eight years if girls, within the local area under his superintendence have been vaccinated; and, if he has reason to believe that the parent or guardian of any such child is bound by the provisions hereinbefore contained to procure the vaccination of such child or to present it for inspection, and has omitted so to do, he shall personally go to the house of such parent or guardian, and there make enquiry, and shall, if the fact is proved, forthwith deliver to such parent or guardian, or cause to be affixed to his houre, a notice requiring that the child be vaccinated, or (as the case may be) that it be presented for inspection, at a time and place to be specified in such notice.

Notice to parent or guardian neglecting to comply with Act.

Order by Magistrate wnen notice not complied with.

[1]18. If such notice is not complied with, the Superintendent of vaccination shall report the matter to the Magistrate of the district, or such Magistrate as the Local Government or the Magistrate of the district may from time to time appoint in this behalf; and the Magistrate receiving such report shall summon the parent or guardian of the child and demand his explanation, and shall, if such explanation is not satisfactory, make an order in writing directing such parent or guardian to comply with the notice before a date specified in the order.

Procedure when order not obeyed.

If on such date the order has not been obeyed, the Magistrate shall summon the parent or guardian before him, and, unless just cause or excuse is shown, shall deal with the disobedience as an offence punishable under section 22.

Magistrates to be non-official Natives.

The Magistrates appointed under this section shall, as far as is conveniently practicable, be Natives of India, and not paid servants of the Government.

Power to make rules for municipalities.

19. When this Act has been applied to any municipality or any part thereof, the municipal commissioners may from time to time make [2] rules consistent with this Act for the proper enforcement of this Act within the limits to which it applies'. Such rules shall be made in the manner in which, under the [3] law for the time being in force, the commissioners make rules or bye-Iaws for the regulation of other matters within the limits of the municipality, and shall when confirmed by the Local Government and published in the official Gazette have the force of law:

Provided that the Local Government may at any time rescind or modify any such rule.

Power to

20. When this Act has been applied to any cantonment or any part

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[1] Tor notification empowering Sub-divisional and Assistant Magistrates, Moulmein Town, *see* Burma Gazette, 1898, Pt. I, p. 691.

[1] For local rules, *see* Municipal Pamphlets.

- *See* the Burma Municipal Act, 1898 (3 of 1898), s. 142, *post*.

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thereof, the Local Government may from time to time, subject to the control of the Governor General in Council, make such [1] rules.

21. The rules to be made for any local area under section 19 or clause (1) may, among other matters, provide for—

(a) the division of such local area into circles for the performance of vaccination ;

(b) the appointment of a place in each vaccination-circle as a public vaccine-station, and the posting of some distinguishing mark in a conspicuous place near such station ;

(c) the qualifications to be required of public vaccinators and Superintendents of vaccination ;

(d) the authority with which their appointment, suspension and dismissal shall rest ;

(e) the time of attendance of public vaccinators at the vaccine-stations, and their residence within the limits of the vaccination-circles ;

(f) the distinguishing mark or badge to be worn by them;

(g) the amount of fee chargeable by private vaccinators, and their guidance generally in the performance of their duties ;

(h) the facilities to be afforded to people for procuring the vaccination of their children at their own houses;

(i) the grant and form of certificates of successful vaccination, of unfitness for vaccination, or of insusceptibility of vaccination ;

(j) the nature of the lymph to be used and the supply of a sufficient quantity of such lymph ;

(k) the fee to be paid for vaccination with animal-lymph under section 15 ;

(l) the fee to be paid to a public vaccinator for vaccinating a child beyond the vaccination-circle at the request of the parent or guardian of the said child ;

(m) the preparation and keeping of registers showing—

the names of children born in such local area on or after the date of the application of this Act;

the names of unprotected children born in such local area previous to the application of this Act, and who are, at the time this Act is applied, under the age of fourteen years if boys, and of eight years if girls;

the names of unprotected boys and girls, respectively, under those ages brought within such local area at any time after the application of this Act and who have resided there for a month ;

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* For list of such rules, see Bur. E. M., Vol. I. p. 75.

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the result of each vaccination or its postponement, and the delivery of certificates, if any;

(?i) the assistance to be given by the municipal commissioners and municipal servants in the preparation of these registers, and in other matters; and,

(o) the preparation of vaccination-reports and returns.

Punishment of offences.

22. Whoever commits any of the undermentioned offences (that is to say): —

(a) violates the provisions of section 6,

(*b*) neglects without just excuse to obey an order made under section 18,

(c) breaks any of the rules made under section 19 or 20, or

(d) neglects without just cause to obey an order made under section 18, after having been previously convicted of so neglecting to obey a similar order made in respect of the same child,

shall be punished as follows (that is to say): —

in the case of the offence mentioned in clause *(a),* with simple imprisonment for a term which may extend to three months, or w ith fine which may extend to two hundred rupees, or with both;

in the case of the offences mentioned in clauses (*b*) and (c), with fine- which may extend to fifty rupees; and,

in the case of the offence mentioned in clause (d), with simple imprisonment for a term which may extend to six months, or with fine- which may extend to one thousand rupees, or with both.

Municipal funds to receive fines and meet expenditure.

23. The amount of all fees and fines realized, and the amount of all expenditure incurred, under this Act in any municipality shall respectively be credited to, and paid from, the municipal fund.

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[1] THE BURMA STEAM-BOILERS AND PRIME MOVERS ACT, 1882.

CONTENTS.

PBEAHBLE.

SECTIONS.

1. Short title.
   Commencement.
   Local extent.
   Savings.
2. Definitions.

[1] **This Act will be repealed when Burma Act II of ltflO comes into force, *see* Appendix II, *poet.***

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SECTIONS.

3. Appointment of Inspectors.
4. Examination of, and grant of certificates to, engineers or engine-drivers.
5. Use of boiler or prime-mover without license prohibited.
6. On notice from owner, Inspector to examine boiler or prime-mover.
7. Inspector may require owner to alter boiler or prime-mover.
8. When Inspector to grant license.
9. Licensing of boilers, etc., in charge of certain engineers.
10. License to state period foi which it is to be in force.
11. Revocation or suspension of license.
12. Appeal against refusal, revocation or suspension of license.
13. Power of Inspector to enter place or building.
14. Penalties.
15. Engineer signing false report under section 9.
16. Charges not to be brought after six months, or without Inspector's sanction.
17. Power to define limits of towns.
18. Power to make rules.

FIRST SCHEDULE.—FOEH **of License.**

SECOND SCHEDULE.—**Repoet of Engineer.**

THIRD SCHEDULE.—**Form of License to be endorsed on Report of Engineer.**

ACT No. XVIII of 1882.[1]

[Applies to Lower and Upper Burma.]

[18th August, 1882.']

An Act to provide for the inspection of Steam-boilers and Prime-movers attached thereto in [2]British Burma.

Whereas it is expedient to provide in [2] British Burma for the inspection of steam-boilers and prime-movers attached thereto, and for the management of the same by competent engineers; It is hereby enacted as follows : — **Preamble,**

1. (*1*) This Act may be called the Burma Steam-boilers and Prime-movers Act, 1882. **Short title,**

[1] **For Statement of Objects and Reasons, see Gazette of India 1882, Pt. V, p. 768; for Proceedings in Council, see *ibid.* Supplement, pp. 134, 204 and 11(18.**

The Act has been declared in force in Upper Burma generally (except the Shan States), by the Burma Laws Act, 1898 (13 of 1898[1], see the First Schedule, *post.*

This Act will be repealed when the Burma Steam-boilers and Prime-move's Act, 1910 (Bur. Act II of 1310), comes into force, see s. 1 *(2)* of that Act in Appendix II, *post.*

[1] **Bead now Lower Burma, see the Burma Laws Act, 1898 (13 of 189o), s. 7, *post.***

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Coninence-ment. *(2)* It shall, except where it is otherwise expressed, come into force on such day as the [1] Chief Commissioner of [2] British Burma, with the previous sanction of the Governor General in Council, may, by notification in the [3] British Burma Gazette, [4] direct,

local extent. *(3)* It extends in the first instance only to the towns of Rangoon, Moulmein, Akyab and Bassein: but the [1] Chief Commissioner may from time to time, by notification in the [3] British Burma Gazette, [5] extend it from such date as may be specified in the notification, to any other local area in the territories administered bv him.

Savings. *(4* Nothing in this Act shall apply to any locomotive engine used on a railway, or to any engine on board of a ship, launch or boat.

DeSnitione. 2. In this Act, unless there is something repugnant in the subject or context,—

" boiler " includes any vessel used for generating steam under pressure;

" prime-mover " includes any steam-engine, and a fly-wheel, first driving shaft or pulley when attached to any such engine;

" owrner " includes also any person using any boiler or prime-mover as agent of the owner thereof, and any person using a boiler of prime-mover which he has hired from the owner thereof;

" Inspector " means a person appointed under this Act to be an Inspector.

^InspiftorB* 3. *(1)* ^he [1] Chief Commissioner may, at any time after the passing of this Act, and from time to time, [6] appoint such persons to be Inspectors as he thinks fit, and suspend or remove any person so appointed.

(2) The person so appointed shall, within such local area as the [1] Chief Commissioner may from time-to time direct, exercise the powers and perform the duties conferred and imposed by or under this Act on an Inspector.

of* and rar ifertilcateB 4. The [1] Chief Commissioner may, at any time after the passing of this Act, and from time to time, make [7] rules regulating the examina-

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[1] The Chief Commissioner is now Lieutenant-Governor of Burma, see Proclamation, dated 9th April. 1897, Gazette of India, 1897, Pt. I, p. 261; and all powers and duties conferred and imposed on the Chief Commissioner are to be deemed to be conferred and imposed on the Lieutenant-Governor, with effect from the 1st May, 1897, see s. 15 of the Burma Laws Act, 1898 i 13 of 1898), *post.*

[2] Read now Lower Burma, see the Burma Laws Act, 1898 (13 of 1898), s. 7, *post.*

[5] Read now " Buima Gazette," see s. 7 of the Burma Laws Act, 1898 (13 of 18981, *-post.*

* This Act came into force on the 1st February, 1883, *see* Burma Gazette, 1882, Pt. I, p. 614.

" For such extensions, *see* Bur. R. M., Vol. II, p. 197.

* For notification appointing persons holding the appointment of District Locomotive (Superintendents under the Burma Railways Company to be Inspectors and fixing the local kreas within which they shall exercise and perform the duties conferred and imposed by the Art, *see* Burma Gazette, 1006 and li*j8, Pt. I, pp. 215 and 115, respectively.

[7] For consolidated rules under ss. 4 and 18, see Bur. R. M., Vol. II, pp. 198 , 202 and 203. '

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tion of, and the grant (w ith or without examination) of certificates to, engineers persons to act as engineers of the first or second class [1] [or as engine-drivers] under this Act, and the cancellation of certificates so granted.

or engine-drlvers'

5. (*1*) After such day as the [2] Chief Commissioner may, by notifi- **Use of boiler**
cation in the [3] British Burma Gazette, fix in this behalf, a boiler or prime-mover shall not be used unless a [1] license authorizing its use has been granted under this Act and is in force.

m er itl

prohibited.

(2) Such a license shall not be granted in respect of a boiler or prime-mover unless it is in charge of an engineer, [3] [or in the case of a boiler or prime-mover attached to an engine of not more than twenty horse-power of an engineer or engine-driver,] to whom a certificate has been granted in accordance with the rules made under section *4* and its condition has been ascertained as hereinafter provided.

6. *(1)* When the owner of a boiler or prime-mover desires to obtain **On notice**
a license in respect thereof, he shall give notice of his intention to use the boiler or prime-mover to the Inspector for the local area within which it is situate.

owner, Inspector to examine boiler or prime-mover.

(2) On receipt of the notice, the Inspector shal] appoint a day and time, after sunrise and before sunset, for the inspection of the boiler or prime-mover. The day so appointed shall be a day, if the boiler or prime-mover is situate in the town of Rangoon, Moulmein, Akyab or Bassein, not later than seven days, and, if it is situate elsewhere, not later than thirty days, from the day on which Ihe notice is received.

(5) On the day and at the time so appointed, the Inspector shall carefully examine the boiler or prime-mover, and every part thereof; and the owner or person in charge thereof shall afford to the Inspector all reasonable facilities for the examination, and all such information regarding the boiler or prime-mover, as he may reasonably require.

7. If, on making the examination under section 6, the Inspector is **Inspector** of opinion that the boiler or prime-mover requires any alteration addition, he shall refuse to grant a license until the alteration or addition is made, and shall serve on the owner of the boiler or prime-mover a written notice of his refusal, specifying the alteration or addition which, in his opinion, is required.

or may require alter botfer or prime-mover.

owner to

8. "When the Inspector is satisfied—

(a) that the boiler or prime-mover is in good condition, and not so exposed as to be likely to be dangerous, and

Whenln-spector to grant license

[1] **These words were inserted by the Burma Prime-movers and Steam boilers Act, 1685 (1 of 1885), s. 2, *post*.**

[2] ***See* first footnote on preceding page.**

[3] **Read now Burma Gazette, *see* s. 7 of the Burma Laws Act, 1898 (13 of 1898), printed, *post*.**

*** For notifications fixing a date after which a license is necessary, see Burma Gazette, 1883, Pt. I, p. 278; *ibid*, 1898, Pt. I, p. 86.**

*** These 'voids in s. 5 *(2)* were inserted by the Burma Prime-movers and Sfceam-builers Act, 1885 (1 of 1885), s. 3, *post*.**

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(6) that the boiler or prime-mover is in charge of an engineer, [1] [or in the case of a boiler or prime-mover attached to an engine of not more than twenty horse-power of an engineer or engine-driver,] to whom a certificate has been granted' in accordance with the rules made under section 4,

he shall give to the owner thereof a 'written license, signed by him *in* the form prescribed in the first schedule hereto annexed, or a form to the like effect, on payment, by the owner, of such fee as the [2] Chief' Commissioner may by rule prescribe.

Licensing o! boilers, etc., in oharee of certain engineers.

9. *(1)* When a boiler or prime-mover is in charge of an engineer who has obtained, in accordance with the rules made under section 4, a certificate as engineer of the first class, the [2] Chief Commissioner may, by an order in 'writing, direct that the report of that engineer shall for the purpose of granting a license under this Act in respect of" that boiler or prime-mover, be received as sufficient evidence of the matters referred to in section 8, clause (a).

(2) The [2] Chief Commissioner may rescind any order made under clause *(1)*.

(3) If the owner of any boiler or prime-mover, in respect of which an order under clause (*1*) is in force, presents to the Inspector, at the time of giving notice in respect of that boiler or prime-mover under section 6, a report in respect of that boiler or prime-mover in the form prescribed in the second schedule hereto annexed, or a form to the like effect, and signed by the engineer mentioned in the order, and pays to the Inspector such fee as aforesaid, the Inspector shall, notwithstanding anything hereinbefore cont-ined, endorse on the report a license in the form prescribed in the third schedule hereto annexed, or a form to the like effect, without examining the boiler or prime-mover.

License to state period for which it is to be ia force.

10. Every license granted under this Act shall state the period for which it is to continue in force, and shall cease to be in force on the expiration of that period.

Relocation or suspension ot license.

11. Any [3] person authorized by the [2] Chief Commissioner in this behalf may revoke or suspend any license granted under this Act in respect of any boiler or prime-mover when he has reason to believe—

(a) that the license has been fraudulently obtained, or has been granted erroneously, or without sufficient examination; or

(b) that the boiler or prime-mover in respect of which it has been granted is not in charge of an engineer, [1] [or in the case of a boiler or prime-mover attached to an engine of not more than twenty horse-power of an engineer or

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' [1] **These words were inserted in cl. (6) of s. 8 by the Burma Steam-boilers and Prime-movers Act, 1885 (1 of 1885), s. 5, *post*.**

*** *See* the first footnote on p. 66, *ante*.**

*** For persons authorized under this section, see Bur. R. M., Vol. II, p. 206.**

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engine-driver,] to whom a certificate has been granted in accordance with the rules made under section 4, or is not in good condition, or has since the granting of the license, sustained injury; or

(c) where the license has been granted under section 9, +hat the boiler or prime-mover has ceased to be under the charge of the engineer on whose report the license was granted.

12.. (*1*) The owner of any boiler or prime-mover may appeal from ¿any order made under this Act refusing to grant, or revoking or sus- pending, a license, Api>eal against re- fus J re catfokorTM'

(2) The appeal shall, within seven days from the day on which the suspension of owner received the order appealed against, be presented to some [1] person authorized by the [2] Chief Commissioner to hear appeals hereunder. ^oenBe'

(3) Every such person shall be deemed to be a public servant within the meaning of the [3] Indian Penal Code, and may, if he thinks fit, summon to his assistance, in such manner as the Local Government may from time to time direct, two competent assessors; and those assessors shall attend and assist accordingly. \vithin XLVdf 1860.

(4) If the person hearing the appeal is satisfied that the owner is entitled to the license, he shall, on payment of the fee, grant a license in such form as the [2] Chief Commissioner, may from time to time, by rule prescribe, or shall cancel the order revoking or suspending the license, as the case may be.

(5) If the person hearing the appeal is of opinion that the order appealed against is right, he shall dismiss the appeal; and the costs of the appeal incurred by Government and certified by him shall be recoverable from the appellant, as a fine, by any Magistrate having jurisdiction in the place where the boiler or prime-mover is situate.

13. An Inspector may at any time enter into any place or building where he has reason to believe that a boiler or prime-mover is used without a license or under a license granted under section 8, or on appeal from an order refusing a license under that section, for the purpose of inspecting and examining the same. p0wer o£ Inspector to enter place 0r building.

14. Every owner, or person in charge, of any boiler or prime- mover who— Penalties,

(a) uses that boiler or prime-mover in contravention of the provisions of section 5, or,

(*b*) having a license granted under this Act and in force in respect of any boiler or prime-mover, fails to produce the same when called upon, at any reasonable time to io so, by any Magistrate having jurisdiction in the place in

[1] **For persons authorized under this section, *see* Buima Gazette, 1906,. Pt. I, p. 139.**

[2] *See* **the first footnote on p. 66, *ante*.**

[3] **Genl. Acts, Vol. I.**

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which that boiler or prime-mover is situate, or by any person authorized in writing by that Magistrate to demand the production of the license, and,

every person who prevents an Inspector from entering, under section 10, any place or building,

shall be punished with fine which may extend to five hundred rupees.

Engineer signing false report under section 9.

15. Any engineer signing any report under section 9 which he either knows or believes to be false in any material point shall be deemed to have committed an offence punishable under section 197 of the [1] Indian Penal Code. XLV of 1860.

Charges not to be brought after six months, or without Inspector's sanction.

16. No charge of an offence under this Act shall be brought against any person without the previous sanction of an Inspector, or after the expiration of six months from the date of the commission of the offence.

Power to define limits of towns.

17. The [2] Chief Commissioner may from time to time define what shall be deemed to be, for the purposes of this Act, the [3] local limits of the towns of Rangoon, Moulmein, Akyab and Bassein respectively.

Power to make rules.

18. The [2] Chief Commissioner may at any time after the passing of this Act, and from time to time, make [4] rules consistent with this Act for all or any of the following purposes (that is to say),—

(a) for prescribing the powers and duties of Inspectors;

[6] [(aa) for delegating to Commissioners all or any of the powers conferred upon him by sections 3 and 9],

(b) for fixing the fees payable on account of licenses granted under this Act;

(c) for determining the time for which such licenses shall be in force;

(d) for regulating the procedure on hearing appeals, and conferring on the persons authorized to hear appeals any of the powers conferred on a Civil Court by the [6] Code of Civil Procedure; and, XIV of 1882.

(e) generally for carrying out the purposes of this Act.

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[1] Geni. Acts, Vol. I. •.

[2] *See* the first footnote on p. 66, *ante.*

[3] For untify-.it inn* defining tlui loral limits q! thr town* of Ran^iwn , Akyab, an Bassein, *see* Burma Gazette 1883, Pt. I, p. 109 *ibid* 1899, t T „ am t , p. 403, for Moulmein, *see* Bur. R. M., Vol. II, p. 206.

[4] F ate under Vol. lir^nr9°ld»ofa'rn^2oTde ^ SeCtlon' "d ES' 4' 12 and 18- *«« Bur. B M„ C se (*aa*

Scheduli *'posU)* "aS inSert6d V the Burma LaWS A0t> 1898 <13 of 1898)- «« ^e Third

* *See* now the Code of Civil Procedure, 1908 (Act 5 of 1908;, Geni, Acts, Vol. VI.

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All such rules shall be published [1] * in the [2] British Burma Gazette, and shall come into force on the day on which they are [1] * so published, or on such later day as may be specified in the notification publishing them.

FIRST SCHEDULE.

(See section 8)

Form of License.

1	2	3	4	6	6	7	8	9
Nams of owner.	Description of boiler.	Description of prime-mover.	Power.	When and where made.	When and where last repaired.	No. and date of certificate of er gireer in charge.	Period for which license is to he in force.	REMAHZS.

I, the undersigned, eertify that I have examined the hoiler (or prime-mover) above described, and, to the bffit of my judgment, it is in good condition, and is not so exposed astobB likely to be dangerous. The engineer in charge is possessed of a certificate [and *(in* ***cate*** *alteration* or additiont have been required)* tha alterations (or additions) roqnired by me have bceu properly made],

A. B.,
Intfector.

SECOND SCHEDULE.

(See section 9.)

Repoet of Engineer.

1	a	3	4	5	0	7	8
Name of owner.	Description of hoiler.	Description of prime-mcver.	Power.	When and where made.	When and where last repaired.	No. and date of certifcate of engineer in charge.	BEMABĪK.

I. iha nrdersigned, rettifj that I am In charge '1 the boiler (or priine-niovcrl above described, that I have •iamlned ihn same, jnd, to the I.est of mj judemenl, it i. in good condition, and is Dot so eiposed as to bs likely to be dangerous, and may safely be licenced far the period of .

Engineer.

[1] **The words " thrice " ana " last " were repealed by the Repealing and Amending Act, 1903 (5 of 1903), *post.***

[2] **Read Rangoon Burma Gazette," *tee* s. 7 of the Burma Laws Act, 1898 (13 of 18981, printed, *post.***

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THIRD SCHEDULE.

(Spe section 9.)

FORM OF LICENSE TO BE ENDORSED ON REPORT OF ENGINEER.

I, the undersigned, hereby authorize the use of the boiler (or piime-mover) to -which this report refers for a period of ending on the day of 188 .

A.B.,
Inspector.

ACT JN'o. VIII OF 1883.[1]

[ALLIES TO LOWER BURMA ONLY.']

[*.19th April, 1883.]*

An Act to amend the law in force in the Little Cocos Island and Preparis Island.

Preamble.

WHEREAS the Little Cocos Island and Preparis Island have been transferred to the administration of the [2] Chief Commissioner of [3] British Burma, u,nd attached to the Hanthawaddy District of the Pegu Division of [3] British Burma;

And whereas the Little Cocos Island, when subject to the administration of the Chief Commissioner and Superintendent of the Andaman and Nicobar Islands, formed portion of a scheduled district under the [4] Scheduled Districts Act, 1874, and was subject to the operation of the[51" of 1874'] [f] Andaman and Nicobar Islands Regulation, 1876; III of 1876.

And whereas it is expedient that the law in force in the Little Cocos Island and in the Preparis Island should be the same as that in the Hanthawaddy District of the Pegu Division of [3] British Burma;

It is hereby enacted as follows : —

Short title and commencement.

1. This Act! may be called the Little Cocos and Preparis Islands Laws Act, 1883 : and it shall come into force on the passing thereof.

Declaration of laws to be in force in Little Cocos

2. All enactments which, on the twenty-ninth day of November, 1882, were in force in the Hanthawaddy District of the Pegu Division of [3] British Burma shall be deemed to have come into force :.n the

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[1] For Statement of Objects and Reasons, see Gazette of India, 1883, Pt. V, p. 79; for Proceedings in Council, *ste ibid,* Supplement, p. 209.

[3] The Chief Commissioner is now the Lieutenant-Oovernor of Burma, see Proclamation, dated 9th April, 1897, Gazette of India, 1897, Pt. I, p. 261; and all powers and duties conferred and imposed on the Chief Commissioner are to be deemed to te conferred and imposed on the Lieutenant-Governor, with effect from the 1st May, 1897, *see* s. 15 of the Burma Laws Act, 1898 (13 of 1898), *post.*

[s] Read now " Lower Burma," see the Burma Laws Act, 1898 (13 of 1898), s. 7, *post.*

[1] Genl. Acts, Vol. II.

* *See* Gazette of India, 1876, P+ I, p, 360-

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Little Cocos and Preparis Islands on that day; and all enactments which, *2£,^pana I on that day were in force in those Islands and not in that District, shall he deemed to have been repealed on and from that day in those Islands.

3. **[***Provision as to pending proceedings.***]** *Rep. by the Repealing and Amending Act, 1891 (Act 12 of 1891).*

Withdrawal of Cocos Island from Andaman and Nicobar Islands Regulation, 1876, and Scheduled Districts Act, 1874.

4. On and from the twenty-ninth day of November, 1882, the Little Cocos Island shall be deemed to have been removed from the operation of the [1] Andaman and Nicobar Islands Regulation, 1876, and to have ceased to be a scheduled district.

Ill of 1876.

THE BRITISH BURMA PILOTS ACT, 1883.

CONTENTS.

PREAMBLE.

PRELIMINARY.

SECTIONS.

1. Short title.
   Local extent.
   Commencement.
2. Definition of " port."

Licensing of Pilots.

3. Licensing of pilots.
4. No person to act as pilot except under license.

Regulation of Pilots.

5. Power to make rules to regulate conduct of pilots.

Special Court.

6. Power to direct investigation by Special Court into charges against pilots.
7. Constitution of Court.
8. Appointment of president.
9. Assessors.
10. Appointment of assessors.
10A. Penalty for non-attendance of Assessor.
11. Fees to be paid to assessors.

[1] *See* Gazette of India, 1876, Pt. I, p. 360.

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SECTIONS.

12. Copy of grounds of charge to be supplied to pilot.
13. Person charged to be heard.
14. Powers of the Court as to evidence and regulating proceedings.
15. Court to report to [Local Government].
16. Power of [Local Government] to make rules.

Power do cancel, suspend or reduce Licenses.

17. Power to cancel, suspend or reduce license for misconduct, etc.
18. Power to suspend license pending trial or investigation.

Delegation of functions of [Local Government],

19. Power to delegate functions of [Local Government].

ACT *No.* XII of 1883.[1]

[Applies to Lower Burma only.]

[29th August, .1883.]

An Act to provide for the licensing and control of pilots in [2]British Burma and for investigating certain charges'- against them.

Preamble. **Whereas** it is expedient to provide for the licensing and control of pilots in [2] British Burma and for investigating certain charges against them;

It is hereby enacted as follows: —

Preliminary.

Short title. 1* *(1)* This Act may be called the [2] British Burma Pilots Act, 1883.

Loc al extent. *(2)* It extends to the territories for the time being administered by the [3] Chief Commissioner of [2] British Burma; and

Commence-ment. *(3)* It shall come into [4] force on such date as the [5] [Local Government] may fix in this behalf.

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[1] For Statement of Objects and Reasons, *see* Gazette of India, 1883, Pt. V, p. 802; and for Proceedings in Council, see *ibid,* Supplement, pp. 135, 183. and 1597.

[2] Read now " Lower Burma," see Burma Laws Act, 1898 (13 of 1898', s. 7, *post.*

[3] *Of.* s. 2 of the British Burma Pilots Act Amendment Act, 1908 (Bur. Act 5 of 19J8), *post.* Under this section the words " Local Government " are substituted for the words " Chief Commissioner " wherever they occur.

The Chief Commissioner is now Lieutenant-Governor of Burma, see Proclamation, dated 9th April, 1897, Gazette of India, 1897. Pt. I, p. 261; and all powers and duties conferred and imposed on the Chief Commissioner are to be deemed to have been conferred and imposed on :he Lieutenant-Governor, with effect from the 1st May, 1897, *see* s. 15 of the Burma Laws Act, 1898 (13 of 1898,. printed, *post.*

* The Act came into force on the 1st September, 1884, *see* Burma Gazette, 1884, Pt. I, p. 188.

[5] Substituted by s. 2 of the British Burma Pilots Act Amendment Act, 1908 (Bur^ Act 5 of 1908), *post,.*

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(Preliminary. Licensing of Pilots. Regulation of Pilots.)

2. In this Act— Definition of "port".

" port " means any port, or any part of a navigable river or channel in which the [1] Indian Ports Act, 1875, is for the time being in force. XV of 1875.

Licensing of Pilots.

3. The [2] [Local Government] may from time to time appoint, or cause to be appointed, competent persons for the purpose of examining the qualifications of persons desirous of acting as pilots at any port, and make [3] rules— Licensing of pilots.

(a) for the conduct of the examinations and for the qualifications to be required;

(b) establishing grades of pilots, and determining the duties which may be undertaken by pilots of each grade;

(c) for the grant to qualified persons of licenses to act as pilots of any grade at any port; and,

(d) for the fees to be paid for the examinations and licenses.

4. *(1)* A person shall not act as a pilot at any port, after such [4] date as the [2] [Local Government] may fix in this behalf for that port, except as permitted by a license granted under section 3. No person to act as pilot except under license.

(2) Any person acting as a pilot in contravention of this section shall be punished, for every time he so acts, with fine which may extend to two hundred rupees.

Regulation of Pilots.

5. *(1)* The [2] [Local Government] may from time to time, by notification in the [5] British Burma Gazette, make [3] rules to regulate the conduct of pilots licensed under this Act in all matters connected with the performance of their duties as such pilots. Power to make rules to regulate conduct of pilots.

(2) Any such rule may contain a provision that a pilot committing a breach of the rule shall be punished with imprisonment which may extend to one month, or with fine which may extend to two hundred runees, or with both :

Provided that a prosecution shall not be instituted in respect of any such breach except by order of such officer as the [2] [Local Government] may from time to time appoint in this behalf.

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[1] *See* now the Indian Ports Act, 1908 15 of 19081, Genl. Acts, Vol. VI.

[2] The words " Local Government " were substituted for " Chief Commissioner " by s. 2 of the British Burma Pilots Act Amendment Act, 190a (Bur. Act 5 of 1908), *post.*

[3] For rules issued under these sections in conjunction with ss. 10, 11, 16 and la for the port of Rangoon, *see* Burma Gazette, 1900. Pt. I, p. 359, for Akyab, Bassein and Maulmain, see *ibid,* 1895. Pt. I, p. 485; *ibid,* lo96. Pt. I, p. 557 and *ibid,* 1888, Pt. I, p. 58, respectively.

[4] For notification fixing such dates for ports in Burma, *see* Burma Gazette, 1884, Pt. I, p. 188; *ibid,* 1885, Pt. I, p. 28 and 41/ and *ibid,* 1886, p. 58.

[5] Read now " Burma Gazette," *see* s. 7 of the Burma Laws Act,' lb98 ,13 of 1898), *'post.*

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(i*Special Court.)*

Special Court.

Power to direct investigaron by special Court into chargos against pilots.

6« *(1)* If the [1] [Local Government] has reason to believe that there are grounds for charging any pilot licensed under this Act with incompetency or misconduct in the discharge of his duties as such pilot, or with any act or omission in breach of a rule made under section 5, and that the charge cannot be satisfactorily investigated by an ordinary Co.irt, [2] [Local Government may direct] that a special Court be constituted, under this Act, at the port at which it will, [2] [in the opinion of the Local Government], be most convenient for the parties and witnesses to attend, and shall then send to the Court a statement of the grounds of the charge, and direct the Court to make an investigation into the charge.

(2) When the [1] [Local Government] directs an investigation under this section, [3] [it] may, if [3] [it] thinks fit, appoint a person to act as prosecutor in the investigation.

•Constitution of Court.

7. Every Court constituted under section 6 shall consist of a president sitting with three assessors.

Appointment ot presi lent.

8. *(1)* The president shall be such person as the [1] [Local Government] appoints in this behalf, either generally or for any specified case.

(2) Every person so appointed shall be deemed to be a public servant within the meaning of the [4] Indian Penal Code. XLV of 1800

Assessors.

[5] 9. *(1)* The first assessor shall be a master of a sea-going vessel or a person who has served as an officer for not less than five years on a sea-going vessel and holds a master's certificate of competency for sea-going vessels.

(2) The second assessor shall be a merchant, and the third assessor shall be a person who has personally exercised the calling of a pilot for not less than five years.

Appointment of assessors.

[6]10. *(1)* [7] [The first assessor] shall be appointed in each case by the [1] [Local Government] and shall be summoned by the president

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[1] See the second footnote on p. 75, *ante.*

[1] The words " Local Government may direct," *sic* read " the Local Government, etc." and the words " in the opinion of tne Local Government " in s. 6 *(1)* were substituted for the words " h« may direct " and " in his opinion," respectively by s. 3 *(1)* of the British Burma Pilots Act Amendment Act, 1908 (Bur. Act 5 of 1908), *post.*

* The word " it " was substituted for " he " by s. 3 *(2)* of Bur. Act 5 of 1908, *post.*

' Genl. Acts, Vol. I.

* S. 9 was substituted by s. 4 of the British Burma Pilots Act Amendment Act, 1908 (Bur. Act 5 of 1908;, *post.*

The original section was as follows :—" One of the assessors shall be a master of a sea-going vessel lying in the port at which the investigation is to be made, another shall ba a merchant residing at that port, and the third shall be a person who has personally exercised the calling of a pilot for not less than five years."

* For rules issued under ss. 10 and 11 in conjunction with ss. 3, 5, 16 and 18 for the ports of Rangoon, Akyab, Bassein and Maulmain, *see* the third footnote on preceding page.

' The words " the first assessor " were substituted for the words " the assessor who is the master of a sea-going vessel " by s. 5 of tne British Burma Pilots Act Amendment Act, 1908 (Bur. Act 5 of 1908), *post.*

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(2) The other assessors shall he summoned by the president ir. such manner as may be prescribed by rule, out of two [1] lists, one of merchants, the other of pilots, to be, from time to time, prepared for the purpose and published by the [2] [Local Government] in the [3] Br'tish Burma Gazette. If there are no such lists, or if it is impracticable to procure the attendance of two persons, one of whom is named in the list of merchants and the other in the list of pilots, the other assessors or assessor, as the case may be, shall be appointed and summoned by the president.

Penalty for non-attendance.

[4] 10A. If any person who has been duly summoned as an assessor under section 10, shall without such excuse as the president may allow »„«ioí'íwiss- to be sufficient, neglect or refuse to attend at the#time appointed or to or. remain in attendance until the investigation shall be completed, it shall be lawful for the president to impose upon such person a fine which may extend to two hundred rupees for each such default.

If the president is a Magistrate, having jurisdiction in the district from which the assessor is summoned, such fine shall be recovered by him; in all other cases he shall transmit the order imposing the fine to the District Magistrate having jurisdiction, who shall thereupon cause such fine to be recovered as if it had been imposed by himself.

Fees to be paid to assessors.

ll.[s] The assessors shall receive such fees a3 the [2] [Local Government] may from time to time, by rule, prescribe.

Copy of grounds of charge to be supplied to pilot.

12L Befóte any investigation under this Act is commenced the special Court shall supply the pilot with a copy of the statement sent, under section 6, to the Court.

Person charged to be heard.

13. For the purpose of an investigation under this Act the special Court may summon the pilot to appear before it, and shall give him full opportunity of making a defence,' either in person or otherwise

Powers of the Court as to evidence and regulating Procei dings.

14. For the purpose of an investigation under this Act the special Court shall, so far as relates to compelling the attendance, and to the examination, of witnesses, the production of documents and the regu- 1 at ion of the proceedings, have the same powers as are exerciseable by the principal Court of original criminal jurisdiction for the place at which the investigation is made.

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[1] For notification* publishing such lists, see third footnote on p. 75, *ante.*

[2] *See* the second footnote on p. 75, *ante.*

[3] Re*d now " Burma Gazette," *see* Burma Lnws Act, 1398 il3 of 1898), s. 7, *ante.*

[4] * S. 10A was added by s. 6 of the British Burma Pilots Act Amendment Act, 1908 (Bur. Act 5 oi 1908), *post.*

[s] * *See.* the sixth footnote on previous page.

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■Court to report to Local Government!

15. On the completion of the investigation, the special Court shall sen^ to the [1] [Local Government] a full report of the conclusions at which it has arrived. The report shall be in accordance with the opinion of the majority of the members of the Court, or, if the Court is equally divided, in accordance with the opinion of the president and with the member with whom he concurs. In the latter case, any member who does not concur in the report may separately record his opinion.

Power of Local Government to makp rules,

[2]10. (2) The [1] [Local Government] may from time to time make rules to carry into effect the provisions of this Act with respect to the special Court and in particular with respect to—

(a) the mode in which the president shall, under section 10, summoif the assessors;

(b) the amount of the fees to be paid to the assessors; and

(c) the procedure of the Court.

(2) All such rules shall be published in the [3] British Burma Gazette, and shall thereupon have the force of law.

Power to cancel, suspend or reduce Licenses.

Power to cancel, suspond or reduce license for imsnonduct, etc.

17. The [1] [Local Government] may cancel or suspend, or reduce the grade of any license granted to a pilot under this Act in the following cases, that is to say : —

(a) if the pilot is found guilty by a Criminal Court of any offence punishable under section 5, or of any other offenca the commission of which, in the opinion of the [1] [Local Government] shows him to be unfit to discharge the duties of a pilot; or,

(*b*) if on considering a report submitted under section 15 of this Act, or transmitted under section 17 of the [1] Indiau Merchant Shipping Act, 1883, the [1] [Local Government] is of opinion that the pilot is incompetent, or has been guilty of any misconduct in the discharge of his duty as pilot, or of any breach of a rule made under section 5 of this Act. V of 1883.

Power to suspend liccnse pending trial

[5] 18. When a prosecution has been instituted against a pilot under, section 5, or an investigation has been ordered m respect of him

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[1] *See* the second footnote on p. 75, *ante.*

[2] *See* the sixth footnote on p. 76, *ante.*

* Bead now "Bu.ma Gazette," *see* Burma Laws Act, 1898 (13 of 189B), *infra.*

* Genl. Acts, Vol. III.

[!] For rules issued under this section in conjunction with is. 3, 5, 10., 11 and 16 for the port of Rangoon, see third footnote on p. 75, *ante.*

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under section 6, or an investigation affecting his conduct has been °rinvestiga-
Vf of 1883. ordered under Chapter II of the [1] Indian Merchant Shipping Act, 1883, tl0°'

[2] [the Local Government may suspend his license until the final orders of the Local Government in respect of the findings on such trial or investigation have been communicated to the pilot or during such shorter period as the Local Government may consider necessary :

Provided .that the order directing such temporary suspension may be cancelled at any time by the Local Government, or after thp conclusion of the trial by the Magistrate, or after the conclusion of the investigation by the'president of the special Court, but such Magistrate or president shall submit to the Local Government a special report stating his reasons for cancelling such order.]

Delegation of functions of [3] [Local Government].

■ 19. The [3] [Local Government] may from time to time by [4] notifica- Power to delegate func-
tion in the [5] British Burma Gazette, delegate [6] [its] functions undei tionsof Lrcal
section 6, section 8, section 10, sub-section *(1),* or section 18 to such Government, person as [6] [it] thinks fit.

THE RANGOON WATER-WORKS ACT, 1881.

CONTENTS.

CHAPTER I.

PEELIUINABV.

SECTIONS.

1. Short title and commencement.
2. Definitions.

■ Genl. Acts, Vol. III.

[2] This clause and the proviso were substituted for the words " the Chief Commissioner may suspend his license until the trial is concluded or the report of the investigation is submitted or transmitted to the Chief Commissioner, as Che case may be " by s. 7 of the British Burma Pilots Act Amendment Act, 1908 (Bur. Act 5 of 1908), *post.*

' *See* the serond footnote on p. 75, *ante.*

* The functions of the Local Government under ss. 6, 8, 10 *(1)* and 18 have been delegated to Commissioners in respect of out ports, *see* Burma Gazette, 1897, Pt. I, pp. 57 and 89.

* Head now " Bur'ria Gazette," *see* Burma Laws Act, 1898 (13 of 1898), *post.*

* The words " its " and " it " were substituted for " his " and " he " by s. 3 *(£)* of Bur. Act 5 of 1908, *post.*

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CHAPTER II.

VESTING OF PROPERTY.

SECTIONS.

3. Vesting of Royal Lake and cisterns, etc., in committee.

CHAPTER III.

CONSTRUCTION AND MAINTENANCE OF WATER-WORKS,

4. **Duty of committee to construct works for supply of water.**
5. Duty of committee to erect stand-pipes.
6. Power for committee to execute works.
7. **Power for committee to break up streets. -**

CHAPTER IV.

SUPPLY of Water.

A.—Supply of Water for Domestic Purposes to Occupiers of Houses or Lands.

8. Right of occupier to certain supply of water for domestic purposes.
9. Right of occupier paying water-tax to have water brought into his house or land.
10. **Construction of communication-pipes.**
11. **Inspection of works, pipes and fittings before connection with service-pipes.**
12. **Connection with serviee-pipes to be executed only by an officer of the committee.**
13. **Power of officer of committee to enter premises.**
14. **Power for committee to turn off water or effect repairs when pipes, etc., are out of repair.**

B.—Supply for gratuitous use in Stand-pipps.

15. **Duty of committee to supply -nater for gratuitous use in stand-pipes.**

C.—Supply of water for extinguishing Fires and cleansing Sewers and Streets.

16. **Duty of committee to fix fire plugs in mains.**
17. **Duty of committee to supply water for cleansing sewers and drains.**

D.—Supply of Water for other than Domestic Purposes.

18. **Supply for other than domestic purposes.**

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E.—Pressure of Water supplied.

SECTIONS.

19. Pressure at which water must be kept.

CHAPTER V.

RECIPROCAL RIGHTS OF OWNERS AND OCCUPIERS TO SUPPLY OF WATER TO HOUSES.

20. Power for occupier of house to require owner to provide works for water-supply.
21. Power for occupier to make works in default of o\iner.
22. What works are sufficient for supply of water to house.
23. Estimate and specification of works to be sent.
24. Power to refer to committee.
25. Eee on reference.
26. Duty of owner to keep works in repair.
27. Power for owner to recover sums payable by occupier.
28. Saving of contracts between owners and occupiers.

CHAPTER VI.

RULES.

29. Power for Chief Commissioner to make rules.
30. Power for committee to make rules.
31. Procedure for making rules.
32. Publication of rules.

CHAPTER VII.

ARREARS AND OFFENCES.

33. Arrears of water-rents.
34. Power for committee to turn off water on neglect to pay water-tax or water-rent.
35. Penalty for obstructing, diverting or wasting water.
36. Penalty for unauthorized application of water.
37. Penalties for causing the water of the committee to be fouled, etc.
38. Prosecutions.

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ACT No. XIX of 1884.[1]*

(APPLIES TO LOWER BURMA ONLY.)

[*10th October*, /SS/.]

An Act to confer powers and impose duties on the Municipal Committee for the Town of Rangoon in respect to the construction and maintenance of Water-works and the supply of Water in that Town.

WHEREAS a scheme has been settled and to some extent carried out for the construction and maintenance of water-works and the supply of water to the town of Eangoon by the municipal committee for that town;

And whereas it is necessary fur the purposes of the scheme that the Royal Lake at Rangoon, and all existing tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, stand-pipes and works, and all land, bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, should Test in, and be under the control of, the municipal committee for that town;

And whereas it is expedient that powers should be conferred and duties imposed upon the said municipal committee with respect to the construction and maintenance of the proposed water-works, and the supply of -nater to the town of Rangoon, and otherwise in relation thereto, and that all acts already done by the said municipal committee which could have been lawfully done if this Act had been in force should be validated;

It is hereby enacted as follows: —

CHAPTER I.

Preliminary.

Short tide and commencement.

1. (7) This Act may be called the Rangoon Water-works Act, 1884;

(2) It shall come into [2] force on such date as the [3] Chief Commissioner may, by notification in the official Gazette, fix in this behalf.

(3) *[Acts done before passing of this Act which would have been*

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[1] For Statement of Objects and Reasons, *see* Gazette of India, 1U84, Pt. V, p. 321; for Proceedings in Council *see ibid,* 18o4, Supplement, pp. 893 . 988 and 1471.

For Rules and Orders issued under this Act, *see* the Rangoon Municipal Handbook.

[2] The Act came into force on the 14th February, 1885, *see* Burma Gazette, 1885, Pt. I, p. 44.

* The Chief Commissioner is now the Lieutenant-Governor of Burma, *see* Proclamation, dated 9th April, 1897, Gazette of India. 1897, Pt. I, p. 261; and all powers conferred or duties imposed upon the Chief Commissioner shall from May 1st, 1897, be deemed to have been confeired or imposed upon the Lieutenant-Governor, *see s.* 15 of the B'urma Laws Act, 1898 (13 of 1898), *post.*

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lawful had this Act been in force to be deemed lawfully done.~\ *Rep. Act XII of 1891.*

2. In this Act, unless there is something repugnant in the subject or context,— **Definition*,**

(2) "town" means the local area for the time being comprised within the municipal limits of the town of Rangoon:

(2) "street" means any street, road, thoroughfare, passage or place over which the public have a right of way; and includes the surface-soil and subsoil of any such street, and the footway and drains of any such street, and any bridge, culvert or causeway forming part of any such street:

(3) "owner" includes—

(a) the person who is for the time being entitled to the rent of the house or land in respect of which the word is used and who is not liable to pay rent for that house or land to any other person;

(б) an agent of that person; and

(c) a trustee for that person:

(4) "house" includes schools; also factories and other buildings in which persons are employed :

(5) " water-works " includes all lakes, streams, tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, stand-pipes and works, and all land, bridges, buildings, engines, works, materials and things for supplying, or used for supplying, water under this Act to the town of Rangoon:

(6) " the committee " means the municipal committee for the town of Rangoon:

(7) " water-rent " includes any rent, reward or payment to be made to the committee in connection with the supply of water under this Act,

EVII of 1884. but does not include the water-tax leviable under the [1] Burma Municipal Act, 1S84: and.

(S) a "supply of water for domestic purposes" does not include a supply of water for cattle, or for horses, or for washing carriages, where the cattle, horses or carriages are kept for sale or hire or by a common carrier, or a supply for any trade, manufacture or business, or for watering gardens, or for fountains or for any ornamental purpose.

[1] *See* now the Burma Municipalties Act, 1898 (Bur. Act 3 of 1898),post.

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CHAPTER II.

VESTING OF PEOPEETT:.

Vesting of Roy u,l Lake and cisterns, eto., in committee.

3. There shall vest in, and be under the control of, the committee, freed and discharged of and from all manner of rights, titles, privileges; or claims ■whatsoever of any other person,—

(a) the Royal Lake at Rangoon; and

(b) all existing tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, stand-pipes and works used or intended to be used for supplying water to the public in the to^n, and all land, bridges, buildings, engines, works, materials and things connected therewith, or appertaining thereto:

Provided as follows : —

(1) any person may at any time, subject to such rules as the committee make in this behalf, row, sail or fish on or in ' the waters of the Royal Lake;

(2) nothing in this section shall affect the land adjacent to the Royal Lake and known as the Dalhousie Park, but that land shall be preserved as a public park for the use of the public.

CHAPTER III.

CONSTRUCTION AND MAINTENANCE OF WATER-WORKS.

Duty of committee to construct works for 3'ipply of water.

4. Subject to rules to be made under this Act by the ^hief Commissioner, the committee shall cause such mains and pipes to be laid,, and such water-works to be constructed, as may be necessary for the supply of pure and wholesome water sufficient for the use of the inhabitants for domestic purposes in all parts of the town:

Provided that the [1] Chief Commissioner may, by order in writing, from time to time [2] exempt any part of the town from the provisions of this section, and cancel any such exemption.

D uty of committee to erect Btand-pipea.

5. The committee shall cause such stand-pipes or pumps to be erected, at such intervals as the [1] Chief Commissioner, 'by rules made under this

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[1] **See the third footnote on p. 82, *ante.***

[1] **For notification exempting certain parts of Rangoon from the operation of the section, *tee* Burma Gazette, 1885, Pt. I, p. 44, also see the Rangoon Municipal Handbook.**

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(Chap. III.—Construction and Maintenance of Water-works. Chap. IV.—Supply of Water.)

Act, prescribes, in all the chief streets in those parts of the town in which mains or pipes have been laid under the last foregoing section.

Power for committee to ^raute works,

6. The committee may, for the purpose of constructing or maintaining any water-works for the supply of water to the town, enter upon any land and take levels of the same, and set out such parts thereof as they think necessary, and dig and break up the soil of the land:

Provided that, in the exercise of these powers, the committee shall do as little damage as may be, and shall make full compensation to all persons interested for all damage sustained by them through the exercise of these powers, and the amount of such compensation shall be determined as nearly as may be in accordance with the provisions of the [1] Land Acquisition Act, 1870.

K of 1870.

Power for committ breakup streets,

7. The committee may open and break up the soil and pavement of the streets, and lay dcmn and place pipes, conduits and other works and ,o engines, and from time to time repair, alter or remove the same, and do all other acts which the committee from time to time deem necessary for supplying water to the town.

CHAPTER IY.

SuprLY OF WATER.

A.—Supply of Water for Domestic Purposes to Occupiers of Houses or Lands.

Eight of urie to ^tain^ supply of w ter for ¿omestic purposes,

8. [2][*(1)* Subject to the provisions of this Act, the occupants of a house or land separately assessed to water-tax and situate in a part of the town not exempted under the proviso to section 4 shall be entitled to have, free of further charge, through the communication-pipes constructed as hereinafter provided, a supply to the house or land of pure and ■wholesome water for domestic purposes to the extent during each quarter of either of the following quantities, whichever may be the greater, namely : —

(a) three thousand gallons for every rupee paid to the Committee

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[1] Bead now the Land Acquisition Act, 1894 (1 of 1894), Genl. Acts, Vol. IV.

[a] Sub-section *(1)* of s. 8 was substituted by s. *2 (1)* of the Rangoon Water-works Act Amtadment Act, 1900 | Bur. Act 1 of 1900), *post.*

The original sub-section was as follows :—

" Every occupier of a house oi land situate in a part of the town not exempted under the proviso to section 4 shall be entitled to have free of further charge, through the communication-pipes constructed as hereinalter provided, a supply to the house or land of fifteen hundred gallons of pure and wholesome water for domestic purposes for -every rupee paid to the committee for watei-tax on account of the house or land."

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for water-tax on account of such house or land for such quarter; or

(*b*) a total quantity of four thousand five hundred and fifty gallons irrespective of the amount paid for water-tax for such quarter.

(2) If the committee have reason to believe that the occupier of any house or land consumes more water than he is entitled to have free of further charge under this section, they may provide a water-metre at their own. expense, and attach it to such part of the communication-pipes as they think fit.

(3) If the occupier consumes any water over and above the quantity to which he is entitled free of further charge under this section, he shall pay for it at the rate of one rupee for every [1] [three thousand gallons], or part of [1] [three thousand gallons].

Right of occupier ' paying water-tax to have water brought into his huuse or land.

9. Every occupier of a house or land who is entitled to a supply of water free of further charge under the last foregoing section shall,, subject to .he provisions of this Act, be entitled to have communication-pipes laid down from the service-pipes of the committee, for bringing into his house or land a reasonable supply of water :

Provided that the committee may cut off the supply of water to any house or land while the house or land is unoccupied.

Construction of communication pipes.

[2] 10. The communication-p'pes leading the water from the service-pipes of the committee into the house or land of any occupier, and the pipes and works within the house connected therewith, shall be of such character, dimensions and material as the committee fix and approve, and shall be constructed at the expense of the person requiring them.

Inspection of works, pipes and fittings before connection with service-pipes.

11. *(1)* Before a connection for the supply of water from the service-pipes of the committee to any house or land is sanctioned by the committee, the committee shall cause all the works, pipes and fittings within the house or land to be inspected by such officer as the committee appoint in this behalf.

(2) The cost of an inspection under this section shall be payable in advance by the person applying for the connection, at such rate as the committee, at a special meeting, from time to time, [2] direct.

(5) Until the officer has certified that the works, pipes and fittings have been executed and put up in a satisfactory manner, a connection with the committee's service-pipes shall not be permitted.

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[1] These words were substituted for " fifteen hundred gallons " by s. 2 (2) of the Rangoon Water-wurks Act Amendment Act, 1900 (Buk Act 1 of 1900), *post.*

[2] For general iules and directions under ss. 10, 11 and 12, *see* Burma Gazette, 1891,, Pt. I, p. 457, and the Rangoon Municipal Handbook.

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Connection with service-pipes executed on by officer of committee.

12. *(1)* The connection with the service-pipes of the committee, and the laying of communication-pipes under any street, shall be execut'd pj^ t0 ^ by an officer of the committee authorized in that behalf.

(2) The expense of making the connection shall be payable in advance ttwcam of by the person applying for the same, at such rate as the committee, at m e' a special meeting, from time to time,[1] direct.

Power for officer of committee to enter premises.

13. (2) The officer authorized in that behalf by the committee may, between the hours of seven in the forenoon and five in the afternoon, comm itt**e to enter into or on. any house or land supplied with water as aforesaid in order to examine all pipes, works and fittings connected with the supply of water, and to ascertain if there is any Tvaste or misuse of the water.

(2) If any such officer at any such time is refused admittance into any such house or land for the purposes aforesaid, or is prevented from making such examination as aforesaid, the committee may forthwith turn off or cut off the water from the house or land.

Power for committee to turn off water or effect repairs when pipes, etc., are out of repair.

[2]14. *(1)* If any pipes, works or fittings connected with the supply of water to any house or land are at any time found, on exammat '.on by t0 turn ofi any officer of the committee authorized in that behalf, to be out of repair to such an extent as to cause any waste of water, the committee may, wh en pipes, after the expiry of twenty-four hours from the service of notice in writing to this effect on the owner or occupier, —

(a) cause the water to be turned off or cut off from the house or land; or

(b) in addition to or instead of so turning off or cutting oft *the* water, repair such pipes, works or fittings so as to obviate such waste of water;

and may recover the expense incurred for either or both such turning off or cutting off the water and such repairs from the owner or occupier of the house or land.

(2) If any expenses are recovered by the committee under sub-section (2) from an occupier or owner who would, under the provisions of sections 26 and 28 or of a special contract, be entitled to require the owner

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¡fcSrtf footnote on preceding page.
was substituted by the Rangoon Water-works Act Amendment Act, 1907 (Bui Act 2 o£ 1907), *post.*

Vf & & & ss&rjsM

iginal section was as follows :—
any pipes, works or fittings connected with land are at any time found, on examination by any in that behalf, to be out of repair to such an extent as to cause any waste of water, the committee may, after the expiry of twenty-fours hours from the service of notice in writing to this effect, cause the water to be turned off or cut off from the house or land, and may recover the expense incurred for turning off or cutting off the water from the oecupier o£ the house or land.'

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or occupier (as the case may be) to effect the repairs, the person from whom such expenses are recovered may recover the same from the owner or occupier so bound to execute the repairs and (if he is an occupier) may deduct the same from any rent due by him to the cnner.

B.—Supply for gratuitous use in Stand-pipes.

Duty of committee to supply water for gratuitous use in stand-pipe».

15. The committee shall cause a sufficient quantity of pure and wholesome water to be supplied for the gratuitous use of the inhabitants of the town for domestic purposes in the stand-pipes to be erected by the committee under section 5.

C.—Supply of Water for extinguishing Fires and cleansing Sewers and Streets.

Duty of committee to fix fire-plugs in mains.

16. The committee shall fix and renew and keep in effective order such fire-plugs in such of the mains and other pipes laid by them, and shall deposit keys of the fire-plugs at such places, as the [1] Chief Commissioner, by rules made under this Act, directs.

Duty of committee to supply water for cleansing sewers and drains.

17. In all the mains and pipes to which any fire-plug is fixed, the committee shall provide and keep constantly laid on, unless prevented by unusual drought or other unavoidable accident, a sufficient supply of water for use with fire-engines, for cleansing the sewers and drains, and for cleansing and watering the streets.

D.—Supply of Water for other than Domestic Purposes.

Supply for other than domestic purposes.

18. *(1)* The committee may, from time to time, supply any person with -water by measurement for other than domestic purposes, for such remuneration and on such terms and conditions as shall be agreed on between the committee and the person:

Provided that—

(a) notwithstanding any such agreement, a person shall not be entitled to such a supply whenever and as long as the committee are of opinion that the supply would interfere w ith the proper supply of water for domestic purposes under this Act; and

(b) the committee shall not be liable, in the absence of express stipulation under any such agreement, to any forfeiture,

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[1] *See* **the third footnote on p. 82,** *ante*

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penalty or damages for not supplying the water if the want of the supply arises from unusual drought or other unavoidable cause or accident.

(2) When any such agreement has been entered into by the committee with any person, the committee may, subject to such charges or **Tates** as may have been fixed by the committee at a special meeting, lay down, or allow to be laid down, the necessary communication-pipes and works, of such dimensions and chaiacter as may be fixed by the committee, for supplying the person with water in accordance with the terms of the agreement.

E.—Pressure of Water supplied.

Pressure at which w ter must be kept,

19. From such a day as the [1] Chief Commissioner, by notification in the local official Gazette, directs in this behalf, the supply of water in "the mains **and** pipes which the committee are required to lay under this Act shall be laid on at such pressure as the [1] Chief Commissioner, by rules made under this Act, prescribes.

CHAPTER V.

Reciprocal Rights of Owners and Occupiers to Supply of Water to Houses.

Power for occupier o require to provi woikn for water-supply.

20. *(1)* Any occupier holding direct from the owner of a house may, by notice in writing signed by him, require the owner of the house to construct all such works as may be necessary for bringing into the house c a supply of water for domestic purposes.

(2) Every notice under this section shall contain an undertaking on the part of the occupier to pay interest at the rate of one per centum per mensem, calculated from the date of the completion of the works, on the cost of the works during the residue of his term of occupation*

(3) If the house or the land attached thereto, does not abut upon a street in which there is a supply-main, the occupier shall undertake to pay the cost of connecting the house with the nearest supply-main.

Power for occupier to make works in default of owner.

21. *(1)* If the owner does not, within three months from the service of the notice mentioned in the last foregoing section, cause such works as aforesaid to be completed, the occupier may cause the works to be completed, and may by way of additional remedy deduct the cost of the works from the rent payable by him in respect of the house:

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[1] *See* **the third footnote on p. 82,** *ante.*

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Provided that the occupier shall not recover on account of the cost—

(<3) a sum exceeding the amount of six months' rent; or,

(b) where the house or the land attached thereto does not abut upon a street in which there is a supply-main, the cost of connecting the house with a supply-main.

(2) The deduction which an occupier is authorized to make under this section shall be made by six equal monthly instalments.

(3) Interest on each instalment shall be payable to th< owner by the occupier at the rate of one per centum per mensem from the time when it is deducted.

What works are sufficient for supply of water to house.

22. The works shall not be deemed sufficient for bringing into the house a supply of water for domestic purposes unless the following taps, with the necessary works in connection therewith, are provided,, namely: —

(A) two taps in the house;

(6) one tap in the cook-room of, or other building attached to,, the house; and

(c) one tap in or near the stables or other out-houses belonging to the house:

Provided that, if the annual rent of the house with the buildings and land attached thereto is less than three hundred rupees, it shall be sufficient to provide one tap only, together with the necessary works in connection therewith, within the house and the buildings and land attached thereto.

Estimate and specification of works to be sent.

23. Works for introducing a supply of water to a house shall not be commenced by the owner without sending a specification and estimate of the cost thereof to the occupier, nor by the occupier without sending such a specification and estimate to the owner.

Power to refer to committee.

24. If*there is any difference between the owner and the occupier respecting the cost or the sufficiency of the proposed works, either the owner or the occupier may refer the difference to the committee, and the written award of any officer authorized by the committee in this behalf shall be final and binding on the owner and the occupier.

Fee on reference.

25. There shall be payable by the person making a reference to the committee under the last foregoing section a fee (not exceeding ten rupees) at the rate of two rupees for every hundred rupees of the monthly rent of the house in respect of the water-supply to which the difference has arisen.

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Duty of owner to keep works in repair.

26. *(1)* The owner of any house or land shall keep all works connected with the supply of water to the house or land in substantial repair, owner to keep works in repair.

(2) If the owner fails to put any such works in substanxial repair after being requested by the occupier to do so, the occupier may cause the necessary repairs to be made, and may by way of additional remedy deduct the cost of the repairs from the rent payable by him in respect of the house or land.

Power for owner to recover Rlimq payable by occupier.

27. Any owner to whom any sum is payable under section 20 or section 21 may recover the sum from the person liable to pay it as if it were rent payable by that person for the house in respect of which the expenses have been incurred.

Saving of contracts between owner and occupiers.

28. Nothing in this chapter shall affect any contract in writing between the owner and occupier of any house or land.

CHAPTER VI.

RULES.

Power for Chief Commissioner to make rules.

29. The [1] Chief Commissioner may from time to time make [2] rules consistent with this Act—

(a) to prescribe the size and nature of the mains and pipes to be laid and the water-works to be constructed by the committee for the supply of water under this Act;

(*b*) to prescribe the size and nature of the stand-pipes or pumps to be erected by the committee under this Act, and the intervals at which they must be erected.

(*c*) to prescribe the mains or pipes in which fire-plugs are to be fixed, and the places at which keys of the fire-plugs are to be deposited, by the committee under this Act;

(d) to prescribe the pressure at which the water supplied by the committee under this Act is to be laid on either generally or at specified times; and

(e) generally to define and regulate the powers and duties of the committee under this Act.

Power for committee to make rules.

30. *(1)* The committee may from time to time, at a special meeting, make rules consistent with this Act—

(a) for regulating rowing, sailing and fishing on or in the Royal Lake, and

(b) for preventing the waste or misuse of water supplied by them and for defining the nature of the pipes, casks, cisterns and

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[1] *See* the third footnote on p. 82, *ante.*

[2] For rules under section 29 as to Municipal Engineer's power of entry on land, see Burma Gazette, 1892, Pt. I, p. 53, and the Rangoon Municipal Handbook.

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other apparatus to be used by every person supplied by them with [1] water.

(2) In making a rule under this section the committee may direct that breach of it shall be punishable with fine which may extend to fifty rupees and, when the breach is a continuing one, with a further fine of five rupees for every day after the first during which the breach continues.

(3) If any person, having or requiring a supply of water from the committee, fails to comply with any rules made under clause *(b)* of this section, the committee may refuse to supply water to him, and may cut off the water supplied to him, unless and until the rules, are complied with:

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he has otherwise incurred.

Procedure for making rules.

31. *(1)* The [2] Chief Commissioner or committee shall, before making any rules under section 29 or section 30, publish a draft of the proposed rules for the information of persons interested.

(2) The publication shall be made,—

(a) in the case of rules under section 29, in such manner as, in the opinion of the [2] Chief Commissioner, is sufficient; and

(б) in the case of rules under section 30, in such manner as the [2] Chief Commissioner, by order, [3] directs.

(3) A notice shall be published with the draft rules specifying a date at or after which the draft shall be taken into consideration.

(4) The [2] Chief Commissioner or committee shall, before making the rules, receive and consider any objection or suggestion which is made by any person with respect to the draft before the date so specified.

Publication of rules.

32. Every rule made under section 29 or section 30 shall be published in the local official Gazette in English and in such other language or languages as the [2] Chief Commissioner [4] directs, and such publication shall be conclusive evidence that the rule has been made as required by section 31.

CHAPTEK VII.

Arrears and Offences.

Arrears of water-rents.

33. All arrears of water-rents under this Act may be recovered on

[1] **For general rules and directions made under s. SO *(1) (b)* conjointly with ss. 10, 11 and 12, *see* Burma Gazette, 1891, Pt. I, p. 457. and the Rangoon Municipal Handbook.**

[1] ***See* the third footnote on p. 82. *ante*.**

[3] **As to mode of publication of draft rules under the Act, see Burma Gazette, 1885, Pt. I, p. 44, and the Rangoon Municipal Handbook.**

* **As to mode of publication of rules, *see* Burma Gazette, 1885, Pt. I, p. 44, and the Rangoon Municipal Handbook.**

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application to such [1] revenue-officer as the Local Government may appoint in this behalf, as if they were arrears of land-revenue.

34. If any person supplied with water neglects to pay— **Puwei for committee**

iSVIlot 1884. (a) the water-tax leviable under the [2] Burma Municipal Act, 1884, t0 tQrn ofi **water on neglect to pay water* tax or water-rent.**

(b) any water rent payable by him to the committee,

the committee may turn off or cut off the water from the house or land in respect of which the water-tax or water-rent is payable, by cutting off the pipe to the house or land, or by such other means as the committee think fit, and may recover in manner provided by the last foregoing section the expense of turning off or cutting off the water from the person:

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he has otherwise incurred.

35. If any person unlawfully obstructs the flow of, flushes, draws off, diverts or takes, water from any water-works belonging to, or under the management or control of, the committee, or from any water or wasting streams by which these water-works are supplied, or wastes any water supplied to him under this Act, he shall be punished with fine which may extend to one hundred rupees. **Penalty for obstructing,** diverting or water.

36. If any person— **Penalty for unauthorized application of water.**

(a) uses for other than domestic purposes any water supplied under this Act for domestic purposes; or,

(b) where water is supplied under section 18 for a specified purpose, uses that water for any other purpose,

he shall be punished with fine which may extend to fifty rupees, without prejudice to the right of the committee to recover from him the price of the water misused.

37. (*1*) If any person- **Sft?**

(a) bathes in, at or upon any water-works, or washes, throws or causes to enter therein any dog or other animal, or ^^¡tteeto **of the be fouled, eto.**

(b) throws any rubbish, dirt, filth or other noisome thing into any

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[1] **The Secretary to the Municipal Committee of Rangoon has been appointed co be the Revenue-officer before whom arrears may be realized, *see* Burma Gazette, 1885, Pt. I, p. 44, and the Rangoon Municipal Handbook.**

[1] **Read now the Burma Municipal Act, 1898 (Bui;. Act 3 of 1898), *post.***

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water-works, or washes or cleanses therein any cloth, wool, leather or skin of any animal, or any clothes or other thing, or

(c) causes the water of any sink, sewer or drain, or of any steam-engine or boiler, or any other filthy water belonging to him or under his control, to turn or be brought into any water-works, or does any other act whereby the water in any water-works is fouled, or likely to be fouled,

he shall, for every such offence, be punished with fine which may extend to one hundred rupees, and to ten rupees in addition for each day (if more than one) during which the offence continues.

Prosecutions. 38. Prosecutions under this Act or the rules made under this Act may be instituted by the committee or any person authorized Ity them in this behalf and not otherwise.

ACT No. I of 1885.[1]

(Applies to TJppee and Lower Burma.)

[2nd January, 1885.]

An Act to amend the [2] Burma Steam-boilers and Prime-movers Act, 1882.

Whereas it is expedient to amend the [2] Burma Steam-boilers and Prime-movers Act, 1882; It is hereby enacted as follows:— XVIIIof

Short title and commencement. 1. This Act may be called the Burma Steam-boilers and Prime-movers Act, 1885; and it shall come into force at once. K'SIllof

Amendment of section 4 of Act XVIIi of 1882. 2. In section 4 of the [2] Burma Steam-boilers and Prime-movers Act, 1882, after the words "first or second class" the words "or as Eneine-drivers" shall be added.

Amendment of sections 5, 8 and 11 of same Act. 3. In section 5, sub-section (2), section 8, clause *(b)*, and section 11, clause *(b)*, of the said Act, after the word "Engineer" the words "or in the case of a boiler or prime-mover attached to an engine of not more than twenty horse-power of an engineer or engine-driver", shall be inserted.

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[1] For Statement of Objects and Seasons, *see* Gazette of India, 1884, Pt. V, p. 533 j for Proceedings in Council, *see ibid,* Supplement, pp. 1304, 1344, and *ibid,* 1885, Supplement, p. 13.

This Act urill be repealed when the Burma Steam boilers and Prime-movers Act, 1910 (Bui. Act II of 1910), comes inio force, *see* s. 1 (0) of the said Act in Appendix II, *post.* p. 689.

[2] *Ante.*

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ACT No. XT OF 1887.[1]

(APPLIES TO LOWER AND UPPER BURMA.)

[*29th July,* 2SS7.]

An Act for the Regulation of Military Police in Burma.

WHEREAS it is expedient to establish a military police-force in Lower Burma and to amalgamate that force with the military police-force of Upper Burma; It is hereby enacted as follows: —

1. (*1*) This Act may be called the Burma Military Police Act, 1887. **Title, extent and commencement.**

(2) It extends to the whole of Burma [2]* * * * * * * * * and [3] [applies to every member of the Burma military police-force, wherever he may be; and]

(*3*) It ¡shall come into force on [4] such day as the Local Government may, by notification in the official Gazette, appoint in this behalf.

HI of 1887. 2. The Upper Burma Military Police Regulation, 1887, is hereby Rep"al. repealed.

3. In this Act, unless there is something repugnant in the subject or **Definitions,** context,—

(2) "military police-officer " means a person appointed to the Burma police-force under section 7 of [8] Act Y of 1861 who has signed the statement in the schedule to the Upper Burma Military Police Regulation, 1887, or to this Act, in accordance with the provisions of that Regulation or of this Act, as the case may be:

(2) " active service " means service at outposts or against hostile tribes or other persons in the field:

(3) "Deputy Commissioner" includes an Assistant Commissioner in charge of a sub-division:

(4) " Commandant " means a person appointed by the Local Government to be a Commandant of Military Police, and includes a District Superintendent of Police, and an Assistant District Superintendent of Police in charge of the police of a district or of a sub-division:

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[1] For Statement of Objects and Reasons, see Gazette of India, 1887, Pt. V, p. 73; for Proceedings in Council, *see ibid,* Pt. VJ, pp. 49, 51 and 53.

Act 15 of 1887 has been derlared in force in Upper Burma (except the Shan States) by the Burma Laws Act, 1898 (13 of 1898;, *see* the First Schedule, *post.*

The whole Act, except s. 1, sub-sections *(2)* and (S), and s. 2, has been extended to all the Shan States, except those situated e*-st of the Salween River, the State of Hkamkti Long and the State of Möng Mit with its dependency M6ng Ldng, see the Shan States Laws and Criminal Justice Order, 1895, Pt. V, *post.*

[2] The words " (inclusive of Upper Burma) except the Shan States " were repealed by the Burma Laws Act, 1898 {13 of 1898), *see* the Fifth Schedule, post.

[3] These words '«.ere added by Act 13 of 1898, see the Third Schedule, *post.*

[4] * Act 15 of 1887 came into force on the 15th October, 1887, see Burma Gazette, 1887, Pt. I, p. 398.

[8] Genl. Arts, Vol. I.

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'(5) "Adjutant" means a person [2] appointed by the Local Government to be an Adjutant of Military Police, and in Lower Burma includes a District Superintendent of Police and an Assistant District Superintendent of Police in charge of the police of a district or of a sub-division:

[1][(6)] " Assistant Commandant " means a person appointed by the Local Government to be an Assistant Commandant or an Assistant Adjutant of Military Police, and includes an Assistant District Superintendent of Police not in charge of the police of a district or of a sub-division :

[1](7) "Inspector" means an Inspector of Civil Police who has been appointed by the Inspector-General of Police to be also an Inspector of Military Police:

[1][(8)] The expressions "reason to believe", "criminal force", "assault", "fraudulently" and "voluntarily causing hurt" have the meanings assigned to them respectively in the [3] Indian Penal Code. XLV of 1860.

Employment and discharge of military police-officers.

4. *(1)* Before an officer appointed to the Burma police-force under section 7 of [3] Act V of 1861 is appointed to be a military police-officer, the statement in the schedule shall be read to him in the presence of a Magistrate, Commandant» ^[Adjutant or Assistant Commandant], and shall be signed by him in acknowledgment of its having been so read to him [5][and he shall be asked the questions in the said schedule set out, and in answering such questions he shall be bound to state the truth.]

(2) Notwithstanding any notice given under section 9 of [3] Act V of 1861, a military police-officer shall not be entitled to be discharged from the Burma police-force escept in accordance with the terms of the statement -which he has signed under the Upper Burma Military Police Ii0f 1887. Regulation, 1887, or under this Act, as the case may be.

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[1] Sub-sections 5, 6, 7 and 8 were substituted for sub-sections 5 and 6, by s. 2 of the Burma Military Police Act Amendment Act, 1899 (Bur. Act 3 of 18991, *post.*

The original sub-sections *(5)* and *(6)* ran as follows, *viz.*:—

(5) " Second-in-command " means a person appointed by the Local Government to be a Second-in-command of Military Police, and includes an Assistant District Superintendent of Police not in charge of the police of a district or of a sub-division : and

(*6*) the expressions " reason to believe," criminal force," " assault," " fraudulently " and " voluntarily causing hurt " have the meanings assigned to them respectively in the Indian Penal Code. XLV of 1860*

[5] For notification appointing the Adjutants of the Rangoon and Toungoo Military Police Battalions to be Second-in-Command of their battalions, *see* Burma Gazette, 1895, Pt. I, p. 171.

[3] Genl. Acts, Vol. I.

* These words were substituted for the words " or Second-in-Command,'.' by s. 3 *(1)* of Bur. Act 3 of 1899.

[s] These words were added to s. 4 (*1)* by s. 3 [S) of Bur. Act 3 of 1899.

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[1]5. (*1*) There shall be sis classes of Military police-officers, **Classes and grades of Milit^r police-officers.**
nainnly *——
naiuelj .
(*i*) subahdars,
(*ii*) jamadars,
(*tii*) havildars,
(*iv*) **naiks,**
(-u) lance-naiks,
(*vi*) sepoys,
and such grades in each class as the Local Government may direct.

(*2*) The expression " superior officer " in this Act includes—

(*a*) in relation to a sepoy, any lance-naik, naik, havildar, jamadar or subahdar; .

(*b*) in relation to a lance-naik, any lance-naik of longer service in that class, and any naik, havildar, jamadar or subahdar;

(c) in relation to a naik, any naik of longer service in that class, and any havildar, jamadar or subahdar;

(*d*) in relation to a havildar, any havildar of a higher grade, nr of longer service as havildar of the same grade, and any jamadar or subahdar;

(*e*) in relation to a jamadar, any jamadar of a higher grade, or of longer service as jamadar of the same grade, and any subahdar;

(*f*) in relation to a subahdar, any subahdar of a higher grade, cr of longer service as subahdar of the same grade; and

(*g*) in relation to any military police-officer, any Inspector, Assistant Commandant, Adjutant, Commandant or Deputy Commissioner.

6, A military police-officer who— **More heiDons otlenoes.**

(*a*) begins, excites, causes or joins in any mutiny or sedition, or, being present at any mutiny or sedition, does not use his utmost endeavours to suppress it, or, knowing or having reason to believe in the existence of any mutiny, or of any intention to mutiny, does not without delay give information thereof to his commanding or other superior officer; or

(б) uses, or attempts to use, criminal force to, or commits an assault on, his superior officer, -whether on or off duty; or

(c) shamefully abandons or delivers up any garrison, fortress, post or guard which is committed to his charge or which it is his duty to defend; or

[1] **This section «u substituted by s. 4 of Bui. Act 3 of 1899.**

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(*d*) directly or indirectly holds correspondence with, or assists or relieves, ^ny person in arms against the State, or omits to discover immediately to his commanding or other superior officer any such correspondence coming to his knowledge; or

^ho, while on active service,—

(e) disobeys the lawful command of his superior officer; or,

(/) deserts the service; or,

(*g*) being a sentry, sleeps upon his post, or quits it without being regularly relieved or without leave; or

(*h*) without authority leaves his commanding officer, or his post or party, to go in search of plunder; or

(i) quits his guard, picquet, party or patrol without being regularly relieved or without leave; or

(*j*) uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to camp or quarters, or forces a safeguard or without authority breaks into any house or any other place for plunder, or plunders, destroys or damages any property of any kind; or

(A) intentionally causes or spreads a false alarm in action, camp, garrison or quarters,

shall be punished with transportation for life or for a term of not less than seven years, or with imprisonment for a term which may extend to fourteen years, or with fine which may extend to three months' pay, or with fine to that extent in addition to such sentence of transportation or imprisonment, as the case may be, as may be passed upon him under this section.

Less heinouE offences..

7. A military police-officer who—

(*a*) is in a state of intoxication when on or for any duty or on parade or on the line of march; or

(*b*) strikes or attempts to force any sentry; or,

(c) being in command of a guard, picquet or patrol, refuses to receive any prisoner duly committed to his charge, or without proper authority releases any prisoner, or negligently suffers any prisoner to escape; or,

(<2) being under arrest or in confinement, leaves his arrest or con- " finement before he is set at liberty by proper authority; or

(*e*) is grossly insubordinate or insolent to his superior officer in the execution of his office; or

(/) refuses to superintend or assist in the making of any field-work or other military work of any description ordered to be made either in quarters or in the field; or

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(*g*) strikes or otherwise ill-uses any military police-officei subordinate to him in rank or position; or

(*h*) being in command at any post or on the march, and receiving a complaint that any one under his command has beaten or otherwise maltreated or oppressed any person, or has committed any riot or trespass, fails, on proof of the truth of the complaint, to have due reparation made to the injured person and to report the case to the proper authority; or

(*i*) designedly or through neglect injures or loses, or fraudulently disposes of, his arms, clothes, tools, equipments, ammunition, accoutrements or regimental necessaries, or any such articles entrusted to him or belonging to any other person; or

(*j*) malingers, or feigns or produces disease or infirmity in himself or intentionally delays his cure, or aggravates his disease or infirmity; or,

(*k*) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person; or

who, while not on active service,—

(*I*) disobeys the lawful command of his superior officer; or

(*m*) plunders, destroys or damages any property of any kind; or,

(*n*) being a sentry, sleeps upon his post or quits it without being regularly relieved or without leave; or

(o) deserts the service;

shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to three months' pay, or with both.

Punishment.

8. A military police-officer, not being above the [1][class of sepoy] Corporal who, while on service at an out-post at the time of a projected attack on that post, or in the field against hostile tribes or other persons, commits any offence specified in either of the two last foregoing sections may, in lieu of any punishment to which he is liable thereunder, be punished with whipping:

Provided that—

(*a*) the punishment of whipping shall not in any case exceed thirty stripes, and

(*b*) sentence of whipping shall be passed only by a Deputy Commissioner, or, in his absence, by a Commandant invested with the powers of a Magistrate of the first or second *class*.

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[1] These words were substituted for the words "rank of constable," by s. 5 of the Burma Military Police Act Amendment Act, 1899 (Bur. Act 3 of 1899', *post*.

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Minor punishment.

9. (.?) A Deputy Commissioner, Commandant [1] [Adjutant or Assistant Commandant or an Inspector, or a subahdar or jamadar] commanding a separate detachment or an out-post or in temporary command at the [2] [head-quarters of a district or battalion during the absence of the Commandant, Adjutant and Assistant Commandant] may, without a formal trial, award to any military police-officer [3] [of the class of sepoy] who is subject to his authority any of the following punishments for the commission of any petty offence against discipline which is not otherwise provided for in this Act or which is not of a sufficiently serious nature to call for a prosecution before a Criminal Court, that is to say,—

(a) imprisonment to the extent of seven days in the quarter-guard or such other place as may be considered suitable, with forfeiture of all pay and allowances during its continuance;

(b) [4] [extra guards, pickets or patrols] ;

(c) [4] [confinement to lines fur any period not exceeding thirty days with punishment drill not exceeding fifteen days and thereafter fatigue duty.]

(2) Any one of these punishments may be awarded separately or in combination with any one or more of the others.

Place of imprisonment.

10. A person sentenced under this Act to imprisonment for a period not exceeding three months shall, when he is also dismissed from the Burma police-force, be imprisoned in the nearest or such other jail as the Local Government may, by general or special order, direct, but, when he is not also dismissed from that force, he may, if the convicting officer or Deputy Commissioner so directs, be confined in the quarter-guard or such other place as the convicting officer or Deputy Commissioner may consider suitable.

Conferment of Magisterial powers on police-officers.

11. Notwithstanding anything in [5] Act Y of 1861 or in any other enactment for the time being in force, the Local Government[6] may invest any [7] [Commandant, Adjutant or Assistant Commandant] with the powers of a Magistrate of any class for the purpose of enquiring into or trying

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[1] **These words were substituted for the words " or Second-in-command or an officer," by s. 6 (7) of Bur. Act 3 of 3899.**

[2] **These words were substituted for the words " head quarters of a district during the absence of the Deputy Commissioner, Commandant and Second-in-Command," by** E. **6 *(.2)* of Bur. Act 3 of 1899.**

' **These words were inserted by s. 6 (*3*) of the Burma Act 3 of 1899. po'i.**

• **Sub-clauses (*b)* and (c) of s. 9 were substituted for sub-clause (6), by s. 6 *(Jf)* of Burma Act 3 of 1899.**

The original sub-clause (6) ran as follow :—

(*b*) punishment-drill. extra guard fatigue or other duty, not exceeding thirty dayB in duration, with or without confinement to quarters.

• **Genl. Acts. Vol. I.**

• **For notification empowering Battalion Commandants to try certain cases, *see* Bur. E. M., Vol. II, p. MD7.**

T **These words were substituted for the words " police officer not below the rank of Commandant," by s. 7 of the Burma Military Police Act Amendment Act, 1899 ('Bur. Act 3 of 1899).**

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any offence committed by a military police-officer and punishable under [1] Act V of 1861 or this Act.

[2]11A. (*1*) A Commandant, Adjutant, Assistant Commandant or Inspector, or a military police-officer commanding a separate detachment or an outpost or in temporary command at the head-quarters of a district or battalion during the absence of the Commandant, Adjutant or Assistant Commandant, may, without an order from a Magistrate and without a warrant, cause to be arrested any military police-officer who has been concerned in any offence under section 29 of the [1] Police Act, 1861, or under this Act, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been so concerned, and may cause any military police-officer so arrested to be confined in the quarter-guard or such other place as he may consider suitable. **Additional powers to arrest and confine military police-officers**

V of 1861.

(*2*) For the purposes of the detention of, and investigation of the case against, a military police-officer arrested under sub-section (*1*), the officer ordering such arrest or for the time being in immediate charge of the Military Police at the place or station where an officer so arrested is detained in military police custody, shall, except in cases speedily disposed of under section 9 of this Act, be deemed to be an officer in charge of a police-station acting under the [3] Code of Criminal Procedure and shall be bound by the provisions of sections 61, 62 and 167 of that Code.

V of 1898.

Voi 1898.

(3) Notwithstanding anything contained in the [3] Code of Criminal Procedure, no officer or Court shall be bound to release on bail any military police-officer arrested and confined under the powers conferred by this section.

12. (*2*) Subject to such rules as the Local Government may make in this behalf, a Commandant, [4] [Adjutant or Assistant Commandant] of military police shall have, with respect to police-officers appointed to the Burma police-force under section 7 of [1] Act V of 1861 who are not Assistant military police-officers, the same disciplinary powers as a District Superintendent of Police has with respect to them under that section.

Disciplinary and other powers of Commandants, Adjutants and Commandants of military police other-wise than in respect of military police

(*2*) The Local Government may confer on a Commandant [4][Adjutant or Assistant Commandant] of military police, by name or by virtue of his office, any other power of a District Superintendent of Police under [1] Act V of 1861 or any other enactment for the time being in force, or under any rule under any such enactment, and may define the circum-

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[1] Genl. Acts, Vol. I.

[3] Section 11A was added by s. 2 of the Burma Military Police Act Amendment Act, 1901 (Bur. Act 2 of 1901), *post.*

[3] Genl. Acts, Vol. V.

* These words "mere substituted for thn words "Second-in-Coirmand" by s. 8 of the Burma Military Police Act Amendment Act, 1899 (Bur. Act 3 of 1899), *post.*

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stances in which any power so conferred may be exercised by such Commandant [1] [Adjutant or Assistant Commandant].

Privileges of Commandant, Adjutants and Assistant Commandant of military police.

13. A Commandant[1] [Adjutant or Assistant Commandant] of military police shall be entitled to all the privileges which a police-officer has under sections 42 and 43 of [2] Act V of 1861, section 125 of the [3] Indian Evidence Act, 1872, and any other enactment for the time being in force.

Power to make rules.

14. The Local Government may, as regards the military police, make such orders and [4] rules consistent with this Act as it thinks expedient relative to the several matters respecting which the Inspector-General of Police, with the approval of the Local Government, may, as regards the rest of the Burma Police-force, frame orders and rules under section 12 of [2] Act V of 1861.'

THE SCHEDULE.

STATEMENT.

(See sections 3 and 4.)

After you have served for three years in the Burma Military Police you may, at any time when not on active service, apply for your discharge, [5] [through the officer to whom you may be subordinate, to a Commandant or Adjutant of military police,] and you will be granted your discharge after two months from the date of your application, unless your discharge would cause the vacancies in the Burma Military Police to excecd one-tenth of the sanctioned strength; in that case you must remain until this objection is waived by competent authority or removed. But when on active service you have no claim to a discharge, and you must remain and do your duty until the necessity for retaining you in the Burma Military Police ceases, when you may make your application in the manner hereinbefore prescribed.

•In the event of your re-enlistment, after you have been discharged, you will have no claim to reckon for pension or any other purpose your service previous to your discharge.

" [You will now be asked two questions, and your answers will be recorded. If your answers are hereafter found to be false in any

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[1] *See* the fourth footnote on preceding page.

[2] *See* the first footnote on preceding page.'

[3] Genl. Afts, Vol. II.

[4] For examples of such rules, *see* Notification No. 249, Burma Gazette, 1893, Pt. I, p. 285.

[5] These words were substituted for the words " thruugh the Inspector, if any, to whom you may be subordinate to a Commandant of Military Police or to the Deputy Commissioner of the District in which you may be serving," by s. 9 (*1*) of the Burma Military Police Act Amendment Act, 1899 (Bur. Act 3 of 1899!. *post.*

[6] This portion of the schedule up to the word " thereof " w;.s added to the schedule, by s. 9 (2) of the Burma Military Police Act Amendment Act, 1899 (Bur. Act 3 of 18991, *jiost.*

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particular, you will, if enrolled in the Burma Military Police, he liable, upon conviction, to imprisonment for three years and to fine under sec-
¡XLV of 1860.tion 193 of the [1] Indian Penal Code.'

Question (1)—What is your name, your father's name, your caste, and native town or village and district?

Answer—

Question (2)—Have you ever previously been in the service of Her Majesty the Queen, Empress of India, or of the Government of India?

If so, when, in what capacity or capacities, and when and under what circumstances did your service cease?

Answer—

(Signature of the 'police-officer to be enrolled.')

The answers of the said
were recorded by me, and the whole was translated to him and was signed by him, after I had ascertained that he fully understood the purport thereof.]

(Signature of police-officer in "N
acknowledgment of the above £ *A. B.*
having been read to him.) 3

Signed in my presence after 1^ *C.D.,*
had ascertained that *A. B. J* *Magistrate, Commandant*
understood the purport of ^ [2] [*Adjutant or Assistant*
what he signed. *J* *Commandant*].

ACT No. XVIII of 1888.[3]

(APPLIES to Upper and Lower Burma.)

\ *21st December,* 2SSS.]

An Act to provide for the appointment of a Financial Commissioner for Burma and for the definition of his functions.

Whereas it is expedient that 1here should be a Financial Commissioner for Burma; It is hereby enacted as follows : —

1. , *(1)* This Act shall extend to the whole of Burma [4] * * * Extent and aQd oommencement.

---

[1] Genl. Acts, Vol. I.

[2] These words were substituted for the words " or Second-in-('ommand," by s. 9 *(3)* of the Burma Military Police Act Amendment Act, 1899 (Eur. Act 3 of 1899), *post.*

[3] Short title " The Burma Financial Commissioner's Act, 1888," *see* the Burma Laws Act, 189a (13 of 1898), Fourth Schedule, *post.*

For Statement of Objects and Reasons, *see* Gazette of India, 1888, Pt. V, p. 138; for discussions on the Bill, *see ibid,* 1888, Pt. VX pp. 130 and 139.

[4] The words " (inclusive of Upper Burma) except the Shan States " were repealed by the Burma Laws Act, 1898 il3 of 1898), *see* the Fifth Schedule, *post.*

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(.2) It shall come into force at once.

A ointme o£P?inancia^v, *?' 11* Tiiere slia**ll** te a Financial Commissioner for Burma, and lie
Commissioner» s***ail be appointed, and may be removed, by the Local Government with the previous sanction of the Governor General in Council.

(2) Any person appointed by the Local Government or by the Governor General in Council to the office of Financial Commissioner since the first day of April, 1888, shall be deemed to have been appointed under sub-section (2).

Su tk.^>Sf**na"** 3- 1,lle F**m**ancial Commissioner shall be subject to the control of the
Financial Commissioner to I«o-al Government. L°Cal Govei,nment> **a**nd shall, subject to the provisions of this Act and of **a**ny. °^ier enactment for the time being in force, discharge such [1] functions as that Government may assign to him.

Financial Commissioner to be Chief Revenue-authority. 4: Iû **a**ny enactment for the time being in force in which the expression "Chief Eevenue-authority " or "Chief Controlling Revenue-**au**thority " is used, the expression shall, subject to the provisions of any enactment passed after the commencement of this Act and to any conditions and restrictions which the Local Government, with the previous sanction of the Governor General in Council, may prescribe, be construed as referring to the Financial Commissioner.

Delegation powers to Co financial Govemment. °f 5' Tbe Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, delegate br**n**S^Dner t0 ^ • Financ**i**al Commissioner, subject to such conditions and restrictions, if any, as that Government, with such sanction as aforesaid, may prescribe, all or any of the functions assigned to that Government by any enactment for the time being in force.

Va ation of pas^prooeed-ing?of Financial C sioner?mmi8" 6' Al1 acts and proceedings done and taken after the first day of April, 1888, and before the commencement of this Act, by any person **a**PP°inted by the Local Government or the Governor General in Council to the office of Financial Commissioner, or by any person acting under the authority of a person so appointed, shall be as valid and operative as they would have been if they had been done and taken in exercise of powers conferred by or conferable under this Act. ■

A if ti of^rt^n enactments, °n 2 7' Tte enactments specified in the schedule shall be modified to the extent and in the manner mentioned in the third column thereof.

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[1] **Under section 3 the Financial Commissioner is appointed Chief Customs Authority in and for Burma, *see* Burma Gazette, 1889, Pt. I, p. 179.**

. [1] **So much of this section and of the Schedule as relates to Act XX of 1886, is repealed. *See* the Burma Act, 1898 (13 of 1898), Fifth Schedule, *post*.**

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THE SCHEDULE.

ENACTMENTS MODIFIED.

Number and yeai.		Modifications.
1 • * * *	* * *	* * * *
III of 1879 . .	Destruction o Records Act, 1879.	In section 7 insert the words " an Burma " after the ward " Punjab."
2 * * * *	* * *	* * * *

ACT No. II of 1895.[3]

(APPLIES TO LOWER AND UPPER BTJEMA.)

[31st January, 1895.~

An Act to amend the "Burma Boundaries Act, 1880.

V of 1880. **Whereas** it is expedient to amend the ' Burma Boundaries Act, 1880, with a view to protect all permanent survey-marks erected or placed in the course of any survey executed by order of Government; It is hereby enacted as follows : —

Tit'e> •«tens and com-

1. (1) This Act may be called the Burma Boundaries Act Amend- ment Act, 1895. . mencement.

(2) It extends to the whole of Burma (inclusive of Upper Burma) s * * * . an(j ,

(5) It shall come into force at once.

V of 18s0 2. For the preamble of the said 'Burma Boundaries Act, 1880, the following shall be substituted, namely : — **Substitution of new preamble to , Act V, 1880**

_*Ante,* p. 48.]

Addition of section after section l of **same Act.**

3. The following section shall be added after section 1 of the said Act, namely : —

«

[.*Ante*, p. 48.]

4. Section 27 of the said Act shall be repealed. ^0ton27 of

[1] The entry relating to the Indian Stamp Act, 1879 (1 of 1879), was repealed by the same Act. Indian Stamp Act, 1899 (2 of 1899), Genl. Acts, Vol. V

[2] The reference to Act 22 of 1881 was repealed by the Excise Act, 1896 (12 ol 1896), s. 2, and Scheduled, *post.*

[3] For Statement of Objeots and Reasons. see Gazette of India, 1895, Pt. V, p. 1/U, for Report of the Select Committee, see *ibid,* 1895, Pt. V, p. 9; and for Proceedings m *Council, see ibid,* 1894, Pt. VI, ,v. 243; and *ibid,* 1895, Pt. VI, pp. 34 and 110.

[4] *Ante*, p. 48.

[5] The words " exoept the Shan States " were repealed by the Burma Laws Act, 189S <13 of 1898;, *see* the Fifth Schedule, *post.*

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6ul*t)t ition of new sections for sei'tinn 28 of same Act.

5. For section 23 of the said Act, the following sections shall be substituted, namely: —

. *[Ante,* p. 55.]

substitution ot rinw section for section 30 of sane Act.

8. For section 30 of the said Act, the following section shall be substituted, namely: —

[Ante, p. 56.]

ACT No. XI of 1895.[1]

(Applies to Lower Burma onxy.)

■ *[7th March, 1895.* J

An Act to remove certain doubts as to the validity of certain proceedings and acts of certain officers of the Pegu and Tenasserim Divisions in Lower Burma and to prevent their being raised in the future.

Whereas doubts exist as to the validity of certain proceedings and acts heretofore held or done by certain officers of the Pegu and Tenasserim Divisions, respectively, in Lower Burma, on the ground that such proceedings and acts were not held or done within the sessions division, district, sub-division, township, registration district or sub-district to which the officer holding the proceeding or doing the act was appointed ;

And whereas it is expedient to remove such doubts and to prevent their being raised in the future;

It is hereby enacted as follows: —

Validating certain proceettoes and acts of certain officers of .the Pegu ind Tenasserim Divinion„» oi Lower Burma.

1. All proceedings and acts heretofore held or done, or which may hereafter be held or done,—

fa) by the Commissioner or Sessions Judge of the Pegu Division and by the Deputy Commissioner and other Magistrates or officers of the Hanthawaddy District within the precincts of their respective courts and offices in the Rangoon Town District, and

(*b*) by the Commissioner or Sessions Judge of the Tenasserim Division and by the Deputy Commissioner and other Magistrates or officers of the Amherst District within the precincts of their respective courts and offices in the Maulmain Town District and the Maulmain Town Subdivision of the Amherst District,

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[1] **Short Title ** The Peeu and Tenasserim Validation Act, 1895/' see the Burma Laws Act, 1898 (13 of 1898', Fourth Schedule, *port.***

For Statement of Objects and Reamns. see Gazette of India* 1895, Pt. V, P* 27 f and for Proceedings in Council; *stt ibid*, Pt. VI, p|*. 129 and 231.

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Bhall be deemed to have been held or done within the sessions division, district, sub-division, township, registration district or sub-district to which the officer holding the proceeding or doing the act was or shall have been appointed, and the court or office in which a pioceeding or act has been or shall be held or done by any such officer shall be deemed to have been or to be within the sessions division, district, sub-division, township, registration district or sub-district in which the officer exercised or shall exercise jurisdiction.

THE EXCISE ACT, 1896.

CONTENTS.

CHAPTER I.

PBELIHINAKY.

SECTIONS.

1. Title, local extent and commencement.
2. Repeal.
3. Definitions.
4. Saving of Acts XYI of 1863 and XIII of 1889.

CHAPTER II.

PBODUCTIUN or SPIRIT AND FEBMENTED LIQUOR.

5. Manufacture of spirit and liquor without license prohibited.
6. Power to establish distilleries for country spirit.
7. Duty on spirit.
8. Duty on fermented liquor.
9. Power for Chief Revenue-authority to make rules as to distilleries and breweries licensed under section 5.
10. Power for Chief Revenue-authority to make rules for distilleries established under section 6.
11. Sanction to rules under sections 9 and 10.

CHAPTER III.

Cultivation and Contbol of Intoxicating DBUGS.

12. Prohibition, restriction and regulation of cultivation of hemp and production of intoxicating drugs.
13. Duty on cultivation of hemp and intoxicating drugs.
14. Establishment and licensing of bonded and other warehouse3- and levy of duty on intoxicating drugs on issue therefrom.

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SECTIONS .

15. Payment of warehouse-dues.
16. Period during which intoxicating diugs may remain warehoused.
17. Power to remove intoxicating drugs from one warehouse to another.
, 18. Possession of intoxicating diugs.
19. Power for Local Government to make rules.
20. Power for Collector or other authorized officer to grant licenses and passes for the possession or transport of intoxicating drugs and for Chief Revonue-authority to make rules.

CHAPTER IV.

SAIE OF SPIRIT, FERMENTED LIQTJOE AND INTOXICATING DRUGS.

21. Spirit, fermented liquor and intoxicating drugs not to be sold without license.
22. Licenses how granted and cancelled.
23. Further power to cancel licenses.
24. Surrender of retail license.
25. Power for Collector to farm fees and for farmer to grant licenses.
26. Farm may be cancelled.
27. Compensation to farmers in certain cases.
28. Recovery of arrears by farmers.
29. Power for Chief Revenue-authority to regulate supply of tari to licensed vendors.

CHAPTER V.

POSSESSION AND IMTOET OF SPIEIT AND FERMENTED LIQTJOE.

30. Possession of spirit, etc.
31. Spirit and fermented liquor from foreign territory subject to duty.
32. Spirit and fermented liquor from territory beyond India subject to duty.

CHAPTER VI.

OFFICERS AND THEIR POWERS.

33. Collectors may appoint Excise-officers.
34. Recovery ol arrears of fees.
35. Power of Excise-officers to inspect shops.

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SECTIONS.

36. Power of Excise-officers to arrest persons carrying spirit, etc., liable to confiscation.
37. Power of Excise-officers to arrest person» in possession of article liable to confiscation and to seize article.
38. Power of Excise-officers to search on information-of illicit manufacture or possession.
39. Collector may issue warrant of arrest in certain cases.
40. Collector may issue search-warrant.
41. Excise-officer to report arrest, etc., and to take person arrested to Magistrate.
42. Procedure after arrest or seizure.
43. Police to aid Excise-officers.
44. Power for Local Government to invest Police-officers with powers of Excise-officers.

CHAPTER VII.

PENALTIES.

45. For illegally manufacturing spirit or liquor.
46. For illegally introducing country spirit.
For illegally removing spirit or fermented liquor.
For illegally importing spirit or fermented liquor.
For importing spirit, fermented liquor or intoxicating drug without paying duty.
47. For contravening rules prescribed by Chief Revenue-authority.
48. For illegally cultivating hemp or collecting the spontaneous growth of hemp, or preparing, possessing, importing, exporting or transporting intoxicating drugs.
19. For illicitly selling spirit, etc.
50. For permitting drunkenness, etc., in shop.
51. For illegally possessing spirit or liquor.
52. For refusing to produce license and for breach of rules and conditions.
53. For conniving at illicit manufacture or sale of spirit, etc.
54. For police neglecting to aid Excise-officers.
55. For vexatious search or seizure.
56. For delay in reporting arrest, etc., or in taking person arrested to Magistrate.
57. Prosecutions restricted.
58. Confinement in what jail.
59. Attempts and abetment.
60. Disposal of fines, etc., as reward.
61. Magistrate to pass order of confiscation.

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CHAPTER VIII.

MILITARY CANTONMENTS.

62. Manufacture and sale of spirits, etc., in military cantonments.
63. Application of Act to military cantonments.

CHAPTER IX.

MISCELLANEOUS.

64. Collector subject to control of commissioner.
65. Additional power for Chief Bevenue-authority to make rules.
66. Power for Local (xovernment to exempt articles and persons.

THE SCHEDULE.

ACT No. XII OF 1896.[1]

(APPLIES TO LOWER AND UPPER BURMA.)

[19th March, 1896.']

An Act to amend the law relating to the Excise-revenue in force, in ***Northern*** *India,* Burma *and* ***Coorg.***

WHEREAS it is expedient to amend the law in force in *Northern India,* Burma *and Coorg* relating to the production, sale, possession and import of spirit, fermented liquors and intoxicating drugs, and the collection of the revenue derived therefrom; It is hereby enacted as follows: —

CHAPTER I.

PRELIMINARY.

Tit'e, local «xtent and commence-ment.

1. *(1)* This Act may be called the Excise Act, 1896. XII of I sye

(2) It extends to the territories administered respectively by the *Lieutenant-Governor of the North-Western Provinces and Chief Com-*

[1] For Statement of Objects and Reasons, see Gazette of India, 1896, Pt. V, p. 9; for Report of the Select Committee, *see ibid,* p. 153; and for Proceedings in Council, *see 'bid,* Pt. VI, pp. 16, 94 and 156.

The Act has been declared to be in force in Upper Burma (except the Shan States), by the Burma Laws Act, 1898 (13 of 1898), see the First Schedule, *post.*

It has been declared, by notification under s. 10 of the same Act, to be in force in the Civil Station of Lashio in the State of North Hsenwi, see Burma Gazette, 1898, Pt. I, p. 584. See also notification No. 27, Pt. B, *post.*

It was also declared in force in the Civil Station of Taungyi in the State of Yaunghwfe, by notification under s. 8 (i) of the Upper Burma Laws Act, 1886 *120* of 1886,, and s. 5 of the Shan States Act, 18H8 (15 of 1888', *see* Burma Gazette, 1895, p. 551. This notification is kept in force by *i* 24 of the General Clauses Act, 1897 (10 of 1897', Genl. Acts, Vol. IV. ¿'ee notification No. 43, Pt, V, *post.*

For Rules and Orders issued under this Act, *see* Burma Excise Manual.

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missioner of Oudh, the Lieutenant-Governor of the Punjab, and the [1] Chief Commissioner of *the Central Provinces,* Burma [2] * *Coorg, and Ajmere and Merwara;* and

(3) It shall come into force at once.

Repeal. *2.* (2) The enactments mentioned in the schedule are repealed to the extent specified in the fourth column thereof.

(2) But all rules made, powers conferred and licenses and forms granted under any of the enactments so repealed and in force at the commencement of this Act shall be deemed to have been respectively made, conferred and granted under this Act.

Definit[illegible]

3. (2) In this Act—

(a) "Chief Revenue-authority" means,—

in the territories administered by the Lieutenant-Governor of the Nojth-Western Provinces and Chief Commissioner of Oudh,—the Board of Revenue:

in the territories respectively administered by the *Lieutenant-Governor of the Punjab* and the [1] Chief Commissioner of Burma,—the Financial Commissioner; and

in the territories respectively administered by the Chief Commissioners of the Central Provinces, Coorg and Ajmere and Merwara,—the Chief Commissioner.

(b) "Collector" includes any Revenue-officer in independent charge of a district and any officer appointed by the [3] Local Government to discharge, throughout any specified local area, the functions of a Collector under this Act:

(c) " Commissioner of Revenue " means any officer appointed by the Local Government to discharge, throughout any specified local area, the functions of a Commissioner of Revenue under this Act:

(d) " Magistrate " means ajiy Magistrate exercising powers not less than those of a Magistrate of the second class, or any Magistrate of the third class specially authorized in this behalf by the [4] Magistrate oi the district:

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[1] The Chief Commissioner of Burma is now Lieutenant-Governor of Burma, *see* Proclamation, dated the 9th April, lo97. Gazette of India, 1897, Pt. I, p. 261.

[2] Trie words " inclusive of Tpper Burma " were repealed by the Burma Laws Act, 1898 (13 of 1898), *see* the Fifth Schedule, *post.*

[3] For notifications appointing officers to discharge the functions of a Collector in Burma, *nee* Burn» Excise Manual.

* In the Civil Station of Lashio in the State of North Hsenwi, and in the Civil Station of Taungyi in the State of Yaur.ghwe, the jurisdiction, powers and duties of a District Magistrate or a Sub-divisional Magistrate, being a Magistrate of the first class, are to be exercised by the Superintendent of the Northern Shan States and every Assistant Superintendent of the Shan States, respectively, *see* Notification No. 28, dated 19th December, 1898, and No. dated 16th December, 1895, *post,* Pt. V.

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(e) " import " includes removal into one Province of British India from another:

(*f*) "place" includes also house, boat and raft:

(g) " tiiri " means the sap of any kind of palm-tree:

(7i) [1] " fermented liquor " means malt liquor, wine, pachwai and fermented tari, and in any provision of this Act, shall, if the Local Government, subject to the control of the Governor General in Council, *so*-directs, include any other fermented liquor, and also tari, though it may not have perceptibly begun to ferment:

(*i*) "spirit" means any liquor containing alcohol obtained by distillation :

(j) the expression " intoxicating drugs " means ganja, bhang, charas, and every preparation and admixture of the same [2] [and includes every other drug which the Local Government may by [3] Notification in the local official Gazette, declare to be included in this definition and every preparation and admixture of any such drug] :

(A) " hemp " means any variety of the hemp plant from which intoxicating drugs can be produced:

(1) " tola " means a weight of one hundred and eighty grains Troy:

(to) " ser " means a weight of eighty tolas:

(n) the articles next hereinafter mentioned shall be deemed to be sold retail within the meaning of this Act ■when sold in quantities not exceeding those next hereinafter specified in respect of them, that is to say,—

foreign spirit or foreign fermented liquor, two imperial gallons or twelve reputed quart bottles;

country spirit, one ser, and in Burma one reputed quart bottle;

country fermented liquor, four sers, and in Burma four reputed quart bottles;

bhang, or any preparation or admixture thereof, one ser;

ganja or charas, or any preparation or admixture thereof, five tolas

If sold in larger quantities, they shall be deemed to be sold wholesale.

(2) In any case in -which doubt arises, the Local Government may [4] decide what, for the purposes of this Act, shall be deemed to be " country spirit," " country fermented liquor," " foreign spirit," and

---

[1] **For notification declaring what the term " fermented liquor " includes, *see* Burma Gazette, 1B95, Pt, I, p. 355.**

[1] **These words were .added by s. 2 of the Excise (Amendment) Act, 1906 (7 of 1906), *infra*.**

* **For notification declaring novocaine to be included in the definition of intoxicating drugs, *see* Bu.ma Gazette, 1908, Pt. I, p. 419.**

For notifications declaring what liquors shall be deemed to be " countiy spirit* [1] ■nd " foreign spiiits," respectively, *see* Burma Excise Manual.

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"foreign fermented liquor" ; and such decision shall be binding on the Courts.

4. Nothing herein contained shall affect [1] Act XVI of 1863 *{to male special provision for the levy of the Excise-duty payable on Spirits used exclusively in Arts and Manufactures or in Cheviistry)* or the Cantonments Act, 1889. [2]

s_aTing _cf Arts XVI of 1863 ■ d XIII 11889.

XIII of 1889.

CHAPTER II.

PRODUCTION OF Spieit AND FEBMENTED Liqtjob.

5. No person shall construct, work or possess a distillery, still or brewery, or manufacture fermented liquor, in any district except under a license granted by the Collector or by a person authorised by the Collector to grant such license, and in accordance with the conditions (if any) contained therein.

Manufacture of RPirit and liquor without Uiceme prohibited,

6. The Collector may, with the previous sanction of the Chief Revenue-authority, from time to time—

p_owerto establish distilleries ior country ■ spirit.

(a) establish at any place within his district a distillery in which country spirit may be made, and discontinue any distillery so established; and

(b) fix limits within his district within which no such spirit, unless made in the said distillery, shall be introduced without a pass from him.

7. No spirit shall be removed from any distillery licensed under section 5 or established under section 6 until—

j)_Uty_on spirit.

(a) such [3] duty as the Local Government, may from tims to time fix in respect of such spirit has been paid, or

(*b*) a bond for such duty has been executed, or

(c) duty in respect of the materials used in making such spirit has been levied at such rates and in such manner as the Local Government, with the previous sanction of the Governor General in Council, may from time to time direct.

Explanation.—Duty may be fixed or made payable under this section rat different rates according to the places to which any spirit is to be removed for consumption.

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[1] Genl. Acts, Vol. I.

* Genl. Acts, Vol. IV.

[3] For notification fixing duty on spirits intended to be used exclusively in arts, manufactures ur in chemistry, when removed from a distillery, *see* Burma Gazette, 1886, ï't- I, p. 560.

For notification fixing the duty payable on spirits manufactured in distilleries licensed under s. 5, *see* Burma Gazette, 1906, Pt. I, p. 749, and *ibid,* 1907, p. 269.

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Duty on fermented liquor.

8. No fermented liquor ¡shall be removed from a brewery licensed under section 5 until—

(a) duty has been paid thereon at the rate for the time Being-leviable under the [1] Indian Tariff Act, 1894, on like liquor VIII of 189« imported by sea into any part of British India except Aden and Perim, or at such lower rate as the Local Government, having regard to the circumstances of the brewery or of the local area in which the brewery is situate, may from time to time prescribe, or

(*b*) a bond for such duty has been executed.

Power fori Chief Revenuo-authority to make rules as to distilleries and breweries licensed under section ft.

9. The Chief Revenue-authority may, from time to time, make-' [2] rules as to —•

(a) the granting of licenses for distilleries, stills and breweries under section 5 ;

(*b*) the notices to be given by the proprietor of a licensed distillery or licensed brewery when he commences and discontinues-work ;

(c) the size and description of the stills in such distillery;

(<Z) the storing and passing out of the spirit made in such distillery, or of the fermented liquor made in such brewery* and the contents of the passes ;

(e) the inspection and examination of such distillery or brewery, * and the warehouses connected therewith, and of the spirit or fermented liquor made and stored therein ;

(*f*) the furnishing of statements of the spirit and the stills, coppers, casks and other utensils in such distillery, or of the fermented liquor and the niashtuns, underbacks, wort-receivers, coppers, heating tanks, coolers, and collecting, fermenting and other vessels in such brewery.

Power for Chief Revenue-author P ity to make * rules for distilleries established under f ection 6.

10. The Chief Revenue-authority may, from time to time, make rules as to—

(a) the management of distilleries established under section 6, and, in particular, the conditions on which any materials to be used in making spirit may be brought into such distillery ;

(Î/) the conditions on which spirit may be made in such distilleries ;• and

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[J] Genl. Acts, Vol. IV.

[1] For general rules made under this section, together with s. 65, see Burma Gazette 1897, PL IV, p. 175.

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(c) the storing and passing out of the spirit so made, and the contents of the passes.

11. Except in the territories respectively administered by the Chief Commissioners of the Central Provinces, Coorg and Ajmere and Merwara, the sanction of the Local Government is required to validate and rules under sections 9 and 10.

Sanction ro rules under £e_C't_ions 9 1 >.

CHAPTER III.

CULTIVATION AND CONTROL OF INTOXICATING DRUGS.

12. (*1*) In Burma, the cultivation of hemp and the preparation of intoxicating drugs are prohibited except under, and in accordance with, a license granted by such officer as the Local Government may from time to time appoint m this benalt."

Prohibition, restriction ul eurtiTitioa of hemp and

(2) In the other territories to which this Act extends, the Local Government, with the previous sanction of the Governor General in Council, may from time to time by notification in the official Gazette, in respect of the whole or any part of the territories administered by it,—

(a) prohibit, absolutely or except under, and subject to the conditions of, a license granted by such officer as the Local Government may from time to time appoint in this behalf, the cultivation of the hemp plant and the production or preparation of intoxicating drugs from the hemp plant so cultivated, and place the cultivation of the hemp plant and the production or preparation and storage of such intoxicating drugs as aforesaid under such supervision as may be deemed necessary to secure payment of the duty (if any) imposed under this Act;

(b) restrict and regulate, in such manner as may by rule be prescribed the collection by any person of the spontaneous growth of the hemp plant and the preparation of intoxicating drugs from the spontaneous growth so collected ; and

(c) prohibi[f], absolutely or otherwise than by certain specified routes and under specified conditions, the import and transport of intoxicating drugs :

and may, in like manner, cancel or vary any such notification.

13. The Local Government, with the previous sanction of the Governor General in Council, may, from time to time by notification in hémp and

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intoxicating drugs.

the official Gazette, in respcct of the whole or any part of the territories administered by it: —

(a) impose such duty, not exceeding two hundred rupees per acre, as it may think fit on the cultivation of hemp; or,

(б) impose such duty, not exceeding twenty .rupees per ser, as it may think fit on intoxicating drugs produced or prepared in, or imported into, or exported from, or transported from place to place within any of the territories to which this Act extends, or any part thereof;

and may, in like manner, alter or abolish any duty imposed under this section.

Establish* ment ind licensing of bonded and other warehouses and levy of duty on intoxicating drugs on issue therefrom.

14. The Local Government, with the previous sanction of the Governor General in Council, may from time to time,—

(a) establish or license bonded or other warehouses for the storage of intoxicating drugs, and

(б) direct that, subject to such conditions (if any) as it may, from time to time, impose, the levy of the duly (if any) payable under section 1.'3 cn intoxicating drugs in transit to or from, or stored in, such warehouses shall be postponed until such time as may by rule be fixed in this behalf.

Payment of warehouxo ilues.

15. (*1*) If intoxicating drugs be lodged in a warehouse established under the last foregoing section, the owuer shall pay monthly, on receiving a bill or written demand for the same from the Collector or other officer deputed by the Collector in this behalf, warehouse-dues at such rates as the Chief Revenue-authority may fix.

(2) If any bill for warehouse-dues presented under this section is not discharged 'nithin ten days from the date of presentation, the Collector may, in discharge of such demand (any transfer or assignment of the drugs notwithstanding), cause to be sold, in such manner as he may th'nk fit, such sufficient portion of the drugs as he may select.

(3) Out of the proceeds of such sale the Collector shall satisfy, first, the duty payable in respect of the drugs sold and, next, the demand in respect of ■which the drugs were sold, and shall then pay the surplus (if any) to the owner of the drugs on his application:

Provided that, if the drugs fail to produce a sum sufficient to satisfy the said duty and demand, the same shall not be sold, but shall bf* destroyed by, or by order of, the Collector:

Provided also that the application for such surplus (if any) as aforesaid be made within one year from the date of the sale of the drugs, or that sufficient cause be shown for not making it within such period.

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16. Any intoxicating drugs warehoused under this Act may he Ief: Period in the warehouse in which they are deposited, or in any warehouse to [1] which they may in manner hereinafter provided he removed, till the expiry of two years from the date on -which they were so deposited. **Rehoused.** The owner of any drugs remaining in a warehouse ou the expiry of such period shall forthwith clear the same :

Provided that, when the license for a warehouse licensed under this Act is cancelled and the Collector gives notice of such cancellation to the owner of any drugs deposited in such warehouse, such owner shall, within seven days from the date on which such notice is given, remove such drugs to another warehouse or clear them.

17. Any owner of intoxicating drugs warehoused under this Act may, at any time within two years from the date on which the drugs were so warehoused, with the permission of the Collector and on conditions and after giving such security (if any) as the Collector may direct, remove the drugs from one warehouse to another, whether established or licensed by the same or another .¡Local Government and whether under this Act or under any other enactment for the time being in force. **Power to remove intoxicating drugs from one warehouse to another.**

18. (7) In Burma no person shall have in his possession any intoxicating drugs except under, and m accordance with the terms of, a general [1] exemption granted bv the Local Government, or a license granted by [2] such officer as the Local Government may, from time to time, appoint in this behalf. **Possession of intoxicating drugs.**

[3](2) * * * * * * *

IS. The Local Government, with the previous sanction of the Governor General in Council, may, from time to time by notification in the official Gazette, make rules consistent with this Act— **Power for Local Government to make rules.**

(a) to regulate the time, place and manner of payment of the duties (if any) imposed under section 13,

(b) to carry into effect the provisions of section 12, section 14 and section 18 or any of them, and

(c) generally, to carry into effect the provisions of this Chapter.

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[1] **For notification exempting cocaine under certain conditions,** see **Burma Gazette, 1905 Pt. I, p. 40, and as to novocaine,** see ***ibid,*** **1908, p. 420.**

[2] **For instance of such appointment,** see **Burma Gazette, 1906, Pt. I, p. 446.**

[1] **Clause <2) of section 18 applies to the other territories to -whii'h the Act extend?. It was substituted by s. 3 of.the Excise (Amendment) Act. 1906 (7 of,1906).**

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Power for Collector or other authorised officer to grant licenses and passes for the possession or transport of intoxicating drugs, and for Chief Revenue-authority to make rules.

20. The Collector or any other officer empowered by the Local Government in this behalf may, from time to time, grant licenses or passes to persons desirous of possessing or transporting intoxicating drugs, and may, with the previous sanction of the Local Government, make rules to regulate the grant of such licenses and passes.

CHAPTER IY.

Sale of Spirit, Fermented Liquor and Intoxicating Drugs.

Spirit, fermented liquor and intoxicating drug not to be sold without license.

21. No spirit, fermented liquor or intoxicating drug shall be sold except under, and in accordance with the terms of, a license granted under the provisions hereinafter contained:

Provided as follows: —

(*a*) nothing in this section applies to the sale of any foreign spirit or foreign fermented liquor legally procured by any person for his private use and sold by him or by auction on his behalf or on behalf of his representatives in interest upon his quitting a station or after his decease;

(*b*) any officer empowered in this behalf by the Chief Revenue-authority may grant to travelling merchants, subject to such rules and restrictions as such authority may from time to time proscribe, a general license authorizing them to sell foreign spirit and foreign fermented liquor -wholesale in any district which they may visit in the course of their travels, without taking out a fresh license for that district;

(c) any person making or producing country spirit or country fermented liquor, in accordance with the provisions of this Act, may, subject to any rules, from time to time, made by the Local Government in this behalf, sell such spirit or liquor to any person licensed under this Act as a retail vendor of such spirit or liquor;

(d) any person authorized to cultivate the hemp plant may sell any intoxicating drug prepared from his plants to any person to whom he is permitted by the conditions of his license to sell the same, or to any person authorized to purchase the same by the order in writing of the Collector :

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'[Provided also that, where the Local Government has declared, by notification under section 3, sub-section (2), clause *(j)* any drug to be included in the definition of " intoxicating drugs," such drug may be sold in the territories to which this Act extends under, and in accordance with the terms of, a general exemption granted by the Local Government.]

22. *(1)* Subject to the [2] rules made by the Chief Revenue-authority Licenses} under the powers conferred by this Act, the Collector may Errant licenses for the sale of foreign spirit and foreign fermented liquor, wholesale celled or retail, and for the retail sale of country spirit or country fermented liquor, and (except in Burma) of intoxicating drugs, within his district or any part thereof or at any place therein. how

(2) Licenses for the sale of country spirit and country fermented liquor and intoxicating drugs, wholesale, and licenses for the sale, in Burma, of intoxicating drugs, retail, shall be granted -nly by such [3] officer as the Local Government from time to time appoints in this behalf.

(•3) Any license granted under this section may be cancelled by the Collector for any cause specified therein.

23. (2) Whenever the Collector considers that the license of a vendor of country spirit, country fermented liquor or intoxicating drugs should be cancelled for any cause other than those specified in such license, he shall remit a sum equal to the amount of the license-fee for fifteen days, and shall either give fifteen days' previous notice of his intention to cancel the license, or shall, in addition to remitting such sum as aforesaid, make such compensation for default of notice as the Commissioner of Revenue or the Chief Revenue-authority directs. Further licenses,

(2) On the expiration of such notice or the payment of such additional compensation, the Collector may cancel the said license.

24. (2) Any retail vendor licensed under this Act may surrender his license on the expiration of one month's previous notice given by him to the Collector of his intention to surrender the same and on payment of such sum, not exceeding the amount of the license-fee for six months, as the Collector may fix in this behalf. Surrender of

(2) If the Collector is satisfied that there is sufficient reason for surrendering a license, he may remit the sum so fixed.

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[1] **This proviso tc section 21 was added by s. 4 of the Excise *I* Amendment) Act, 190^ (7 of 19061, *post.***

[1] **For rules mad« under this section and section 65- *post,* for Taungyi, *see* Burma Gazette , i°96, Pt. I, p. 264; for rules concerning the grant of licenses to sell spirit and fermented liquors and intoxinatirg drugs and as to things confiscated under the Act in the Station of Lashio in the Shan State of North Hsenwi, *see* Burma Gazette, 1899, Pt. I, p. 276.**

[3] **For notification aoooointing the Collector to perform this duty, *see* Burma Gazette, 1308, Pt. I, p. 420.**

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Power for Collector to farm fees and for farmer to grant licenses.

25. (2) The Collector, with the sanction of the Chief Revenue^ authority, may let in farm—

(a) fees leviable in any district or part of a district on licenses for the retail sale of any description of country spirit or country fermented liquor or (except in Burma) of intoxicating drugs;

(*b*) the right to manufacture, in any district or part of a district in which no distillery is established under section G, country spirit or country fermented liquor.

(2) When the fees so leviable or the right to manufacture such spirit or liquor, or both, are or is let in farm, the farmer may, subject to such reservations or restrictions as the Collector, with the sanction of the Chief Revenue-authority, may from time to time make or impose,, giant licenses for the retail sale, or for the manufacture, or for both, as the case may be, of such articles within the local limits of his farm, and shall file in the Collector's office a list of all the licenses granted' by him in such form and on such day or days in each year as the Chief Revenue-authority may, from time to time, prescribe in this behalf.

Farm may be cancelled.

26. The Collector, with the sanction of the Chief Revenue-authority, may cancel any farm granted under the Act.

Compens i-tion to l'arm-er* in certain cases.

27. If any such farm be cancelled for any cause other than a breac-h on the part of the farmer of the conditions of the^farm, or if any re-servation or restriction with respect to the grant of licenses be made or imposed within the term of the farm, the farmer shall be entitled to-receive for any loss which he sustains thereby such compensation as the Chief Revenue-authority may determine.

Recovery of arrears by fanners.

28. Every farmer under this Act may use the same means and pro-cesses for the recovery of any arrear of fees due to him from any retail' vendor as may be lawfully used by the local landholders for the recovery of airears of rent due to them from their tenants.

Power for Chief Reve-nuc-autlior-ity to regu-late supply of tari to licensed vendors.

29. The Chief Revenue-authority may, from time to time, make rules to regulate the mode in -which tari shall be supplied to licensed vendors of the same.

CHAPTER V.

Possession and Import of Spirit and Fermented Liquor.

Possession of «pint, etc.

30. *(1)* Ko person shall have in his possession any quantity of any spirit or fermented liquor larger than that specified in section 3, sub-section *(1),* clause (n), in respect of such spirit or liquor unless he is:

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permitted to manufacture or sell the same, or he holds a pass therefor from the Collector or from some other [1] officer empowered by the Local Government to grant such passes.

(2) Nothing in this section extends to—

(a) any foreign spirit or foreign fermented liquor in the possession of any common carrier or warehouseman as such, or purchased by any person for his private use and not for sale, or

(*b*) tári intended to be used for the manufacture of gur or molasses.

31. *(1)* A person shall not bring into any territory to which this Act extends any spirit manufactured at any place in India, beyond the limits of British India, until he has obtained a pass therefor from such officer as the Local Government from time to time appoints in this behalf, and has paid in respect thereof,— **Spirit and fermented liquor from foreign territory subject to duty.**

(a) if the Local Government has fixed a duty under clause (a) of section 7 for like spirit manufactured in the part of the territory into which the spirit is to be brought, that duty, or,

(б) if the Local Government has not fixed a duty under that clause for like spirit manufactured in that part, a duty at such rate as the Local Government from time to time prescribes in this behalf, not exceeding the highest rate leviable, under the law for the time being in force, on spirit imported into British India by sea.

(2) The provisions of sub-section *(I)* with respect to spirit shall apply to fermented liquor also, with this modification, that the duty to be paid in respect of the liquor shall be the duty leviable on like liquor IH of 1894. under the [2] Indian Tariff Act, 1894, or such lower duty as the Local Government, having regard to the rate or rates of duty for the time being leviable under clause *(a)* of section 8, may from time to time prescribe.

(5) If any question arises as to the duty to be charged on any spirit or fermented liquor under this section, the decision of the Local Government thereon shall be final.

32. *(1)* The Governor General in Council may, from time to time by notification in the Gazette of India, impose such duty as he thinks fit on ii.iu*)rfrom **Spirit and fermented**

[1] **For notification empowering Township officers to grant passes for the possession of country spirits, etc., *see* Burma Gazette, 1886, Ft. I, p. 58.**

[1] **Geni. Acts, Voi- IV.**

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territory any spirit or fermented liquor brought by land from beyond the limits of India!*[1] India into any territory to which this Act extends or into any specified part thereof, and may alter or abolish any duty so imposed.

beyond

subjected to duty.

(2) When any duty is imposed under this section, the Governor General in Council may by rule prescribe the time, place and manner of payment of the same.

CHAPTER VI.

OFFICERS AND THEIR POWERS.

Collectors may appoint Excise-officers.

33. The Collector may appoint persons, by name or by virtue of their office, to be officers for the collection of the excise-revenue and for the prevention of offences against this Act, and the officers so appointed shall, in addition to their ordinary designations (if any), be styled Excise-officers.

Recovery of arrears of fees.

34. The Collector may recover any amount due to the Government under this Act or the rules made hereunder, by distress and sale of the moveable property of the person from whom such amount is due or of his surety, or by any other process for the time being in force for the recovery of arrears of land-revenue due from landholders or from farmers of land or their sureties.

Power of Excise-officer to inspect shop.

35. Any Excise-officer may enter and inspect at any time by day or by night the shop or premises in which any manufacturer or vendor licensed under this Act carries on the manufacture of country spirit or the sale of country spirit, country fermented liquor or intoxicating drugs.

Power of Excise-officers to arrest persons carrying ■ spirit, etc., liiblo to confiscation.

36. Any Excise-officer may stop and detain any person carrying any spirit, fermented liquor or intoxicating drug liable to confiscation under this Act, and may seize such spirit, liquor or drug, together with any vessels, packages or coverings in which it is contained, and any animals and conveyances used in carrying it, and may also arrest the person in whose possession such spirit, liquor or drug is found.

Power of Excise-officers to arrest persons in possession of article liable to confisent ion and to seize article.

37. Any Excise-officer in the receipt of a monthly salary of not less than ten rupees, or who receives an annual remuneration equivalent to such salary, may arrest any person having in his possession any article liable to confiscation under this Act or engaged in the unlawful sale of any spirit, fermented liquor or intoxicating drug, and may seize such article, spirit, liquor or diug.

Power of Excise-officer to

38. Whenever any Excise-officer in receipt of such monthly salary or annual remuneration as aforesaid has reason to believe, from m-

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formation given by any person (which information shall be taken down in writing), that in any place spirit is unlawfully manufactured, or any article liable to confiscation under this Act is kept or concealed, such officer may, after sunrise and before sunset (but always in the presence of an officer of police in the receipt of a monthly salary of not less than ten rupees, unless the Excise officer is himself such an officer of police), enter into such place and in case of resistance may break open any door and force and remove any other obstacle to such entry, and may seize and carry away such spirit or article, and may also arrest the occupier of the place, with all other persons concerned in the manufacture of such spirit or in the keeping and concealing of such article.

search on information of illicit manufacture or possession

39. The Collector may issue his warrant for the arrest of any person whom he has reason to believe, either from information in writing or from the proceedings in any other case under this Act or any ocher law, to be engaged in the unlawful sale of spirit or fermented liquor or intoxicating drugs, or to have in his possession any article liable to confiscation under this Act.

Collector may issue warrant for arrest in certain cases.

40. *(1)* The Collector may issue his warrant for the search of any place in which he has reason to believe, either from information in writing or from the proceedings in any other case under this Act or any other law, that spirit is unlawfully manufactured, or that any spirit, fermented liquor or intoxicating drug liable to confiscation under this Act is kept or concealed.

Collector may issue search warrant.

(2) Such warrant may be executed by any Excise-officer in the receipt of a monthly salary of not less than ten rupees at the time and in the manner prescribed in section 38.

(3) Whenever the Collector thinks that the search should be made after sunset and before sunrise on any particular day, he shall issue a warrant specially authorizing the search to be so made. Such warrant may be executed by any Excise-officer as aforesaid in the manner prescribed in section 38, and shall cease to be in force at sunrise on the day next following.

41. Whenever an Excise-officer arrests any person, or seizes any article liable to confiscation under this Act, or enters any place for the purpose of searching for any such article, he shall, within twenty-four hours thereafter make a full report of all the particulars of such arrest, seizure or search to his official superior, and, unless acting under warrant of the Collector, shall take the person arrested or the article seized with all convenient despatch to the Magistrate for trial or adjudication.

Excise-officer to report arrest etc., and to take person arrested to Magistrate.

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Procedure after arrest or seizure.

42. Whenever any person is arrested or any article is seized under the warrant of a Collector issued under this Act, the officer making such arrest or seizure shall, -within twenty-four hours thereafter, take the person arrested or the article seized to the Collector, and the Collector, after such enquiry as he thinks necessary, shall send such person or article to the nearest Magistrate, or shall order the immediate discharge of such person or the release of such article.

Police to aid Excise-officers.

43. All Police-officers are required to aid the Excise-officers in the due execution of this Act, upon request made by such Excise-officers.

Power for Local Government to invest Police-officers with powera ot Excise-officers.

44. *(1)* The Local Government may, from time to time, Hnvest either by name or in virtue of his office—

(a) any Police-officer with the powers conferred on Excise-officers by section 36 of this Act;

(b) any Police-officer in charge of a station or any Police-officer of or above the grade of head-constable or sergeant with the powers conferred on Excise-officers by sections 37 and 38 of this Act.

(2) Every officer so invested shall, for all purposes connected with the exercise of these powers, be deemed to be an Excise-officer "within the-meaning of this Act.

CHAPTER VII.

[2] PENALTIES.

For illegally manulacturing spirit or liquor.

45. *(1)* Whoever in contravention of section 5 constructs, works or possesses a distillery, still or brewery, or makes fermented liquor, shall be punished with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or "with both.

(2) All spirit and liquor made in contravention of section 5, and all materials and implements collected for the purpose of such manufacture, shall be liable to confiscation.

For illegally introducing countij spirit.

46. *(1)* Any person who—

(a) without a special pass from the Collector introduces, into the limits fixed for the consumption of spirit made at a distillery established under section 6, any country spirit manufactured at another place, or

For illegally rerno\ing snirit or fermented liquor.

(h) in contravention of section 7 or section 8 or of any rule made under section 9 or section 10, removes any spirit from a distillery or any fermented liquor from a brewery, or

[1] For powers conferred on Police-officers, *see* Burma Excise Manual.

[1] As to penalties for other offences in Burma, *see* s. 3 of the Burma Excise Law Amendment Act, 1904 (Bur. Act 3 of 1904), *pnst.*

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(c) in contravention of section 31, brings any spirit or fermented liquor into any territory to which this Act extends, or

For unlawfully importing spirit or fermented liquor.

(d) without payment of such duty (if any) as may for the time being be payable in pursuance of a notification under section 32, brings any spirit or fermented liquor into any territory to which this Act extends,

For importing spirit or fermented liquor without payment of duty.

shall be punished with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both.

(2) All such spirit or fermented liquor, together with the vessels containing the same, and any animals and conveyances used in carrying it, shall be liable to confiscation.

47. Any person who, except in cases herein otherwise provided for, wilfully contravenes any rule made under section 9 or section 10 shall be punished with fine not exceeding one hundred rupees.

For contravening rule prescribed by Chief Revenue-authority.

48. *(1)* Any person who, in contravention of any provision of Chapter III or any rule thereunder, or without payment of such duty (if any) as may for the time being be payable in pursuance of a notification under section 13,—

For illegally cultivating hemp or collecting the spontaneous growth of hemp, or preparing, possessing, importing, exporting, or transporting intoxicating drugs.

(a) cultivates hemp, or

(*b*) collects the spontaneous growth of the hemp plant, or

(c) prepares any intoxicating drug, or

(*d*) possesses any intoxicating drug, or

(e) imports, exports or transports any intoxicating drug,

shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(2) Any intoxicating drug in respect of which an offence has been committed under this section, together with the vessels containing the same and any animals and conveyances used in carrying it, shall be liable to confiscation.

49. Any person who, in contravention of section 21, sells any spirit, fermented liquor or intoxicating drug, shall be punished with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both.

For illicitly selling spirit, etc.

50. Any person licensed to sell retail spirit, or fermented liquor or intoxicating drugs, who permits drunkenness, riot or gaming in his shop,

For permitting drunkenness, etc.,

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or permits persons of notoriously bad character to meet or remain therein, or receives any wearing-apparel or other effects in barter for spirit,, fermented liquor or intoxicating drugs, shall be punished with fine which may extend to two hundred rupees.

For illegally possessing spirit or liquor.

51. Any person who possesses any spirit or liquor, in contravention of section 30, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five-hundred rupees, or with both; and the spirit or liquor, together with any vessels, packages and coverings in which it is contained, and any animals and conveyances used in carrying it, shall be liable to confiscation.

For refusing to produce license and for breach of rules and conditions.

52. Any person holding a license under this Act and refusing to produce the same on the demand of auy Excise-officer, and any person who breaks any rule under this Act, or any condition of a license granted under this Act for the breach of which rule or condition no other penalty is hereby provided, shall be punished with fine which may extend tO' fifty rupees.

For conniving at illicit manufacture or sale of spirit, etc.

53. (*1*) Any owner or occupier of land, and any agent of any such owner or occupier, who authorizes or connives at the illegal manufacture of spirit or the sale of spirit or fermented liquor or intoxicating drugs shall for every such offence be punished "with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both.

(2) Any person invested with local jurisdiction who authorizes or connives at the illegal sale of any spirit, fermented liquor or intoxicating drug within the local limits of such jurisdiction, shall be punished with fine which may extend to five hundred rupees.

For police neglecting to lid Exi'ise-officers.

54. Any Police-officer who, without lawful excuse, neglects or refuses to aid an Excise-officer as required by section 43, and any officer in charge of a police-station who, on application made by an Excise-officer desiring to act under section 38, fails to attend a search himself, or to depute a subordinate officer of the required rank, shall be punished with fine which may extend to five hundred rupees.

For TezatiullS searrh or ■uizore.

55. Any Excise-officer wTho,—

(a) without reasonable grounds of suspicion, searches or causes to be searched, any place, or

(Z>) vexatiously and unnecessarily seizes the moveable property of any person on the pretence of seizing or searching for any article liable to confiscation under this Act, or

(c) vexatiously and unnecessarily arrests any person, or

(*d*) commits any other excess not required for the execution of his duty,

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shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

For delay in or in taking Magistrate.

56. Any Excise-officer who, in contravention of section 41 or section 42, neglects to report the particulars of an arrest, seizure or search or delays taking to the Magistrate or Collector, as the case may be, any person arrested or any article seized under this Act, shall be punished with fine which may extend to two hundred rupees.

Prosenutiona restncted.

57. A Court shall not take cognizance of an offence punishable under any one of the following sections, namely, 45, 46, 47, 48, 49, 51, 52 and 53, except on the complaint or report of the Collector or an Excise-officer; and a Court shall not take cognizance of any offence punishable under this Act unless the prosecution is instituted before the expiry of six months next after the commission of such offence.

Confinement in what Jai,'

58. Every person imprisoned for an offence under section 47 or section 52 shall be confined in the civil jail, and every person imprisoned for an offence under any other section shall be confined in the criminal jail.

Attempts and abetment.

59. Whoever attempts to commit any offence punishable under this Act or abets, within the meaning of the [1] Indian Penal Code, the commission of any such offence shall be punished with the punishment provided for such offence.

XLV of i860.

Disposal of fines, etc., as rewards.

60. Any Magistrate before whom any person is convicted of any offence under sections 45, 46, 47, 48, 49, 51 or 53, may award to any person who has contributed in any TV ay to such conviction, the whole or any portion of any fine imposed upon the offender and paid by him or realized from his property.

Magistrate t... ord... confisca-tion.

61. Any article liable to confiscation under this Act may, on the application of an Excise-officer, be confiscated by the order of any Magistrate within the local limits of whose jurisdiction it is found.

CHAPTER VIII.

Military Cantonments.

Manufacture ... etl. in military

62. Within the limits of any military cantonment, and within such distance from those limits as the Local Government in any case *pJX! prescribes, no licenses for the manufacture of spirit, or for the sale of spirit or fermented liquor, shall be granted, nor shall the fees leviable Pantonm~nt9-

[1] **Uenl. Acts, Vol. I.**

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on licenses for the retail sale of such spirit or liquor, or the right to manufacture such spirit or liquor, be let in farm, unless with the knowledge and consent of the Commanding Officer ; and upon his requisition any such license which has been granted either by the Collector or by a farmer, within such distance or limits shall be immediately cancelled.

Application of Act to military oantonments.

63. In all other respects the provisions of this Act shall have effect within such limits or distance.

CHAPTER IX.

MISCELLANEOUS.

Collector subject to control of Commissioner,

64. *(1)* The Collector shall in all proceedings under this Act be subject to the control of the Commissioner of Revenue, and all orders passed by a Collector under this Act shall be appealable to such Commissioner in manner provided by the rules for the time being in force relating to appeals from the orders of Collectors.

(2) The Chief Revenue-authority may revise any order passed by a Collector under this Act or by a Commissioner under this section.

Additioml power for Chief Revenue-authority to make rules.

65. The Chief Revenue-authority may, from time to time, make [1] rules consistent with this Act—

(a) as to the period for which any license or farm under this Act shall be granted;

(b) as to the fee payable for any such license or farm, and the time or times at which it shall be payable;

(c) as to the security to be given by any licensee or farmer under this Act;

(d) as to the form of any license or farming lease and of the counterpart thereof (if any) to be taken from such licensee or farmer, and the conditions which may be inserted therein ;

(e) as to the disposal of things confiscated under this Act;

(*f*) as to the duties of Excise-officers ; and

(g) to provide generally for carrying out the provisions of this Act.

Power for Lor,-U Government to exempt articles and persons.

66. The Local Government may, from time to time by Notification in the official Gazette, exempt within any specified local area any specified articles or any specified class of persons from all or any of the provisions of this Act, and may, by like notification, cancel any such exemption.

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[1] **For general rules under the Act, *see* Burma Excise Manual.**
As to other matters in respect to which rule? may be made, *see* s. 4 of the Burma Excise Law Amendment Act, 1904 (Bur. Act 3 of 1904). *post*.

[1] **For notifications under this section, *see* Burma Excise Manual.**

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THE SCHEDULE.

(See section 2.)

Tear.	No.	Title or subject.	Extent of repeal.
1881	XXII	The Excise Act, 1881 . .	The whole.
1885	VI	Amending the Excise Act, 1881 .	Ditto.
m	IX	Amending the Excise Act, 1881, and other Acts.	So mnch as relates to the Excise Act, 1881.
1887	II	Ditto . . ■ . a	Ditto.
1888	XVIII	Financial Commissioner, Bnrma .	S i much of section 7 and the schedule as relates to the Excise Act, 1881.
l*	**	***	**
1890	XIII	Amending the Excise Act, 1881, and other Acta.	Sections 2 to 5 (both inclusive,'
1»	XX	The North-Western Provinces and Oudh Act, 1890.	Section 13.
1891	XII	The Repealing and Amending Act, 1891.	So much as relates to the Excise Act, 1881.
1893	X	Amending the Excise Act, 1881 .	The whole.

ACT No. XIII OF 1898.[2]

(APPLIES TO UPPER AND LOWER BURMA.)

[4th November, 1898.1

An Act to declare the Regulations of the Bengal Code and Acts of the Governor General in Council now in force in Upper Burma and to make certain provisions regarding the law in Burma and other matters.

WHEREAS it is expedient to declare the regulations of the Bengal Code and Acts of the Governor General in Council now in force in. Upper Burma and to make certain provisions regarding the law in Burma;

And whereas it is also expedient to amend, [3]* and facilitate the citation of, various enactments in force in Burma;

[1] The entry relating to the Cantonments Act, 1889 (13 of 1889), is repealed by the Cantonments Act, 1910 (15 of 1910), s. 31.

[2] For Statement of Objects and Reasons, *see* Gazette of lnd»a, lbya, V, p. 1Rqfl p· v ; for Proceedings in Council, *see ibid,* 1898, Pt. VI, pp. ¿67 and 391.

[3] * The word " repeal " was repealed by s. 4 of the Repealing and Amending Act, 1903 (1 *r.i* 1903), *post.*

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It is hereby enacted a'j follows: —

Preliminary.

Short title, uoinmcnce-ment and extent.

1. (/) This Act may be called the Burma Laws Act, 1898; and

(2) It shall come into force at once.

(3) Save in so far as it applies expressly or by necessary implication lo particular territory only, it extends to the whole of British India.

Saving of special or looal laws.

2. Save as otherwise in this Act expressly declared, nothing herein contained shall affect the provisions of the [r]Arakan Hill District Laws 1W4. Regulation, 1874, the [1]Kachin Hill Tribes Regulation, 1895, the [1]Chin [1 o£] Hills Regulation, 1896, or any special or local law for the time being in force in Burma or any part thereof. IX of 1895. ^ ot 1S90‹

I) efinitiona.

3. In this Act, unless there is anything repugnant in the subject or i ontext,—

(a) the word " Burma " means the territories for the time being administered by the Lieutenant-Governor of Burma;

(b) the word "chief," used with reference to a Shan State, includes a person temporarily administering such a State;

(c) the expression " Chin Hills " means the territories for the time being known as the Chin Hills;

(d) the expression " Lower Burma " means the territories for the time being included in Lower Burma;

(e) the expression " Shan States " means the territories for the time being included in the Shan States; and

(/) the expression " Upper Burma " means the territories for the time being included in Upper Burma, including also the Chin Hills.

Upper Burma.

Bengal Regu-lations and Ac‹s of the Governor General in Council in force in Upper Burma.

4. *(1)* Subject to the provisions of this Act and of any other enactment for the time being in force, this Act and the enactments mentioned in the first schedule, to the extent specified in the fourth column thereof, shall be deemed to be in force in Upper Burma.

(2) A Regulation of the Bengal Code or an Act of the Governor General in Council passed before the commencement of this Act, but not mentioned in the first schedule, shall not be deemed to be in force in Upper Burma or in anv part thereof, unless it is, after the commence-

[1] *Pott.*

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ment of this Act [1] extended thereto in exercise of the powers conferred
XIV of 1874. by section 5 of the [2] Scheduled Districts Act, 1874, or by any other enactment for the time being in force.

(5) The undermentioned enactments shall, in their application to Upper Burma, be deemed to be subject to the following modifications, that is to say: —

VIII of 1851. *(a)* in the [3] Indian Tolls Act, 1851, for the last sixteen words of section 4 the words "or of any person or property exempted by order of the Local Government' from payment of tolls " . shall be substituted;

(b) [4] * * * * * *

I of 1872. *(c)* in the [5] Indian Evidence Act, 1872, after the expression "police-officer" in section 25 the words "who is not a Magistrate " shall be inserted.

(4) This section does not extend to the Shan States.

Division of Upper Burma into divisions, districts, townships and circles.

5. The Local Government may, for administrative, including revenue purposes,—

(a) with the previous sanction of the Governor General in Council, divide Upper Burma into divisions and each of those divisions into districts, and vary the limits of those divisions and districts, and

(b) of its own authority, [6]divide each of those districts into sub-divisions, each of those sub-divisions into [7]townships and each of those townships into circles, and vary the limits of these sub-divisions, townships and circles.

Construction of enactments for Upper Burma.

6. For the purpose of facilitating the application of any enactment for the time being in force in any part of Upper Burma, any Court may construe the enactment with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court.

Lower Burma.

Construction of references to enactments in force in Lower Burma.

7. Where, in any enactment in force on the twenty-fourth day of September, 1886, in any part of Lower Burma and still in force, there

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[1] For Acts extended to Upper Burma, except the Shan States since the commencement of Act 13 oi 1898, *see* Appendix.

[3] Genl. Acts, Vol. II.

[4] Genl. Acts, Vol. I.

* Clause *(b)* was repealed by s. 8 of the Whipping Act, 1909 (4 of 1909). Genl. Acts, Vol. VI. It ran as follows :—" in the Whipping Act, 1864, after section 5 the provisions set forth in the second schedule shall be added."

* Genl. Acts, Vol. II.

" For instance of such division of a district, see Bur. R. M., Vol. II, p. ?08.

[7] As to notifications forming " townships," see Burma Gazette, 1900. Pt. I, p. 253; *ibid,* 1901, Pt. I, p. 379; *ibid,* 1907, Pt, L p. 5.

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existing enactments to British Burma and Buima.

occurs a reference to the " British Burma Gazette/' or a reference to " the territories administered by the Chief Commissioner of British Burma (or Burma)" or to "British Burma" or "Burma" (except where the expression "Burma" occurs in section 3 of the [1]Petroleum Act, 1886), such reference shall be construed as referring to the Burma Gazette or to Lower Burma, as the case may be. XII of 1888.

Extension of Bengal Regulutiun III of 1818, to Lower Burma.

8. The unrepealed portions of "Regulation III oi 1818 of the Bengal Code shall, *mutatis mutandis,* be deemed co extend, and on and from the sixteenth day of September, 18T5, to have extended, to Lower Burma.

Conferment of magisterial and other powers upun poliee-offi.'ers in Salv'een and Arakan Hill Districts of Lower Burma.

9. In the tracts of country respectively known as the Salween district and the Hill District of Arakan, section 20 of the [3] Police Act, 1861, shall not apply to any police-officer appointed under section 4 of that Act, and, notwithstanding anything in the 'Code of Criminal Procedure, 1898, the Local Government shall continue to have power to confer on any such police-officer in either of those tracts, either generally or in regard to particular cases or classes of cases all or any of the powers conferred or conferable by or under that Code on any Magistrate. V of 1861. V of 1898.

The Shan States.

Law in the Shan States.

10. (i) The Local Government, [5][subject to the control] of the Governor General in Council, may, by notification in the Burma Gazette, [6]extend, with such restrictions and modifications as it thinks fit, to all or any of the Shan States, or to any specified local area in the Shan States, any enactment which is in force in any part of TJpper Burma at the date of the extension.

(2) Unless and until it is extended under sub-section (2), or unless it is expressed by special mention of the Shan States to extend thereto, an enactment shall not be in force in the Shan States or in any part thereof.

(3) The Local Goverment, with the previous sanction of the Governor General in Council, may, by notification in the Burma Gazette, declare what territories constitute the [7]Slian States for the purposes of this Act.

Adn inistration of Shan States by

11. *(1)* Subject to the provisions of this Act and of any other enactment for the time being in force in a Shan State, and to such conditions

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[1] *See* now s. 2 (a), (t) of the Indian Petroleum Act, 1899 (8 of 1899), Genl. Acts, Vol. V.

* *Ante,* p. 1.

* Genl. Acts, Vol. I.

* Genl. Acts, Vol. V.

[5] The words " subject to the control " in s. 10 -tere substituted for the words " with the previous sanction " by s. 2 of Regulation 2 of 1910, *post,* Appendix II.

* For enactments extendfid to the Shan States, see Pt. V, *post.*

[1] Se* notification in Pt. V, *post.*

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as may have been, or may be, prescribed by the Local Government, with the approval of the Governor General in Council, in any instrument recognizing a person as the chief of the State, the administration of civil and criminal justice and the collection of the revenue within the State shall be vested in the person for the time being recognized by the Local Government as the chief of the State.

(2) Subject as aforesaid, the law to be administered in a Shan State shall be the customary law of the State in so far as that law is in accordance with justice, equity and good conscience, and in so far as the punishments which may be awarded thereunder, or the practices which are permitted thereby, are in conformity with the spirit of the law in force in the rest of British India.

Participation of the Governor in the administration of Shan States.

12. *(1)* The Local Government may, by order,—

(a) appoint officers to undertake, or to take part in, the administration of civil and criminal justice and the collection of the revenue within the Shan States;[1]

(*b*) with the previous sanction of the Governor General in Council, [2]define the powers, and regulate the procedure, of officers so appointed and their deputies and subordinates, and of the chiefs and their deputies and subordinates;

(c) with the previous sanction of the Governor General in Council, [3]direct by what authority any jurisdiction, power or duty incident to the operation of any enactment for the time being in force in the Shan States is to be exercised or performed;

(d) modify the customary law of the Shan States in so far as, in the opinion of the Local Government, that law is not in accordance with justice, equity and good conscience, or authorizes punishments, or permits practices, which are not in conformity with the spirit of the law in force in the rest of British India; and

(e) modify the system of taxation in the Shan States and regulate the assessment and collection of the revenue therein.

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[1] For older appointing the Superintendent, Northern Shin States, to undertake the collection of revenue in certain areas of North Hsenwi, *see* Burma Gazette, 1902, Pt. I, p. 658.

[2] For order defining the powers and regulating the procedure of officers appointed to undertake the collection of revenue, *see* Burma Gazette, 1902, Pt. I, p. 658.

[3] For notification under cl. (c), *see* Burma Gazette, 1907, Pt. I, p. 60.

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(2) An order of the Local Government under sub-section (*1*) may have reference to any one Shan State or to any specified local area therein, or to any number of Shan States specified or referred to in the order.

General.

Law to be administered in certain cases.

13. (*1*) Where in any suit or other proceeding in Burma it is necessary for the Court to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or Institution,—

(a) the Buddhist law in cases where the parties are Buddhists,

(*b*) the Muhammadan law in cases where the parties are Muhammadans, and

(c) the Hindu law in the cases where the parties are Hindus,

shall form the rule of decision, except in so far as such law has by enactment been altered or abolished, or is opposed to any custom having the force of law.

(2) Subject to the provisions of sub-section (*1*) and of any other enactment for the time being in force, all questions arising in civil cases instituted in the Courts of Rangoon shall be dealt with and determined according to the law for the time being administered by the High Court of Judicature at Fort William in Bengal in the exercise of its ordinary original civil jurisdiction.

(3) In cases not provided for by sub-section *(1)* or sub-section *(2),* or by any other enactment for the time being in force, the decision shall be according to justice, equity and good conscience.

(4) This section does not extend to the Shan States.

Transfers of territory between Upper and Lower Burma.

14. *(1)* The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the Burma Gazette,[1] transfer any portion of Upper Burma to Lower Burma, or any portion of Lower Burma to Upper Burma, with effect from a date to be specified in the notification, and, on and with effect from that date, the portion so transferred shall form part of Lower Burma or Upper Burma, as the case may be.

(2) When any portion of Upper Burma (except the Shan States) is transferred to Lower Burma, the territory so transferred shall, unless the Governor General in Council otherwise directs, continue to be a Scheduled District.

[1] As to such transfers, *see* orders on p. 208, Vol. II, Bur. R. INI.

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(3) When any portion of L6wer Burma is transferred to Upper Burma, the Governor General in Council may direct that the territory so transferred shall form part of the Scheduled District of Upper Burma.

Transfer to Lieutenant-Governor of duties of Chief Commissioner.

15. All powers conferred or duties imposed upon the Chief Commissioner of British Burma or Burma by or under any enactment shall lie deemed to be, and, on and with effect from the first day of May, 1897, powers and duties to have been, conferred or imposed upon the Lieutenant-Governor of Burma; and, subject to the provisions of section 7, all references in any instrument to the said Chief Commissioner shall, on and with effect from that date, be construed as referring to the Lieutenant-Governor.

Amendment of certain enactments.

16. The enactments mentioned in the third schedule are hereby amended to the extent and in the manner specified in the fourth column thereof.

Citation of certain enactments.

17. The enactments mentioned in the fourth schedule may, without prejudice to any other mode of citation, be cited for all purposes by the appropriate short titles specified in the fourth column thereof.

18. [*Repeal of certain enactments.*] *Rep. by the Repealing and Amending Act, 1903* (7 *of 1903*).

THE FIRST SCHEDULE.

[See *section 4, sub-section* (2).]

Enactments declared in force in [1]Upper Burma.

[NOTE.—The citation of an enactment includes all enactments passed before the commencement of this Act expressly amending the former enactment.]

1	2	3	4
Year.	No.	Short title.	Extent of application.
		Regulation of the Bengal Code.	
1818	III	The Bengal State Prisoners Regulation, 1818.	So much as is unrepealed.

1 As to enactments subsequently extended under the Scheduled Districts Act, *see* Appendix, *post*.

2 *Ante*.

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(The First Schedule.)

THE FIRST SCHEDULE—*contd.*

Enactments declared in force tn Upper Burma —*contd.*

1	2	3	4
Year.	No.	Short title.	Extent of application.
		Acts of the Governor General in Council.	
[1]1843	V	The Indian Sla-very Act, 1843.	So much as is unrepealed.
•1847	XX	The Indian Copyright Act, 1847.	Ditto.
>1850	XII	The Public Account-ants' Defaults Act, 1850.	Ditto.
M	VIII	The Judicial Officer's Protection Act, 1850.	The whole Act.
tt	XIX	The Apprentices Act, 1850.	So much as is unrepealed.
M	XXXIV	The State Prisoners Act, 1850.	Ditto.
M	XXXVII	The Public Servants (Inquiries) Act, 1850.	Ditto.
■<1851	VIII	The Indian Tolls Act, 1851.	Ditto.
"1852	XXX	The Indian Naturaliza-tion Act, 1852.	Ditto.
M853	II	The Landholders' Public Charges and Duties Act, 1853.	The whole Act.
L[1]1855	XII	The Legal Representa-tives' Suits Act, 1855.	So much as ii unrepealed.

[1] Genl. Acts, Vol. I.

As to the modification in s. 4 of Act 8 of 1851 so far as Upper Burma is concerned, *see ante.* The Schedule to the Act in also nut in force in Upper Burma except as to rates of toll levied itheretofore. *See* Genl. Acts, Vol. I. The Indian Tolls Act, 1864 (15 of 1864), is now in force n Upper Burma (except the Shan States), *see* next page.

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(The First Schedule.)

THE FIRST SCHEDULE—*contd.*

Enactments declared in force in Upper Burma—*contd.*

1	2	3	4
Year.	No.	Short title.	Extent of application.
		Acts of the Governor General in Council—contd.	
11855	XIII	The Indian Fatal Accidents Act, 1855.	So much as is unrepealed.
1 „	XXIV	The Penal Servitude Act, 1855.	Ditto.
11857	XI	The State Offences Act, 1857.	Ditto.
1)(	XXV	The Forfeiture Act, 1857	Ditto.
11858	III	The State Prisoners Act, 1858.	Section 5.
1 „	XXXV	The Lunacy (District) Courts Act, 1858.	So much as is unrepealed.
1 „	XXXVI	The Indian Lunatic Asylums Act, 1858.	Ditto. *
11859	IX	The Forfeiture Act, 1859	Ditto.
11 »60	IX	The Employer's and Workmen (Disputes) Act, 1860.	Ditto.
1 „	XXI	The Societies Registration Act, 1860.	Ditto.
a „	XLV	The Indian Penal Code .	Ditto.
H861	V	The Police Act, 1861 .	Ditto.
11863	X\I	The Excise (Spirits) Act, 1863.	Ditto.
11 »61	III	The Foreigners Act, 1864	Ditto.
2 •	*	• * * *	*
11864	XV	The Indian Tolls Act, 1864.	The whole Act.

1 Genl. Acts, Vol. I.

S. 2*> of the Police Act, 1861, does notapplyto Police-officers appointed under s. 4 in the Salween District and the Hill District of Arakan.

Ai to application of the Act in Burma, *see* note to s. 46 on page 394, Genl. Acts, Vol. I.

[1] The entry relating to the Whipping Act, 1864, is omitted as the Act is repealed by'Act 4 of 1909 fGenl. Acts, Vol. VI, App.), the entry relating thereto is therefore omitte.l.

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(The First Schedule.)

THE FIRST SCHEDULE—*contd.*

Enactments declared in force in Upper Burma—*contd.*

1	2	3	4
Year.	No.	Short title.	Extent of application.
		Acts of the Governor General in Council—contd.	
1865	III	The Carriers Act, 1865 .	So much as is unrepealed
1 „	X	The Indian Sui cession Act, 1865.	Ditto.
1 „	XXI	The Parsi Intestate Succession Act, 1865.	The whole Act
£ •	*	* * * *	*
U867	XXV	The Press and Registration of Books Act, 1867.	So much as is unrepealed-
31869	IV	The Indian Divorce Act, 1869.	■ Ditto.
3 „	■V	The Indian Articles of War.	Ditto.
« *	* *	• *	* * *
31*369	XX	The Indian Volunteers Act, 1869.	So much as is unrepealed.
*1870	VII	The Court-fees Act, 1S70	Ditto.
3 „	XXIII	The Indian Coinage Act, 1870.	Ditto.
*1871	I	The Cattle-trespass Act, 1871.	The whole Act.
6 „	V	The Prisoners Act, 1871 .	So much as is unrepealed.
3 »»	XXIII	The Pensions Act, 1871 .	Ditto.
31872	I	The Indian Evidence Act, 1872.	Ditto.
a t*	IX	The Indian Contract Act, 1872.	Ditto.
3 „	XV	The Indian Christian Marriage Act, 1872.	Ditto.

[1] Genl. Acts, Vol. I.

[2] The entry relating to the Public Gambling Act, 1867 (3 of 1867), is omitted as the Act is no longer operative in Burma, *see* the Burma Gambling Act, 1899, s. 2, *infra.*

[3] Genl. Acts. Vol. II.

* The entry relating to Act 15 of 1869 is omitted as the Act is repealed by the Prisoners Act, 1900 (3 of 1900), Genl. Acts, Vol. V.

S Only s. 15 of the Prisoners Act, 1871 (5 of 1871), is still in force, see Genl. Acts, Vol. II ; the rest of the Act is repealed by the Prisoneis Act, 1900 (3 of 1900), Genl. Acts, Vol. V.

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(The First Schedule.)

THE FIRST SCHEDULE—*contd.*

ENACTMENTS DECLARED IN FORCE IN UPPER BURMA—*contd.*

1	2	3	4
Year.	No.	Short title.	Extent of application.
		Acts of the Governor General in Council—contd.	
11873	V	The Government Savings Banks Act, 1873.	So much as is unrepealed.
* „	X	The Indian Oaths Act, 1873.	Ditto.
11874	II	The Administrator-General's Act, 1874.	Ditto.
[1] „	III	The Married Women's Property Act, 1874.	Ditto.
1 „	IV	The Foreign Recruiting Aot, 1874.	Ditto.
1 „	IX	The European Vagranoy Act, 1874.	Ditto.
1 „	XIV	The Scheduled Districts Act, 1874.	Ditto.
*1875	V	The Unattestid Sepoys Act, 1875.	The whole Act.
* „	IX	The Indian Majority Act, 1875.	Ditto.
* „	*XIII*	*The Probate and Administration Act, 1875.*	*So much as is unrepe[2]lid.*
21876	XI	The Presidency Banks Act, 1876.	Ditto.
* „	XIX	The Dramatic Performances Act, 1876.	The whole Act, except section 12.
21877	I	The Specific Relief Act, 1877.	So much as is unrepealed.
3 *	**	* *	***

[1] Gen'. Acts, Vol. II.

[2] Genl. Acts, Vol. II, p. 479. Only s. 6 of Act 13 of 1875 is still in force. Ss. 2, 3. 4 and 5 having sine« been repealed by the Probate and Administration Act, 1903 (8 of 1903), Genl. Acts,. Vol. V.

[3] The entry relating to Act 2 cf 1877 is omitted an the Act is repealed by the Probate and' Administration Act, 1903 (8 of 1903), Genl. Acts, Vol. V.

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THE FIRST SCHEDULE—*contd.*

ENACTMENTS DECLARED IN FORCE IN UPPER BURMA—*contd.*

1	2	3	4
Year.	No.	Short title.	Extent of application.
		Acts of the Governor General in Council—contd.	
11877	XI	The Military LunaticB Act, 1877.	So much as is unrepealed.
2 *	* *	* *	* * *
11878	I	The Opium Act, 1878 .	So much a» is unrepealed.
1 *.	VI	The Indian Treasure-trove Act, 1878.	Ditto.
<1 „	vm	The Sea Customs Act, 187a	The wh >lo Act.
1 „	XI	The Indian Arms Act, 1878.	So muoh as is unrepealed
B *	* *	• *	• * *
<1879	HI	The Destruction of Records Act, 1879.	Sections 2, t, 5, 7 and 8.

[1] Genl. Acts, Vol. II.

[1] The entry relating to Act 15 of 1877 is omitted as the Act is repealed by the Indian Limitation Act, 1908 (9 of 1908), Genl. Acts, Vol. VI.

[8] The entry relating to Act 1 of 1879 is omitted as the Act is repealed bv the Indian Stamp Act, 1899 (2 of 1899), Genl. Acts, Vol. V.

[4] Genl. Acts, Vol. in.

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(The First Schedule.)

THE FIRST SCHEDULE—*conti.*

ENACTMENTS DECLARED IN FORCE IN UPPER BURMA—*conti.*

1	2	3	4
Year.	No.	Short title.	Extent of application.
		Acts of the Governor General in Council—contd.	
*1879	XI	The Lucal Authorities Loan Act, 1879.	The whule Act.
[2] „	XIV	The Hat kney Carriage Act, 1879.	So much as is unrepealed.
3 *	* *	* *	* *
i *	* *	* *	* *
*1880	V	The Burma Boundaries Act, 1880.	So much as is unrepealed.
* ..	XIII	The Vaccination Act, 1880	The whole Act.
11881	V	The Probate and Administration Act, 1881.	So much aB is unrepealedL
1 „	XI	The Municipal Taxation Act, 1881.	The whole Act.
i „	XXVI	The Negotiable Instruments Act, 1881.	So much as is unrepealed.
11882	VI	The Indian Companies Act, 1882.	The whole Act.
1 „	XII	The Indian Salt Act, 1882.	Sections 1, 2, 6, 7 and 8 and Chapter IV.
5 „	*XIV*	*The Code of Citil Procedure.*	*So much as is unrepealed.*
2 „	XVIII	The Burma Steamboilers and Primemo vers Act, 1882.	The whole Act.

[1] Genl. Acta, Vol. III.

[2] *Ante.*

[3] The enlry relating to Act -0 of 1879 is omitted aa the Act is repealed by the Glanders and Farcy Act, 1899 (13 of 1899), whichextend to Upper Burma (except the Shan States) in common *ith the rest of British Ind'a *see* Genl. Acts, Vol. V.

< The entry relating to Act 21 of 1879 is omitted as the Act is repealed by the Indian Extradition Act, 1903 (15 of 1903), Genl. Acts, Vol. V.

5 Act 14 of 1882 is now repealed by Act 5 o£19fl8 which was extended to Upper Burma under s. 5 of the Scheduled Districts Act, 1874 (14 of 1874), *see* Appendix *post.*

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(The First Schedule.)

THE FIRST SCHEDULE—*contd.*

Enactments declared in force in Upper Burma—*contd.*

1	2	3	4
Year.	No.	Short title.	Extent of application.
		Acts of the Governor General in Council—contd.	
1 *	* *	* *	* » »
»1883	XIX	The Land Improvement Loan« Act, 1883.	So much as is unrepealed.
*1884	IV	The Indian Explosives Act, 1884.	Ditto.
3 „	VI	The Inland Steam-vessels Act, 1»84.	Ditto.
* ..	XII	The Agriculturists' Loans Act, 1884.	The whole Act.
S »	* *	* •	• » *
*1885	XIII	The Indian Telegraph Act, 1885.	Thfi whole Act,.
21886	II	The Indian Income-tax Act, 1886.	So much as is unrepealed.
i *m*	VI	The Births, Deaths and Marriages Registration Act, 1886.	Ditto.
i „	XI	The Indian Tramways Act, 1886.	Ditto.
4 •	» »	* *	* * *
21880	XIII	The Indian Securities Act 1886.	So much as is unrelated.
a 1887	VII	The Suits Valui.iuJ Act, 1887.	Ditto.

1 The entry relating to Act 20 of 18^2 is omitted as thn Act is repealed by the Indian Paper Currency Act, 1905 (3 of 1905), Genl. Acts, Vol. VI. *See* inow the Indian Paper Currency Act 1910 (2 of 1910).

z Oenl. Acts, Vol. III.

[8] The entry relating to Act 16 of 1R84 is omitted as the Act is repealed by the Burma Gambling Act, 1899 (Bur. Act I of 1899). *pn#t.*

* The entry relating to Act 12 of 18S6 is omitted as the Act is repealed by the Indian Petr.ileum Act, 1899 (8 of 1899), Genl. Acts, Vol. V.

6 Genl. Acts, Vol. IV.

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(The First Schedule.)

THE FIRST SCHEDULE—*contd.*

Enactments declared in force in Upper Burma—*contd.*

1	2	3	4
Year.	No.	Short title. .	Extent of application.
		Acts of the Governor General in Council—contd.	
11887	IX	The Provincial Small Cause Courts Act, 1887.	So much as is unrepealed.
z *	* *	• *	* * *
11887	XIV	The Indian Marine Act, 1887.	The whole Act.
3 »*	XV	The Burma Military Police Act, 1887.	Ditto.
1 M	XX	The Wild Birds' Protection Act, 1887.	Ditto.
11888	III	The Police Act, 1888 .	Ditto.
1 >»	V	The Inventions and Designs Act, 1888.	Ditto.
1 >»	VIII	The Indian Tolls Act, 1888.	So much as is unrepealed.
1 ft	XVIII	The Burma Financial Commissioners Act, 1888.	Ditto.
U889	I	The Metal Tokens Act, 1889.	Ditto.
1 ft	II	The Measures of Length Act, 1889.	The whole Act.
1 ft	IV	The Indian Merchandise Marks Act, 1889.	So much as is unrepealed.
1 ft	VI	The Probate and Administration Act, 1889.	So much as is unrepea led, except section 21.
1 ft	VII	The Succession Certificate Act, 1889.	The whole Act.

1 Genl. Acts, Vol. IV.

2 The en'ry relating to Act 13 of 1887 is t-mitted as the Act is repealed by Act 3 of 1903, Oenl. Acts, Vol. V, *see* now the Electricity Act, 1910 (9 of 1910).

3 *Supra.*

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(The First Schedule.)

THE FIRST SCHEDULE—*contd.*

Enactments declared in fokce in Upper Burma—*contd.*

1	2	3	4
Year.	No.	Short title.	Extent of application.
Acts of the Governor General in Council—contd.			
H889	*XI*	*The Lower Burma Courts Act, 1889.*	*Sections 46 and 47.*
2 *	**	**	* •
21889	XV	The Indian Official Secrets Act, 1889.	The whole Act.
21 »90	I	The Revenue Recovery Act, 1890.	Ditto.
2 „	VI	The Charitable Endowments Act, 1890.	Ditto.
2 „	VIII	The Guardians and ^ ards Act, 1890.	Ditto.
2 „	IX	The Indian Railwajs Act, 1890.	So much as is unrepealed.
2 „	XI	The Prevention of Cruelty to Animals Act, 1890.	The whole Act.
[2] „	XIII	The Exciso (Malt liquors) Act, 1890.	Section 9.
21891	XVIII	The Bankers' Books Evidenre Act, 1891.	The whole Act.
Z1892	II	The Marriages Validation Act, 1892.	Ditto.
2 „	X	The Government Management of Private Estates Act, 1892.	Ditto.
21893	IV	The Partition Act, 1893	Ditto.
3 *	*	*	* * *

[1] As to these sections, *see* now s. 8 of the Lower Burma Courts Act, 1900 (6 of 1900), *infra,* which with reference to s. 1 (2) of the Act supersedes them in Uppnr Burma.

[2] The entry relating to Act 3 of 1889 is omitted as the Aet is repealed by the Cantonments Act, 1910 (15 of 1910).

[3] The entry relating to Ac[1] 5 of 1893 is omitted as the Act is repealed by the Prisoner» Act, 190O (3 or 1900), Genl. Acts, Vol. V.

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(The First Schedule.)

THE FIRST SCHEDULE—*contd.*

ENACTMENTS DECLARED IN FORCE IN UPPER BURMA—*contd.*

1	2	3	4
Yea-.	No.	Short title.	Extent of applioation.
		Acts of the Governor General in Council—contd.	
11894	i	The Land Acquisition Act, 1894.	The whole Act.
1 „	IX	The Prisons Act, 1894 .	Ditto.
2 -»	**	**	*i
1 1895	X	The Indian Railway Companies Act, 1895.	The whole Act.
1 „	XII	The Indian Companies (Memorandum of Association) Act, 1895.	Ditto.
*„	XV	The Crown Grants Act, 1895.	Ditto.
i „	XX	*Ex*-King Thebaw's Act, 1895.	Ditto.
«1896	XII	The Excise Act, 1896 .	Ditto.
11897	III	The Epidemic Diseases Act, 1897.	Ditto.
5 „	VIII	The Reformatory Schools Act, 1897.	Ditto.
1 „	IX	The Provident Funds Act, 1897.	Ditto.
1 ,,	X	The General Clauses Act, 1897.	Ditto.
1 *ft*	XII	The Loeal Authorities' (Emergency) Loans Act, 1897.	Ditto.
1 jf	XIV	The Indian Short Titles Act, 1897.	Ditto.

[1] (ienl. Acts, Vol. IV.

[2] TLt entry relating to Act 9 o£ 1895 is omitted as the Act is repealed by the Indian Extradition Act, 1903 (15 of 1903), Genl. Acts, Vol. V.

[3] *Not republished.*

* *Ante.*

[5] S. 30 of Act 8 of 1897 is repealed by the Prisom-rs Act, 1900 (3 o£ 1900), Genl. Acts» Vol. V.

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(The First Schedule. The Second Schedule. The Third Schedule.)

THE FIRST SCHEDULE—*concld.*

Enactments declared in force in Upper Burma—*concld.*

1	2	3	4
Year.	No.	Short title.	Extent of application.
Acts of the Governor General in Council—concld.			
1 *	* *	* *	* * *
*1S98	III	The Lepers Act, 1898 .	The whole Act.
[2] „	V_4	The Code of Criminal Procedure, 1898.	The whole Code (subject to the provisions of the Upper Burma (riminal Justice Regulation, 1892).
2 $_n$	VI	The Indian Post Office Act, 189S.	The whole Act.
2 , ”	IX	The Live-stock Importation Act, 1898.	Ditto.

THE SECOND SCHEDULE.

(Rep., Act 4 of 19)9.)

THE THIRD SCHEDULE.

(See section 16.)

Amendments.

1	2	3	4
Year.	No.	Short title.	Amendment.
Part I.—Acts of the Governor Getieral in Council.			
3 *	«	T T *	» *
j 1870 [1]	II	The Burmii' land and Revenue Act, 1876.	In section Ci>, in the second proviso, *for* Chief Commissioi.er, *substitute* Financial Commissioner.

[1] Tie entry relating tc Act 2 of 1898 is'omitted as the Act is repealed by Act 8 of 1900, *szr.* now the Indian Paper Currency Act, 1910 (2 of 1910).

[2] GenL Acts, Vol. V.

[3] The entry relating to the Burma Fisheries Act, 1875 (7 of 1875), is repealed by the Burma fisheries Act, 1905 (Bur. Act 3 of 1905;*post.*

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THE THIRD SCHEDULE—*contd.*

Amendments—*contd.*

1	2	3	4
Year.	No.	Short title.	Amendment.
		Part I.—Acts of the Governor General in Council—concld.	
11877	XIT1	The Burma Embankment Act, 1877.	In section 7, clause (a), *after* charge *v.i-sert* or of which he is the owner.
1879	IX	Tlie Burma Coast-lifihts Act, 1879.	In section 16, *for* on or before the firjc day of October in each year, publish *subsn> tule* publish annually.
2*	*	* * ♦	* * ¥.
1880	II	The Lower Burma District Cesses and Rural Police Act, 1880.	In section 1, *for the second proviso substitute* Provided also that nothing herein contained applies to any town to which the Burma Municipal Act, 1898, extend. In section 9, *for the proviso substitute*:— Provided that the Local Government may at any time, for reasons to be recorded, transfer a sum of money from the accounts of any one district to the accounts of any other district.
3 *	*	* * *	* • * *
t *	*	* * *	* * *
1882	XVIII	The Burma Steam-boilers and Prime-movers Act, 1882.	In section 18, after clause (a) *inseit* :— (*aa*) for delegating to Commissioners all or any of the powers conferred upon him by sections 3 and 9.
5 *	*	* * *	* * *
1887	XV	The Burma Military Police Act, 1887.	In section 1, sub-section (2), *after* and *add* applies to every member of the Burma military police-force wherever he may be; and
8 *	*	* * *	* * *

[1] **The entry relating to the Burma Embankmf nt Act, 1877 (13 ot 1877), will be repealed by a. 2 ¿nd schedule of the Burma Embankment Act, 1909 *i4* of 19(19), *post,* when the latter Act is brought into force.**

[a] **Ihe entiy relating to the Rangoon Port Commissioners Act, 1879 (15 of l£79J, is repealed r>y the Rangoon Port Act, 1905 (Bur. Act 4 of 1905), *po-st.***

3 The entry relating to the Peeu and Sittang Canal Act, 1881 (2 of 1881), is repealed by the Burma Canal Act, 1905 (Bur. Act 2 of 1905), *pout.*

*** The entry relating to the Burma Forest Act, 1881 (Bur. Act 19 of 881), is repeated by the Burm« Forest Act, 1902 iBur. Act 4 of 1902), *vosi.***

[6] **The entry relating to the Rangoon Tramways Act, 1883 (22 of 1883), is repealed by the Repealing and Amending Act, 1909 (Bur. Act 5 *ot* 1909), *post.***

6 The entiy relating to the Lower Burma Village Act, 1889 (3 of 1889), is repealed by s. 2 of the Burma Village Act. 1907 (But. Act.6 of 1907', *pnst:*

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THE THIRD SCHEDULE—*contd.*

Amendments—*contd.*

1	2	3	4
Year.	No.	Short title.	Amendment.
Part II.—Regulations made under the Government of India Act, 1870 (33 Viet., c. 3)'			
1874	IX	The Arakan Hill District Laws Regulation, 1874.	*For* section 5 *susbstitutz* :— 5. .Notwithstanding anything in the Indian Arms Act, 1878, Operat: of Act XI 1878[10n] or in any rule under that Act, no license to manufacture, or deal in, arms or ammunition shall be granted without the express sanction of the Local Government.
			In the first division *(Ads)* of the schedule, *om.il* the entries in the fourth column relating to Act XXXVII of 1850, and to the division *adds*—
			XIV of 1874 . | Scheduled DHtiict*. | The whole Act, except section 10.
			XV o! 1874 . | Liws Local Extent | The whole Act, except fl sctlona 4, 5, 0 and 7.
			V of 1875 . | U natter t"d Sepoys. | The whole Act,
			VII of 1875 . | B u r m a Fiiherlsa. | The whole Act.
			IX of 1875 . | Majority . | The whole Act.
			I of 1897 . | Amend ng Act XXXVIJ of 3850. | The whole Act.
1 *	•	• * •	* « *
2 *	•	*	• * *
I8S7	XII	The TJpper Burm? Ruby Regulation, 1887.	In section 1G, *for* Upper Burma land Acquisition Regulation, IX of 1886, *substitute* Land Acquisition Act, 1894, *and for* that Regulation *substitute* that Act.

[1] The entry relating to the I pper Burma Municipal Regulation is omittei as the Regulation is repealed by the Burma Repealing Act, 1909 (Bur. Act 5 of 190«), *pnst.*

[8] The entry relating to th« Upper Burma Frontier Crossing and Disturbed Districts Regulation, i887 (!) ot 1887), is repealed by s. (5 of the Frontier Crossing and Disturbed Districts Regulation. ISX)7 (1 of 1907), *post.*

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(The Third Schedule.)

THE THIRD SCHEDULE—*contd.*

Amendments—*contd.*

1	2	3	4
Year.	No.	Short title.	Amendments.
Part II.—Regulations made under the Government of India Act, 1870 (33 Viet. c. 3)—contd.			
1 *	*	* * *	* * *
2 «	*	* * *	* * *
3 *	*	* * *	* * *
1892	V	The Upper Burma Criminal Justice Regulation, 1892.	In section 2, sub-section (i), *for* 1882 *substitute* 1898. In the second column of the table annexed to section *0* of the schedule, *for* To entertain cases without complaint, section 191, clause (e), *substitute* To take cognizance of any offence upon information received from any person other than a police-officer, or upon his own knowledge or suspicion, that such offence has been committed, section 190, sub-section (2), clause (c); *for* To entertain complaints, section 191, *substitute* To take cognizance of an offence upon receiving a complaint of facts which constitute such offence, section 190, sub-section (2), clause *(a)*; *and for* To receive police-report 3, section 191, clause (6), *substitute* To tjke cognizance of an offence upon a police-report of facts which constitute such offence, section 190, sub-section (2), clause (&). *After* section XIV of the schedule *add* ; — XIVA. Notwithstanding anything in section 526, a Court fpertii? 68JT *[1] of Session may,— (1) if it is absolutely debarred by section 487 from trying any case committed to it, or by section 556 from hearing any appeal pending before it, direct that such case or appeal be transferred for trial or hearing to any other Criminal Court of equal jurisdiction ;

1 The entry relating to the Upper Burma Village Regulation, 1887 (14 of 1887), is repealed by s. 2 of the Burma Vill vge Act, 1907 (Bur. Act 6 of 1907), *post.*

2 The entry relating to the Upper Burma Land and Revenue Regulation, 1889 (3 of 1889) is repealed by s. 2 of the Burma Canal Act, 1905 (Bur. Act 2 of 1905), *P'ist.*

3 The entry relating to the Upper Burma Towns Regulation, 1891 (6 of 1891), is repealed by s • 2 of the Burma To^ns Act, 1907 [1] Hur. Act 3 uf 1007), *pc^t.*

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THE THIRD SCHEDULE—*contd.*

AM EN DMENTS—*contd.*

1 [1] 2		3	4
Y ear.	Xo.	Short title.	Amendments.
Part II.—Regulations made under the Government of India Act, 1870 (33 Viet., c. 3)—contd.			
1802	V—*concld-*	The Uppci Burma Criminal Justice Regulation, 1>92—*co-idd.*	(2) exercise as regards all Criminal Courts subordinate to its authority all the powers with respect to the transfer of criminal cases and appeals conferred upon the High Court by section 526 : Provided, first, that an application for the exercise of the power conferred by this section, if founded upon a report of the Judge or Magistrate before whom the case or appeal is pending, need not be supported by affidavit or affirmation : Provided, secondly, that the Court shall, before directing the transfer of a case or of an appeal under this section, issue a notice to the accused requiring him to show cause on a certain day, to be fixed in the notice, why the said case or appeal should not be transferred to some Court therein named or to such other Court of competent jurisdiction as might be determined : Provided, thirdly, that the Higli Court may, on the a pplication of the accused or of the Public Prosecutor, reverse or vary any order made by a Court of Session under this section 01 substitute any other order in lieu thereof. In section XVI of the schedule, *for* 553, clause (c), *substitute* 554, sub-section (2), clause (e).
1S0G	i	The Upper Burma Civil Courts Regulation, 18P3.	To section 12 *add* :— *(4*1 The period of limitation for an appeal to the Divisional Court under clause (6) of sub-section (3) shall be sixty days, and in the computation of that period and in all other respects the limitation of the appeal shall be governed by the provisions of the 'Indian Limitation Act, 1877.

[1] *See* now the Tndian Limitation Act, 1908 (9 of 1908), Genl. Act?, Vol. VI.

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(The Third Schedule. The Fourth Schedule)

THE THIRD SCHEDULE—*concld.*

Amendments—*concld.*

1	2	3	4
Year.	No.	Short title.	Amendments.
Part II.—Regulations made under the Government of India Act, 1870 (33 Viet., c. 3)—concld.			
1896 I—*concld.*		The Upper Burma Civil Courts Regulation, 1896 —*concld.*	To section 13 *add* :— The period of limitation for an appeal to the Court of the Judicial Commissioner unde- this section shall be ninety days, and in the computation ot thai period an-I in all other respects the limitation of the appeal shall be governed by the provisions of the llndim Limitation Act, 1877.
Part III.—Regulation of the Bengal Code.			
2 lsl2	XI	The Bengal Foreign Immigrants Rear - lation, 1812.	In section 2, *for* he *substitute* it.

THE FOURTH SCHEDULE.

(See section 17.)

SHORT TITLES.

1	2	3	4
Year.	No.	Subject.	Short title.
Acts of the Governor General in Council.			
1888	XVIII	To provide for the appointment of a Financial Commissioner for Burma and for the definition of his functions.	The Burma Financial ('ommissioner's Act, 1888.
1892	III	To amend the Ranaoon Port Commissioners Act, 1879-	The Rangoon Port Commissionevs Act (1879) Amendment Act, 1892.
1894	XI	To amend the Lower Burma Village Act, 1889.	The Lower Burma Village Act (18891 Amendment Act, 1894.

[1] *Sre* footnote on pre-page.

[2] This ReeuUtion has not been included ¡n the Volume.

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[The Fourth Schedule.)

THE FOURTH SCHEDULE— *contd.*

Short Titles—*contd.*

1	2	3	4
Year.	No.	Subject.	Short title.
		Acts of the Governor General in Coujicil—concld.	
1895	XI	To remove certain doubts as to the validity of certain proceedings and acts of certain officers of the Pegu and Tenasserim Divisions in Lower Burma and to prevent their being raided in the future.	The Pegu and Tenasserim Validation Act, 1895.
"	XVIII	To amend the Lower Burma Village Act, 1889, and the Lower Burma Towns Act, 1892.	The Lower Burma Villages and Towns Lavt Amendment Act, 1895.
		Regulations made under the Government of India Act, 1870 (33 Viet., c. *3).*	
1891	I	To amend the Upper Birma Civil Justice Regulation, 1886, the Upper Burma Stamps ind Limitation Regvi-lation, 1887, and the Upper Burma Village Regulation. 1887.	The Upper Burma Village Regulation (1887) Amendment Regulation, 1891..
"	V	To imend the Upper Burma Ruby Regulation, 1887.	The Upper Burma Ruby Regulation (1SS7) Amendment Regulation, 1891..
1892	II	To «mend the Arakan Hills Civil Justice Regulation, 1874.	The Arakan Hills Civil JuDtine Regulation (1*574) Amendment Regulation, 1892.

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(The Fourth Schedule. The Fifth Schedule.)

THE FOURTH SCHEDULE—*concld.*

Short Titles—*concld.*

1	2	3	4
Year.	No.	Subject.	Short title.
Regulations made under the Government of India Act, 1870 (33 Vict.,c. 3}—concld.			
ISM	III	To amend the Upper Burma Land and Revenue Regulation, 1889.	The Upper Burma Lsind and Revenue Regulation (1889) Amendment Regulation, 1894.
"	IV	To amend the Upper Burma Village Regulation, 1887.	The Upper Burma Village Regulation (1887) Amendment Regulation, ^894.
1SWS	II	To amend the Upper Burma Land and Revenue Regulation 1889.	The Upper Burma Land and Revenue Regulation (1889) Amendment Regulation, 1895.
189ß	IV	To amend the Upj e>' Burma Village Regulation, 1887, the Upper Burma Land and Revenue Regulation, 1889, and the Upper Burma Towns Regulation, 1891.	The Upper Burma Villages, Towns and' Land-revenue Law Amendment Regulation, 1896.
1897	I	To amend the Upper Burma Ruby Regulation, 1887.	The Upper Burma Ruby Regulation (1887) Amendment Regulation, 1897.

THE FIFTH SCHEDULE.

REPEALS.

[Rep, *by the Repealing and Amending Act, 1903 (1 of 1903).']*

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THE LOWER BURMA COURTS ACT, 1900 (VI OF 1900).

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Saving of Regulations in force in Hill District of Arakan.

CHAPTER II.

THE CHIEF COURT.

4. Establishment of Chief Court.
5. Constitution of Chief Court.
6. Appointment of Chief Judge.
7. Rank and precedence of Chief Judge and Judges of Chief Court.
8. Civil and criminal jurisdiction of Chief Court.
9. Exercise of jurisdiction by Judges of Chief Court.
10. Constitution of full bench and other benches.
11. Power to refer question to full bench.
12. Review in certain criminal cases.
13. Magistrate in Rangoon to commit to Chief Court.
14. Appeal from Judge of Chief Court exercising original civil jurisdiction.
15. Rule of decision where Judges differ.
16. Procedure in exercise of civil jurisdiction.
17. Ministerial officers of Chief Court.
18. Superintendence and control of subordinate Courts.
19. Power to Chief Court to make rules.
20. Registers, books, accounts, returns, statements and reports.

CHAPTER III.

THE SUBORDIJVATE CIVIL COURTS.

Grades of Courts.

"21. Grades of Civil Courts.
22. Superintendence and control.

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Territorial Divisions and Establishment of Courts.

SECTIONS.

23. Civil divisions, districts, sub-divisions and townships.
24. Establishment of Courts.

Jurisdiction of Courts.

25. Original jurisdiction of Divisional, District, Sub-divisional and Township Courts.
26. Power to invest certain Courts with Small Cause Court powers.
27. Jurisdiction of Court of Small Causes of Rangoon in suits exceeding one thousand rupees in value, and appeals in such suits.
28. Appellate jurisdiction of the Courts.
29. Period of limitation for appeals to the Divisional Court.
30. Second appeals to the Chief Court.

Administrative Control.

31. Power of Courts to transfer cases.
32. Delegation of powers of District Court with respect to administrative control.
33. Judges not to try cases in which they are personally interested.

Appointment of Judges and Ministerial Officers of Subordinate Courts.

34. Appointment of Judges.
35. Appointment of ministerial officers.

CHAPTER IY.

SUPPLEMENTAL PROVISIONS.

36. Place of sitting.
37. Seal.
38. Yacations.
39. Language of Courts.
40. Advocates of abolished Courts.
41. Power to Local Government to make rules as to process-serving establishment.
42. Continuance of jurisdiction of abolished Courts.

CHAPTER Y.

PROVISION FOR PENDING AND PAST PROCEEDINGS.

43. Pending proceedings.
44. Appeals after commencement of Act against decrees and orders passed before.
45. Execution of past decrees and orders.

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CHAPTER VI.

GENERAL.

SECTIONS.

46. Rules to have effect as if enacted by Act.
47. Amendment of certain enactments.
48. Repeals.

THE FIRST SCHEDULE.

ENACTMENTS AMENDED.

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

ACT No. VI OF 1900.[1]

\22nd March, 1900.~

An Act to consolidate and amend the law relating to the Courts in Lower Burma.

WHEREAS it is expedient to consolidate and amend the law relating to the Courts in Lower Burma;

And whereas the Secretary of State for India has given his previous sanction to the passing of this Act; as required by section 46 of the [2] Government of India Act, 1833, read with section 3 of the Government of India Act, 1858; 3 & *i* Will. 4, c. 85 21 & 22 Viot., o. 106.

It is hereby enacted as follows: —

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. *(1)* This Act may be called the Lower Burma Courts Act, 1900.

(2) Save in so far as it applies expressly or by necessary implication to other parts of British India, this Act extends to Lower Burma only.

(3) This Act shall come into force on such [3] date as the Governor General in Council may, by notification in the Gazette of India, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "Burma" includes all the territories for the time being administered by the Lieutenant-Governor of Burma :

[1] For Statement of Objects and Reasons, *see* Gazette of India, 19^0, Pt. V, p. 14; for Repr.it of the Select Committee, *see ibid,* p. 59; and for Proceedings in Council, *see ibid,* Pt. VI, pp. 7, 41, 45 inrj 73.

[3] Col. Stats. Ind., Vol. I.

[3] The Act was brought into force on the 16th Apri], 1900, *see* Notification No. 564, dated 12th April, 1900, Gazette of India, 1900. Pt. I, p. 226.

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(b) "land-suit" means a suit relating to immoveable property or to any right or interest in immoveable pioperty:

(c) "Lower Burma" means the territories for the time being included in Lower Burma:

(d) "Eangoon Town" means the local limits of the original civil jurisdiction of the Recorder of Rangoon immediately before the commencement of this Act unless and until the Local Government, with the previous sanction of the Governor General in Council, shall otherwise [1] direct:

(e) "Shan States" means the [2] territories for the time being included in the Shan States:

(f) "small cause" means a suit of the nature cognizable by a Court of Small Causes under the [3] Provincial Small Cause Courts Act, 1887:

X of] 887.

(g) "unclassed suit" means a suit which is neither a land-suit nor a small cause: and

(h) "ralue", used with reference to a suit or appeal, means the amount or value of the subject-matter of the suit or appeal.

3. Save as expressly provided by this Act, nothing herein shall be construed to affect any Regulation in force at the commencement of this A.ct in the Hill District of Arakan.

Saving of Regulations in force in Hill District of Arakan.

CHAPTER II.

THE CHIEF COURT.

4. On and from the commencement of this Act there shall be established for Lower Burma a Chief Court, hereinafter referred to as "the Chief Court."

Establishment of Chief Court.

5. The Chief Court shall consist of four or more [4] Judges, who shall be appointed by the Governor General in Council and shall hold office during his pleasure, and of whom two shall ordinarily be barristers of not less than five years' standing.

Constitution of Chief Court.

6. The Governor General in Council may, in his discretion, from time to time, appoint one of the Judges of the Chief Court to be the [4]Chief Judge, and may, during any vacancy of the office of Chief Judge,

Appointment of C

[1] **For notification directing that "Rangoon Town" shall mean the Rangoon Town District as fixed for the purposes of the revenue and gener.il administration under the Code of Criminal Procedure (Act 5 of 1&98\ s. 7, *nee* Bnrma Gazette, 1903, Pt. I, p. 165.**

[1] ***See* Notification in Part V, *post*.**

' Genl Acts, Vol. IV.

[4] ***For* Notification** apDointing **thn Judges of the Court and a Chief Judge, see Notification No. 656. dated 12th April, 1900, Gazette of India, 1900, Pt. I, p. 226.**

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and during any absence of the Chief Judge, appoint one of the other Judges of the Chief Court to perform the duties of the Chief Judge until a new Chief Judge has been appointed and has entered upon the discharge of the duties of his office, or until the Chief Judge has returned from such absence, as the case may be.

Bank and precedence of Chief Judge and Judges of Chief Court.

7. *(1)* The Chief Judge (if any), whether permanent or officiating, shall have rank and precedence before the other Judges of the Chief Court.

(2) Save as aforesaid, the Judges shall have rank and precedence according to the seniority of their appointments as such Judges:

Provided that a Judge permanently appointed shall be deemed to be senior to, and shall have rank and precedence before, an officiating Judge.

(3) In the construction of this Act the expression " the Senior Judge" shall mean the Judge for the time being entitled to the first place in rank and precedence.

Civil and criminal jurisdiction of Chief Court.

8. (*1*) The Chief Court shall be the highest Civil Court of appeal, and the highest Court of criminal appeal and revision in and for Lower Burma, and shall—

(a) be the High Court for the 'whole of Burma (inclusive of the Shan States) in reference to proceedings against European British subjects and persons jointly charged with European British subjects;

(b) have power, as a Court of original jurisdiction, to try European British subjects and persons charged jointly with European British subjects, committed to it for trial by any Magistrate and Justice of the Peace exercising jurisdiction in any part of Burma (inclusive of the Shan States);

(c) be the principal Civil and Criminal Court of original jurisdiction for the Rangoon Town; and

i* * # * * * *

---

[1] **Clause *Id)* of sub section (i) and sud section *(2)* are repealed by the Presidency Towns Insolvency Act, 1909 (3 of 1909), Genl. Acts, Vol. VI, Appendix II.**

The cl. and sub-section *(2)* were a' follows :—

" *id)* have within the Rangoon Town such powers and authorities with respect to the persons and property of insolvent debtors and with respect to their creditors as aro for the time being exercisable by a Court for the Relief of Insolvent Debtors under the Indian Insolvency Act, 1848."

" (?) Oiders made by the Chief Court in the exercise of its jurisdiction with respect to insolvent debtors shall have the same force and effect throughout British India as "f they had been made by the High Court of Judicature at For* William in Bengal in the exercise of its jurisdiction under the Indian Insolvency Act, 1848, and all the provisions of the said Statute relating to the persons or property of insolvents shall, *mutatii mutandis,* apply to the persons and property of insolvents applying for relief to the Chief Court, an<5 the procedure in the case« of such insolvents shall be, as far as may be practicable, in accordance with the procedure prescribed by the said Statute as amended by any enactment for the time being in force."

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KIV of 1882« (3) Nothing in ^Chapter XX of the Code of Civil Procedure shall apply to any Court having jurisdiction within the Rangoon Town.

9. (2) Except as otherwise provided by this Act or by any other enactment for the time being in force, and subject to any [2]rules made under this Act, the jurisdiction of the Chief Court may be exercised[t£] by a single Judge of the Court. Exercise *ot* jurisdiotion by Judges **Chief Court.**

(2) The Chief Court may, with the sanction of the Local Government, make [2] rules to provide, in such manner as it may think fit, for the exercise of any of its powers by a bench of two or more Judges of the Court.

10. (*1*) The Chief Court may make [3] rules declaring what number of Judges, not being less than three, shall constitute a full bench of the [of iul1] bench Chief Court, and may by such rules prescribe the mode of determining "which Judges shall sit as a full bench when a full bench* sitting becomes necessary. Constitution, and other **benches,**

(2) Subject to the provisions of sub-section *(1),* the Senior Judge of the Chief Court may determine which Judge in each case or class of cases shall sit alone, and which Judges shall constitute any bench.

11. Any single Judge of the Chief Court and any bench of Judges thereof, not being a full bench, may in any case refer for the decision of a bench of two Judges or of a full bench any question of law or custom having the force of law, or of the construction of any document, or of the admissibility of any evidence, arising before the Judge or bench, and shall dispose of the case in accordance with the decision of the bench to which the question has been referred. **Power to** refer question to full **bench,**

12. Where in any case any such question as is referred to in section 11 has been decided by a Judge of the Chief Court exercising the jurisdiction of the Chief Court as a Court having power to try European British subjects committed to it for trial, or as the principal Criminal Court of original jurisdiction for the Eangoon To'wn, and no reference has been made under the provisions of that section or of section 434 of the [4]Code of Criminal Procedure, 1898, the Chief Court may on its being certified by the Government Advocate that in his opinion the decision should be further considered, review the case or such part of it as may be necessary, and finally determine the question, and may thereupon alter the judgment, order or sentence passed by the Judge, and pass such judgment, order or sentence as it thinks right. Review in certain criminal cases.

V oi (89S.

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[1] *See* now **the Provincial Insolvency Act, 1907 (3 of 1907), Genl. Acts, Yol. VI, by which Ch. 20 of Act 14 of 1882 was repealed.**

[!] **For rules mf.de under this section, *set* Burma Gazette, 1903, Pt. IV, p, 48.**

* **For rule« made under this section, *see* Notification No. 1, dated 23rd April, 1900 Burma Gazette, 1900 Pt. IV, p. 264.**

[4] **Genl. Acts, Vol. V.**

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Magistrate in Rangoon to commit to Chief Court.

13. *(!)* Notwithstanding anything in the [1] Code of Criminal Procedure, 1898, Magistrates exercising jurisdiction in the llanguon Town when committing prisoners for trial shall commit them to the Chief Court. [pro- ^ of 1898

[2][(2) Notwithstanding anything in the [1] Code of Criminal Procedure, [v 01] 1898, all [3]appeals which lie under that Code to the Court of Session from the sentences or orders of Courts or Magistrates exercising jurisdiction in the Rangoon Town, shall lie to the Chief Court and not to the Court of Session.]

Appeal from Taiige of Chief Court exercising original civil jurisdiction.

14. Except as otherwise provided by any enactment for the time being in force, an appeal from any decree made by a single Judge of the Chief Court or from any order made by a single Judge of the Chief Court when an appeal from such order is permitted by any law for the time being in force,—

(a) in the exercise of its original jurisdiction as the principal Civil Court of original jurisdiction for the Rangoon Town, or

(б) in the exercise of its original jurisdiction with respect to insolvent debtors and their creditors, or

(c) in the exercise of its original jurisdiction in cases withdrawn from other Courts under section .25 of the [4]Code of Civil Procedure, or [XIV of 1882.

(d) in the exercise of any other original jurisdiction of a civil nature to which the Chief Court may by rule extend this section,

shall lie to a bench of the Chief Court consisting of two other Judges of the Chief Court.

Rule of decision where Jndges differ.

15. Except as otherwise provided by any enactment for the time being ip force,—

(a) where there is a difference of opinion among the Judges composing any bench of the Chief Court, the decision shall be in accordance with the opinion of the majority of those Judges;

(b) if there is no such majority, then,—

(i) if the bench is a full bench, the decision shall be in accordance with the opinion of the Senior Judge of the bench;

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[1] Genl. Acts, Vol. V.

[1] Sub-section (<?) was added to s. 13 by s. 2 of the Lower Burma Courts Act (1900[1] Amendment Act, 1901 (Bur. Act 4 of 1901), *post.*

' Pending appeaU, however, were continued in a Court of Session as if Burma Act 4 of 1901 had not been paBsed, *see* s. 3 of that Act, *post.*

* *See* nuw tho Code of Civil Procedure, 1908 (Act 5 of 1908), Genl. Acts, Vol. VI.

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(ii) in other cases, the bench before which the difference has arisen shall refer it to a full bench, and shall dispose of the case in accordance with the decision of the full bench.

16. *(1)* The Chief Court, when sitting as a Court of Civil Judicature, shall take evidence and record judgments and orders in the manner required by the [1] Code of Civil Procedure, unless it has, with the previous sanction of the Governor General in Council, made rules for regulating these matters. Piocedure in civil ju

XIV of 1882.

(2) If the Chief Court has so made rules for regulating these matters, the Governor General in Council may [2] declare that any of the provisions of the [1] Code of Civil Procedure with respect thereto shall not apply to the Chief Court.

XIV of 1882.

XIV of 1882.

(3) So much of section 579 of the [1]Code of Civil Procedure as require? the decree to contain the memorandum of appeal, and to be signed and dated by the Judge or Judges who passed it, shall not apply to the Chief Court in the exercise of its appellate jurisdiction.

17. *(1)* Subject to any [3]rules and restrictions which may be prescribed by the Governor General in Council, the Senior Judge of the Chief Court may appoint Registrars and Assistant Registras, [4]* * * * * a Receiver and such other ministerial officers as may be necessary for the administration of justice by the Chief Court and for the exercise and performance of the powers and duties conferred and imposed on it by this Act or by any other enactment for the time being in force. Ministerial officers of chieTcourt.

(2) The appointment of the Registrars, Assistant Registrars, [4]* * * * * and Receiver shall be subject to the sanction of the Local Government.

(3) The officers appointed under this section shall exercise such powers and discharge such duties as the Chief Court may direct.

(4) Any officer appointed under this section may be suspended or dismissed by the Senior Judge of the Chief Court:

Provided that a Registrar, Assistant Registrar, [4]* * * * * or Receiver shall not be dismissed without the previous sanction of the Local Government.

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[1] *See* now the Code of Civil Procedure, 1908 (Act 5 of 1908;. Genl. Acts, Vol. VI.

[1] Ss. 200, 201, 202, 203 , 205, 572 and 573 and so much of s. 574 as relates to the signing and dating of judgments of Act li of 1882, and so much of ss. 141 and_ 142 as relates to the signing of endorsements, h.ive been declared not to apply to the Chief Court, *see* Gazette of India, 1900 and 1903, Pt. I, pp. 730 and (50, respectively.

[3] For rules under s. 17, *tee* Burma Gazette, 1901. Pt. IV, p. 258.

* The words " an Official Assignee " in sub-section (*1)* and the words " Official Assignee " in sub-sections (?) anrf *U* [1] of s. 17 were repealed by s. 127 of the Presidency* Towns Insolvency Act, 1909 (3 of 1909), Genl. Acts, Vol. VI.

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Superin tendeace and control of subordinate Court.

18. *(1)* The general superintendence and control over all other Civil Courts in Lower Burma shall be vested in, and all such Courts shall be subordinate to, the Chief Court.

(2) The Senior Judge of the Chief Court or a Judge of the Chief Court appointed by him shall from time to time visit and inspect the proceedings of the Civil Courts subordinate to the Chief Court, and shall give such directions in matters not provided for by law as may be necessary to secure the due administration of justice.

Power to Chief Court to make rules.

19. (.7) In addition to any other power to make rules expressly or by implication conferred by this Act, the Chief Court, with the previous sanction of the Local Government, may, by notification in the local official Gazette, make rules, consistent with this Act and any other enactment for the time being in force,—

(a) declaring what persons shall be permitted to practise as [1] petition-writers in the Courts in Lower Burma, regulating thfe conduct of business of persons so practising, and determining the authority by which breaches of rules under this clause shall be tried;

(b) providing for the [2] translation of any papers filed in the Chief Court, and the copying or printing of any such papers or translations, and requiring from the persons at whose instance or on whose behalf papers are filed, payment of the expenses thereby incurred;

(e) regulating the [3]procedure in cases where any person is entitled to inspect a record of any Court in Lower Burma or to obtain a copy of the same, and prescribing the fees payable by such persons for searches and copies; '

(*d*) prescribing the [4] travelling and other expenses to be allowed to witnesses in civil cases, and the fees to be allowed to commissioners appointed by the Courts in Lower Burma;

(*e*) determining in what cases [5] advocates and pleaders shall be permitted to address the Courts in Lower Burma in English;

(*f*) conferring and imposing on the ministerial officers of the Chief Court and of the Courts subordinate to it such powers and duties of a non-judicial or ouasi-judicial nature as it thinks

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[1] **For rules regarding petition-writers, *ser* Burma Gazette, 1000, Pt. IV, p. 538.**

' For rules for thn translation and copying of papers filed in the Chief Court, *see* Burma Gazette, 1904, Pt. IV, p. 70S.

*** For suf'h rules, *see* Burma Gazette, 1904. Pt. IV, p 378.**

[4] **For rules, *see* Burma Gazette, 1900, Pt. IV, p. 541; and *ibid,* 1902. Pt. IV, pp. 555 and 494.**

*** For rules, *see* Burma Gazette, 1900, Pt. IV. p. 542.**

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fit, and regulating the mode in which powers and duties so conferred and imposed are to be exercised and performed;

{g) presci ibing [1] forms to be used in the Courts subordinate to it for such proceedings, books, entries, statistics and accounts as it thinks necessary;

(h) providing for the [2] visitation and inspection of the Courts subordinate to it and the supervision of the working thereof; and

(i) regulating all such matters as it may think fit, with a view to [3] promoting the efficiency of the judicial and ministerial officers of the Chief Court and of the Courts subordinate to it, and maintaining proper discipline among those officers.

(2) Whoever commits a breach of any rule made under sub-section (i), clause (a), shall be punishable with fine which may extend to fifty rupees.

Registers, accounts returns, statement reports.

20. The Chief Court shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Chief Court, and shall comply, in such form and manner as the Local Government may deem proper, with any requisitions which the Local Government may make for records of, or papers belonging to, the Chief Court or any Court subordinate to it, or for certified copies of, or extracts from, those records or papers, or for returns, statements or reports. [8 and]

CHAPTER III.

THE SUBOBDEN'ATE CIVIL COTTBTS.

Grades of Courts.

Grades of Civil Courts.

21. *(1)* Besides the Chief Court, the Courts of Small Causes established under the Provincial Small Cause Courts Act, 1887, and the Courts established under any other enactment for the time being in force, there shall be four grades of Civil Courts in Lower Burma, namely: — [1 0Drts.]

IX of 1887.

(a) the Divisional Court;

(б) the District Court;

(c) the Sub-divisional Court; and

(d) the Township Court.

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[1] **For rules pi escribing forms of inventory of moveable property not in possession of jndgment-debtor, *tee* Burma Gazette, 1903, Pt. IV, p. 451.**

[1] **For rules, see Burma Gazette. 1903, Pt. IV, p. 141.**

* **For roles as to fees to be allowed to Bailiff on sales of mortgaged or attached nroperty, *ee Bnrma Gazette, 1904, Pt. IV, p. 592.**

' * Genl. A-ts Vol. IV.

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(2) Every Court mentioned in the list in sub-section (*1*) shall be of a lower grade than the Court mentioned immediately above it, and shall be subordinate to all Courts above it in the said list.

Superintendence Rontro?.nCl

22. Subject to the general superintendence and control of the Chief Court, the Divisional Court shall superintend and control all other Courts in the local area within its jurisdiction; and, subject as aforesaid and to the control of the Divisional Court, the District Court shall superintend and control all other Civil Courts in the local area within its jurisdiction.

Territorial Divisions and Establishment of Courts.

Civil divisions, districts, sub-divisions and townships.

23. *(1)* For the purposes of this Aet, the Local Government shall divide Lower Burma, outside the Rangoon Town into such [1] civil . . . . . divisions, and each civil division into sucli civil districts, as may be approved by the Governor General in Council, and may divide each civil district into such civil sub-divisions, and each civil [2] sub-division into such civil townships, as it may think fit, or may constitute in each civil district such civil sub-divisions and such civil townships as it may think fit.

(2) The Local Government may, with the previous sanction of the Governor General in Council, [3] alter the limits or the number of the said civil divisions and districts, and, of its own authority, the limits or the number of the said civil sub-divisions and townships.

Establishment of Courts.

24. The Local Government shall establish—

(a) a Divisional Court for each civil division;

(b) a District Court for each civil district;

(c) a Sub-divisional Court for each civil sub-division; and

(d) a Township Court for each civil township.

Jurisdiction of Courts.

Original jurisdiction of Divisional, District, Sub-divisional and Township Courts.

25. Subject to the provisions of the [4] Code of Civil Procedure, the XIV of "Provincial Small Cause Courts Act, 1887, and any other enactment ^_[82]„ for the time being m force,— IX ol 1887.

(a) the Township Court shall have jurisdiction to hear and determine any suit or original proceeding of a value not exceeding five hundred rupees:

' For notification, *see* Bur. R. M., Vol. II, p. 210.
' For notification 'monstituting civil townships, see Bur. 11. M., Vol. II, pp. 213 and 214.
* For notification abolishing sub divisions, see the list noted on pp. 83 to 86, Bur. S.. M., Vol. 1.
* *See* now the Code of Civil Procedure, 1908 (Act 5 of 1908'., Genl, Acts, Vol. VI.
* Genl. Acts. Vol. IV.

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(6) the Sub-divisional Court shall have jurisdiction to hear and determine any suit or original proceeding of a value not exceeding three thousand rupees:

(c) the District Court shall have jurisdiction to hear and determine any suit or original proceeding without restriction as regards the value, except proceedings under the [1] Indian Divorce Act, 1809, and shall be deemed to be the Court of a District Judge as defined by clause (15) of section 3 of the [2] Genera] Clauses Act, 1897:

IV of 18G9.

X of 1897.

(d) the Divisional Court shall have such jurisdiction to hear and determine any suit or original proceeding as is by this section conferred upon a District Court, and shall also have jurisdiction to hear and determine any original proceeding under the [1]Indian Divorce Act, 1869, and shall be deemed the District Court tinder that Act for all districts comprised in the civil division.

IV of 1869.

26. The Local Government may, by "notification in the local official Gazette, invest any District, Sub-divisional or Township Court with the jurisdiction of a Court of Small Causes under the Provincial Small Cause Courts Act, 1887, up to such value not exceeding five hundred rupees as it may think fit, to be exercised in cases arising within the limits of the Court's jurisdiction or in any specified area within* such limits, and may withdraw any jurisdiction so conferred.

Power to [illegible] **Courts wi[illegible]**

IX of 1887.

[1 oui: P°wers.]

[5] 27. (*1*) The Local Government may, by notification in the local official Gazette, direct that such suits of a civil nature as are not excepted from the cognizance of a Court of Small Causes by section 15, sub-section (*1*), of the Provincial Small Cause Courts Act, 1887, and are of value exceeding one thousand and not exceeding two thousand rupees, shall be [6] cognizable by the Judge of the Court of Small Causes of Rangoon as if they were suits cognizable by him under the said Act, and thereupon so much of that Act as relates to—

Jurisdiction of Courts of Small Causes in Rangoon in suits exceeding one thousand rupees in value, and such suits.

IX of 1887.

(a) the exclusion of the jurisdiction of any other Court in such suits, and

(b) the practice and procedure of Courts of Small Causes, excepting the proviso to sub-section (*1*) of section 17 o± the said Act,

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[1] Gen!. Acts, Vol. I.

[2] Genl. Acts, Vol. IV.

" For list of notifications investing Courts with powers under this section, see pp. 86 to 88, Bur. R. 31., Vol. T.

* Genl Acts, Vol. IV.

* Section 27 was substituted by s. 2 of the Lower Burma Courts Act (190C) Amendment Act (Bur. Act 7 of 1907', *po-t*,

* For notification empowering the Small Cause Court of Rangoon to try certain suits between Rs. 1,000 and E« 2.000 in value, *see* Bur. R. 31., Vol. II, p. 216.

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shall apply to such suits and to the trial thereof and the decrees and orders therein:

Provided that, when hearing any suit cognizable by him under this section such Judge shall record the evidence in the manner provided in section 182 of the [1] Code of Civil Procedure, and shall record also a judgment in the manner provided in the second clause of section 20-3 of the [1] Code of Civil Procedure. XIV of 1882.

{2) An appeal shall lie to the Chief Court from every decree of the Judge of the Court of Small Causes of Rangoon in a suit cognizable by him under this section, and from any order passed by him in any such suit of the kind specified in section 588, clauses *{8)* and *(9),* clause *{11)* in so far as the same applies to an application for the execution of a decree, and clauses *{18), {19),' {20)* and *{29)* of the [1] Code of Civil Procedure. XIV of 1882.

(3) The period of limitation for an appeal under sub-section *{2)* shall be thirty days and in the compulation of that period and in all other respects the limitation of the appeal shall be governed by the provisions of the [2]Indian Limitation Act, 187T. XV of 1877.

{*4)* Notwithstanding anything contained in section 5 of the [1] Code of Civil Procedure, the provisions applicable to Courts of original juris- XIV of 1882.: diction in Chapters XLI and XLIV of that Code shall, so far as may be applicable, extend to such Court of Small Causes for the purposes of this section.

(•5) The Local Government may, by notification in the local .official Gazette, cancel any order made under sub-section (2), but not so as to affect any proceedings pending at the date of the order of cancellation.

Appellate jurisdiction of the Courts.

28. (7) Subject to the provisions cf the [1] Code of Civil Procedure. XIVof 1882. the [3] Provincial Small Cause Courts Act, 1887, and any other enactment IX of 1887* for the time being in force, the Courts to which appeals are hereinafter declared to lie, shall respectively have authority to hear appeals from the decrees and orders of the Courts subordinate to them passed in the exercise of their original jurisdiction—

(a) an appeal from a decree or order of a Township Court shall lie to the District Court:

(б) an appeal from a decree or order of a Sub-divisional Court shall lie to the District Court:

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[1] *See* now the Code of Civil Procedure, I».[1]) (Act 5 of 1308), Genl. Aits, Vol. VI
[2] *See* now the Indian Limitation Act '<>08 (9 of 1908), Genl. Acta, Vol. VI
[3] Genl. Acta, Vol. IV.

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(c) an appeal from a decree or order of a District Court shall, where the value of the suit in such Court is five thousand rupees or upwards, lie to the Chief Court, and in any other case to the Divisional Court:

(d) an appeal irom a decree or order of a Divisional Court when exercising original jurisdiction shall lie to the Chief Court :

Provided that the Local Government may, by notification in the local official Gazette, direct that appeals from original decrees and orders of any specified District or Sub-divisional Court shall lie to the Chief Court, in which case an appeal from any such decree or order of any Court so specified shall, so long as such notification continues in force, lie to the Chief Court.

(*2*) Where an order specified in section 588, clause *(29),* of the
XIV of 1882. [1] Code of Civil Procedure, is made by a District Court in exercise of the jurisdiction of a Court of Small Causes, an appeal therefrom shall lie to the Chief Court.

Period of limitation for appeals to the Divisional Court.

29. The period of limitation for an appeal to the Divisional Court under clause *(b)* or clause *(c)* of section 28 shall be sixty days, and, in the computation of that period and in all other respects, the limita- Jj**'
XV of 1877. tion of the appeal shall be governed by the provisions of the [2]Indian Limitation Act, .1877.

Second appeals to the Chief Court.

30. *(1)* In addition to the second appeals permissible under section
XIV of 1882. 584 of the [1] Code of Civil Procedure, a second appeal shall lie to the Chief chief Couii. Court from an appellate decree of a Court subordinate thereto on any ground which would be a good ground of appeal if the decree had been passed in an original suit, whenever the decree of the Appellate Court varies or reverses otherwise than as to co^ts the decree of the Court below:

Provided that no such second appeal shall lie—

(a) in the case of a small cause, unless the value of the cau?e exceeds five hundred rupees, or, ■ .

(b) in the case of an unclassed suit, unless the value of the suit exceeds five hundred rupees or the suit is of the nature described in sub-section (2) of section 13 of the [3] Burma
XIII of 1898. Laws Act, 1898.

(2) The period of limitation for an appeal to the Chief Court under this section shall be ninety days, and, in the computation of that period

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[1] *See* now the Code of Civil Procedure, 1908 (Act 5 of 1908;, Genl. Acts, Vol. VI.
[3] *See* now Act 9 of 1908. Genl. Acts, Vol. VI.
* *Ante.*

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and in all other respects, the limitation of the appeal shall be governed by the provisions of the [1] Indian Limitation Act, 1877. XV of 1877.

Administrative Control.

Power of Courts to transfer eases.

31. *(1)* The Divisional Conrt may exercise, as regards the Courts under its control, the same powers of withdrawal, trial and transfer as are conferred by section 25 of the [2] Code of Civil Procedure on a District Court. XIV of 1882.

(2) In addition to the powers referred to in sub-section (i), a Divisional Court and a District Court may, by order in writing, direct that any case or class of cases which may be instituted in such Court, or in any Court subordinate thereto, shall be disposed of by an Additional Judge of such Court or by any other Court subordinate thereto, or by an Additional Judge of any such subordinate Court, as the case may be:

Provided that no direction under this section shall empower any Court to exercise jurisdiction beyond the pecuniary limits of its jurisdiction.

(3) The Court trying any suit withdrawn under this section from a Court of Small Causes shall, for the purposes of the suit, be deemed to be a Court of Small Causes.

(4) When a case has been withdrawn or transferred under section 25 of the [2]Code of Civil Procedure or under this section, any fees payable in such case under the [3] Court-fees Act, 1870, or under rules made under this Act, shall be payable at the rates which would have been applicable in the Court from which the case has been withdrawn or transferred. XIV of 1882. VII of 1870.

Delegation of pjwers of District Court with respect to administrative control.

32. The District Court may, with the previous sanction of the Local Government, delegate to any Sub-divisional Court in the civil district the powers conferred on the District Court by section 31 of this Act and by section 25 of the [2] Code of Civil Procedure, to be exercised by the Sub-divisional Court in any specified portion of the district within the area of the jurisdiction of the District Court. XIV of 1882.

Judges not t.> try ea«es la which they are personally interested.

33. *(1)* No Judge or Additional Judge of a Court under this Act shall hear or determine any suit, appeal or other proceeding to which he is a party, or in which he is personally interested.

> See now Act 9 of 190«, Genl. Acts, Vol. VI.

* See now the Code of Civil Procedure, 1908 (Act 5 of 1908), Genl. Acts, Vol. vl.

* Genl. Acts, Vol. II.

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(2) When uny such suit, appeal or other proceeding comes before any Judge of a subordinate Court, he shall forthwith transmit the record of the case to the Court empowered to transfer eases to which he is subordinate, with a report of the circumstances attending the reference, and such superior Court shall thereupon hear and determine the case or transfer it to some other Court.

(3) When any such suit, appeal or proceeding comes before an Additional Judge of a subordinate Court, he shall forthwith transmit the record of the case to the Judge of the Court, who shall hear and determine the case.

Appointment of Judges and Ministerial Officers of Subordinate Couits.

34. *(1)* The Judges of the Divisional, District, Sub-divisional and Township Courts shall be [1] appointed by the Local Government. Appointment of Judges.

(2) The Local Government may, whenever it thinks it necessary or expedient so to do, appoint an [2] Additional Judge or Judges to any Divisional, District, Sub-divisional or Township Court, and any officer so appointed an Additional Judge shall exercise the jurisdiction of the Court to which he is appointed, and the powers of the Judge thereof subject to any general or special orders of the Local Government' as to the class or value of suits or appeals which he or officers of his rank or grade may try, hear or determine, and subject also, in respect of the distribution of the business of the Court, to the control of the Judge thereof.

(5) An officer may be appointed an Additional Judge of one or more Courts, and an officer who is a Judge of one Court may be appointed an Additional Judge in another Court or in other Courts.

35. *(1)* The ministerial officers of the Divisional Court and of the District Court shall be appointed by the Judges of those Courts respectively. Appointment of ministerial officers,

(2) The ministerial officers of the Sub-divisional and Township Courts shall be appointed by the District Court.

(3) Every appointment made under this section shall be subject to such rules as the Local Government may, by notification in the local official Gazette, make in this behalf, and, in dealing with any matter under this section, the District Court shall act subject to the control of the Divisional Court.

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[1] For notifications appointing Divisional, District and Sub-divisional Townfhip Judges, see Bur. R. M., Vol. II, p 216, and Burma Gazette, 1900, 1904, 1906, Pt. I, pp. 303, 304, 78 and 395, and the notifications noted on pp. 89 to 93 of the Bur. R. M.. Vol I

[1] For list of such notifications, see pp. 93 to 95 of the Bur. R. M.. Vol. I.

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CHAPTER IY.

SUPPLEMENTAL PROVISIONS.

Place of sitting.

36. Every Civil Court shall be held at such place or places as the Local Government may, by notification in the local official Gazette, direct, or, in the absence of any such direction, at any place within the local limits of the jurisdiction of the Court.

Seal.

37. Every Civil Court shall use a seal of such form and dimensions as the Local Government may prescribe on all processes and orders issued, and on all decrees passed by it.

Vacations.

38. *(1)* Subject to the approval of the Local Government, the Chief Court shall prepare and publish in the local official Gazette a list of days to be observed in each year as holidays in the Chief Court and the Civil Courts subordinate thereto.

(2) A judicial act done by a Court on a day specified in a list published under sub-section (2) shall not be invalid by reason only of its having been done on that day.

Language of Courts.

39. Plaints, petitions and applications to a Court may be written, and evidence may be taken down, in such language or. languages as the Local Government may direct in this behalf.

Advocates of abolished Courts.

40. (2) Every person entitled immediately before the commencement of this Act to appear, plead or act in the Court of the Recorder of Rangoon or in the Court of the Judicial Commissioner, Lower Burma, shall be entitled to be enrolled as an Advocate of the Chief Court, and to practise therein and in the Courts subordinate thereto, subject to the provisions of the [1] Legal Practitioners Act, 1879, and to any rules applicable to Advocates made thereunder. XVIII of 1879.

(2) Every person entitled immediately before the commencement of this Act to appear, plead or act in any Court or Courts subordinate to the Court of the Recorder of Rangoon or to the Court of the Judicial Commissioner, Lower Burma, shall be entitled to practise as a pleader in such Courts or in the corresponding Court or Courts under this Act, subject to the provisions of the [1] Legal Practitioners Act, 1879, and to any rules applicable to pleaders made thereunder. XVIII of 1879.

Piwer to Local Government to make rule's as to process-serving establishment.

[2] 41. The Local Government, with the previous sanction of the Governor General in Council, may, notwithstanding anything in the [3] Court-fees Act, 1870, make [4] rules with respect to the establishments VII of 1870

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[1] Genl. Acts. Vol. III.

[2] S. 41 will be repealed by s. 4 of the Burma Process Fees Act, 1910 (Bur. Act I of 1910), when that Act is brought into force, ffe Appendix II, *post.*

[3] Genl. Acts. Vol. II.

* For rules made under s. 41 os to establishments to be maintained for the service and execution of processes issued by Civil, Criminal and Revenue Court* aiid officers and as to their remuneration, see Burma Oazette, 1900. Pt. I, p 317, and *ibid,* 1907, Pt. I, p. 433

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to be maintained for the service and execution of processes issued by Civil and Criminal Courts and Revenue Courts and authorities, and rules so made may be declared by the Local Government to be in supersession of all or any rules made under sections 22 and 23 of the said Act.

Continuance of proceedings abolished Courts.

12. *(1)* Where any Court under this Act has from any cause ceased to have jurisdiction with respect to any case, any proceeding in relation to the case which, if that Court had not ceased to have jurisdiction, might have been had therein, may be had in the Court to which the business of the former Court has been transferred.

(2) Nothing in this section shall be construed to apply to cases for which provision is made by section 623 or section 649 of the XIV of 1882. Code of Civil Procedure or by any other enactment for the time being in force.

CHAPTER V.

Provision for pending and past Proceedings.

Pending proceedings.

43. *(1)* All proceedings instituted before the commencement of this Act in the High Court of Judicature at Fort William in Bengal, and arising out of any civil or criminal proceeding in any Court in Burma, shall be continued in that High Court as if this Act had not been passed.

(2) Every proceeding pending in any Civil Court in Lower Burma at the commencement of this Act shall be deemed to be transferred to the Court exercising the jurisdiction under this Act, which corresponds to the jurisdiction of the Court in which the proceeding was instituted, and the Court to which any such proceeding is transferred, shall proceed to try, hear and determine the matter as if it had been instituted in such Court:

Provided that nothing herein contained shall be construed to extend the period of limitation to which any suit or appeal may be subject.

(3) Every criminal proceeding pending in the Court of the Judicial Commissioner for Lower Burma or in the Court of the Recorder of Rangoon at the commencement of this Act shall be deemed to be transferred to the Chief Court.

(4) Every insolvency proceeding pending in the Court of the Judge of the Town of Moulmein at the commencement of this Act shall be

[1] *See* now the Code of Civil Procedure, 1908 (Act 5 of 1906), Genl. Acts, Vol. VI.

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deemed to be transferred to the District Court of Amherst, and the said District Court shall in such proceedings exercise the jurisdiction which the said Judge would have had if this Act had not been passed, and an appeal shall lie from the decision of the said District Court therein to the Chief Court.

Appea Is after commen'*-ment of Act against deorees and orders parsed before.

44. Appeals from decrees and orders passed and not appealed against before the commencement of this Act shall lie as follows, namely: —

(a) when the appeal would before that date have la>n to the High Court of Judicature at Fort William in Bengal, or to the Special Court, the Court of the Recorder of Rangoon or the Court of the Judicial Commissioner of Lower Burma—to the Chief Court;

(*b*) when the appeal would before the commencement of this Act have lain to the Court of the Commissioner—to the Divisional Court;

(c) when the appeal would before the commencement of this Act have lain to the Court of the Deputy Commissioner or to the Court of an Assistant Commissioner or of an Extra Assistant Commissioner empowered to hear appeals under section 20 of the 'Lower Burma Courts Act, XIof 1889. 1889—to the District Court:

Provided that nothing herein contained shall be construed to extend the period of limitation to which any suit or appeal may be subject.

Execution of past decrees and orders.

45. *(1)* All decrees passed and orders made before the commencement of this Act by the High Court of Judicature at Fort William in Bengal and all sentences and orders passed in the exercise of criminal jurisdiction by the Court of the Recorder of Rangoon or by the Court of the Judicial Commissioner for Lower Burma shall be deemed, for the purposes of execution, to have been passed or made by the Chief Court.

(2) All decrees passed and orders made before the commencement of this Act by a Court mentioned in the first column of the following table shall, for the purposes of execution, be deemed to have been passed or made by the Court set opposite to it in the second column of that table exercising jurisdiction over the area in which the Court in the first column had jurisdiction, and every decree which, before the commencement of this Act, shall have been sent for execution to a Court mentioned in the first column of that table shall be deemed to

[1] Repealed by thj. Act.

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have been sent for execution to the corresponding Court in the s3i*ond column exercising jurisdiction over the same area.

1	2
The SpeciaJ Court	
Th^ Court of th.- Recorder of Rangoon . .	The Cl.ief Court.
The Court of the Judicial Commissioner of Lower Burn.a	
The Court of the Commissioner . . .	The Divisional Court.
The Court of the Judpe of the Town of Moulmein	The District Court
The Court of the Deputy Commissioner . .	
The Court of the Assistant Commissioner .	The Sub-divisional Court.
The Court of the Extra Assistant Commissioner	
The Court of the Myodk	The Township Court.

CHAPTER VI.

GENEE 4.L.

46. All rules made under this Act shall, on publication, have effect as if enacted by this Act. Rules to have effect as if enacted by Act.

47. The enactments mentioned in the first schedule are hereby amended to the extent and in the manner specified in the fourth column thereof. Amendment of certain enactments.

48. The enactments mentioned in the second schedule are hereby repealed to the extent specified in the fourth column thereof. Repeals.

THE FIRST SCHEDULE.

ENACTMENTS AMENDED.

(See section 47.)

Year.	No.	Short title.	Amendment.
		Part I.—Act* of the Governor General in Council.	
1606	XXVII.	The Indian Trustee** Act, li:6b.	*In (he definition of* High Court *in section 2, jfter thè word* Punjab *inserì thè words* and thè Chief Court of Lower Burina.
«	XXVIII	The Trustees and Mortgagees Powers Act, !86G.	*In thè definition of* High Court *in section 1, afta thè word* Punjab *add thè word»* and thè Chief Court of Lower Burina.

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THE FIRST SCHEDULE—*continued.*

It ear.	No.	Short title.	Amendment.
		***Pad I.—Acts of the Governor General in Council*—continued.**	
1809	IV	The Indian Divorce Act, 1869.	(1) In section 3, clause (1), *jo, the words* the Special Court constituted under the Lower Burma Courts Act, 1889, *substitute the words* the Chief Court of Lower Burma. (2) In section 3, clause (2), *for the words* the areas for the time being within the local limits of the ordinary civil jurisdiction of the Recorder of Rangoon and of the civil jurisdiction of the Court of the Judge of the Town of Moulmein, *substitute the word* Burma. (3) In the s»me clause, *for the words* the areas aforesaid—the Recorder of Rangoon and the Judge of the Town of Moulmein respectively, *substitute the words* Burma—a Judge of a Divisional Court.
1870	VII	The Court-fees Act, 1870.	For the words and figures in the first column of No. 14 of the first schedule *substitute the following* :— 14. Application to the Chief Court of Lower Burmo for the exercise of its revisional jurisdiction under- section 022 of the Code of Civil Procedure or section 25 of the Provincial SmiU Cau^e Court-Act, 1887.
'1877	*II*	*The Probate and Administration Act, 1877.*	*For clause* (c) *of section 1 substitute the following* :— (c) *the Chief Court of Lower Burma, and previous to its establishment the Court of the Recorder of Rangoon.*
	2* *	* »	* * * *
1879	in	The Destruction of Records Act, 1879.	In section 3, *after thi word* Bombay *insert the words* and the Chief Court of Lower Burma.
"	XVIII	The Legal Practitioners ict, 1879.	In «ection 41, sub-section *(4\ after the v^-rd* Punjab *insert the words* and the Chief Court of Lower Burma.

1 Act 2 of 1877 is now repealed by the Probate and Administration Act, 1903 (8 of 1903), Genl. Acts, Vol. V.

[2] The entry relating to the Indian Limitation Act, 1877 (15 of 1877), was repealed by the Indian Limitation Act, 1908 (9 of 1908), Genl. Acts, Vol. VL

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THE FIRST SCHEDULE—*continued.*

Year.	No.	Short title.	Amendment.
		Part I.—Acts of the Governor General in Council—continued.	
1881[1]	V	The Burma Boundaries Act, 1880.	In section 19, *for the words following the words* an appeal shall lie *down to the end of the section substitute the following* :— —in Lower Burma to the Chief Court of Lower Burma. ■—in Upper Burma to the Judicial Commissioner of Upper Burma. In section 21, *for the words* and the Recorder of Rangoon *substitute the words* of Upper Burma and the Chief Court of Lower Burma.
1881	V	The Probate and Administration Act, 1881.	In section 59, *for the words* Court of the Recorder of R mgoon *substitute the wo. ds* Chief Court of Lower Burma.
1*	*	* * *	* * * *
1891	XVI	The Colonial Courts of Admiralty (India) Act, 1891.	For sub-clause *(4)* of section 2 *substitute the following* :— (4) The Chief Court of Lower Burma.
1898	V	The Code of Criminal Procedure, 1898.	In section *i,* clause *(d), for the words* Recorder of Rangoon *substitute the words* Chief or Senior Judge of the Chief Court of Lower Burma. In section 4, clause *(f), for the words* Court of the Recorder of Rangoon *substitute the words* Chief Court of Lower Burma. In section 25, *for the words* the Judges oi the High Courts and the Recorder of Rangoon *substitute the words* and the Judges of the High Courts. In section 266, *for the words* Court of the Recorder of Rangoon *substitute hi words* Chief Court of Lower Burma. In section 361, sub-section (1), *after the word* Punjab *insert the words* or the Chief Court of Lower Burma. In section 365 *omit the word* and *after* Roya 1 Charter, *and after the- word* Punjab *insert the words* and the Chief Court of Lower Bunma.

[1] The entry relating to the (ode of Civil Procedure, 1882 (Act 14 of 1882), was repealed by the ('ode of Civil Procedure, 1908 (Act 5 of 1908), Genl. Ants, Vol. VI.

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THE FIRST SCHEDULE—*concluded.*

Year.	No.	Short title.	Amendment.
		***Part I.—Acts of the Governor General in Council*—concluded.**	
1809	II	The Indian Stamp Act, 1890.	In section 57, between sub-clauses *(d)* and (e) *insert*— (*1*) if it arises in Burma—to the Chief Court of Lower Burma ;
"	IX	Tlie Indian Arbitration Act, 1899.	For section 23 *substitute the following*:— 23. *(1)* This Act shall apply within the local limits of the ordinary civil jurisdiction of the Chief Court of Lower Burma in cases where, if the subject-matter submitted to arbitration were the subject of a suit, the suit could, whether with leave or otherwise, be instituted within those local limits. (2) For the purposes of this Act, the local limits aforesaid shall be deemed to be a presidency-town.
		Part II.—Regulation made under the Government of India Act, 1870 (33 Viet., c. 3).	
1874	VIII	The Arakan Hills Civil Justice Regulation, 1874.	In section 76, *for tht words* Judicial Commissioner, *wherever they occur, substitute the words* Chief Court; *for the words* in his Court *substitute the words* in the Chief Court; *and for the words* his judgment *substitute* its judgment.
		Partili.—.-Ici-s of the Lieutenant-Governor of Burma in Council.	
1S98	III	The Burma Municipal Act, 1898.	In section 63, sub-section *15), for th* words* Judicial Commissioner *substitute <ht words* Chief Court of Lower Burma, if the case has arisen in Lower Burma ; or to the Judicial Commissioner of Upper Burma, if the case has arisen in Upper Burma. In section 63, sub-section (5), *before, the words* the Judicial Commissioner, *wherever they occur, insert the words* the Chief Court or In section 64, sub-sections *(5)* and (6), *for the word* Recorder, *wherever it occurs, substitute the words* Chief Court of Lower Burma.

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THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

(See section 48.)

Year.	No.	Short title.	Extent of repeal.
		Acts of the Governor General in Council. *	
1864	XVII	The Official Trustees Act, 1864.	Sub-section (*3*) of section 34.
1865	X	The Indian Succession Act, 1865.	In the definition of " High Court " in section 3, *the words* and for the purposes of sections 242, 242A, 246A and 277A, shall include the Court of the Recorder of Rangoon.
1873	X	The Indian Oaths Act, 1873.	The explanation to section 7.
1874	II	The Administrator General's Act, 1874.	Sub-section (3) of section 68.
1879	in	The Destruction of Record* Act, 1879.	The second paragraph of sjction 2.
1882	vn	The Powers of Attorney Act, 1882.	Section 4, clause (/).
	■ * *	* *	* . . *.
1883	V	The Indian Merchant Shipping Act, 1883.	Section 15, sub-section (2).
1884	VI	The Inland Steam-vessels Act, 1884.	Section 39, sub-section (2).
1889	XI	The Lower Burma Courts Act, 1889.	So much as has not been replied.
1890	VIII	The Guardians and Wards Act, 1890.	So much of the schedule as relates to Act XI of 1889.
1891	XII	The Repealing and Amending Act, 1891.	So much of the second schedule as relates t J Act XI of 1889.
9»	XVI	The Colonial Courts of Admiralty (India) Act, 1891.	So much of the schedule as relates to Act XI of 1889.
1898	V	The Code of Criminal Procedure, 1898.	Section 183, sub-section (2).
			Trt section 487, *the words* and the Feo"rder of Rangoon.
1900	III	The Prisoners' Act, 1900.	The second and third paragraphs of section 49.

[1] Tb" entrj relating to the Code of Civil Procedure, 1882 (Act 14 of 1882', was repealed by s. 156 of the Code of Civil Procedure, 1908 (Act 5 of 1908), Genl. Acts, Vol. VI. | ~

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ACT No. I OF 1903.[1]

[6th March, 1903.]

An Act to facilitate the citation of certain enactments, to amend certain enactments and to repeal certain other enactments.

WHEREAS it is expedient to facilitate the citation of the enactments specified in the first schedule to this Act;

And whereas it is also expedient that certain formal amendments siiould be TQS.de in the enactments specified in the second schedule to this Act;*

And whereas it is also expedient that certain enactments specified m the third schedule to this Act, which are spent, or have ceased to be in force otherwise than by express specific repeal, or have by lapse of time or otherwise bccome unnecessary, should be expressly and specifically repealed;

It is hereby enacted as follows: —

Short title.

1. This Act may be called the Repealing and Amending Act, 1903.

2* * * * * * *

Amendment of certain enactments.

3. The enactments specified in the second schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

Repeal of certain enactments. Savings.

4. The enactments specified in the third schedule are hereby repealed tc the extent mentioned in the fourth column thereof.

5. The repeal by this Act of any Enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to;

and this Act ¿hall not affect the validity, invalidity, effect or consequences of anything already done or stiffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized or derived by, in or from any enactment hereby repealed ;

nor shall the repeal by this Act of any enactment provide or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

2* * * * * » *

[1] For Statement of Objects and Reasons, *see* Gazette of India, 1903, Pt. V, p. 72, and for Proceedings in Council, see *ibid,* Pt. VI, pp. 6 and 15.

[5] Section 2 and the hrst Schedule are omitted. It relates to the mode of citation of enactments none of which are published in this Code.

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THE SECOND SCHEDULE.

(See section 3.)

1	2	3	4
Year.	No.	Subject or short title.	Amendments.
1 *	*	* *	* * * *

Part II.—Acts of the Governor General in Council.

1 *	*	*	*	*	*	* * * *
21879	XIV	**The Hackney** Carriage **Act, 1879.**	In section 3, ***for*** The Lieutenant-Governors of the North-Western Provinces and the Punjab and the Chief Commissioners of Oudh, the Central Provinces, British Burma, ***substitute*** The Lieutenant-Governors of the United Provinces of Agra and Oudh, the Punjab and Burma and the Chief Commissioner of the Central Provinces.			
3*	*	* * *	* * * *			

Part IV.—Burma Act.

1898		I The Burma General Clauses Act, 1898.	In section 20, ***before the word*** order, ***in each of the. places in which it occurs, insert*** notification. In section 21, ***for*** make ***substitute*** issue notifications, ***between the words*** any ***and*** orders ***insert*** notifications, ***and for*** made ***sub' titute*** issued. In section 24, ***before the word*** order, ***in each of the places in which it occurs, insert*** appointment, notification ; ***and before the word*** issued, ***in each of the places in which it occurs***, ***insert*** made or			

Part V.—Regulation made, under the Government of India Act, 1870 {33 *£- 34 Viet., c. 3).

1874	IX	The Arakan Hill District Laws Regulation, 1874.	In the first column of the schedule, ***for*** II of 1857 ***substitute*** XI of 1857.			

[1] Part I and so much of the rest of the second Schedule as do not affect enactments published in this Code is omitted.

[2] ***Supra.***

[3] Part III of this Schedule which relates to Acts of the Bengal Council is omitted.

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THE THIRD SCHEDULE.

1	2	3	4
Year.	Jio.	Subject or short titlo.	Extent of repeal.
		Fart 1.—Regulations of the Bengal Code.	
1*	*	* * • * *	* *
1818	III	The Bengal State Prisoners Regulation, 1818.	In section *i, the words* or City, *wherever occur.* ”
	* *	* * ♦ * ♦ *	
		Part II.—Acts of the Governor General in Council.	
2*	[1] • » t • •		
1867	XXXII	The Chief Commissioners Powers Act.	In the preamble, *the words* and British Burma. In section 1, *the words* or British Burma.
2*	* *		
1882	XVIH	The Burma Steam-boilers and Prime-movers Act, 1882.	In section 18, *the word* thrice *and the word* last.
2*			* * * *
[3]1898	XIII	The Burma Laws Act, 1898.	In the preamble, *the word* repeal. Section 18 and the fifth Schedule.
4*			
		Part VII.—Regulations made under the Government of India Act, 1870 (33 & 34 Viet., c. 3).	
5*			
1874	IX	The Arakan Hill District Laws Regulatcn, 1874.	So much of section 3 and the Schedule as relates to Act XXXIV of 1855 (Enforcement of judgments of Charter Courts) and Act XXXII of 1867 (The Chief Commissioners' Powers Act),
1886	VII	The Upper Burma Criminal Justice Regulation, 1886.	So much as is unrepealed.
5*	* *	* *	* * * * *
¡890	VI	Criminal Justice, Upper Burma.	Tho whole.
5*	*	* * *	* * * * *

[1] The rest of Part I which does not affect enoctments published io this Code is omitted.

[2] So much of Part II of this Schedule as relates to cnaotments not published in this Code is omitted.

[3] *Ante.*

* Parts III, TV, V and VI of this Schedule relate respectively only to Acts of the Madras, Bombay, Bengal and United Provinces Councils.

[5] The rest of Part VII which related to Regulations not belonging to the Burma Code is emitted.

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ACT No. Ill OF 1904.[1]

[*20th February, 1904.*]

An Act to make further provision regarding the borrowing powers of certain local authorities.

WHERE vs it is expedient to make further provision regarding the boirowing powers of certain local authorities; It is hereby enacted as follows: —

Short title and extent.

1. (*1*) This Act may be called the Local Authorities Loan Act, 1904.

(*2*) It applies only to the local authorities specified in the schedule,[11" l<lCTU- and any other local authority to which the Governor General in Council may, by notification in the Gazette of India, extend its provisions

Power to borrow for short term.

2. Notwithstanding anything in any other enactment for the time being in force, but subject always to the provisions of section 25 of the bills."
KX of 1882. [2] Indian Paper Currency Act, 1882, a local authority may, with the previous sanction of the Governor General in Council, borrow money by means of the issue of [3] [bills or promissory notes payable] within any period, not exceeding twelve months, for any purpose for which such local authority may lawfully borrow money under any law for the time being in force:

Provided that the amount of the bills [3] [or promissory notes] which may be so issued, shall not exceed, when the amount of the other moneys for the time being borrowed by such local authority is taken into account, the total amount which such local authority is empowered by law to borrow.

Power of borrowing to repay* previous loan.

3. Notwithstanding anything in any other enactment for the lime being in force, a local authority may, with the previous sanction of the Governor General in Council, borrow money in any manner authorised by law for the purpose of repaying money previously borrowed in accordance with law :

Provided that nothing in this section shall be deemed to empower a local authority to fix a period for the repayment of any money borrowed thereunder which, when the period fixed for the repayment of the money previously borrowed is taken into account, will exceed the maximum period fixed for the repayment of a loan by or under any enactment for the time being in force.

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[1] For Statement of Objects and Reasoi-s, *see* Gazette of India. 1903, Pt. V, *pp.* 515; for Report of the Select Committee, *see ibid,* 1904, Pt. V, p. 19, and for Proceedings in Council, *see ibid,* 1903. Pt. VI, p. 169, *ibid,* 1904. Pt. VI, pp. 9 and 2(V

* *See* now s. 26 of the Indian Paper Currency Act, 1910 (2 of 1910).

[3] These words were inserted by s. 2 of the Local Authorities Loan Act, 1908 (8 of 1908), *"post.*

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Regulation of conditions of borrowing and repaying money under Aot.

4. The Governor General in Council may, by general or special order, regulate the conditions on which money may be borrowed or repaid under this Act.

THE SCHEDULE.

(See section 1.)

The Corporation of Calcutta.
The Commissioners for the Port of Calcutta.
The Municipal Corporation of the City of Bombay.
The Trustees of the Port of Bombay.
The Municipal Commissioners for the City of Madras.
The Trustees of the Harbour of Madras.
The Municipal Committee of Rangoon.
The Commissioners for the Port of Rangoon.
The Municipality of Karachi.
The Trustees of the Port of Karachi.
The Trustees for the Improvement of the City of Bombay.

ACT No. VII OF 1906.[1]

[31st August, 1906.~]

An Act to amend the [2]Excise Act, 1896.

Whereas it is expedient to amend the [2] Excise Act, 1896; It is **XII of i8»».** hereby enacted as follows : —

Short title.

1. This Act may be called the Excise (Amendment) Act, 1906.

Amendment of section 3, (I), ( ), Act Xn, 1896.

2. In section 3, sub-section *(1),* clause *(j),* of the Excise Act, 1896, **of** 1696»] **XII** to the definition of " intoxicating drugs " the following shall be added, namely: —

[Ante, p. 111.]

3. [Amendment of section 18 (2), Act XII, 1896.] *The amendment does not affect or apply to Burma.*

Addition of proviso to seotion 21, Aot XII, 189».

4. To section 21 of the said Act the following proviso shall be added, namely : —

[Ante, p. 119.]

Repeals.

5. *The United Provinces Excise Law Amendment Act, 1906,* andlofi90fl. section 2 of the Burma Excise Law Amendment Act, 1904, are hereby [1]['* repealed : 1904.

[1] **For Statement of Objects and Reasons, *xee* Gazette of India, 1906, Pt. V, p. 28. and for Proceedings in Council, *ee *ibid,* Pt. VI, pp. 61 and 119.**

[2] ***Ante,* p. 107.**

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Provided that any rules or orders which may have been issued under the Excise Act, 1896, as amended by either of the enactments hereby repealed, shall be deemed to have been issued under the Excise Act, 1896, as amended by this Act.

ACT No. VIII OF 1908.[1]

[10th July, 1908.']

An Act to amend the Local Authorities Loan Act, 1904.

IIIofLOOt WIIEEEAS it is expedient to amend the [2]Local Authorities Loan Act, 1904; It is hereby enacted as follows: —

1. This Act may be called the Local Authorities Loan (Amendment) g^ft title. **Act, 1908.**

m of L90i. 2. **In section** 2 **of the [2] Local Authorities Loan Act, 1904, for the** Amendmen. **words " bills repayable " the words " bills or promissory notes payable "** of section 2, Act III **shall be substituted; and in the proviso to the same section, after the ishh. ' word ^bills" the woids "or promissory notes" shall be inserted.**

---

[1] For Statement of Objects and Reason«, *see* Gazette of India, 1908, Pt V, p. 281, and foi Proceedings in Council, *see ibid,* 1908, Pt. VI, pp. 128 and 141.

[2] *Ante.* p. 181.

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V.

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PART III.

REGULATIONS MADE BY THE GOVERNOR GENERAL IN COUNCIL UNDER THE GOVERNMENT OF INDIA ACT> 1870 (33 VICTORIA CHAPTER 3), FOR BURMA.

REGULATION No. VIII of 1874.[1]

-Published in the Gazette of India of 20th February, 1875, p. 76, and in the Burma Gazette of 6th March, 1875, p. 242.

Preamble. WHEKEAS by a Resolution passed by the Secretary of Stale in Council on the fifth day of October, 1871, the provisions of the 33rd of Victoria, chapter 3, section 1, were declared applicable to the Hill District of Arakan;

And whereas the [2] Chief Commissioner of [3] British Burma has proposed to the Governor General in Council a draft of the following Regulation together with the reasons for proposing the same;

And whereas the Governor General in Council has taken such draft and reasons into consideration, and has approved of such draft, and the same has received the Governor GeneiaPs assent;

In pursuance of the direction contained in the said section, the said [4] Regulation is now published in the Gazette nf India, and w ill be published in the local Gazette, and will thereupon have the force of law.

[1] *Preliminary.*

Short title. 1. This Regulation may be called the Arakan Hills Civil Justice Regulation, 1874. and it shall extend to the tract of country knowa as Local extent. the Hill District of Arakan.

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[1] **The Arakan Hilb Civil Justice Amendment Regulation, 1876 (5 of 1876), is to be read with and taken as part of this Regulation, *post.***

[2] **Read now " Lieutenant-Governor," *see* Proclamation, dated 9th April, 1897, Gazette of India, 1897, Pt. I, p. 261. All powers conferred or duties imposed upon the Chief Commissioner, shall on and with effect from 1st May, 1897, be deemed to be and to have befm conferred or imposed upon the Lieutenant-Governor of Burma, *see* Burma Laws Act, 1898 (13 of 1898). s. 15, *ante.***

[3] **Read now " Lower Burma," *see* s. 7 of the Burma Laws Act, 1898 (13 of 1898).**

[4] **Reg. 8 of 1874 name into force on 6th March, 1875. *see* Burma Gazette, 1875, Pt. I, p. 242.**

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(Of the Courts, their Jurisdiction, and the law to be administered by them.)

In this Regulation—

■«ords importing the masculine gender include females: words in the singular include the plural, and *vice versa.*

"person[1]' includes any company or association or body of individuals:

"month" means month reckoned according to the British calendar:

"British India" means the territories for the time being vested iu Her Majesty by the [1] Statute 21 & *22* Yict., c. 106, other than the Settlement of Prince of Wales' Island, Singapore and Malacca; and

'' section" means the section of this Regulation.

Of the Courtx, their Jurisdiction, and the law to be administered by them-

Posera of the Courts

2. The Civil Courts in the said district shall be of three grades (namely)—

the Couris of the Assistant Commissioners and Extra Assistant Commissioners;

the Court of the Deputy Commissioner; and

the Court of the Commissioner:

And the powers of such Courts, respectively shall be as follows: —

(a) an Assistant or Extra Assistant Commissioner may try original cases whatever be the value or the amount of the subject-matter thereof:

(i*b)* the [2]l)eputy Commissioner may, except as hereinafter provided, heaT appeals from all decrees and orders of the Assistant Commissioner and Extra Assistant Commissioner :

he may also remove into his own Court any original case pending in' the Court of one of these officers, and dispose of it himself, or transfer any such case from the Court of one of these officers to the Court of another:

(c) the Commissioner shall be the highest Court of appeal in all civil matters: he may, except as hereinafter provided, hear appeals from the decrees and orders of the Deputy Commissioner whether passed in original cases or on appeal:

he may also remove into his own Court any original case or appeal pending in any subordinate Court, and dispose of

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*** The Government of India Act, 18o8, Coll. Stats. Ind., Vol. I.**

[3] For jurisdiction of Deputy Commissioner to entertain and try all civil suits originally instituted in his own Court, •" the Arakan Hills Civil Justice Amendment Regulation, 1876 (5 of 1876), s. 2, post.

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(Of the Couits, their Jurisdiction, and the law to be administered by them. Of Appearances, Applications and Acts by Parties.)

the same, or transfer any original case from any one subordinate Court to any other.

3. The Court shall not try any suit in which the matter in issue has been heard and finally decided by a Court of competent jurisdiction in a former suit between the same parties in the same rights, or between parties under whom they or any of them claim. Effect of] prior adjudication.

The Courts shall not try any suit in which the matter in issue is also in issue in another suit between the same parties, or between parties under whom they or any of them claim, pending in the same or any other Court, whether superior or inferior, in British India. **Effect of** pendlng suit'

4. When in any civil proceeding it is necessary for any of the Courts mentioned in section 2 to decide any question regarding succes- sion, inheritance, marriage or caste, or any religious usage or institution, Law to be administered.,

the Buddhist law in cases where the parties are Buddhists,

the Muhammadan law :n cases where the parties are Muhammadans, and

the Hindu law in cases where the parties are Hindus,

shall form the rule of decision, except in so far as such law has, by legislative enactment, been altered or abolished, or is opposed +o any custom having the force of law in the said tract.

In cases not provided for by the former part of this section or by any other law for the time being in force, the Court shall act according to justice, equity and good conscience. •

Of Appearance . Applications, and Acts by Parties.

5. The Court may* in its discretion, for any sufficient reason, permit ^ any appearance, application or act required to be made or done by a party under this Regulation to be made or done by suc'h party through agent; party may , ? permitted appoint an

a duly authorized agent. Such permission shall in all cases be granted to persons exempt from personal appearance under sections 55 and 56.

6. Except with the permission of the Court granted under section 5, if every such appearance, application or act shall be made or done by parties in person. not so permitted the ^ust appear person.

7. The Court may, if it thinks fit in any case in which it has permitted a party not being a person exempt from personal appearance under sections 55 and 56 to appear by agent, withdraw such permission drcwn. at any stage of the proceedings, recording its reasons for so doing, and require such party to attend in person. Permission to appoint agent may be with-

8. Any party required to attend in person under section 7, and failing so to attend, shall be subject to all the provisions of sections 26 '^""n pe^n" to 31 applicable to parties who do not appear. Consequences t ap ar - i when required.

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Of the Institution of Suits.

filing plainl or making complaint.

9. The plaintiff may commence his suit either by making to the Judge a verbal complaint which shall be reduced to writing by an officer of the Court, or by presenting a -written plaint.

Examination ol plain i .

10. On a complaint being made or a plaint presented, the Court shall regis^er gu^ the esami^ne the plaintiff or his agent as to the merits of his case.

Summary dismissal of ■suit.

11. If upon such examination it appears that there is no substantial cause of action or that the claim is one which from its nature is not a proper subject of litigation in a Civil Court, the Court may dismiss the suit.

Issue of »uaontii.

12. If upon such examination it is found that the plaintiff sets forth ^ good cause of action, the Court shall issue a summons to the defendant to appear and answer at a certain place and on a certain day.

Of the Service of Summons on Defendants.

How service shall be made

13. Service of the summons shall be made by delivering or tendering when There :i c0Py thereof under the signature of the Judge and seal of the Court; **?re several -defendants-** and when there are more defendants than one, service of the summons 8ba:l be made on each defendant.

Service to be on defendant in person.

14. Whenever it is practicable the service shall be on the defendant ia person.

Service when defendant cannot be found.

15. When the defendant cannot be found it may be made on any adult male member of his family residing with him.

In all eases the person served 13 to be required to endorse the flumm *ns. **But service is sufficient without.**

16. In all cases where the summons is served on the. defendant personally, or on any person on his behalf, the person on whom the service is made shall be required to sign an acknowledgment of service, to be endorsed on the original summons, or on a copy thereof under the seal of the Court. If such person refuse to sign the acknowledgment, the service of the summons shall nevertheless be held sufficient, if it be otherwise proved to the satisfaction of the Court.

Service when personal service cannot be effected.

17. When the defendant cannot be found, and there is no person on whom the service can be made, the service may be effected by fixing the copy of the summons on the outer door of the house in which the defendant is dwelling, if he is dwelling at any place within the district.

Time and •manner of •service to be endorsed on •summons.

18. The person serving a summons shall, in all cases in which the summons has been served, endorse on the original summons, or on a copy thereof under the seal of the Court, the time when, and the manner in which, it was served.

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(Of the Service of Suvimons on Defendants. Consequences of Non-appearance of Parties.)

19. When a summons is returned to the Court without having been served if the plaintiff satisfies the Court that there is reasonable ground for believing that the defendant is keeping out of the way for the purpose of avoiding the service of the summons, the Court shall order the summons to he served by fixing up a copy thereof upon some conspicuous place in the. court-house, and also upon the door of the house in which the defendant last resided, if it be known where he last resided; or that the summons shall be served in such other manner as the Court thinks proper. And the service so substituted by order of the Court shall be as effectual as if it had been made in the manner above specified.

when summons returned unserved, Court to order substituted service, if satisfied that defendant is avoiding service.

20. Whenever service is substituted by order of the Court by virtue of the power contained in the last preceding section, the Court shall fix such time for the appearance of the defendant as the case may require.

When service substituted, time for appearance to be fixed.

21. If the defendant be resident beyond the limits of the district and have no agent empowered to accept the service, the Court in which the suit is instituted shall transmit the summons for service to any Court having jurisdiction at the place where the defendant resides by which it can be most conveniently served.

Service of summons when defendant resides beyond limits of district.

22. If the defendant be resident out of British India and have no agent empowered to accept the service, the summons shall be addressed to the defendant at the place where he may reside and forwarded to him by post or otherwise; and if, on the day fixed for the hearing of the suit, cr on any day to which the hearing may be adjourned, the defendant does not appear, the plaintiff may apply to the Court, and the Court may direct that the plaintiff shall be at liberty to proceed with his suit in such manner and subject to such conditions as the Court thinks fit.

Service of summons when defendant resides out of British India.

Procedure in case of defendant's non-appearance.

23. Whpn the suit is for land or other immoveable property, and the summons for any reason cannot be served on the defendant in person, the summons may be served on any agent of the defendant in charge of Such property.

Service on agent in charge of immoveable property.

Consequences of Non-appearance of Parties.

24. If, on the day fixed for the defendant to appear and answsr, or If any other day subsequent thereto, to which the hearing of the suit may be adjourned, neither party appears when called upon by the Court, the suit shall be dismissed.

Whenever a suit is dismissed under this section, the plaintiff may orifsuffibring a fresh suit; or, if within the period of thirty days he satisfies the Court that there was a sufficient excuse for his non-appearance, the

neither party appear suit dismissed, plaintiff may bring fresh suit on excuse for appearance,»

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fresh summons may be issued.

Court may issue a fresh summons upon the plaint already filed or complaint already recorded.

If plaintiff only appear, Court may proceed *tx parte.*

25. If the plaintiff appears and the defendant does not appear and it is proved to the satisfaction of the Court that the summons was duly served, the Court shall proceed to hear tlic suit *ex parte.*

If defendant appear on day oi adjourned hearing, he may be heard.

If the defendant appears on any subsequent day to yliicli the hearing of the suit is adjourned, and assigns good cause for his previous non-appearance, he may, upon such terms as the Court may direct as to payment of costs or otherwise, be heard in answer to the suit in like manner as if he had appeared on the day fixed for his appearance.

If due service of summons be Jiot proved. Court may trder issue of second summons.

26. If the plaintiff appears and the defendant does not appear, and it is not proved to the satisfaction of the Court that the summons was duly served in any of the modes of service hereinbefore provided, the Court may direct a second summons to the defendant to be issued in any of the said modes.

If service was not in due time, Court may adjourn hearing and direct notice to be given to defendant.

27. If the plaintiff appears and it is proved to the satisfaction of the Court that the summons was served on the defendant, but not in sufficient time to enable him to appear and answer on the day fixed in the summons, the Court shall postpone the hearing of the suit to a future day to be fixed by the Court, and may direct notice of such day to be given to the defendant.

If defendant only appears, Court to pass judgment by default.

28. If ihe defendant appears and the plaintiff does not appear, the Court shall pass judgment against the plaintiff by default, unless the defendant admits the claim, in which case the Court shall pass iudgment against the defendant upon such admission.

No fresh suit after such judgment.

When judgment is passed against a plaintiff by default, he shall be precluded from bringing a fresh suit in respect of the same cause of action.

Consequence of non-appearance <^f one or more of several plaintiffs-

29. If there are two or more plaintiffs and one or more of them appear and the other or others of them do not appear, the Court may proceed with the suit at the instance of the plaintiff or plaintiffs who appear in the same way as if all the plaintiffs had appeared, and pass such order &s may be just and proper in the circumstances of the case;

Consequence of non-apj>earance of on« or more of several defendants.

and if there are two or more defendants, and one or more of them appear and the other or others of them do not appear, the Court shall proceed with the suit to judgment, and shall at the time of passing judgment give such order, with respect to the defendant or defendants who have not appeared, as is just and proper in the circumstances of the case.

No appeal

30. No appeal shall lie fmm a judgment passed *ex farte* against

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(Of fixing Issues and of the Preparations for the Hearing.)

a defendant who has not appeared, or from a judgment against a plaintiff by default for non-appearance :

from judgment passed ex parte, or default, when and how judgment against defendant may be set aside.

But in all cases in which judgment is passed *ex parte* against a defendant, he may apply, within a reasonable time, not exceeding thirty days after any process for enforcing the judgment has been executed, to the Court by which the judgment was passed, for an order to set it aside; and, if it is proved to the satisfaction of the Court that the summons was not duly served, or that the defendant was prevented by any sufficient cause from appearing when the suit was called on for hearing, the Court shall pass an order to set aside the judgment, and shall appoint a day for proceeding with the suit.

when and how judgment by default against a plaintiff may be set aside.

In all cases of judgment against a plaintiff by default, he may apply, within thirty days from the date of the judgment, for an order to set it aside; and, if it is proved to the satisfaction of the Court that the plaintiff was prevented by any sufficient cause from appearing when the suit was called on for hearing, the Court shall pass an order to set aside the judgment by default and shall appoint a day for proceeding with the suit:

No judgment to be set aside without notice to opposite party.

But no judgment shall be set aside on any such application as aforesaid unless notice thereof have been served on the opposite party.

Order for setting aside judgment shall be final, An appeal from order of rejection.

In all cases in which the Court passes an order under this section for setting aside a judgment, the order shall be final; but, in all cases in which the Court rejects the application, an appeal shall lie from the order of rejection to the tribunal to which the final decision in the suit would be appealable:

Proviso, appeal from such final decision.

Provided that the appeal be preferred within the time allowed for an appeal from such final decision.

Of fixing Issues and of the Preparations for the Hearing.

Framing of issues.

31. If both parties or their agents are present on the day fixed for the defendant to appear and answer, or on any subsequent day to which the proceedings may be adjourned for this purpose, the Judge shall examine them with a view to ascertaining upon what questions of law and fact the parties are at issue, and, having with his own hand made a note of such examination, shall frame and record the issues of law and fact on which the right decision of the case may depend.

examination of parties as to the evidence adduced by

32. If the parties are at issue on any question of fact, the Court shall then further examine them or their agents as to the evidence they intend to adduce upon such question, and shall fix a time and place for the hearing of the suit; and, upon such sums being deposited for

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them, etc.

the expenses of witnesses as the Court thinks reasonable, shall issue such summonses for the attendance of witnesses and the production of documents as the parties may desire.

Issue of summnns to witnesses.

Service of summons on witnesses.

33. Every summons to a witness shall be served as nearly as may be in the manner already hereinbefore provided for the service of summons on a defendant.

Witness neglecting to attend, may l)e arrested.

34. If any witness on whom a summons has been so served neglects or refuses to appear at the time and place appointed, and offers no reasonable excuse for such neglect or refusal, the Court may issue a warrant to bring stich witness before it to give his evidence.

Of the Hearing.

Evidence how to be taken ;

35. On the day appointed for the hearing of the suit or on some other day to which the hearing may be adjourned, the evidence of the witnesses and of any parties to the suit appearing as witnesses shall be taken by the Judge orally in open Court, and in presence of the parties.

to be interpreted.

Any evidence given in a language not understood by any party to a suit shall be interpreted to such party as the examination proceeds.

Par ties may examine.

Each paity may examine the opposite party and all witnesses.

Evidence how to be recorded.

30. The substance of all evidence thus taken shall be reducsd to writing by the Judge as the examination proceeds, with his own nand, in English in the Courts of the Commissioner, the Deputy Commissioner and the Assistant Commissioners, and in Burmese in the Courts of the Extra Assistant Commissioners.

Court may of its own moti >n examine witness or require production of a doeument.

37. The Court may at any stage of the proceedings in a suit examine as a witness any person present in Court, or call upon him to produce any document or other thing, or summon any person to give evidence or produce any document or other thing, if it considers that the evidence of such' person or the production of such document or thing is likely to aid it in the decision of the matters in dispute.

Of Commissions to take Evidence, make local Enquiries and examine Accounts.

Issue of commissions when witness is unable to attend ;

38. If in any case—

(a) the evidence of a witness is required who is resident at some place far distant from the place where the Court is held, or who is unable from sickness or infirmity to attend before the Court to be personally examined, or is exempted under section 55 or section 56 from personal appearance in Court, or,

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(Of Judgment.)

(*b*) a local investigation seems requisite for elucidating any matter in dispute, or, When local investigation is necessary;

(*c*) an examination oi any accounts becomes necessary, when accounts are to be examiucd.

the Court may, if it thinks fit, issue a commission to any person delegating to him such powers and containing such instructions as it thinks necessary for the examination of such witness, or the making of such local investigation or the examination of such accounts; and such commission and the return thereto, and the depositions of any witnesses who may have been examined under such commission, and any documents filed before the Commissioner, shall form part of the record.

Of Judgment.

39. When the documentary evidence (if any) has been perused, the witnesses examined and the parties heard, the Court shall, either immediately or on some subsequent day, of which due notice 3hall be given to the parties, deliver its judgment. Delivery of iudgment.

40. The judgment shall be written by the Judge with his own hand, in English in the Courts of the Commissioner, the Deputy Commissioner and the Assistant Commissioners, and in Burmese in the Courts of the Extra Assistant Commissioners, and it shall be dated and signed by the Judge at the time it is delivered. Judgment how to be written.

When the judgment is written in English, it shall be translated into Burmese, and the translation shall be signed by the Judge at the time of delivering judgment. When to be translated.

41. The j 'ldgment shall contain the decision of the Court upon each issue; together with the grounds of such decision, and shall conclude with a decree clearly stating the relief granted or other determination of the suit: Judgment Decree,

Provided that, when the decision upon any one or more issuss is sufficient for the disposal of the suit, it shall be in the discretion of the Court to abstain from pronouncing any decision upon the remaining issues.

42. The decree shall specify the costs payable and the parties by whom they are to be paid. Costs to be specified in decree.

In determining the amount of costs no allowance shall be made for the remuneration of agents employed in the suit, and the costs of serving any process shall be calculated according to the actual ra+e of pay of the person employed to serve such process for the time during which he was occupied in serving it. No allowance for re- tionoTagent." Costs of serving process how eaicu- lated.

43. When the suit is for a sum of money due to the plafaiiff, the Court may in the decree order interest at such rate as it thinks lit to Interest may be allowed to date of

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decree, and from date of decree to date of payment.

be paid on the principal sum adjudged from the date of suit to the date of decree, in addition to any interest adjudged on such principal sum for any period prior to the date of suit; with further interest on the aggregate sum so adjudged and on the costs of the suit, from the date of the decree to the date of payment.

Court may order payment by instalments.

44. In all decrees for the payment of money the Court may for any sufficient reason order that the amount shall be paid by instalments witli or without interest.

Decree for delivery of moveable property to fix a sum payable as alternative.

45. When the suit is for moveable property, if the decree be for the delivery of such property, it shall further fix an amount of money to be paid as an alternative if delivery cannot be enforced.

Copies of judgment to be furnished to parties.

46. Certified copies of the judgment, and, in cases where the judgment is required to be translated, of the translation thereof, shall be furnished to the parties on application and payment by them of the expenses of preparing such copies.

Of special Courses of Procedure to he followed in pertain Cases.

Arrest and attachment before judgment when defendant seeks to evade proceedings.

47. If the Court at any stage of the proceedings before judgment is satisfied upon such enquiry as it may consider necessary that the defendant, with intent to avoid or delay the plaintiff, or to obstruct or delay the execution of any judgment that may be passed against him,, is about to leave the jurisdiction of the Court or to dispose of any property or remove any moveable property from the jurisdiction of the Court, it may issue its warrant for the apprehension of the defendant or the attachment of his property, or both, and may, unless the defendant gives security for the satisfaction of any judgment that may be pronounced against him, detain him in custody and his property under attachment until judgment is pronounced.

Security muy be required from defendant- about to leave British India.

48. If the Court at any stage of the proceedings before judgment is satisfied, upon such enquiry as it may deem necessary, that the defendant is about to leave British India, with intent to remain absent so long that the plaintiff will or may be thereby obstructed or delayed, in the execution of any judgment that may be passed, it may call upon the defendant to furnish security for the satisfaction of any judgment that may be pronounced against him; and unless he furnishes such security may commit him to custody until judgment is pronounced.

Injunction against waste, damage or alienation of pruj erty in dispute.

49. If the Court at any stage of the proceedings before judgment is satisfied, upon such enquiry as it may deem necessary, that any property which is' in dispute in the suit is in danger of being wasted, damaged or alienated by any party to the suit, it may issue an injnnc-

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tion to such party commanding him to refrain from doing the particular act complained of, or give such orders for the purpose of staying and preventing him from wasting, damaging or alienating the property, or for the care and custody thereof, as it deems fit.

Injunction against breach of contract or threatened injury.

50. In any suit for restraining the defendant from the committal of any breach of contract or other injury, the Court may at any time after the commencement of the suit, whether before or after judgment, and on such terms as it deems fit, issue an iniunction restraining the defendant from the repetition or continuance of the breach of contract or wrongful act complained of, or the committal of any similar breach of coiftract or injury; and in case of disobedience such injunction may be enforced by imprisoning the defendant in the civil jail until he obeys the injunction.

Power to vary or set aside orders made under preceding sections, and to adjudge compensation.

51. The Court may at any time vr>ry or set aside any order made by it under any one of the four last preceding sections; and, if it is satisfied that any such order has been applied for and procured by any party on grounds known to such party to be insufficient, it may award against such party in its decree such amount, not exceeding two hundred rupees, as it may deem a reasonable compensation to the party aggrieved by such order.

Subsistence money for defendant imprisoned,

52. Whan a defendant is committed to custody under section 47, 48 or 50, the plaintiff shall be required to advance money for the subsistence of such defendant as provided by section 62 in the case of a judgment-debtor committed to prison.

Power to make a party thereto,

53. If at any hearing of a suit it appears to the Court desirable that any person not already a party to such suit should be made a party thereto, it may direct that such person shall be made a plaintiff or defendant, as the case may be.

In such case the Court shall issue a notice to such person in the manner provided for the service of a summons on a defendant.

Certain suits to be tried with the aid of assessors.

54. All suits involving any of the questions mentioned in section [1][4] shall be heard with the aid of assessors selected by the Court from the class to which the parties belong.

Miscellaneous.

Certain women exempt from appearing in person.

55. Women who, according to the custom and manners of the class to which they belong, ought not to be compelled to appear in public shall be exempt from personal appearance in Court, whether as parties or witnesses.

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[1] **The figure " 4 " was substituted for the original figure " 3," by the Arakan Hills Civil Justice Regulation (1874) Amendment Regulation, 1892 (2 of 1892), •*post.***

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Chief Commissioner may grant exemption from appearing in person.

56. The 'Chief Commissioner may, at his discretion, exempt from personal appearance in Court, whether as a party or as a witness, any person -whose rank appears to entitle him to such exemption, and may withdraw the privilege so accorded.

Process to be issued without requiring prepayment of fees.

57. Summonses and all other process of the Court shall be issued without requiring any previous payment of fees, the cost of service or execution being recovered eventually from the party declared liable under section 42 to pay the same, by attachment and sale of his moveable property and imprisonment of his person as if a decree for the amount had been passed against him in favour of the Deputy Commissioner.

Documents admitted in evidence or copies thereof to be filed.

58. All documents other than entries in books admitted as evidence in a suit shall be filed with the record, and shall not be returned to the parties without the express permission of the Court. A duly authenticated copy of any document so returned shall be filed with the record.

When &ny party desires to put in evidence an entry in a shop book or other book, he shall produce the book to the Court together with a copy of the entry on which he relies. The Court shall forthwith mark the entry tor the purpose of identification, and, having examined and compared the copy with it shall file such copy with the record, and shall, unless it sees reason to impound it, return the book to the party producing the same.

Courts may exercise the powers conferred in respect of original sui's, and shill follow the procedure prescribed for such siits.

59. Except as otherwise specially provided, the Courts in hearing appeals and executing decrees, and in all miscellaneous civil pro* eedings, may exercise all the powers conferred on them in respect of original suits, and shall follow the procedure prescribed ior such suits in so far as the same may be found applicable.

[2]*Of the Execution of Decrees.*

Execution of decrees—

60. The Court shall, upon the application of the decree-holder made verbally or in writing, execute its decrees in the following manner, that is to say: —

for property;

(a) a decree for any property in the possession of the judgment-debtor, by giving possession of such property to the decree-holder;

or, when the property is moveable and possession oi it cannot from any cause be given, levying in the manner next

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[1] **Read now " Lieutenant-Governor," *see* second footnote on p. 185, *ante*.**

[2] **Ss. 223 to 228 of the Code of Civil Procedure, 1882 (Act 14 of 1882), relating to Courts by which a decree may be executed were extended to these hills under a. 5 of the Scheduled Districts Act, 1874 (14 of 1874), *see* Burma Gazette, 1889, Pt. I, p 369.**

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hereinafter provided the amount fixed as an alternative under section 45;

(*b*) a decree for partition, by dividing the property and giving for partition; the decree-holder possession of his portion;

(c) a decree for money, by arrest and imprisonment of the judg- for money; ment-debtor;

or by attaching his moveable property and selling it by auction, or by both;

(*id*) a decree for the performance of any act by the judgment-^or the 1CI\ debt, by arrest and imprisonment of the judgment-debtor an act by the or by attaching his moveable property and retaining it jjU^^ent' under attachment, or by both;

But, except as hereinafter provided, no person shall be imprisoned to Limit in execution of a decree for money for a longer period than three moaths, f^^ilon- or after he has satisfied the Court "that he has done his best to discharge ment. the debt, arid that he has no property remaining against which execution can be had.

61. If it appears in the course of the execution of any decree for Imprison- money that the judgment-debtor had before the passing of such decree, ^g^ent- or has since, concealed any property, or his interest therein, or fraudu- debtor lently transferred or removed any property, or committed any other act evade exec of bad faith with a view to obstructing or delaying execution, the tion. imprisonment in execution of such decree may extend to six months, and the judgment-debtor shall not be released on the ground of his inability to satisfy the decree.

62. When a judgment-debtor is committed to prison, the Court shall Sub-stence from time to time fix whatever monthly allowance it deems sufficient j^dgment- for his subsistence, not being less than one anna or more than four debtor im- annas per day, and such allowance shall be paid by the decree-holder be a'idby in advance on the first day of each month, beginning with the day on decree-holder. which the judgment-debtor is committed to prison.

If the plaintiff omit to pay the allowance, the judgment-debtor 6hall be released.

63. The amount of subsistence-allowance advanced by a decree- Recovery of holder and all other costs of execution shall be added to the amount ^oney ancT of the decree and recovered therewith. other coats of execution.

64. Whenever a person has become liable as security for the perform- Decree ance of a decree or of any part thereof, the decree may be executed EUreties. against him to the extent to which he has rendered himself liable, in the same manner as a decree may be enforced against a defendant.

65. When an application is made for the execution of an *ex parte* Execution of decree, the Court may in its discretion, before ordering execution, *ex parte* decrees.

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require the applicant to give security for compensation for any injury that may be done in the course of such execution, or may issue a notice to the judgment-debtor to show cause why the decree should not be executed.

Execution of a decree out of the jurisdiction of the Court.

66. If a decree cannot be executed within the jurisdiction of the Court whose duty it is to execute the same, such Court may transmit to any other Court a copy of the decree, together with a certificate that satisfaction of such decree has not been obtained by execution and a copy of any order for execution of such decree that may have been passed, and may request the Court to which such copies and certificate are transmitted to execute the decree as if it were a decree made by itself.

Execution of a decree of a Court beyond the limits of the district.

On receiving similar copies and a similar certificate and requisition from any Civil Court within any part of British India beyond the limits of the district, or established by the authority of the Governor General in Council in the territories of any [1] foreign Prince or State, for the execution of a decree made by such Court, the Deputy Commissioner or of any of the officers hereinbefore mentioned, to whom he may transfer the matter for disposal, may execute such decree as if it had been made by himself.

Of Appeals and Reviews.

Appeal how tun'ir.

Within what ferii») *v* be presented-

67. Appeals shall be made in the form of a memorandum accompanied by a copy of the decision appealed against, and shall be presented within six weeks from the date of such decision. The period of six week3 shall be reckoned from and exclusive of the day on which the decision was pronounced and also exclusive of such time as may be requisite for obtaining a copy of such decision.

Where to be presented.

An appeal may be presented either to the Appellate Coiirt or to the Court from whose decision it is made for transmission to the Appellate Court.

The appellant to be heard.

68. The Appellate Court on receiving the memorandum of appeal shall tix a * in,<• and place for healing the appellant, and shall notify the same to the appellant.

Appeal presented 2 Her expiry of period allowed to be dismissed.

69. If the appeal has been presented after the expiration of the period allowed by section 67, and the appellant is unable to show[r] any sufficient cause for the delay, the Appellate Court shall dismiss the appeal.

When no grounds are shown, the

70. If after hearing the appellant, and, if it deems it necessary to do so, referring to the proceedings of the low[7]er Court, the Court is of

[1] **For list of such Courts, see the Western India Volume of Macphorson's Listg of British Enactments in force in Native States, Ed. 1895, pp. 372 and 373**

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opinion that there is no substantial ground of appeal, it shall dismiss the appeal. **appeal may besummurlly dismissed**

71. If the appeal is not dismissed under either of the two last preceding sections, the Court shall summon the respondent to appear and answer on a certain day and at a certain place, and, after hearing both parties on the day so fixed or on some subsequent day to which the proceedings may be adjourned shall pronounce its judgment. **Issue of summons to respondent Hearing of appeal. Judgment.**

72. The Appellate Court may, on an appeal being preferred and sufficient cause shown, issue an order to stay the execution of the decision under appeal; but before issuing any such order it shall in all cases require security to be given for the due performance of the decree or order it may ultimately make. **Staying execution of decision under appeal.**

73. The Appellate Court may in its discretion itself take additional evidence in any case or may remand the case to the Court whose decision is appealed against or to any other Court with a view to further enquiry being made or additional evidence taken by such Court. **Power to take additional evidence on appeal.**

Whenever a case is thus remanded the order of remand shall be written by the Appellate Judge with his own hand, and shall contain a detailed statement of the grounds on which it is made and of the particular points in which further enquiry is directed or additional evidence required. **Power to remand case.**

74. Every decree or order of an Appellate Court shall be transmitted to the Court of first instance, and shall be executed by such Court as if it were its own. **Execution of decrees and orders of Appellate Courts.**

75. The Commissioner may for any sufficient reason review any decree or order passed by himself and from which no appeal has been preferred to Her Majesty in Council. **Commissioner's power of review.**

No Court below that of the Commissioner shall review any decree or order made by it except for the purpose of correcting a clerical error or other error, manifestly the result of an oversight, without previously obtaining the permission of the Court to which an appeal would lie from such decree or order. **When other Courts may review.**

76. The [1] [Chief Court] of [2] British Burma may call up any appeal pending in the Court of the Commissioner, and proceed to try the case as if it were an appeal instituted [1] [in the Chief Court.] **Power to call up appeals pending before Commissioner.**

The [1] [Chief Court] shall send to the Court of the Commissioner a copy of [1] [its judgment] in any case tried under this section, and the said Court shall dispose of the case in conformity with such judgment.

[1] **The words " Chief Court," " in the Chief Court " and " its judgment " in s. 76 were substituted for the words " Judicial Commissioner " wherever they occur in that section, and for the words " in his (own) Court " and " his judgment " respectively by s. 47 of the Lower Burma Courts Act, 1900 (6 of 1900), *ante* p. 156.**

[2] **Read now " Lower Burma," *see* s. 7 of the Burma Laws Act, 1898 (13 of 1898), ante, p. 131.**

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Of Pending Cases.

K5?"S 77. A11 cases pending in the Hill District of Arakan at the time of of. ^>OB ^he passing of this Regulation shall be disposed of by such of the Courts hereinbefore mentioned as the ^hief Commissioner may direct, an-i shall be dealt with as nearly as may be in accordance with the provisions of this Regulation;

But if in any such case it appears to the Court that the application of any provision herein contained would deprive any party of any right which but for the passing of this Regulation, would have belonged to him, the Court may proceed according to the law in force before the passing of this Regulation.

Of Rules of Practice.

Power to make rules.

78. The Commissioner may, from time to time, with the previous sanction of the ^hief Commissioner of [2]British Burma, make general rules consistent with this Regulation for regulating the practice and proceedings of his own Court and the Civil Courts subordinate thereto.

REGULATION No. IX of 1874.

Published in the Gazette of India of 20th February, 1875, p. 83, and in the Burma Gazette of 6th March, 1875, p. 249.

Preamble.

Whereas by a Resolution passed by the Secretary of State in Council on the fifth day of October, 1871, the provisions of the thirty-third of Victoria, chapter three, section one, were declared applicable to the Hill District of Arakan;

and whereas the 'Chief Commissioner of [2]British Burma has proposed to the Governor General in Council a draft of the following Regulation together with the reasons for proposing the same;

and whereas the Governor General in Council has taken such draft and reasons into consideration, and has approved of such draft, and the same has received the Governor General's assent:

In pursuance of the direction contained in the said section, the said Regulation is now published in the Gazette of India and will be published in the local Gazette, and will thereupon have the force of law.[3]

' Read now " Lieutenant-Governor," *see* Proclamation, dated 9th April, 18'.)7, Gazette of India, 1897, Pt. I, p. 261. Ml powers conferred or duties imposed up^n the Chief Commissioner shall, on and with effect from 1st May. 1897, be deemed to be and to have been conferred or imposed upon the Lieutenant-Governor of Burma. *See* Burma Laws Act, 1898 (13 of 1898', s. 15, *ante*, p. 135

: Bead now " Lower Burma," *see* s. 7 of the Burma Laws Act, 1898 (13 of 1898).

* Reg. 9 of 1874 came into force on the 6th March, 1875.

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(Preliminary. Acts and Regulations in force. Assessment and Collection of Revenue.)

Preliminary.

1. This Regulation may be called the Arakan Hill District Laws Regulation, 1874; **short title.**

And it shall extend to the tract of country known as the Hill District of Arakan. **Local extent.**

2. Except as hereinafter provided, all Regulations of the Bengal Code and all Acts of the Governor General in Council, in so far as they apply to the said district, are repealed. **Repeal of enactments.**

But not so as to revive any enactment repealed, or to affect anything done or any offence committed, or any fine or penalty incurred or any proceedings commenced, before the passing of this Regulation.

Acts and Regulations in force.

3. The Acts and Regulations mentioned in the schedule hereto annexed shall be held to extend to the said district to the extent and subject to the modifications indicated respectively in the third and fourth columns of the same schedule. **Acts and Regulations in force.**

4. [1]* * * * * The functions of the High Court in all civil and miscellaneous matters shall be discharg-ed by the Commissioner. **High Court to be discharged by Commissioner.**

5. [2][Notwithstanding anything in the [3]Indian Arms Act, 1878, or in any rule under that Act, no license to manufacture, or deal in, arms or ammunition shall be granted without the express sanction of the Local Government.] **Operation of XI of 1878.**

6-9. *[Spirituous Liquors and Intoxicating Drugs.] Rep. by Act XI of 1889, s. 2 (1).*

Assessment and Collection of Revenue.

10. Measured land in the plains shall be assessed at rates varying from eight annas to one rupee an acre at the discretion of the Deputy Commissioner subject to appeal to the Commissioner; but no assessment on such land once made shall be altered without the sanction of the Commissioner. **Assessment of measured**

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[1] **The first and second paras, of s. 4 were repealed by the Lower Burma Courts Act. 1889 ill of 1889).**

[2] **This section was substituted by the Burma Laws Act, 1898 (13 of 1898), see Third Schedule, *ante,* p. 148.**

The original section 5 was as follows :—

" Act No. XXXI of 1860, except the fifty-second section thereof and Act No. VI of 1866 amending the same, shall be in force throughout the said district; but no license to manufacture or deal in arms or ammunition shall be granted without the express sanction of the Chief Commissioner."

*** Genl. Arts, Vol. II.**

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Rate on toungyas.

11. Every toungya shall he taxed at the rate of one rupee for each family of the cultivators.

Levy of tribute.

12. Tribute at the rate of one rupee per family shall be levied—

(a) from all tribes and villages which have hitherto paid tribute;

(b) from all tribes and villages which have hitherto paid the capitatiou-tax.

Abolition of capitation-tax.

The capitation-tax is hereby abolished.

Power to alter rates of taxation.

13. The [1]Chief Commissioner may, from time to time, by notification in the [2]British Burma Gazette, alter the rates of any of the taxes mentioned in the three last preceding sections.

Exemption of certain villages and tribes from taxation.

14. Xothing contained in any of the said sections shall authorize the imposition of any of the said taxes in any village or upon the members of any tribe which has hitherto been treated as exempt from all taxation.

Miscellaneous.

Boatmen to declare contents of boats.

15. Boatmen proceeding up the river Kuladan shall declare the contents of their boats at [3][Euladan] to such official there as the Deputy Commissioner may, from time to time, by a written order affixed to the jetty anu ?'alls of the Court-house at that station, direct.

Power to search and seize spirits, etc., unprotected by pars.

16. The official thus appointed may search any boat proceeding up the said river whenever he sees reasonable grounds for doing so, and may seize all spirit manufactured out of the district, opium, ganju, ammunition and arms not protected by a pass from the Deputy Commissioner which he may find therein.

Any articles so seized may be confiscated by order of the Deputy Commissioner or of an Assistant or Extra Assistant Commissioner.

The order passed in every such case and the grounds thereof shall be recorded by the officer passing it.

Penalty for carrying prohibited articles.

17. The head boatman of every boat in which any of the articles mentioned in the last preceding section is carried without a pass shall be liable to a fine not exceeding one hundred rupees, or, in default of payment, to fifteen days' simple imprisonment.

Recovery of fines.

18. The provisions of sections 03 to 70, both inclusive, of the [4]Indian Penal Code, and of section 307 of the [5]Code of Criminal Pro- XLVofls60. cedure, shall apply to all fines imposed under this Regulation.

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[1] Bead now " Lieutenant-Governor," *see* footnote 1 to the preamble to this Regulation, *ante,* p. 200.

[2] Read now " Burma Gazette," *see* s. 7 of the Burma Laws Act, 1898 (13 of 1898), *ante,* p. 128.

[3] The word " Kuladan " was substituted for the wurd " Myouktoung," by the Arakan Hill District Laws Amendment Regulation. 1893 (8 of lB93j, *post.*

[4] Genl. Acts, Vol. I.

[5] *See* now the Code of Criminal Procedure, 1898 (Act 5 of 1898). Genl. Acts, Vol. V.

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(Schedule.)

THE SCHEDULE ABOVE REFERRED TO.

(See section 3.)

I.—Acts.[1]

No. and year.	Subject.	Extent of application.	Modifications.
IV of 1837	Power to hold land	The whole Act.	
XXXII o? 1839	Interest . .	Ditto.	
XIX of 1841	Curators ' . .	The whole Act, except sections 16 and 20.	*For* " Judge of the Court of the District " and " Judge " *read* " Deputy Commissioner " ; *for* Sudder Dewany Adawlut " *read* " Judicial Commissioner " ; and *for* " Collector " *read* " Deputy Commissioner."
V of1843	Slavery . .	The whole Act.	
XVIII of 1850	Protection of Judicial Officers.	Ditto.	
XIX of 1850	Apprentices .	Ditto.	
_XXI of 1850	Non-forfeiture of rights by loss of caste.	Ditto .	*For* " territories subject to the Government of the East India Company " and " the said territories " *read* " British India " and *for* " Courts of the East India Company " *read* " Courts of British India."
XXXIV of 1850	State-prisoners .	The whole Act.	
XXXVII of 1850	Inquiries into behaviour of Public Servants.	Sections 2 to 22 (both inclusive) and section 25.	2 • • • •
VIII of 1851	Tolls on roads and bridges.	The whole Act.	
XXX of 1852	Naturalization of aliens.	Ditto.	
II of 1853	Burdens on land .	Ditto.	
XIII of 1855	Compensation for death caused by actionable wrong.	Ditto.	

[1] The references to the following Acts have been omitted from this Schedule as they were respectively repealed as follows :—

Act 18 of 1841—bv Act 11 of 1878, s. 3, Genl. Acts, Vol. II.

Acts 3 of 1846. 33 of 1852, 15 of 1859, 8 of 186n. 27 of 18f.O. 3 of 1871, 9 of 1871, 11 of 1E72 and 7 of 1874—by Act XI of ldb9, s. 2 *(1)*.

Acts 7 of 1865 and 7 of 1869—by Act 19 of 1881, s. 2.

Acts 2 of 1869, 10 of 1872 and 11 of 1874—by Act 10 of 1882, s. 2.

Act« 40 of 1858, 9 of 1861 and 13 of 1874—by Guardian and Wards Act, 1890 (8 of 1890), Genl. Acts, Vol. IV.

Act 26 of 1<370—by Prisons Act, 1894 (9 of 1894), Genl. Acts, Vol. IV.

[3] The modifications with which the Act was applied to the Arakan Hill Districts 'were repealed by the Burma Laws Act, 1898 (13 of 189Ri, the Third Schedule, *ante,* p. 148.

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(Schedule.)

THE SCHEDULE—*continued.*

I.—Acts—continued.

No. and year.	Subject.	Extent of application.	Modifications.
[1] * * *	* * *	* * *	
XV of 1856	Re-marriage of Hindu widows.	The whole Act.	
2 [XI] of 1857	State-offences .	Ditto.	
III of 1858	State prisoners .	Sections 2 and 5.	
XXXV of 1858	Lunatics . .	The whole Act, except section 1.	*For* " Supreme " *read* " High."-
XXXVI of 1858	Lunatic Asylums	The whole Act.	
XLVof 1860	Penal Code .	Ditto.	
V of 1861	Police . .	The whole Act, except section 11.	
XXni of 1863	Claims to waste-lands.	The whole Act.	
III of 1864	Foreigners . .	Ditto.	
III of 1865	Carriers . .	Ditto .	In sections 6 and 7, *for* " Act XXII of 1863 *[to provide for talcing land for works of •public utility to be constructed by private persons or companies, and for regulating the construction and use of works on Land so taken)* " *read* " "The Land Acquisition Act, 1870."
X of 1865	Succession . .	The whole Act (except sections 329,330 and the schedule), but not so as to affect Native Christians.	
XXI of 1865	Intestate Succession to Parsis.	The whole Act.	
* * * *	* * *	* * *	

1 The entry relating to Act 34 of 1855 was repealed by the Repealing and Amending Act, 1903 (1 oi 1903), *ante,*]>. 178.

2 The word and figures " XI of 1857 " were substituted for " 11 of 1857 " by the Repealing and Amending Act, 1903 (1 of 1903), *ante,* p. 178.

3 Read now the Land Acquisition Act, 1894 (1 of 1894), Genl. Acts, Vol. IV.

* The entry relating to Act 14 of 1866 lias been omitted as the Act is repealed by the Indian P^st Office Act, 1898 (6 of 1898), Genl. Ants, Vol. V.

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THE SCHEDULE—*continued.*

I.—Acts—continued.

No. and year.	Subject.	Extent of application.	Modifications.
XXI of 1866	Dissolution of Marriages of Converts.	The whole Act, except so much of section 7 as relates to a stamp.	
1 * * *	* * *	* * *	
2 * * *	* * *	* * *	
3 * * *	* * *	* * *	
IV of 1869	Divorce ■ . .	The w hole Act, except so much of sections 47 and 49 as relates to stamps.	
V of 1869	i'Native Articles of War.	The whole Act, except the first three clauses of Part I, para. <*c*).	
5 * * *	* * *	* * *	
6 * * *	* * *	* * *	
7 * * *	* * *	* * *	
8 * * *	* * *	* * *	
XXVII of 1870	Penal Code Amendment.	The whole Act.	
I of 1871	Cattle-trespass .	Ditto.	
9 *V of 1871*	*Prisoners . .*	*The whole Act, except sections 2 to 15 (both inclusive) and the schedule.*	

1 The entry relating to Act 3 of 1867 has been omitted as that Act is repealed by the Burma Gambling Act, 1899 (Bur. Act 1 of 1899). .

2 The entry rela ting to Act 32 of 1867 is repealed by the Repealing and Amending Act, 1903 (1 of 1903), *ante,* p. 178.

3 The entry relating to Act 1 of 1868 haB been omitted as that Act has been repealed by the General Clauses Act, 1897 (10 of 1897), Genl. Acts, Vol. IV.

* *Sic,* read Indian.

5 The entry relating to the Prisoners Testimony Act, 1869 (15 of 1869), is omitted as the Act is nnw repealed by the Prisoners Act, 1900 (3 of 1900), Genl. Acts, Vol. V.

* 2he reference to the Female Infanticide Prevention Act, 1870 (8 of 1870), was repealed by the Burma Laws Act, 1898 (13 of 1898), *see* the Fifth Schedule, *ante,* p. 129.

7 The entry relating to Act 10 of 1870 has been repealed by the Lmd Acquisition Act, 1894 XI of 1894), Genl. Acts, Vol. IV.

8 The entry relating to the Coinage Act, 1870 (27 of 1870), is omitted as the Act is now repea'ed by the Indian Coinage Act, 1906 (3 of 1906), Genl. Acts, Vol. \X

9 Only s. 31 of Act 5 of 1871 (for which ace Genl. Acts, Vol. II), is now in force, the rest of the Act having been repealed by the Prisoners Act, 1900 (3 of 1SJOO), Genl. Acts, Vol. V.

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(Schedule.)

THE SCHEDULE—*continued.*

I.—Acts—concluded.

No. and year	Subject.	Extent of application.	Modifications.
XXIII of 1871	Pensions . .	The whole Act, except sections [1] and 2 and the schedule.	
I of 1872	Evidence . .	The whole Act, as amended by Act XVIII of 1872.	
IX of 1872	Contract . .	The whole Act.	
XV of 1872	Christian Marriage	Ditto.	
XVIII of 1872	Evidence Act Amendment.	The whole Act, except section 12.	
XIX of 1872	Definition of "Coin".	The whole Act.	
V of 1873	Government Savings Banks.	Ditto.	
X of 1873	Oaths . .	The whole Act, except section 2 and the schedule.	
II of 1874	Administrator General's Act.	The whole Act.	
III of 1874	Married women's property.	Ditto.	
IV of 1874	Foreign Recruiting	Ditto.	
IX of 1874	European Vagrancy.	Ditto.	
lXIVof 1874	Scheduled Districts. .	The whole Act, except section 10.	
1XV of 1874	Laws Local Extent	The whole Act, except sections 4, 5, 6 and 7.	
IV of 1875	Una.ttcsted Sepoys.	The whole Act.	
[2] * * *	* * *	* * *	
1IX of 1875	Majority . .	The whole Act.	
1 I of 1897	Amending Act XXXVII of 1850.	Ditto.	

[1] These enactments have b«en added to the schedule, by the Burma Laws Act, 1898(13 of 1898), *see* Third Schedule, *ant°*, p. 146.

[2] The entry relating to the Burma Fisheries Act, 1875 (7 of 1875), is omitted as the Act is now repealed by the Burma Fisheries Act, 1905 (Bur. Act 3 of 1905), *post.*

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SCHEDULE—*concluded.*

II.—Bengal Regulations.

Ko. and year.	S abject.	Extent of application.	Modi flea tiom.
1 * *	* * *	* * *	
ill of 1818 . .	State Prisoners .	The whole Regulation.	

REGULATION *No.* V OF 1876.

A Regulation to amend the Arakan Hills Civil Justice Regulation, 1874.

Published in the Gazette of India of 19th August, 1S76, p. 437, and in the Burma Gazette of 9th September, 1876, p. 179.

WHEREAS doubts have been raised as to the jurisdiction of the Deputy Commissioner of the Hill District of Arakan to try civil suits originally instituted in his own Court: For the purpose of precluding such doubts, it is hereby enacted as follows: — Preamble.

1. This Regulation may be called the Arakan Hills Civil Justice Amendment Regulation, 1876: **Short title.**

And it shall be read with, and taken as part of, the [2] Arakan Hills Civil Justice Regulation, 1874. **ThisRegulation to be read with the Arakan Hills Civil Justice Regulation,[1] 1874.**

VIII of 1874.

2. The Deputy Commissioner of the Hill District of Arakan shall have, and shall be deemed from the sixth day of March, 1875 (being the date on which the said [2] Arakan Hills Civil Justice Regulation, 1.S74. came into force), to have had, jurisdiction to entertain and try all civil suits originally instituted in his own Court. **Original civil jurisdi'!ti-n of Deputy Commissioner nf Hill Dis-Ukt of Arakan.**

VIII of 1874.

[1] **The references to Bengal Regulations 10 of 1804 and 11 of 1812 were repealed by the Burma Laws Act, 1898 (13 of 1898), see the F'fth Schedule,** ***ante,*** **p. 153.**

[1] ***Ante,*** **p. 185.**

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REGULATION No. X OF 1887.

A Regulation to define, extend and limit the operation of certain, enactments in Upper Burma, and for other purposes.

[Received the Governor General's assent on the 20th August, 1S87; published in the Gazette of India of the 27th idem; and in the Burma Gazette of the 10th September, 1887.]

WHEREAS it is expedient to remove doubts as to the effect of the law in force in Upper Burma with respect to stamps on instruments to which at the time of their execution the law of British India did not apply;

1 * * # * # *

It is hereby enacted as follows: —

Title, extent and commencement.

1. (*1*) This Regulation may be called the Upper Burma Stamps and Limitation Regulation, 1887.

(*2*) It extends to the whole of Upper Burma [2]* * * * : and

(*3*) It si all come into force at once.

Saving in favour of unstamped instruments.

2. The provisions of the [3] Indian Stamp Act, 1879, with respect lof 1879. to the consequences of instruments not being duly stamped shall not apply to any instrument which may have been executed before section 6 of the [4] Upper Burma Laws Act, 1886, came into force and to which XXoflssfi the law of British India did not apply at the time of its execution.

*[Sections 3, 4, 5, **6** and* 7.] *Rep. by the Upper Burma Civil Courts Regulation, 1896* (7 *of 1896).*

THE UPPER BURMA RUBY REGULATION, 1887.

CONTENTS.

SECTIONS.

1. Title, extent, commencement and construction.

2. Definitions.

---

[1] The remainder of the preamble was repealed by Regs. 1 of 1891, s. 10, and 1 of 1U96, s. 2 (2), and by the Burma Laws Act, 189E :13 of 1898), s. 18 (*1*), *ante,* p. 155. Reg. 1 of 1891, ss. 1-10, were repealed by Reg. 1 of 1096. a. 2 (1).

[2] The woids " except the Shan States " were repealed by the Burmé. Laws Act, 1808 (13 of 1898), see the Fifth Schedule, *ante,* p. 153.

* See now the Indian Stamp Act, lb99 (2 of 1899), Genl. Acts, Vol. V.

[4] Rep. by the Burma Laws Act, 189a (13 of 1898), see the Fifth Schedule.

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SECTIONS.

3. Prohibition of digging for or dealing in stones except under rules.
4. Power to make rules.
5. Supplementary provisions respecting rules.
6. Offences.
7. Presumption in prosecutions.
8. Confiscation.
9. Powers of search, seizure and arrest.
10. Issue of warrants by Magistrates.
11. Disposal of persons arrested and stones seized.
12. Report of arrests and seizures.
13. Obligation to give information of offences.
14. Power for Government to grant lease.
15. Recovery of arrears of fees, duties and rents.
16. Acquisition of land for lessee.

REGULATION *No.* XII OF 1887.[1]

A Regulation to declare the law relating to Rubies and other Precious Stones in Upper Burma.

[Received; the Governor General's assent on the 27th May, 1887; published in the Gazette of India of the 16th September, 1887; and in the Burma Gazette of the 1st October, 1SS7.]

WHEEE^S it is expedient to declare the law relating to rubies and other precious stones in Upper Burma; It is hereby enacted as follows: —

1. (i) This Regulation may be called the Upper Burma Ruby Regulation, 1887. Title, extent, commencement and construction.

(2) It extends to the tv hole of Upper J3urma [illegible] * * and

[1] So much of Reg. 12 of 18B7, as may from time to time be in force in Uppei Burma, is extended to the Kachir Hill Tracts as regards hill-tribes, *see* the Kachin Hill-tiibe» Regulation. 1895 ll of 1895), s. 3, and schedule, *post.*

So much of Reg. 12 of 1887, as may from time to time be in force in Upper Burma is to be deemed to be applicable to the Chin Hills as regards hill-tribes, *see* the Chin Hills Regulation, 1896 (5 of 1836), s. 3, *post.*

For notifications and rules under this Regulation, *see* Manual relating to previous stones, mhierals and mineral oils in fort» in Burma.

[2] The *v* orda " except the Shan States " w*re repealed by the Burma Laws Act 1898 (13 of 1898). The Fifth Schedule, *ante,* p. 153.

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(3) It shall come into [1]force on such date as the Local Government may, by notificatiou in the official Gazette, appoint in this behalf.

(4) But nothing therein shall be construed to take away or derogate from any right established to the satisfaction of the Local Government.

Definitions.

2. In this Regulation, unless there is something repugnant in the subject or context,—

(1) "precious stone" or "stone" means ruby, spinel or sapphire, and includes any other stone which the [2]Local Government may, by notification in the official Gazette, declare to be a precious stone for the puiposes of this Regulation :

(2) " stone-tract " means a tract which the [3]Local Government has, by notification in the official Gazette, declared to be a local area in which precious stones are found:

(3) " native " used with reference to a stone-tract, means a person who was born, and during the five years immediately preceding the commencement of this Regulation has habitually resided, in the stone-tiact:

(4) " transport " means to remove from one place to another within the territory to which this Regulation extends: and

(5) " vessel " includes anything made for the conveyance by water of human beings or of property.

Prohibition of digging for. or dealing in, stone3 ex 'ept under rates.

3. Except as permitted by rules under this Regulation, no one shall—

(a) if he is not a native of a stone-tract, reside therein;

(*b*) dig for or mise any precious stone in a stone-tract;

(*c*) cut or dress any precious stone;

(i*d*) possess any precious stone in a stone-tract or, for the purposes of trade, in any place beyond the limits of a stone-tract;

(e) buy or sell, or be otherwise a party to the transfer of, any precious stone; or

(*f*) transport any precious stone.

Power to make rules,

4. (Í) The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, make [4]rules consistent with this Regulation to permit, on such condi+ions

[1] lît::. 12 of 1887 came into force on the 10th October* 1887, *see* Buima Gazette, 1887, Pt. I, p. 389.

[2] For notification declaring a tourmaline to be a precious stone, fee Burma Gazette, 1890. Pt. I. p. 486.

[3] For instances of such declarations, *ffe.* Burma Gazette, 1887, Pt. I, p 447; 1890, pt. I, p. 529. and lo96, Pt. I, pp. 110 and 591.

[4] For instance of rules under s. 4, see Burma Gazette, 1897, Pt. I, p. 571.

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and in consideration of such payments, if any, as it thinks fit, and to -regulate, all or any of the following matters, namely: —

(a) the residence in a stone-tract of **persons** ^vho are not natives thereof;

(*b*) the digging for or raising of precious stones in a stone-tract;

(c) the cutting or dressing of precious stones;

(d) the possession of precious stones in a stone-tract or, for the purposes of trade, in any place beyond the limits cf a stone-tract;

(*e*) the purchase or sale of, or other mode of transferring, precious stones; and

(*f*) the transport of precious stones.

(*2*) The Local Government, ^vith the previous sanction of the Governor General in Council, may amend, add to or cancel any rule made under this section.

5. [1] (*1*) Rules under the last foregoing section may provide for the Supplement, following among other matters, namely:— ary provi. sionsrespeo*

(a) the grant of licenses to do anything permitted by the rules to mgrnIeS- be done;

(*b*) the authority by which the licenses may be granted ;

(c) the time and manner at and in which applications for the licenses are to be made;

(d) the authority by which the conditions of the licenses, and the payments, if any, to be made therefor, are to be prescribed;

(e) the powers ^hich may be exercised for the purpose of enforcing any provision of this Regulation or the rul^s or securing the fulfilment of any condition of a license, and the authority by which those powers may be exercised;

(*f*) the period for which any license is to remain iu force;

(g) the authority by which fees may be prescribed for services rendered to licensees and other persons under the rules and the limitation of the amount of those fees;

(*h*) the authority by which forms may be prescribed for any of the purposes of the rules;

(i) the exemption, absolutely or subject to conditions, of any precious stones from the operation of this Regulation or the rules; and

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[1] **For rules made under this seetior. ir. i s. 4, for the Monsr Mit Stone trait, *see* Notification No. 409, dated 20th November, 1897. Burma Gazette, 1897, Pt. I, p. 627.**

For rule prescribing the form and conditions for an ordinary license to raise precious stones in the Mont; Mit Stone tract, tie Burma Gazette. 1897, Pt I, p. 6P8.

For rules made for the Sagyin Hills Stone tract, .<ee Burma Gazette. 1898, Pt. I, p. 353.

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(*j*) any other matter for which it is, in the opinion of the Local Government, necessary to make rules in the interests of the public or of the public revenue.

(2) A license to dig for or raise precious stones in a stone-tract may impose on the holder thereof the condition that he shall, at the option of the authority granting the license, or of some oilier authority appointed by the Local Government in this behalf or of some person upon whom the right of exercising the option has been conferred by the Local Government by lease or other appropriate instrument under this Regulation, either—

(a) sell at his own valuation to that authority or person all or any stones which he or any jperson permitted by the license to work under him finds or raises, or

(*b*) pay on that valuation to that authority or person such duty in respect of the stones as the Local Government directs.

(3) The Local Government may, without the previous sanction of the Governor General in Council, make 'rules subsidiary to, and not inconsistent with, rules made under the last foregoing section with such; previous sanction and may by rules under this sub-section prescribe, among other matters, the time and place, and the mode, at and in which the duty referred to in the last foregoing sub-section is to be paid to the authority or person to -whom it is payable.

Offences.

[*] 6. *(1)* If any person, in contravention of this Regulation or of any rule duly made thereunder, digs for or raises any precious stone, be shall, on conviction before a Magistrate of the first class, [3] [or, in a stone-tract, before a Magistrate of the second class, specially empowered by the Local Government in this behalf] be punished for each such offenc3 with imprisonment for a term which may extend to one year for the first offence, and to two years for any subsequent offence, or with fine, or with both.

(2) In either of the following cases, namely : —

(a) if any person, in contravention of this Regulation or of any rule duly made thereunder, resides within a stone-tract; or possesses any precious stone in a stone-tract, or for the purposes of trade in any place beyond the limits of a atone-tract, or buys or sells, or is otherv ise a party to the transfer of, any precious stone or transports any precious stone, or

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[1] **For instance of such subsidiary rules, see Burma Gazette, 1888, Pt. I, p. 465.**

[*] **Section 6 was substituted by the Upper Burma Ruby Regulation (1887) Amendment Reeulat'on, 1891 (5 of 1891). *post.***

[3] **These words were inserted by the Upper Burma Ruby Regulation (1887) Amendment Regulation. 1897 (1 of 1897), *post.***

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(6) if any licensee fails or refuses to comply with any provision of any rule duly made under this Regulation, or commits a breach of any condition of his license,

he shall, on conviction before a Magistrate of the first class, [1] [or in a stone-tract, before a Magistrate of the second class specially empowered by the Local Government in this behalf] be punished for each such offence with imprisonment for a term which may extend to one month for the first offence, and to six months for any subsequent offence, or with fine, or with both.

7. Subject to any rule under this Regulation, it shall be presumed in a prosecution under section 6, until the contrary is proved, that any stone for which the accused person is unable to account satisfactorily is a stone in respect of which he has committed an offence under that section. Presumption in prosecutions.

8. (2) Any stone in respect of which an offence under section 6 has been committed shall be liable to confiscation. Confiscation,

(2) When the offender is convicted, or when the person charged with an offence in respect of any stone is acquitted but the Magistrate decides that the stone is liable to confiscation, the confiscation may be ordered by the Magistrate.

(5) When an offence under section 6 has been committed but the offender is not known or cannot be found, the Deputy Commissioner, or other officer authorized by the Local Government in this behalf either by name or by office shall inquire into and determine the case, and may order the confiscation of the stone in respect of which the offence was committed:

Provided that the order shall not be made until one month has expired after the date of the seizing of the stone, nor until an opportunity has been given to the persons, if any, claiming any right to the stone of being heard and of producing evidence in support of their claims.

(4) When a stone not in the possession of any person cannot be satisfactorily accounted for, the Deputy Commissioner or other officer may proceed with respect thereto under sub-section (3) as if it were a stone to which that sub-section applied.

(5) The Magistrate, Deputy Commissioner or other officer may, instead of ordering the confiscation of a stone liable to be confiscated, give the owner of the stone an option to pay, in lieu of confiscation, such sum as the officer thinks fit.

9. *(1)* Any [2]officer authorized by the Local Government in this behalf either by name or by office who has reason to believe, from personal knowledge or from information given by any person and taken Powers of search and arrest.

[1] These words were inserted by the Upper Burma Ruby Regulation (1887) Amendment Regulation, 1897 (1 of 1897:, *post.*

[1] For instance of authority thus conferred, *see* Burma Gazette, 1888, Pt. I, p. 3.

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down in writing, that any stone liable to confiscation under section 8 is to be found in any building, vessel or enclosed place, may, after sunrise and before sunset,—

(a) enter the building, vessel oi place;

(б) in case of resistance, break open any door and remove any othor obstacle to his entry;

(c) search for and seize the,stone; and

(d) detain and search, and if he thinks proper arrest, any person whom he has reason to believe to be guilty of any offence relating to the stone.

(2) Any officer authorized by the Deputy Commissioner in this behalf may—

(a) search for and seize, in any open place or in transit, any stone which he has reason to believe to be liable to confiscation under section 8;

[1]*(b)* in a stone-tract, detain and search any person whom he has. reason to believe to be guilty of any offence under section 6, and, if necessary, arrest that person and any other person in his company;

[1](c) elsewhere, detain and search any person whom he has reason.; to believe to be guilty of any offence under section 6, end, if that person has any stone in his possession, arrest him and any other person in his company.

(3) The provisions of the [2] Code of Criminal Procedure, 1882, relat- Xof 138». ing to searches under that Code shall, so far as they can in the circumstances for the time being be made applicable, apply to searches under sub-section ***(1)*** and sub-section ***(2)***.

(4) In either of the following cases, namely: —

(a) if an officer authorized to act under sub-section (2) enters,. without reasonable ground of suspicion, any building, vessel or place, or

(б) if an officer authorized to act under sub-section (/) or sub-section (2) vexatiously and unnecessarily makes any search or detains or arrests any person,

the officer shall for every such offence be punished with fine which may extend to five hundred rupees.

(i) Where an officer is sentenced to a fine for au offence under the last foregoing sub-section, the Court imposing the fine or confirming the sentence may presume, for the purposes of section 545 of the Code of

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[1] **Clauses (*b*) and (c) were substituted for the pre-existing clause (*b*), by the Uppe* Burma Ruby Regulation (1887) Amendment Regulation, 1.397 (1 of 1897), *post.***

[1] ***See*** **now th- Code of Criminal Procedure, 1898 (Act 5 of 18981. Genl. Arts, Vol. V.**

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Xi of 18S2. Criminal Procedure, 1882,[1] that injury has been caused by the offence and that substantial compensation is recoverable by civil suit in respect of the injury.

10. (2) A Magistrate may issue his warrant for the arrest of any person whom he has reason to believe to have committed an offence under section 6, or for the search, by day or by night, of any building, vtssel or place in which he has reason to believe any stone liable to confiscation under section 8 to be kept or concealed. Issue of warrants by Magistrates.

(2) Warrants issued under this section shall, so far as the circumstances for the time being admit, be executed in accordance with the provisions of the Code of Criminal Procedure, 1882.[2]

11. (2) A person arrested or stone seized under section 9 shall be forwarded without delav to the officer in charge of the nearest police-station. Disposal of persona arrested and stones seized

(2) A person arrested or stone seized under section 10 shall be forwarded without delay to the Magistrate by whom the warrant under that section was issued.

(3) The police-officer or Magistrate, as the case may be, to whom a person or stone is forwarded under sub-section (*1*) or sub-section (*2*), shall, with all convenient despatch, take such measures as may be necessary for the disposal according to law of the person or stone.

12. When an officer makes an arrest or seizure under section 9 or section 10, he shall, within forty-eight hours next after the arrest or seizure, make a full report of all the particulars of the arrest or seizure to his immediate official superior. Report of arrests and seizures.

13. A police-officer, railway-servant, carrier of goods for hire or person in the emplov of such a carrier who is aw are of the commission ® [3] of or of the intention to commit an offence under section o shall be legally bound to give immediate information, orally or in writing, of the commission of or intention to commit the offence to a Magistrate, or to a police-officer above the rank of constable. Obligation to give information of offences.

14. The Local Government may, with the previous sanction of the Governor Ganeral in Council, grant by lease or other appropriate instrument, with respect to all or any stone-tracts or to any stone-tract, the right to exercise the option referred to in section 5, sub-section *(2)*. Government to grant lease

15. *(1)* Any fee, duty or other money due to the Government under any rule r.r license made or given under this Regulation, and any money due to the Government from a grantee under the last foregoing section, may be recovered from the person from whom the money is due, or from his surety, if any, as if it were an arrear of revenue.[3] Recovery of arrears of fees, duties and rents,

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[1] *See* now Act 5 of 1898, Gen], Acts, Vol. V.

* *See* no"- sbe Hode of Criminal Procedure, 1893 (Act 5 of 1898 , Genl. Acts, Vol. V.

* *See* ss. 41 and 47 of the Upper Burma Land and Revenue Regulation, 1889 (3 of lb89), *pel l.*

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(2) Nothing in sub-section (1*)* shall be construed to affect the right of the Government to proceed by suit, in addition to or in lieu of any process authorized by that sub-section, for the recovery of any such money as is mentioned in the sub-section.

AO'iUisition of land for lessee.

16. If, in the opinion of the Local Government, the acquisition of any land on behalf of a grantee under section 14 is desirable for the purposes of this Regulation, the Local Government may, at the request of the grantee, proceed to acquire the land under the provisions of the J[Land Acquisition Act, 1894], and, on payment by the grantee of the compensation awarded under [1] [that Act], and of the charges incurred by the Government in connection with the proceedings, the land shall vest in him, subject to such conditions, if any, as the Local Government may in each case prescribe.

THE UPPER BURMA LAND AND REVENUE REGULATION, 1889.

CONTENTS.

CHAPTER I.

PltELIMIN' 1HT.

SECTIONS.

1. Title, extent and commencement.
2. Repeal, and pending proceedings.
3. Definitions.

CHAPTER II.

REVENTJE-OFFICEES .

Classes, Local Jurisdiction and Powers.

4. Classes, local jurisdiction and powers of Revenue-officers.
5. Powers of Revenue-officers.

[1] **The words " Land Acquisition Act, itj9fl '' 'vere substituted for the words " Upper Burma Land Acquisition Regulation, IX of 1886." by the Burma Laws Act, 1898 (13 of 1898), see the Third Schedule. The 'vc-rdo " that Act " were also substituted for the ■wrrds " that Regulation," by Act 13 of 1898. *ante*, p. 129.**

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Administrative Control.

SECTIONS.

6. Superintendence and control of Revenue-officers.
7. Power to distribute business and withdraw and transfer cases.

Appeal, Review and Revision.

8. Appeals.
9. Limitation for appeals.
10. Review.
11. Power to call for and revise proceedings of Revenue-officers.

Procedure.

12. Rules as to procedure.
13. Persons by whom appearances and applications may be made before and to Revenue-officers.
14. Power of Revenue-officer to summon persons.
15. Mode of service of summons.
16. Mode of service of notice or order.
17. Mode of making proclamation.

Supplemental Piovisions.

18. Holidays.
19. Discharge of duties of Collector dying or being disabled.
20. Retention of powers by Revenue-officers on transfer.
21. Conferment of powers of Revenue-officer.

CHAPTER III.

PROVISIONS WITH RESPECT TO CERTiN SOURCES OF REVENUE.

Thathameda-tax.

22. Thathameda-tax.

State Land.

23. Definition of " State land ".
24. Cognizance of claims to State land.
25. Incidents of the tenure of State land.
26. Grant and temporary occupation of waste-land, and allotment of such land for grazing grounds.

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Lands other than State land.

SECTIONS.

27. Liability to payment of land-revenue.
28. Joint liability for land-revenue.
28A. Enhancement when to take effect.

Land-records.

29. Preparation and maintenance of record-of-rights.
30. Determination of disputes arising out of preparation and maintenance of record-of-rights.

Minerals and Earth-oil.

31. Mines, minerals, coal and earth-oil.

Fisheries.

32. Fisheries.

Salt.

33. Manufacture of salt.

Irrigation-Works.

34—36. *Rep. Bur. Canal Act, 190-5 (Bur. Act 2 of 1905).*

CHAPTER IV.

COLLECTION OF REVENUE.

37. Definitions of " revenue " and " moveable property ".
38. Time and mode of payment of revenue.
39. Security for payment of revenue.
40. Certificate as to arrear, and effect thereof.
41. Process for recovery of arrear.
42. Effect of sale on incumbrances.
43. Remedy to person denying that arrear is due.
44. Rules for the purposes of this Chapter.
45. Disposal of proceeds of sales.
46. Prohibition of Revenue-officers bidding at sales for recovery of revenue.
47. Recovery under this Regulation of other demands than revenue.
48. Validation of past proceedings.

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CHAPTER Y.

SUPPLEMENTAL PROVISIONS.

SECTIONS.

49. Rules as to process-serving establishments.
49A. Power to enter for purposes of assessment, upon land and do certain acts thereon.
50. General power of Financial Commissioner to mate rules.
51. Provisions with respect to rules under this Regulation.
52. Powers eserciseable by Financial Commissioner from time to time.
53. Exclusion of jurisdiction of Civil Courts in matters within the jurisdiction of Revenue-officers.

REGULATION Xo. Ill OF 1889.[1]

A Regulation to declare and amend the law relating to rights in land and the assessment and collection of revenue in Upper Burma.

Received the Governor General's assent on the 12th June, 1889; published in the Gazette of India of the 15th idem; and in the Burma Gazette of the 29th idem.

WHEREAS it is expedient to declare and amend the law relating to rights in land and the assessment and collection of revenue in Upper Burma: It is hereby enacted as follows: —

CHAPTER I.

PRELIMINARY.

1. *(1)* This Regulation may be called the Upper Burma Land and Revenue Regulation, 1889. Title, extent

aiK* oom' nc

(2) It extends to the whole of Upper Burma [2] * * * * .*me* ement-

and

(3) It shall come into "force on such day as the Local Government, by notification in the Burma Gazette, appoints in this behalf.

2. (*1*) The Upper Burma Revenue Regulation, YII of 1887, i& Repeal, and hereby repealed ; pending proceecungs.

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[1] **The provisions of this Regulation have been declared to apply in regard to certain matters to the proceedings of Revenue ifficers under the Burma Fisheries Act, 1905 (Bur. Act 3 of 1905i, *ee s. 30 'Athat Act,** *post.*

For consolidated directions and rules under the Regulation, see Burma Gazette. 1905, Pt. IV, p. 578, and *ibid,* i00b. Pi. I, p. 497

[2] **Thn words " except the Shan States " were repealed by the Burma Laws Act, 1898 (13 of 1898., the Fifth Schedule,** *ante,* **p. 153.**

[3] **Reg. 3 of 1889 i-ame into force on 13th July, 1889, see Bucma Gazette, 1889, Pt. I, p. 314.**

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(2) But all iules made under that Regulation and in force thereunder immediately before the commencement of this Regulation shall be deemed, so far as may be, to have been made under this Regulation and to be in force thereunder.

(3) All proceedings relating to matters dealt with by this Regulation and pending at the commencement of this Regulation before officers by whom they would be cognizable under this Regulation shall be deemed, so far as may be, to have been commenced under this Regulation.

Definitions. *3. In this Regulation, unless there is anything repugnant in the subject or contest,—

(1) the expression "minerals" includes amber;

(2) "town" means any area declared by the Local Government, by [2] notification in the local official Gazette, to be a town for the purposes of this Regulation, or constituted a municipality or town for the purposes of the [3]TJpper Burma Municipal Regulation, 1887, or the [4]TJpper Burma Towns Regulation, 1891, or of any other enactment for the time being in force; and

(3) "village" includes a village as defined for the purposes of the [5]Upper Burma Village Regulation, 1887, and any group of villages to which a headman may have been appointed under that Regulation.

vof 1887* \ VI of 1891.

XIV of 1887.

CHAPTER II.

R E VEN UE-OFFI CEE S.

Classes, Local Jurisdiction and Poiveis. »

(¡lasses, local jurisdiction md powers of Revmue-officers. 4. (1) There shall be the following classes of Revenue-officeis, namely: —

(c) the Financial Commissioner,

(*b*) the Commissioner,

(c) the Collector,

(d) the Assistant Collectoi of the first class, and

(e) the Assistant Collector of the second class.

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[1] **Section 3 was substituted by the Upper Burma Land and Revenue Regulation (1889) Amendment Regulation, 189iJ :3 ol 1898), s. 2,** *post.*

[1] **For instance of such a notification, see Burma Gazette, 1899, Pt. I, p. 187, and** ***Hid,*** **1907. Pt. I, p. 316.**

[3] *See* **now the Burma Municipal Act, 1898 (Bur. Act 3 of 1898),** ***post.***

[4] *See* **now the Burma Towns Act, 1907 (Bur. Act 3 of 1907),** *post.*

* ***See-*** **now the Burma Village Act, 1907 'Bui. Act 6 of 1907),** ***post.***

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(2) The Deputy Commissioner of a district shall be the Collector thereof.

(3) The Local Government may appoint any Assistant Commissioner, Extia Assistant Commissioner, Sub-divisional Officer, Township Officer, Myo-ok, ^Superintendent of Land Records] or Akunwun to be an Assistant Collector of the first or of the second class, as it thinks fit.

(4) Appointments under sub-section (3) shall be by notification in the Burma Gazette, and may be of a person specially by name or by virtue of his office or of more persons than one by any description sufficient for their identification.

(5) Subject to the.provisions of this Regulation, the jurisdiction of Commissioners and of Collectors and Assistant Collectors extends to the divisions and districts respectively in which they are for the time being employed.

Powers of Revenue-officers.

5. Except where the class of the Revenue-officer by whom any function is to be discharged is specified in this Regulation the Local Government, by [2] notification in the Burma Gazette or by the rules which it is empowered by this Regulation to make, or the Financial Commissioner by the rules which he is so empowered to make, may determine the functions to be discharged under this Regulation and the rules thereunder by any class of Revenue-officers.

Administrative Control.

Superintendence and control of Revenue-officers.

6. *(1)* The general superintendence and control over all other Revenue-officers shall be vested in, and all such officers shall [3][subject to the ^ control of the Local Government] be subordinate to, the Financial Commissioner.

(2) Subject [3][as aforesaid to the control of the Local Government and] to the general superintendence and control of the Financial Commissioner, a Commissioner shall control all other Revenue-officers in his division.

(3) Subject as aforesaid and to the control of the Commissioner, a Collector shall control all other Revenue-officers in his district.

Power to distribute and withdraw and transfer business.

7. *(1)* The Financial Commissioner or a Commissioner or Collector may by written order distribute, in such manner as he thinks fit, among the Revenue-officers under his control, any business cognizable by any of those officers.

[1] These words were inserted by the Upper Burma Land and Revenue Regulation (18SS] Amendment Regulation, 1895 (2 of 1895), *post.*

For appointments under this sub-seetion, *see* Burma Gazette, 1892, Pt. *I,* p. 585, and *jhid,* 11*6. Pt. I, p. *¡24.

[2] For notification under this sub-section, se» Burma Gazette, 1889, Pt. IV, p. 591; 1894, Pt. I, p. 439 ; *ibid,* 1899, Pt. IV, p. 204.

[3] These words were inserted by the Upper Burma Ruby Regulation (1887) Amendment Regulation, 1901 (5 of 1901), *post.*

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(2) The Financial Commissioner or a Commissioner or Collector may withdraw any case pending before any Revenue-officer under his control, and either dispose of it himself or by written order refer it for disposal to any other Revenue-officer under his control.

(3) An order under sub-section *(1)* or sub-section *(2)* shall not empower any officer to exercise any powers or deal with any business which he would not be competent to exercise or deal with within the local limits of his own jurisdiction.

Appeal, Review and Revision.

Appeals.

8. An appeal shall lie from an original or appellate order of a Revenue-officer as follows, namely:— .

(a) to the Collector when the order is made by an Assistant Collector of either class;

(*b*) to the Commissioner when the order is made by a Collector;

(c) to the Financial Commissioner when the order is made by a Commissioner :

Provided that—

(t) when an original order is confirmed on first appeal, a further appeal shall not lie.

(it) when any such order is modified or reversed on appeal by the Collector, the order made by the Commissioner on further appeal, if any, to him shall be final.

Limitation -or appeal».

9. The period of limitation for an appeal under the last foregoing section shall run from the date of the making of the order appealed from, and shall be as follows, that is to say: —

(a) when the appeal lies to the Collector—thirty days;

(b) when the appeal lies to the Commissioner—sixty days;

(c) when the appeal lies to the Financial Commissioner—nineiy days.

Review.

]_0. *(T)* A Revenue-officer may, either of his own motion or on the application of any party interested, review, and on so reviewing modify, reverse or confirm, any order made by himself or by any of his predecessors in office:

Provided as follows : —

ia) when a Commissioner or Collector thinks it necessary to review any order, whether made by himself or by any of his predenue-officer of a class below that of Collector proposes to review any order, whether made by himself or by any of his predecessors in office, he shall first obtain the sanction of the Revenue-officer to whose control he is immediately subject;

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(*b*) an application for review of an order shall not he entertained unless it is made within ninety days from the making of the order or unless the applicant satisfies the Revenue-officer that he had sufficient cause for not making the application within that period;

(c) an order shall not he modified or reversed unless reasonable notice has been given to the parties affected thereby to appear ■ and be heard in support of the order;

(*d*) an order against which an appeal has been preferred shall not be reviewed.

(2) For the purposes of this section the Collector shall be deemed to be the successor in office of any Revenue-officer, of a lower class who has left the district or has ceased to exercise powers as a Eevenue-officer, and to whom there is no successor in office.

(3) An appeal shall not lie fiom an order refusing to review or confirming on review a previous order.

Power to call for and revise proceedings ofRevenue-officers.

11. *(1)* The Financial Commissioner may at any time call for the record of any case pending before, or disposed of by, any Revenue-officei j subordinate to him.

(2) A Commissioner or Collector may call for the record oi any case pending before, or disposed of by, any Eevenue-officer under his control.

(3) If in any case in which a Commissioner or Collector has called for a record he is of opinion that the proceedings taken or order made should be modified or reversed, he shall report the case with his opinion thereon for the orders of the Financial Commissioner.

(4) The Financial Commissioner may in any case called for by himself under sub-section *(1)* or reported to him under sub-section *(3)* make such order as he thinks fit :

Provided that he shall not under this section make an order reversing or modifying any proceeding or order of a subordinate Revenue-officer and affecting any question of right between private persons without giving those persons an opportunity of being heard.

Procedure.

Rules as to Procedure.

12. (2) The Local Government may make rules consistent with this Eegulation for regulating the procedure of Revenue-officers under this Regulation *[and may by such rules confer upon any Revenue-officer any power exercised by a Civil Court in the trial of suits.]

(2) The rules may provide, among other matters, for the mode of

[1] **These words in s. 12 were substituted for the words " in cases in which a procedure is not prescribed by this Regulation *" by s. 2 of the Upper Burma Land and Revenue (Amendment) Regulation. 1903 (3 of 1903),** *post.*

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enforcing orders of ejectment from, and delivery of possession of, immoveable property, and rules providing for those matters may confer on a Revenue-officer all or any of the powers in regard to contempts, resistance and the like which any Civil Court in British India, other than a superior Court of Record, may exercise in the execution of a decree whereby it has adjudged ejectment from, or delivery of possession of, such property.

(3) Subject to the rules under this section a Revenue-officer may refer any case which he is empowered to dispose of under this Regulation to another Revenue-officer for investigation and report, and may decide the case upon the report.

Persons by whom appearances ind applications may be made befort *nd to Revenue-officers.

13. (7) Appearances before a Revenue-officer, and applications to and acts to be done before him, under this Regulation and the [1]rules thereunder may be made or done—

(a) by the parties themselves, or,

(b) with the permission of the Revenue-officer, by their recognized agents or a legal practitioner:

Provided that the employment of a recognized agent oi legal practitioner shall not excuse the personal attendance of a party to any proceeding in any case in which personal attendance is specially required by an order of the Revenue-officer.

(2) For the purposes of sub-section ***(1)*** the recognized agents of parties by -whom appearances, applications and acts may Tbe made or done are servants, partners, relations or friends whom the Revenue-officer may admit as fit persons to represent parties, and specially persons holding powers-of-attorney from absent parties, persons carrying on business on behalf of bankers and traders, managers of lands, nearest male relations of women, and persons authorized by virtue of their office to represent the Government.

(3) No legal practitioner shall practise before any Revenue-officer unless he holds a Certificate from the Financial Commissioner authorizing him to do so.

(4) Such a certificate shall be current for such time and chargeable with such stamp duty, and authorize practice before such Revenue-officers, as the Financial Commissioner prescribes, and may at any time for any cause appearing to the Financial Commissioner to be sufficient be cancelled by him.

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[1] **For rules under section 13, *see* Burma Gazette, 1892, Pt. I, p. 234.**
For addition as to minerals made to the General Rules under this section, *see* Burma. Gazette, 1900, Pt. I, p. 849.
[3] **For rules for the grant of certificates to legal practitioners, *see* Burma Gazette, 1890. Pt. IV, p. 185.**

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(•5) A Revenue-officer, in determining the costs of any proceeding before him under this Regulation, shall not allow to be included therein the remuneration of any recognized agent or legal practitioner.

14 *(1)* A Revenue-officer may summon any person whose attendance he considers necessary for the purpose of any business before him as a Revenue-officer. **Revenue officer to summon**

(2) A person so summoned shall be bound to appear at the time and persons, place mentioned in the summons in person or, if the summons so allows, by his recognized agent or a legal practitioner.

(3) The person attending in obedience to the summons shall be bound to state the truth upon any matter respecting which he is examined or makes statements, and to produce such documents and other things relating to any such matter as the Revenue-officer may require.

15. *(1)* A summons issued by a Revenue-officer shall, if practicable, be served *(a)* personally on the person to -whom it is addressed, or failing him on (*b*) his recognized agent or (c) an adult male member of his family usually residing with him or (*d*) the headman of the village in which he resides. **Mode of service of summons.**

(2) If service cannot be so made, or if acceptance of service so made is refused, the summons may be served by posting a copy thereof at the usual or last known place of residence of the person to whom it is addressed, or if that person does not reside in the district in which the Revenue-officer is employed and the case to which the summons relates has reference to land in that district, then by posting a copy of the summons on some conspicuous place on or near the land.

(3) If the summons relates to a case in -nhich persons having the same interest are so numerous that personal service on all of them is not reasonably practicable, it may, if the Revenue-officer so directs, be served by delivery of a copy thereof to such of those persons as the Revenue-officer nominates in this behalf and by proclamation of the contents thereof for the information of the other persons interested.

(4) A summons may, if the Revenue-officer so directs, be served on tbe person named therein, either in addition to, or in substitution for, any other mode of service, by forwarding the summons by post in a prepaid letter addressed to the person at his usual or last known place of residence and registered under [1] [Chapter VI of the Indian Post Office Act, 1898]. VI of 1898.

(5) When a summons is so forwarded in a prepaid letter and it is proved that the letter was properly addressed and duly posted and regis-

[1] **These words and figures in nub section (4) of s. 15 were substitnted for the words and figures " Part III of the Indian Post Office Act, 1856 " by s. 3 of the Upper Burma Land and lie venue (Amendment) Regulation, 1901 (5 of 1901), *post.* For the Indian Post Office Act, 1898, see Genl. Acts, Vol. V.**

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tered, the Revenue-officer may presume that the summons Mas served at the time when the letter would he delivered in the ordinary course of post.

Mode of service of notice or order.

16. A notice or order issued by a Revenue-officer for service on any person shall be served in the manner provided in the last foregoing section for the service of a summons.

Mude of makinj; proclamation.

17. When a proclamation is issued by a Revenue-officer it shall be made by such method as the Revenue-officer may decide to be the customary method and, if the proclamation relates to land, it shall be further made by the posting of a copy thereof on some conspicuous place on or near the land.

Supplemental Provisions.

H(lidays.

18. *(1)* The Financial Commissioner, with the approval of the Local Government, shall publish in the Burma Gazette before the commencement of each calendar year a list of days to be observed in that year as holidays by all or any Revenue-officers.

(2) A proceeding had before a Revenue-officer on a day specified in the list as a day to be observed by him as a holiday shall not be invalid by reason only of its having been had on that day.

Discharge oi duties oi Collector dying or being disabled.

19. When a Collector dies or is disabled from performing his duties, the officer who succeeds temporarily to the chief executive administration of the district under any orders which may be generally or specially issued by the Local Government in this behalf, shall be deemed to be a Collector under this Regulation.

Retention of powers by Rt venue-ofheers on transfer.

20. When a Revenue-officer of any class who has been invested under the provisions of this Regulation with any powers to be exercised in any local area is transferred from that local area to another as a Revenue-officer of the same or a higher class, he shall continue to exercise those powers in the other local area unless the Local Government otherwise directs or has otherwise directed.

Conferment of powers cn Revenue-officers.

21. *(1)* The Local Government may, by Notification in the Burma Gazette, confer on any person—

(a) all or any of the powers of a Financial Commissioner, Commissioner or Collector under this Regulation and the rules thereunder, or

(b) all or any of the powers with which an Assistant Collector may be invested under this Regulation,

and may by a like notification withdraw any powers so conferred.

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[1] For notifications cunferrine powers undei sub-section (2) of this section, *see* Btrma Ouaetle, 1892, Pt. I, p. 655; *ibid,* ld93, pp. 106 and 118, and *ibid,* 1894, pp. 289, 380 and 439.

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(2) A person on whom powers are conferred under sub-section *(1)* shall exercise them within such local limits and in such classes of casps as the Local Government may direct, and shall, if the Local Govern-.ment so directs, be deemed for all purposes connected with the exercise thereof to be the Financial Commissioner, Commissioner, Collector or Assistant Collector, as the case may be, having exclusive jurisdiction within those limits with respect to those classes of cases.

(3) If any of the powers of a Collector under this Regulation and the rules thereunder are conferred on an Assistant Collector, they shall, unless the Local Government by special order otherwise [1] directs, be exercised by him subject to the control of the Collector.

CHAPTER III.

PROVISIONS WITH RESPECT TO CERTAIN SOURCES OF REVENUE.

Thathameda-tax,

22. (1) [2][Subject. to the provisions of this Regulation, the thathame- **Thathameda-**da-tax] shall be leviable at such average rate per household or family, and **tax'** shall be assessed by such persons and subject to such [3] rules as the Local Government directs.

(2) The average rate at which thathameda-tax is to be levied may vary from district to district, and from place to place within a district, as the Local Government, having regard to local circumstances [4] [and the rates of land-revenue payable], may deem expedient.

(3) In the case of any town or village, or, if the Financial Commissioner so directs, of any part of a town or village, all the inhabitants of the town, village or part, as the case may be, shall be jointly and severally liable for the whole of the thathameda-tax leviable therein.

State Land.

23. " State land " in the following sections of this Regulation means **Definition of^** land belonging to or at the disposal of the Goverament, and includes— **Stateland.**

(a) land hitherto termed royal land;

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[1] **For notification directing that Settlement Officers when exercising powers of a Collector under s. 27, shall not be subject to the control of the Collector, *see* Burma Gazette, 1894, Pt. I, p. 487.**

[2] **The words in brackets in sub-section *(1)* of s. 22 were substituted for the words " The Thathameda-tax " by s. 4 *(1)* of the Upper Burma Land and Revenue (Amendment) Regulation, 1901 (5 of 19011, *post.***

*** For rules, see Burma Gazette, 1907, Pt. I, p. 434.**

*** The words in square brackets in sub-section (2) of s. 22 were inserted by s. 4 (2) of Regulation 5 of 1901, *post.***

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(*b*) land held on condition of rendering public service or as an appanage to or emolument of a public office;

(c) islands and alluvial formations in rivers;

(*d*) waste-land and land included within reserved or village forests; and

(e) land which has been under cultivation but has been abandoned and to the ownership of which no claim is preferred within two years from the commencement of this Regulation.

Presumption as to State land.

24. Any land which before the commencement of this Regulation has been or thereafter may be declared by the Collector to be State land, shall be deemed to be such land until the contrary is proved.

(2) A claim to the ownership or possession of any land with respect to which such a declaration has been or may be so made, or to hold such land [1][free of land-revenue or at a favourable rate of land-revenue], or to establish any lien upon, or other interest in, such land or the rents, profits or produce thereof, shall be cognizable by the Collector only, and the order which the Collector may make on the claim shall, subject to the provisions of Chapter II with respect to appeal, review and revision, *be* final.

[2][(3) The period of limitation for a claim under the last preceding sub-section shall be one year from the date of the declaration made by the Collector.]

[3]*(4)* A declaration made by the Collector under sub-section (2) may be withdrawn by him at any time before the passing of an order on any claim preferred under sub-section *(2)* to the ownership or possession of the land to which the declaration relates; and a declaration so withdrawn shall be deemed not to have been made, and no presumption of the nature specified in sub-section (2) shall be deemed to have arisen.

Incidents of the tenure of State land.

25. Subject to the provisions of this Regulation and the rules thereunder and to the terms of any order made on any such claim as is mentioned in sub-section *(2)* of the last foregoing section, the following are among the incidents of the tenure of State land, namely: —

(a) an occupier of State land can have no heritable or transferable right of use or occupancy therein, nor can any rights adverse to the Government exist in such land unless they have been

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[1] The words in square brackets in s. 24 (2) were substituted for the words " rent-free or at a favourable rent or rate of rent " by 8. 5 (i) of Regulation 5 of 1901, *post.*

[2] This sub-section was added by the Upper Burma Land and Revenue Regulation (1889) Amendment Regulation, 1895 (2 of 18951, pMi.

[3] Sub-section *i.f)* was added to s. 24 by s. 5 *(2)* of the Upper Burma Land and Revenue (Amendment) Regulation, 1901 (5 of 1901), *post.*

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created or continued by a grant made by or on bebalf of the British Government;

[1]* * * * * * *

(c) an occupier of State land may not, except for default in the payment of [2][land-revenue] due from him to the Government, be ejected from such land without such notice as may be prescribed by rules to be made by the Local Government in this behalf or, failing such notice, such compensation as, subject to any such rules, the Collector may, having regard to all the circumstances of the case, deem just;

(d) a person occupying State land without the permission of the Collector or of some other officer authorized by rules to be made by the Local Government in this behalf, or occupying such land with such permission and making default in the payment of the [2][land-revenue] due from him to the Government in respect thereof, may at any time be ejected from the land by order of the Collector.

Grant and temporary occupation of waste-land, and allotment of grazing-grounds.

'-26. (2) The Financial Commissioner may make [3]rules—

(a) for the disposal by way of grant or otherwise of any State land wiiicii is waste,

((&) for regulating the temporary occupation of such land, and for grazing-grounds;

(c) for the allotment from such land of grazing-grounds to the inhabitants of any village in the neighbourhood thereof whom he considers to stand in need of such allotment, and the regulation and control of the use of such grazing-grounds by persons permitted to graze their cattle thereon.

(2) Rules under clause (a) of sub-section (2), with respect to State

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[1] Clause (6) of s. 25 was repealed by s. 6 of the Upper Burma Land and Revenue (Amendment) Regulation, 1901 (5 of 1901), *post.* That clause ran as follows :—

" (6) the rent payable in respect of State land is such as may have been agreed upon between the occupier and an officer of the Government authorized by rules to be made by the Local Government in this behalf to enter into such an agreement with the occupier on behalf of the Government, or, in the absence of such an agreement, such sum as such an officer, with the approval of the Collector, may determine to be a fair and equitable rent for the use and occupation of the land."

[3] The words " land-revenue " in sub-sections (<■) and *(d)* were substituted for the word " rent " by s. 6 of the Upper Burma Land and Revenue Regulation, 1901 (5 of 1901), *post.*

[3] For rules made for Upper Burma (except the Shan States), under s. 26, *see* Burma Gazette, 1892, Pt. I, p. 234 and *ibid,* 1902. Pt. IV, p. 520.

S. 26 has been applied to the Shan States, with modifications, see Notification No. 3, dated 28th January 1897, pout. For rules mad-3 under this section an sj modified, *see* Burma Gazette, Pt. IV, pp. 396—398, *ibid,* 1898, Pt. IV, p. 169, and *ibid,* 1902, Pt. IV, p. 669.

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land which is waste, may provide for the follow mg among other matters,, namely: —

(i) the amount or kind of interest to be created in such land, and the conditions, if anj[T], subject to which such interest may- be conferred,

(ii) the mode in which grants and other dispositions of the land may be made,

(iii) the total or partial exemption, either absolutely or subject to' conditions, of the land from rent for a term of yeai'3 or for any life or lives or during the maintenance of any institution, and

(iv) the realization of any money payable in consideration of the grant or other disposition, or of any penalty payable on breach of a condition annexed to such grant or disposition,, as if it were an arrear of revenue due in respect of the land from the person taking under the grant or disposition, his legal representatives or assigns,

but such rules shall not take effect until they have been approved by the Governor General in Council.

(3) A rule under sub-section (*1*) may authorize the ejectment, by order of any revenue-officer, of any person occupying or using laud in contravention of any rule under that sub-section.

(4) JNo person shall acquire, by length of possession or otherwise, any interest in land disposed of, occupied or allotted in pursuance of rules under clause *(a),* clause (*b*) or clause (c) of sub-section (i) beyond such interest as is conferred by the rules.

Lands other than State Land.

Liability to payment of land-revenne.

[1] 27. *(1)* All lands, to whatever purpose they may be applied and wherever they may be situate, shall, subject to the other provisions of this section, be liable to the payment of land-revenue to the Government.

(2) The land-revenue payable under sub-section *(1)* shall be at such rates in kind or money and for such period as the revenue-officer appointed in this behalf may, in accordance with rules to be made by the Local Government with the previous sanction of the Governor General in Council, fix. The rates so fixed may be on classes of soil or on classes of crop throughout any district or part of a district.

(3) The Local Government, with the previous sanction of the Governor General in Council, may dircct that in any district or part of a

[1] S 27 was substituted by s. 7 of the Upper Burma Land and Revenue (Amendment) Regulation, 1901 (5 of 1901), *post.*

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district an abatement from the rates fixed under sub-section (2) shall be made before they are applied to the assessment of land other than State land, and in every such direction shall specify the amount of such abatement. When in any district or part of a district such an abatement has been granted, the abatement shall not be withdrawn nor decreased m any future revision of the assessment except with the previous sanction of the Governor General in Council.

(4) All land which was subject to the payment of land-revenue immediately before the commencement of this Regulation, shall, whether it has or has not been declared under section 24, sub-section (2), to be State land, continue to be so subject, and the land-revenue payable in respect thereof shall, until the land is assessed under the provisions of this Regulation and the rules thereunder, be levied in such manner and at such rates as have heretofore been customary.

(5) No refund of land-revenue shall be claimable in the event of any land assessed under sub-section (*4*) being afterwards declared to be other than State land.

(6) Nothing in sub-section (2) with respect to the liability of State land to the payment of land-revenue shall be deemed to apply to any of the following classes of land, namely: —

(a) land belonging, at the commencement of this Regulation, to the site and curtilage of any monastery, pagoda, or other sacred building, or of any school, and continuing to be used for the purpose of such monastery, pagoda, building or school;

(*b*) land exempted from liability to the payment of land-revenue by the express terms of any grant made or continued by or on behalf of the British Government.

28. When any local area is being assessed to land-revenue under the joint liability last foregoing section, the Local Government may, by notification in the Burma Gazette, declare, with respect to the whole or any part of the area, that all the holders of all the lands assessed in each village therein shall be jointly and severally responsible for the land-revenue assessed on all the lands in the village. for, and- revenue.

28A.[1] (2) Notwithstanding anything contained in this Regulation, no enhancement made in any rate of land-revenue, tax or fee shall take effect until the commencement of the year of assessment next following that in the course of which the enhancement is made. Enhancement to tat(' when effect.

(2) The Local Government may, by notification in the Burma

[1] S. 28A was added by s. 8 of the Upper Burma Land and Revenue (Amendment) Regulation, 1901 (5 of 1901). *post.*

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Gazette, fix the year ■which shall be deemed to be the year of assessment in respect of such rate, tax or fee.

Land-records.

Preparation and maintenance of record-of-rights.

29. *(I)* As soon after the commencement of this Regulation as circumstances permit, the Financial Commissioner shall cause a record-of-rights to be prepared for each village, [1] [and for such towns as he may, from time to time by notification in the local official Gazette, direct] and, when such a record has been prepared, the Collector shall maintain it by causing a corrected edition thereof to be prepared at such intervals as the Financial Commissioner may prescribe.

(2) For the purpose of facilitating the preparation of the periodical edition of the record-of-rights, a register, to be called the register of mutations, shall be kept in which any event affecting any of the matters recorded in the record-of-rights or in the last periodical edition thereof shall be recorded as soon as may be after it happens.

(5) The Financial Commissioner shall from time to time make [2]rules—

(a) as to the documents (including maps) to be comprised in the record-of-rights, and their contents and form;

(b) as to the documents (including maps) to be comprised in the periodical edition of the record-of-rights, and their contents and form ;

(c) as to the contents and form of the register of mutations, and the verification of matters to be recorded therein;

(d) as to the obligation of persons interested in land to give information of any event which may affect any of the matters recorded in the record-of-rights or in the last periodical edition thereof;

(e) as to the consequences which shall ensue on failure to discharge such obligation;

(/) as to the fee, if any, to be paid in respect of any entry in a register of mutations and the person by whom such fee is to be payable ; and,

(g) generally, for the guidance of revenue-officers and headmen in carrying out the purposes of this section.

(4) Any person whose rights or liabilities are required by any rule under sub-section *(3)* to be recorded under this section shall be bound to furnish, on the requisition of any revenue-officer or headman engaged

[1] **These words -were added bv s. 3 of the Upper Bu*ma Land and Revenue Regulation (1889) Amendment Regulation, 1898 (3 of 1898), *post.***

[3] **For rules, *see* Burma Gazette, 1892, Pt. IV, p. 234; *ibid,* 1893, Pt. IV, p. 354; *ibid,* 1901, Pt. IV, p. 533.**

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m compiling the record, all information necessary for the correct compilation thereof.

30. (7) If, in the course of any proceeding for the purpose of carrying out the provisions of the last foregoing section and the rules thereunder, a dispute arises as to any matter of which an entry is to be made in a record or register, a revenue-officer, of his own motion or on the application of any party interested, may, after such inquiry as he thinks fit, determine the entry to be made as to that matter. **Determination of disputes arising out of preparation of record of rights.**

(2) If in any such dispute the revenue-officer is unable to satisfy himself as to which of the parties thereto is in possession of any property to which the dispute relates, he shall ascertain by summary inquiry who is the person best entitled to the property, and shall by order direct that that person be put in possession thereof, and that an entry in accordance with that order be made in the record or register.

(3) A direction of a revenue-officer under sub-section *(2)* shall be subject to any decree or order which may be subsequently passed by any competent authority.

Minerals and Earih-oil.

31. *(1)* Save as otherwise expressly provided by the terms of any grant made or continued by or on behalf of the British Governmenf, the Tight to all precious stones, mines, minerals, coal and earth-oil shall be deemed to belong to the Government, and the Government shall have all powers necessary for the proper enjoyment of its right thereto, [1] [and may dispose of any such right and powers to any person in such manner as to it may seem fit.] **Mines, minerals, coal and earth-oil.**

[2] *(2)* Whenever in the exercise of any such right and powers by the Government, or by any person to whom the Government may have disposed of such light and powers, the rights of any owner or occupier of any such land are infringed by the occupation or disturbance of the surface of such land, the Government shall pay, or cause to be paid to such owner or occupier compensation for the infringement.

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[1] The words in square brackets in sub-section *il)* of s. 31 were added by s. 2 (2) of the Upper Burma Land and Revenue (Amendment) Regulation, 1907 6 of 1907i, *post.*

[3] Sub sections (2) and *(3)* of s. 31 were substituted for sub-sections (£) to *(i* by s. 2 (2) of the Upper Burma Land and Revenue (Amendment) Regulation, 1907 (6 of 1907), post. The original sub-sections were as follows :—

" (2) Whenever in the exercise of any such right of the Government the rights of any pierson are infringed by the occupation or disturbance of the surface of any land, the Government shall pay, or cause to be paid, to that person compensation for the infringement.

" *(3)* The compensation shall be determined as nearly as may be in accordance with the provisions of the Ltnd Acquisition Act, lb'94.

■" ($) The Local Government may make rules for the levy and collection of royalties or fees in respect of minerals mined, quarried or collected in land wherein the right to minerals is deemed to belong to the Government."

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The compensation shall be determined, as nearly as mav be, in accordance -with the provisions of the [1] Land Acquisition Act, Î894. I of 189i.

(3) The Local Government may make [2] rules—

(a) for regulating or prohibiting the mining, quarrying or digging for, or the excavating or collecting of, minerals on land wherein the right to minerals is deemed to belong to the Government;

(*b*) for the disposal by way of lease, license or otherwise of suchi right of the Government, and fixing the conditions subject to which and the mode in which stich dispositions may be made ;

(c) for the levy and collection of royalties and fees in respect of minerals mined, quarried, excavated or collected on anysuch land; and

(d) for regulating and controlling the transport and export of minerals.

[3] Fisheries.

Fisheries.

32. (2) In this and the following sections of this Regulation : —

(a) "fishery" means any collection of water, running or still,. which is itself of a permanent nature or is connected with some waters of a permanent nature, and in which fish or turtle may be found :

(b) "to fish" includes to catch turtle or collect their eggs: and

(c) " fixed engine " means any fixed implement for catching or for facilitating the catching of fish, and includes a net secured by anchors or otherwise temporarily fixed to the soil.

(2) Every fishery shall be deemed to belong to the Government, and no right to fish in any fishery shall be deemed to have been acquired by the public or by any person, either before or after the commencement of this Regulation, except under this section or the rules thereunder.

(3) Subject to such rules and to such conditions and restrictions as the Financial Commissioner with the previous sanction of the Local Government may prescribe in this behalf, the Collector of any district may dispose of the right to fish in any fishery situate within his district or specially placed under his charge by the Financial Commissioner, either by granting to any person a lease of the exclusive right to fish

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[1] **Genl. Acts, Vol. IV.**

[2] **For rules under sub-section (S) of s. 31, see the consolidated rules referred to in footnote 1 on p. 219, *ante*.**

* **Ss. 32 and 33 ceases to apply to any local area in Upper Burma to which ss. 2 to 32 of the Burma Fisheries Act, 1905 (Bur. Act 3 of 1905), have been extended, *see* s. 2 (#) of that Act, *post*.**

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in such fishery or hy granting to any number of persons licenses tO' use nets, traps or other implements for fishing therein.

(*4*) All such leases and licenses granted before, and in force at, the commencement of this Regulation shall be deemed to have been gianted under sub-section *(3).*

(J) Except where a lease has been granted of the exclusive right to fish in a fishery, any person may without a license fish in the fishery by angling therein with a rod and line only.

(6) The Local Government may declare, with respect to any fishery, that it shall cease to be a fishery for the purpose of this section, and may at any time cancel any such [1] declaration.

(7) The Financial Commissioner may make [2] rules for all or any of the following purposes, namely: —

(a) for the survey and demarcation of the limits of fisheries;

(б) for determining in which of the modes mentioned in sub-section *(3)* the right to fish in any fishery is to be disposed of;

(c) for regulating the conditions on which, and the procedure by which, fisheries may be opened to the public or leases may be granted of the exclusive right to fish in fisheries;

(d) fcr fixing the iates at which, and the conditions on which, licenses to use nets, traps or other implements for fisbing in fisheries may be granted;

(e) for settling the conditions on which permission to erect, place, maintain or use obstructions and fixed engines in fisheries or waters connected therewith may be granted;

(/) ioc making and maintaining free gaps in weirs; and

(g) generally, for carrying out the purposes of this section.

(8) If ony person fishes in any fishery without having a right to fish therein, he shall be punished, for a first offence, with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both, and, for a subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Salt.

[3] 33. (2) In this section the word " saltpetre " and the expression Manufacture ' manufacture of salt" have the same meanings, respectively, as in [of salt].

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[1] **For declaration issued under this sub-section, *see* Burma Gazette, 1896, Pt. I, p. 477.**

[1] **For rules, see Burma Gazette, 1908, Pt. IV, p. 192.**

' ***See* the third footnote on preceding page.**

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the [1] Indian Salt Act, 1882, and in this and the following sections of this Regulation the word " salt " includes saltpetre. XII of 1882.

(2) The Financial Commissioner may make rules—

(a) for granting licenses for the manufacture of salt; and

(b) for compounding with the holder of such a license for the payment by him of an annual sum assessed upon the plant employed by him, in lieu of the duty which would be payable by him on the salt manufactured ^ith the aid of such plant.

(3) If any person, without such a license [2] [or in contravention of the terms of such a license] for the time being in force—

(a) engages in the manufacture of salt,

(b) owns works for the manufacture of salt, or ■

(c) stores salt exceeding such quantity as the Financial Commissioner, by notification in the Burma Gazette, prescribes in this behalf,

he shall be punished with fine which may extend to two hundred rupees, and. with a further fine which may extend to twenty rupees for every day after a first conviction under this sub-section during which he continues such manufacture or storage; and

(4) All salt in respect of which a conviction under the last foregoing sub-section has taken place, and all materials and implements used for the purpose of the manufacture of such salt, shall be liable to confiscation by order of the convicting Magistrate.

34. *[Water-rate* ~\

35. [7 *oils for navigation in irrigation channels.*~\

36. [*Records respecting irrigation* tcor/cs.] *

Rep., Bur. Canal Act, 1905 (Bur. Act 2 of 1905.)

CHAPTER IY.

Collection of Revenue.

Definitions of " revenue ' an 1 " moveable property."

37. In the following sections of this Regulation: —

(1) " revenue " includes—■

(a) thathameda-tax;

(b) [3]* * land-revenue payable in respect of State and other lands;

[1] Genl. Acts, Vol. III.

[2] Inserted by a. 2 of the Upper Burma Land and Revenue Regulation Amendment Regulation, 1900 J4 of 1900), *post.*

[3] The words'" rent and " were repealed by s. 9 of the Upper Burma Land and Revenue (Amendment) Regulation, 1901 (5 of 1901), *pott.*

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(c) revenue payable on account of precious stones, mines, minerals, coal, eartb-oil, fisheries, salt and ferries;

(c£) water-rate in respect of irrigation from channels, tanks or other irrigation-works controlled and wholly or partially maintained by the State, and tolls in respect of navigation in irrigation-channels so controlled and maintained;

(e) excise in respect of spirit, fermented liquor, intoxicating drugs and opium ; and

(/) every other sum payable to the Government in accordance with law, contract or local u«age; and

(2) " moveable property " includes standing timber, growing crops and grass, and fixed engines in fisheries or waters connected therewith.

Time and 38. *(I)* The Financial Commissioner may make rules determining the number and amount of the instalments by which, the person to whom, and the time, place and manner at and in which, any revenue is to be paid.

(2) Until rules are made under sub-section *(1),* revenue shall be paid by the instalments, to the persons, at the times and places and in the manner by which, to whom and at and in which it was payable immediately before the commencement of this Regulation.

(3) Any revenue not paid as required by rules under sub-section (*1)* or by sub-section ***(2)*** is an arrear, and the person from whom it is primarily due, as well as the surety, if any, for the payment thereof by that person, is a defaulter.

Security for 39. The revenue for the time being payable in respect of any land shall be the first charge upon the rents, profits and produce of the land, and, except with the written consent of the Collector, such rents, profits or produce shall not be liable tti be taken in execution of a decree or order of any Court until the revenue chargeable thereon, and any arrear of revenue due in respect of the land, have been paid.

Certificate as 40. Subject to the other provisions of this Chapter, a statement of account certified by a Collector or Assistant Collector shall be conclusive proof of the existence of an arrear, of its amount and of the person who is the defaulter.

Process for 41. *(1)* An arrear may be recovered by any one or more of the following processes, namely:—

(a) by service on the defaulter of a notice requiring him to pay the arrear at a time and place, and to a person, specified in the notice;

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(b) by attachment and sale of any moveable property belonging to the defaulter except, if he is an agiiculturist, his implements of husbandry and seed-grain and the cattle actually employed by him in agriculture and, if he is an artisan, his tools;

(c) by the arrest of the defaulter and his imprisonment in the civil jail for a period not exceeding one month;

(d) by attachment and sale of any immoveable property belonging to the defaulter.

(2) The processes described in sub-section (2) may be used either separately or simultaneously.

Effect of sale on incumbrances.

42. (2) When any immoveable property is sold under this Chapter ^or the recovery of an arrear due in respect thereof, the following consequences shall ensue unless a Revenue-officer empowered in this behalf has otherwise directed, namely: —

(a) all leases, liens and other incumbrances on the property shall be extinguished, and

(*b*) all grants or contracts previously made by any person other than the purchaser in respect of the property shall become void as against the purchaser.

(2) When any immoveable property is brought to sale under this Chapter for the recovery of any other sum than an arrear due in respect thereof, the interests of the defaulter alone therein, as those interests existed immediately before the attachment of the property, shall be sold.

Remedy of person denying arrear

43. (2) When proceedings are taken under this Chapter for the ^recovery an arrear, the person against whom they are taken may, if he denies that the arrear or any part thereof is due, pay the same under protest made at the time of payment and signed by him or his agent, and institure a suit in any Civil Court having jurisdiction, as regards the value of the suit, at the liead-quarters of the district in which the arrear is alleged to have accrued, for the recovery of the amount which he denies to be due.

(2) In a suit instituted under sub-section (*1*) the plaintiff may, notwithstanding anything in section 10, give evidence with respect to his liability for the payment of the alleged arrear.

Rules for the Sr/te,. "ith this Regulation—

44. (2) The Financial Commissioner may make rules consistent

(a) for determining the officers or classes of officers by whom any of the processes described in section 41 may be enforced;

(&) for regulating the proceduie to be followed in enforcing any ot those processes;

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(c) prescribing fees for the service or execution of any of those processes;

(d) for determining the commission, if any, to be allowed to persons appointed in accordance with any rule under section 38, sub-section *(I),* to receive payment of any revenue and, where the commission is to be paid to more persons than one, the manner in which it is to be divided among them; and,

(e) generally, for the guidance of all persons in matters connected with the enforcement of this Chapter.

[2]*(2)* Any fee leviable in pursuance of any rule under clause (c) of sub-section *(1)* shall be recoverable as part of the arrear in respect of which the process was issued.

Disposal of proceeds of sales.

45. (2) When a sale of any property under this Chapter for the recovery of an arrear has become absolute, the proceeds thereof shall be applied, in the first place, to the payment of the arreai and, in the second place, to the payment of any other arrear, or of any sum recoverable as an arrear under this Chapter, which may be due to the Government from the defaulter.

(2) Any balance of the proceeds of the sale which may remain after satisfaction of the claims of the Government under sub-section *(1)* shall, subject to the directions of any Court with respect to the application thereof, be paid to the defaulter.

Revenue-officers bidding at sales.

46. Except on behalf of the Government, no revenue-officer, or person employed in a revenue-office, shall purchase or bid for, either in person or by agent, in his own name or in that of another, or jointly, or in shares with others, any property which any revenue-officer in the district in which he is employed has ordered to be sold for the recovery of an arrear of revenue.

Recovery under this Regulation of demands other than revenue.

47. Where, under any enactment for the time being in force, any sum is recoverable as an arrear of revenue, or as an arrear of land-revenue, it shall be recoverable as an arrear under this Chapter.

Validation of past proceedings.

48. All revenue collected before the commencement of this Regulation shall be deemed to have been collected in accordance with law.

CHAPTER V.

SUPPLEMENTAL PROVISIONS.

[2] 49. The Local Government may, with the previous sanction of the Rules as to

[1] **Clause (c) will be repealed by s 4 of the Burma Process Fees Act, 1910 (Bur. Act 1 of 1910), when that Act is brought into force, *see* Appendix II, *post.***

[1] **Sub-section *(2)* of s. 44 and a. 49 will be repealed by s. 4 of the Burma Process Fees Act, 1910 (Bur. Act 1 of 1910), when that Act is brought into force, *see* Appendix II, *post.***

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process-serving establishments.

Governor General in Council, make rules with respect to the establishments to be maintained for the service and execution of processes issued by Revenue-officers and Civil and Criminal Courts, and may declare rules so made to be in supersession of any rules made under the [1] Court-fees Act, 1870, or other enactment for the time being in force. VII of 1870.

Power to enter, for purposes of assessment, upon land and do certain acts theresn.

[2] 49A. So far as may be necessary for the purposes of any assessment of land either contemplated or in progress, any Revenue-officer generally or specially empowered by the Financial Commissioner in that behalf—

(a) may enter upon, demarcate, survey and make plans of any land; and

(b) so far as may be necessary for the purpose of estimating the capabilities of the soil, may cause any ripe crop thereon to be cut and threshed, or otherwise properly harvested, and the grain or other produce to be measured and weighed:

Provided that not more than half an acre of the crop belonging to any one person shall be so cut upon any one occasion without the consent of the owner thereof, and that without the consent of the occupier thereof no farm or other holding shall be entered upon under this section oftener than once in five years:

Provided also that in the exercise of this power no injury shall be caused to any other crop or land.

General p wer of Financial Commissioner to make rules.

50. The Financial Commissioner may, in addition to the other rules which may be made by him under this Regulation, make rules consistent with this Regulation and any other enactment for the time being in force—

[3]*(a)* prescribing the fees to be charged for the service and execution of processes issued by Revenue-officers otherwise than for the recovery of arrears of revenue, and the mode in which those fees are to be collected;

(b) regulating the travelling and other expenses of witnesses;

(c) regulating other costs in proceedings before Revenue-officers and providing for the realization of costs in such proceedings as if they were arrears of revenue;

(¿) regulating the procedure in cases where persons are entitled to inspect records of revenue-offices or records or papers in the custody of headmen or other village-officers or to obtain

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[1] GenV. Acts, Vol. II.

[7] S. 49A was inserted by the Upper Burma Land and Revenue Regulation (1889) Amendment Regulation, 1894 (3 of 1894), *post.*

[1] Clause (a) will be repeated by s. 4 of the Burma Process Fees Act, 1910 (Bur. Act 1 of 1910), when that Act is biuught into force, *set* Appendix II, *post.*

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copies of the same and prescribing the fees payable for searches and copies;

(e) prescribing forms for such hooks, entries, statistics and accounts as the Financial Commissioner thinks necessary to he kept,* made or compiled in revenue-offices or submitted to any authority;

(/) declaring what shall he the language of any of those offices and determining in what cases persons practising in those offices shall be permitted to address the presiding officers thereof in English; and,

(ff) generally, for. carrying out the purposes of this Regulation.

51. (7) The power to make any rules under this Regulation is subject to the control of the Governor General in Council, and to the condition of the rules being made after previous publication. **Provisions with respect to rules under thisRegula-**

(2) Rules made by the Financial Commissioner under this Regulation shall not take effect until they ha^e been sanctioned by the Local Government.

(5) Any power conferred by this Regulation on the Financial Commissioner to make rules, and the power of the Local Government to sanction them, may be exercised at any time after the passing of this Regulation, but a rule so made shall not take effect until this Regulation has come into force.

(4) The authority making any rule under this Regulation may attach to the breach thereof, in addition to any other consequences which may ensue from such breach, such punishment, not exceeding imprisonment for one month or fine extending to two hundred rupees, or both, as may seem to such authority, having regard to the object of the rule, to be appropriate.

52. All powers conferred by this Regulation on the Financial Commissioner may be exercised from time to time as occasion requires. **Powers by Financial Commissioner from time to time.**

53. Except as otherwise provided by this Regulation— **Exclusion of jurisdiction of**

(1) a Civil Court shall not have jurisdiction in any matter which the Local Government or a Revenue-officer is empowered by or under i[1] civil Courts matters within the

[1] For rules prescribing procedure on declaring land to be State land, see Burma Gazette, 1894, Pi. IV, p. 74.

For rules with reference to tha provisions of the Regulation generally, *set* Burma Gaz-tie. 1892. Pt. I, p. 23a. *ibid,* 1902, Pt. I, p. 215; *ibid,* Pt. IV, p. 549, and *ibid,* 1907, Pt. IV, p. 570.

It

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jutUillrtion of Revenue. officers.

;his Regulation to dispose of, or take cognizance of the manner in which the Local Government or any Revenue-officer exercises any powers vested in it or him by or under this Regulation; and in particular—

r

(2) a Civil Court shall not exercise jurisdiction over any of the following matters, which shall be cognizable exclusively by Revenue-officers, Eamely: —

(i) any question as to the limits of any State land;

(ii) any claim to the ownership or possession of any State land, or to hold such land [1][free of land-revenue or at a favourable rate of land-revenue] or to establish any lien upon, or other interest in, such land or the rents, profits or produce thereof;

(iii) any claim to compel the performance of any duties imposed by or under this Regulation or any other enactment for the time being in force on any Revenue-officer as such;

(iv) [*Claim to office of headmahi.*] *Rep., Regulation IV of 1896, section 4.*

(vj the preparation of record-of-rights or periodical edition of such a record;

(vi) the correction of any entry in a record-of-iights or periodical edition of such a record or in a register of mutations;

(vii) the amount of [2][land-revenue] to be paid in respect of any [2][State or other land] under this Regulation;

(viii) the amount of, or the liability of any person to pay, any other revenue recoverable under this Regulation;

(ix) any claim connected with, or arising out of, any right in an irrigation-work, or any charge in respect of land irrigated from such a work, or any matter which the Collector is bound to ascertain and record under section 36;

(x) any claim to a right to fish, or connected with, or arising out of, the demarcation or disposal of any fishery;

(xi) any claim to hold free of revenue any land, fishery or natural products of land or water;

(xii) any claim connected with, or arising out of, the collection of revenue, or the enforcement of any process for the recovery of an arrear of revenue or any sum recoverable as such an arrear;

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[1] **The words in square brackets in sub-section (2) (ii) were substituted for the words " rent free or at a lavourable rent or rate of rent," by. s. 10 of the Upper Burma Lund and Revenue (Amendment) Regulation, 1901 (5 of 1901), *post.***

[1] **The words " land revenue " in clause (vii) were substituted for the word " rent," and the words " State or other land " for the words " State land, or the amount of land-revenue to be assessed on any other land " by s. 10 of Regulation 5 of 1901, *post.***

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(xiii) any claim to set aside, on any ground other than fraud, a sale for the recovery of an airear of revenue or any sum recoverable as such an arr^ar;

(xiv) the amount of, or the liability of any person to pay, any fees, costs or other charges imposed under this Regulation.

'REGULATION No. V. of 1891.

[*Received the assent of the Governor General on the 25th October, 1891; published in the Gazette of India on the 31st idem; and in the Burma Gazette on the 14th November, 1891.*]

A Regulation to amend the Upper Burma Ruby Regulation, 1887.

XII of 1887. **Whereas** it is expedient to amend section 6 of the Upper Burma Ruby Regulation, 1887; It is hereby enacted as follows: —

1. For section 6 of the Upper Burma Ruby Regulation, 1887, the following shall be substituted, namely:— **Substitution of new section for section 6 of Reg. XII of 1887.**

{*Ante,* **p.** 212.]

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[2] REGULATION No. II of 1892.

[*Received the assent of the Governor General on the 22nd March, 1892; published in the Gazette of India on the 26th idem; and in the Burma Gazette on the 9th April, 1892.*]

A Regulation to amend the [3] Arakan Hills Civil Justice Regulation, 1874.

VIII of 1874. **Whereas** it is expedient to amend the [3] Arakan Hills Civil Justice Regulation, 1874; It is hereby enacted as follows:—

VIII of 1874. 1. In section 54 of the [3] Arakan Hills Civil Justice Regulation, 1874, for the word "three" the word "four" shall be substituted. **Amendment of section 54 of Reg. VIII, 1874.**

[1] **Short title " The Upper Burma Ruby Regulation (1887. Amendment Regulation, 1891," *see* the Burma Laws Act, 1898 cl3 of 1898), Fourth Schedule, *ante,* p. 151.**

[2] **Short title " The Arakan Hills Civil Justice Regulation 1874) Amendment Regulation, 1892," *see* the Burma Laws Act, 1898 (13 of 1898), Fourth Schedule, *ante,* p. 151.**

[3] ***Ante.***

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THE UPPER BURMA CRIMINAL JUSTICE REGULATION, 1892.

CONTENTS.

SECTIONS.

1. Short title and commencement.
2. Application of the Code of Criminal Procedure.
3. Notifications, etc., under Code as modified by expired Regulations.

SCHEDULE.

Modifications stbject to which the Code is to extend to Uppee Buraia[1] *with the exception of the Shan Stdtes.*

SECTIONS.

I.—" High Court."
II.—Courts of Session.
III.—Conferment of magisterial powers on police-officers.
IV.—Whipping.
V.—Powers of Magistrates.
YI.—Power to certain police-officers to act under section 55.
VII.—Detention at certain police-stations.
VIII.—Tender of pardon.
IX.—Recording of evidence in cases tried by headmen.
X.—Appeal from order of District Magistrate in qertain cases.
XI.—Restrictions on appeal.
XII.—Revision.
XIII.—Enhancement of punishment on appeal.
XIV.—Conduct of prosecutions.
XIVA.—Transfer of cases.
XV.—Orders not reversible on technical grounds alone.
XVI.—Fees for processes, copies and inspection of records.
XVII.—Saving of provisions relating to European British subjects.

[1] **The words " with the exception of the Shan States " are repealed by implication, see the fourth footnote on p. 245.**

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REGULATION No. Y OF 1892.[1]

[Received the assent of the Governor General on the 28th December, 1892; published in the Gazette of India on the 31st December 1892; and in the Buima Gazette of the same date.]

A Regulation to provide for the Administration of Criminal Justice in Upper Burma.

WHEREAS it is expedient to provide for the Administration of Criminal Justice in Upper Burma; It is hereby enacted as follows: —

1. (*1*) This Regulation may be called the Upper Burma Criminal Justice Regulation, 1892; and **short title and commencement.**

(2) It shall come into force on the 1st January, 1893.

2. (*1*) Subject to the modifications set forth in the schedule to this Regulation, the [2]Code of Criminal Procedure [1898][3], as amended for time being by subsequent enactments (which Code as so amended is in this Regulation referred to as "the Code"), shall extend to the whole of Upper Burma, [4] * * * * so far as it can be made applicable in the circumstances for the time being. **Application of the Code of Criminal Procedure,**

V^of 18D8.

(2) For the purpose of facilitating the application of the Code, any Magistrate or Court may construe any provision therein with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Magistrate or Court.

3. All notifications published, proclamations issued,, powers confer-red, forms prescribed, local limits defined, sentences passed, and orders, rules and appointments made, under the Code of Criminal Procedure, tied bv ex-1882, as modified by Regulation YII of 1886 or Regulation VI of 1890, shall, so far as may be practicable, be deemed to have been respectively puhlished, issued, conferred, prescribed, defined, passed, and made under the corresponding provision of the said [5]Code as modified by this Regulation. **Notifications, etc., under Code as modified by expired Regulations.**

Kofi 882.

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[1] The whole oi Reg. 5 of 1892. with the exception of sections I, II, VI, VII, IX, X, XVI and XVII of the Schedule, has been applied to the Ka- hin Hill Tracts, as regards hill-tribes, by the Kachin Hill-trilies Regulation, 1895 (1 of 1895), s. 3, *post;* and with the same exception to trai ts in the Chin-Hille, as regards Chins, by the Chin Hills Regulation, 1896 (5 of 1896), s. 3, *post.*

■' fieri. Acts, Vol. V.

* The figures " 1898 " were substituted for the figures " 1882," by the Burma Laws Act, 1898 (13 of 1898), *see* the Third Schedule, *ante,* p. 147,

* Th<> words " except the Shan States " were repealed by the Burma Laws Act, 1898 (13 of 1898i, see the Fifth Schedule, *ante.*

' Iead now the Code of Criminal Procedure, 1898 fAct 5 of 189a), *sei* the amendment in i 2 (*1), ante.* Act 5 of 189b has been declared to he in force in Upper Burma, subject to the provisions of this Regulation, *gee* the First Schedule of the Burma Laws Act, 1898 <13 of 1898), *ante.*

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SCHEDULE.

MODIFICATIONS SPBJECT TO WHICH THE **Code** IS TO EXTEND TO UPPER **Burma** *'[with the exception of the Shan States]*.

(Section 2, sub-section 1.)

"High Court/' [Section i*, clause (i)].

I.—Except in reference to proceedings against European British-subjects or persons jointly charged with European British subjects, the expression "High Court" shall mean the officer appointed by [2]* * * * * * the Governor General in Council to be the Judicial Commissioner of Upper Burma.

Courts of Session. (Sections 7, 9 and 193, and Chapter XXra.)

II.—*(1)* Subject to the provisions of sub-sections *(2)* and *(3),* each division for the time being administered by a Commissioner shall be a sessions division, the Court of the Commissioner shall be the Court of Session for the sessions division, and the Commissioner shall be tlie-Judge of the. Court of Session.

(2) The Local Government may, by notification in the official Gazette, exclude any district or part of a district from a sessions division constituted under sub-section *(1),* and may, in like manner, cancel or vary any such notification.

(3) While a notification under sub-section *(2)* is in force with respect to any district or part of a district, the following consequences shall ensue, namely: —

(a) the district or the part of a district, as the case may be, shall be a sessions division, the Court of the District Magistrate-shall be the Court of Session for the sessions division, and the District Magistrate shall be the Judge of the Court of Session, and

(b) as Judge of the Court of Session, the Distiict Magistrate may take cognizance of any offence as a Court of original jurisdiction without the accused person being committed to him by a Magistrate, and when so taking cognizance of an offence, shall, subject to the provisions of this Regulation, follow the-procedure prescribed for the trial of warrant cases by Magistrates.

(4) Whenever a notification is published under sub-section *(2),* it shall be immediately reported by the Local Government to the Governor General in Council.

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[1] **The words " with the exception of the Shan States," are repealed by implication, *see* fourth footnote on p. 245.**

[3] **The words " Local Government with the previous sanction of " were repealed by the Burma Laws Act, 1893 (13 of 1898K *see* the Fifth Schedule, *ante,* and the word " the " before " Local Government " ha» been omitted as red.mdant-**

* **See now e. 4 *(j)* of Act 5 of 1898, Genl. Acts, Vol. V.**

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(*5*) Subject to such [1]rules as the Local Government may, from time to time, make in this behalf, a trial before a Court of Session may be without jury or aid of assessors.

III.—Notwithstanding anything in [2] Act V of 1861, or in any other enactment for the time being in force, the Local Government may *ot* [3]confer on any police-officer all or any of the powers conferred or con- [' jjce-$_0$ffi- ferable by or under the Code on any Magistrate, in regard to particular cases or to a particular class or particular classes of cases or to cases " ' generally. **Conferment of magisterial powers on police-officers. (Section 14.)**

IV.—(2) A Magistrate of any class may pass a sentence of whipping, whipping.

(2) A Magistrate of the second class may pass a sentence of whipping -without being specially empowered in that behalf by the Local Government. **(Section 32.1**

(3) A Magistrate of the third class shall not pass a sentence of whipping unless he is specially empowered in that behalf by the Local Government.

V.—Magistrates described in the first column of the following table p$_{owers}$ shall have the powers severally specified against them in the second column thereof without being further empowered in that behalf:— *nd 37.) **Powers of Magistrates. (Sections 36**

Magi ßtrateg.	rowers.
]	2
Magistrates of the first class . .	**To require security for good behaviour, section 110.** **To make orders as to local nuis-ances, section 133.** **To make orders prohibiting repetition of nuisances, section 143.** **To make orders under section 144.** ***[To take cognizance oi ajiy offence upon information received trom any person other than a police-officer or upon his own knowledge or suspicion that such offence ha* been committed, section 190, sub-section (2), clause (c).]**
Magistrates of the first or Second class .	**'[To take cognizance of an offence upon receiving a complaint of facts which constitute such offence, section 190, sub-section (*1*), clause (ä).]** **e[To take cognizance of an offence upon a police-report of facts which constitute such offence, section 190, sub-section (*1*), clause (6).]**
Sub-divisional Magistrates . .	**To call foi records, section 435.**

[1] **For rules made under this sub-section as to assessors, .«ee Bur. B. M.. Vol. II, p. 283.**

[*1*] **Genl. Acts, Vol. I.**

[*1*] **For notification conferring powers of a Magistrate of the 2nd class on Commandants of Military Police Battalions, *set* Bur. B. M., VdI. II, p. 283.**

' These words and figures were substituted for thi words and figures " To entertain cases without complaint, section 191, clause (c)," by the Burmt Laws Act, 1Ö98 (13 of 1898), Third Schedule, *"nte,* p. 147.

[1] **These words ¿nd figures were substituted foi the words and figures " To entertain complaints, section 191," by the Burma Laws Act, 1898 (13 of 1898), Third Schedule, *ante,* p. 147.**

•These words and figures were (substituted for the words ard figures "To receive police reports, section 191, clause *lb)* " by the Burma Laws Act, 1898 <13 of 1898), Third Schedule, *ante,* p. 147.

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Power to certain police-nfficera to act under section 55.

VI.—In any police-station to which the provisions of the 'section may be specially applied by the Local Government by notification in the official Gazette any police-officer may exercise the powers conferred by section 55 on an officer in charge of a police-station.

Detention at ceitain poîice-stati m«. (Sections 57 and 61.)

VII.—(i) Notwithstanding anything in section 57 or section 61, an officer in charge of any police-station to which the provisions of this 'section may be specially applied by the Local Government by notification in the official Gazette may detain a person arrested without warrant so long as under all the circumstances of the case is reasonable.

(2) But when the officer of his own authority detains any such person in custody for a longer period than twenty-four hours, exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court, he shall state in the report prescribed in section 62 his reasons for prolonging the detention of the person, and, where the detention extends beyond three days, shall submit further reports of the reasons therefor at such intervals as the Magistrate to whom the report under section 62 was submitted may by general or special order direct.

Tender of p irdon. (Section 337.)

VIII.—A District Magistrate tendering a pardon to.an accomplice under section 337 may, notwithstanding anything in that section, try the case himself.

Recording of evidence in * cases tried by headmen. (Chapter XXV.)

IX.—Notwithstanding anything in the Code, the Local Government may from time to time make [2] rules with respect to the record to be made in cases tried by such village-headmen as are Magistrates of the third class and as to the disposal of the record.

Appeal from order of District Magistrate in certain cases.

X.—A person convicted on a trial held by a District Magistrate acting as such with respect to a district or part of a district which has been excluded from a sessions division under sub-section *(2)* of section II of this schedule may appeal to the Court of Session of the sessions division from which the district or the part of a district has been so excluded.

Restrictions on appeal. (Sections 413 and 414.)

XI.—Notwithstanding anything in this schedule or in the Code, an appeal shall not lie in any case in which a District Magistrate or Court of Session passes a sentence of imprisonment for a term not exceeding six months or of fine not exceeding five hundred rupees or of whipping, or of all or any of those punishments combined.

Revision. (Sections 435 to 438.)

XII.—(i) The District Magistrate may in any case in which he has himself called for, or a Sub-Divisional Magistrate has forwarded to

[1] For notification applying the provisions of this section to certain police-stations. *s/t* Bur. R. M., Vol. II, p. 283, and Burma Gazette, 1897, Pt. I, p. 600; *ibid,* 1900, Pt. I, p. 745, *and ibid,* 1901, Pt. I, p. 694.

[3] For rules regarding the record to be made in cases tried by Thugyis, etc., -who are third class Magistrates, >•' Bur. R. M., Vol. II, p. 283.

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him, the record of a proceeding before a Magistrate of the second or of the third class pass such order in the case as he thinks fit:

Provided that he shall not pass a severer sentence for the offence which in his opinion the accused has committed than might have been passed for such offence by the Magistrate who tried the case, and that no order shall be made to the prejudice of the accused unless he has had an opportunity of showing cause against it.

(2) The Governor General in Council or the Local Government may at any time, by notification in the official Gazette, direct that this section shall cease to be in force in any district with effect from a date to be specified in the notification.

Enhancement of punishment on appeal. (Section 123.)

XIII.—In any case in which an appeal lies, the Appellate Court may enhance any punishment which has been awarded:

Provided that, if the appeal is from the sentence of a Magistrate of any class, the Appellate Court shall not inflict a greater punishment than might have been inflicted by a Magistrate of the first class.

Conduct of prosecutions (Section 495.)

XIV.—Notwithstanding anything in section 495, a Court may allow any police-officer to conduct a prosecution.

Transfer of cases. (Section 526.)

[1]XIVA.—Notwithstanding anything in section 526, a Court of Session may,—

(1) if it is absolutely debarred by section 487 from trying any case committed to it, or by section 556, from hearing any appeal pending before it, direct that such case or appeal be transferred for trial or hearing to any other Criminal Court of equal jurisdiction;

(2) exercise as regards all Criminal Courts subordinate to its authority all the powers with respect to the transfer of criminal cases and appeals conferred upon the High Court by section 526:

Provided, first, that an application for the exercise of the power conferred by this section, if founded upon a report of the Judge or Magistrate before whom the case or appeal is pending, need not .be supported by affidavit or affirmation :

Provided, secondly, that the Court shall, before directing the transfer of a case or of an appeal under this section, issue a notice to the accused requiring him to show cause on a certain day to be fixed in the

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[1] S. XIVA was added by the Burma, Laws Act, 189a [13 of 1896', Third Schedule, *ante,* p. 147. The original section XIVA, which was added by Regulation 5 of 1895, was repealed as being part of *.hat Regulation, by Act 13 of 1898. The new section differs from the old in that in sub-section (2), s. 556 is substitu*ed for " 555," and in the serond and third provisos, respectively, the words " secondly " and " thirdly " for the words " further " and " also."

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notice, why the said case or appeal should not he transferred to some Court therein named or to such other Court of competent jurisdiction as might he determined :

Provided, thirdly, that the High Court may, on the application of the accused or of the Public Prosecutor, reverse or vary any order made by a Court of Session under this section or substitute any other order in lieu thereof.

Orders not reversible on technical grounds alone. (Section 537.)

XV.—Notwithstanding anything in the Code, a finding, sentence or order shall not be reversed or altered on appeal or revision on account, of any irregularity of procedure unless the irregularity has occasioned, a failure of justice.

Fees for processes, copies and inspection of records. (Section 554.)

XVI.—Rules under section [1][554, suVsection *(2),* clause (c)] may regulate the following among other matters, namely: —

(a) the fees to be be paid for processes; and

(*b*) the fees to be paid for copies and inspection of records.

Saving of provisions relating to European British subjects.

XVII.—Nothing in this schedule with respect to procedure in inquiries or trials, or w ith respect to sentences or appeals therefrom or the enchancement or execution thereof, shall be construed to affect the Code in its application to European British subjects.

REGULATION No. VIII of 1893.

[Received the assent of the Governor General on the 4th July, 1S93; published in the Gazette of India on the 8th idem; aind in the Burma Gazette on the 22nd idem.~

A Regulation to amend the [2] Arakan Hill District Laws Regulation, 1874.

Whereas it is expedient to amend the [2] Arakan Hill District Laws Regulation, 1874, by the substitution of Kuladan for Myouktoung as>£££ of 1874. the station at which declarations of contents of boats are to be made under section 15 of that Regulation, the latter place having been transferred from the Arakan Hill-Tracts District to the Akyab District; It is hereby enacted as follows: —

Title.

1. This Regulation may be called the Arakan Hill District Laws Amendment Regulation, 1893.

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[1] The figures, words and letter "554, sub-section *(2),* clause (c) " were substituted for the figures, *v* nrd E.nd letter, " 553, clause (c)," by the Burma Laws Act, 1898 (13 of 1898[1], Third Schedule, *ante,* p. 147.

For rules to regulate fees lor processes in Criminal Courts, see Burma Gazette, 1893, Pt. IV, p. 715, *ibid,* 1894, p. 932.

For rules as tc> appointment of copyists and supply of copies and translation.« and as to fees therefor, *see* Burma Gazette, 1904, Pt. IV, p. 384.

* *Ante,* p. 200.

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IX of 1874. 2. In section 15 of the *Arakan Hill District Laws Regulation, 1874, for the word " Myouktoung " the word " Kuladan " shall be substituted. Amendment of section 15, IX of 1874.

REGULATION No. III OF 1894.[2]

[Received the assent of the Governor General on the 9th August, 1894; published in the Gazette of India on the 11th idem; and in the Burma Gazette on the 25th idem.']

A Regulation to amend the [3] Upper Burma Land and Revenue Regulation, 1889.

Whereas it is expedient to amend the [3]Upper Burma Land and Re-
in of 1889* venue Regulation, 1889; It is hereby enacted as follows: —

1. After section 49 of the [3]Upper Burma Land and Revenue Regula- Insertion of new section after section 49, Reg. III, 1889.
III of 1889. tion, 1889, the following shall be inserted, namely—

[Ante, p. 240.]

THE KACHIN HILL-TRIBES REGULATION, 1895.

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Title, commencement and extent.
2. Definitions.

CHAPTER II.

LAW APPLICABLE TO HILL-TRIBES IN HILL-TRACTS.

3. Application.

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[1] *Ante,* p. ¿00.

[3] Short title " The Upper Burma Land and Revenue Regulation (IBS'?) Amendment Regulation, 1894," *see* the Burma Laws Act, 1898 (13 of 1898), Fourth Sihedule, *ante,* p. 151.

[3] *Ante,* p. 219.

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CHAPTER III.

Headmen and their Powers.

Sections.

4. Appointment and removal of headmen.
5. Powers of headman.
6. Criminal jurisdiction of headmen.
7. Civil jurisdiction of headmen.

CHAPTER IV.

Jurisdiction and Special Powers of Officers.

8. Deputy Commissioner to be Sessions Judge.
9. High Court.
10. Powers which may be conferred on Assistant Commissioners.
11. Civil jurisdiction.
12. Power to withdraw cases.
13. Power to impose fines on villages, etc., for collusion with criminals.
14. Fines on tribes, etc., in case of murder in their boundaries.
15. Action against disaffected tribes, etc.
16. Penalty for abuse of authority or disobedience of orders by headman.
17. Power to decide disputes likely to lead to feuds.
18. Power to prohibit new villages.
19. Power to direct removal of villages.
20. Power to require persons to remove.
20A. Further power to require persons to remove.
21. Penalty for breach of certain orders.
22. Security for the prevention of crime.
23. Security from tribes, etc.
24. Report by Assistant Commissioner.
25. Breach of bond.
26. Imprisonment in default of security.
27. Length of imprisonment.
28. Further security.

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CHAPTER V.

SPECIAL RULES AS TO ARMS, AMMUNITION, OPIUM AND FORESTS.

SECTIONS.

29. Arms and ammunition.
30. Prosecution under the Forest Regulation, 1887.
31. Opium.
31A. Fermented liquor and spirit.

CHAPTER YI.

Rules regarding Taxes and Realization of Fines, etc.

32. Taxes.
33. Mode of recovering fines, taxes, etc.

CHAPTER VII.

CONTROL.

34. Prohibition of appeals.
35. Control and revision.
36. Power of Local Government to make rules.
37. Proceedings under Regulation not to be questioned.

THE SCHEDULE.

ENACTMENTS DEEMED APPLICABLE TO HILL-TRIBES.

REGULATION No. I of 1895.

A Regulation to declare the law applicable to the Hill-tribes in the Kachin Hill-tracts of Upper Burma.

[Received the assent of the Governor General on the 26th January, 1895; published in the Gazette of India on the 2nd February, 1895; and in the Burma Gazette on the 16th idem.]

Whereas it is expedient to declare the law applicable to the hill-tribes in the Kachin Hill-tracts of Upper Burma: It is hereby enacted as follows: —

CHAPTER I.

PRELIMINARY.

1. *(1)* This Regulation may be called the Kachin Hill-tribes Regulation, 1895. **Title, commencement and extent.**

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(2) It shall come into force on such [1] date as the Local Government, by notification in the Burma Gazette, may appoint.

(3) It shall [2] extend to such hill-tracts and shall apply to such hill-tribes as the Local Government, [3][subject to the control] of the Governor General in Council, may, from time to time, by notification in the Burma Gazette, direct, and section 11 shall also apply to all persons who may be parties to a suit or other proceeding of a civil nature in which any of the parties is a member of a hill-tribe to which this Regulation applies and [4] [sections 15, 20A, 21 and 31A shall apply] to all persons within a hill-tract.

Definitions.

2. In this Regulation—

(1) " hill-tract " means any hill-tract to which this Regulation, has been extended:

(2) "hill-tribe" means any hill-tribe to which this Regulation has been made applicable:

(3) "clan" means any sub-division or section of a hill-tribe:

(4) " headman " means the chief or head of any hill-tribe, or clan or village or group of clans or villages, and includes a *Duwa* and an *Akyp:*

(5) " Assistant Commissioner " includes any officer whom the Local Government may invest with' the powers of an Assistant Commissioner under this Regulation.

CHAPTER II.

LAW APPLICABLE TO HILL-TEIBES IN HILL-TEACTS.

Application.

3. *(1)* Notwithstanding anything in any enactment now in force, this Regulation and the enactments in the schedule hereto annexed, to the extent and with the modifications therein set forth, shall be deemed to be the only enactments which apply to members of a hill-tribe in a hill-tract.

(2) No other enactment shall be deemed to apply to members of a hill-tribe in a hill-tract:

Provided that the Local Government, '[subject to the control] of the Governor General in Council, may, by notification in the Burma

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[1] **The Regulation came into force on the 1st July, 1895, see Burma Gazette, 1895, Pt. I, p. 230**

[1] **For tracts or tribes to which or to whom the Regulation has been extended or applied, *see post,* Part IV, B.**

[s] **The words " subject to the control " were substituted for the words " with the previous sanction " by ss. 3 and 4. respectively, of Regulation 2 of 1910, *post,* Appendix II.**

* **These words and figures were substituted for the word and figure " section 15 " by s. 2 of the Kachin Hill-tribes Regulation (1895) Amendment Regulation, 1898 (1 of 1898), *post.***

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Gazette, declare [1] any other enactment to be applicable wholly or to the extent or with the modifications which may be set forth in the notification.

CHAPTER III.

HEADMEN AND THEIR POWERS.

Appointment and removal of headmen.

4. (2) Subject to any general or special orders of the Local Government, the Deputy Commissioner may appoint and remove a headman for any tribe, clan, village or group of villages, and may define the local limits of his jurisdiction and declare what tribe, clan, villages or groups of villages, shall be subject to him.

(2) Where a headman is appointed for a group of villages or clans, the Deputy Commissioner may declare the extent to and the manner in which the headman of the villages or clans composing such group shall be subordinate to the headman of the group.

(3) In making a declaration under this section the Deputy Commissioner shall be guided as far as practicable by local custom.

Powers of Madman,

[2] 5. (2) A headman shall, within the local limits of his jurisdiction, have general control, according to local custom, over the tribe, clan or villages made subject to him.

(2) He may levy from the persons subject to him any customary dues and may impose on them such punishments as are authorized by local custom :

Provided that no barbarous, excessive or unusual punishment shall be imposed by him.

(3) He shall be bound to keep the peace within the tract subject to him, to comply with all lawful orders received from the Deputy Commissioner or an Assistant Commissioner, and to furnish, on the requisition of the Deputy Commissioner or an Assistant Commissioner, cn receipt of payment at the rates to be fixed by the Deputy Commissioner, supplies of food or labour required by any public servant.

Criminal jurisdiction of "head men

6. (2) A headman may try, according to local custom, any person subject to his jurisdiction, who may be charged with any offence other than an offence punishable under the following chapter and sections of the [3] Indian Penal Code, namely, Chapter YI, sections 302 to 308, sections 341 to 348, sections 363 to 377, sections 390 to 402, sections 438 to 440 (all inclusive), or with abetment of or attempt to commit any of

&LV of 1860.

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[1] **For other enactments applied to these hill-tribes, see Part Y, B, *post.***

[1] **Section 5 was substituted by s. 3 of the Kachin Hill-tribes Regulation** (1898) **Amendment Regulation,** 1898 (1 **of** 189b', ***poet.*** **The new section is the same as the original section, save that the clause regarding the imposition of punishments and the proviso has been added to sub section (2), and sub-section *[3)* is nevs.**

[3] **Geni. Acts, Vol. I.**

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such offences, and he may punish any persons found guilty by him with fine in money or goods.

(2) Nothing in the [1] Indian Penal Code or in the [2] Criminal Pro- XLVof 1860. cedure Code shall apply to any proceedings of a headman acting under V of 1898. the power conferred by this section.

Civil jurisdiction of hpadmcn.

7. A headman may try and decide according to local custom any dispute of a civil nature between persons subject to his jurisdiction, and he may enforce his decision in accordance with such custom.

CHAPTER IY.

Jurisdiction and Special Powers of Officers.

Deputy Commissioner to be Sessions Judge.

8. (.?) The hill-tracts in any district shall constitute a sessions division, oi which the Deputy Commissioner shall be the Sessions Judge.

(2) As Judge of a Court of Session the Deputy Commissioner may take cognizance of any offence as a Court of original jurisdiction without the accused being committed to him by a Magistrate, and, when so taking cognizance, shall follow the procedure prescribed for the trial of warrant-cases by Magistrates.

High Court.

9. For the purposes of the [2] Code of Criminal Procedure the Com-Vott898, missioner of the division shall be the High Court.

Powers which may be conferred on Assistant Commis, sioners.

10. *(1)* The Local Government may, by notification in the Burma Gazette, invest any Assistant Commissioner with all or any of the powers of a Deputy Commissioner under this Regulation.

(2) In any notification under this section the Local Government may define the local limits of the jurisdiction of any such Assistant Commissioner.

Civil juris, dit tion.

11. *(1)* The Deputy Commissioner, and every Assistant Commissioner, exercising jurisdiction within a hill-tract may try any suit or other proceeding of a civil nature between parties any one of whom is a member of a hill-tribe according to such [3] procedure as the Local Governernment may by notification in the Burma Gazette from time to time prescribe; and,

(2) in the trial of any such suit or proceeding, may exercise any of the powers which he might exercise in a suit or proceeding in which none of the parties belong to a hill-tribe; and,

(3) in deciding any such suit or proceeding, shall have regard to local custom and to justice, equity and good conscience.

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[1] Genl. Acts, Vol. I.
[2] Genl. Acts, Vol. V.
[3] For rules prescribed under s. 11 (7) regulating the procedure for the trial of suits and other proceedings of a civil nature, *see* Burma Gazette, 1895, Pt. I, p. 324.

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Power to withdraw cases.

12. The Deputy Commissioner may withdraw any civil or criminal case pending before a headman or an Assistant Commissioner, and may either try it himself or refer it for trial to an Assistant Commissioner.

Power to impose fines on village, etc., for collusion with criminals.

13. (*1*) Subject to the control of the Commissioner, the Deputy Commissioner may impose fines in money or goods on any tribe, clan or village-community, or any part thereof, if after enquiry he finds—

(a) that any of its members have colluded with or harboured, or failed to take reasonable means to prevent the escape of, any criminal:

(б) that they have suppressed or combined to suppress evidence in any criminal case;

(c) that, stolen property having been tracked to the village, they have failed or neglected to restore the property or take on the track beyond the limits of the village;

(d) that they have done any act hostile or unfriendly to the Government ;

(e) that they have disobeyed the lawful orders of the Deputy Commissioner or of an Assistant Commissioner;

(*f*) that they have taken part in or abetted an attack on traders or other travellers, or the levy of or attempt to levy unauthorized dues or tolls;

(g) that they have engaged in fighting with any other tribe, clan or village-community.

(2) The Deputy Commissioner may order the whole or any part of a fine imposed under this section to be given as compensation to any person to whom damage or injury has been caused, directly or indirectly, by the act in respect of which the fine is imposed.

(3) When in pursuance of an order passed under this section a person has received compensation for injury out of the proceeds of a fine, a Civil Court shall not take cognizance of a claim to compensation based on the same injury.

Fines on tribes, etc., in case of murder in their boundaries.

14. When within the area occupied by any tribe, clan or village-community, a person is dangerously or fatally wounded by unlawful attack, or the body is found of a person believed to have been unlawfully killed, the members of that tribe, clan or community shall be deemed to have committed an offence under the last foregoing section unless they can show that they—

(a) had not an opportunity of preventing the offence or arresting the offender; or '

(б) have used all reasonable means to bring the offender to justice.

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Action against disaffected tribes, etc.

15. In the event of any tribe, clan or village acting in a hostile or unfriendly manner to the Government, the Deputy Commissioner may, subject to the control of the Commissioner, detain all or any members of the tribe, clan or village, detain or confiscate their property, and debar members of the tribe, clan or village from access into territory outside the hill-tract and prohibit all other persons from entering the hill-tract.

Penalty for abuso of authority or disobedience of orders by headman.

16. A headman -«ho abuses any of the powers conferred upon him by this Regulation, or neglects to obey any reasonable order of the Deputy Commissioner, shall be liable by order of the Deputy Commissioner to pay a fine not exceeding [1][one hundred and fifty] rupees or to be suspended or dismissed from office.

Power to decide disputes likely to lead to feud».

17. When the Deputy Commissioner is satisfied that a dispute exists likely to cause a feud, breach of the peace, or any offence against person or property, he may enquire into the dispute and pass such order as he may think fit, having regard to local custom and to justice, equity and good conscience.

-Power to prohibit new ^ illages.

18. *(1)* A new hamlet or village shall not be erected in a hill-iract without the consent of the Deputy Commissioner, who may prohibit the erection thereof if he thinks fit.

(2) If the Deputy Commissioner prohibits the erection, he shall record his reasons for doing so.

Power to direct remn-val of Tillages.

19. Whenever it may be expedient on military or other grounds, the Deputy Commissioner may, by order in writing, direct the removal of any village to any other site and, with the sanction of the Commissioner, may award to the inhabitants such' compensation for any loss which may have been occasioned to them by the removal of their village as in his opinion is just.

Power to require persons to remove.

20. *(1)* When any person is known or believed to have a feud, or has occasioned any cause of quarrel likely to lead to bloodshed,- dakaiti or robbery, the Deputy Commissioner may require that person to reside beyond the limits of the hill-tracts or within those limits at such place as the Deputy Commissioner may deem desirable.

(2) No order requiring a person to reside beyond the limits of the[1] hill-tract in which he is living at the time of the order shall be made without the previous sanction of the Commissioner.

Further power to require

[2]20A. When the Deputy Commissioner is satisfied that the presence of any person (not being a public servant or a member of a hill-tribe) is

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[1] These words were substituted for the word " fifty " by the Kachin Hill-trib3s Regulati*i Í1895) Amendment Regulation, 1898 (1 of 1898), s *Jf, post.* A

[3] Section 20A was inserted by s. 5 of the Kachin Hill-tribes Regulation (1895) Amendment Regulation, 1898 (1 of 1898), *post.*

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injurious to the peace and good administration of a hill-tract, he may, **persons to** for reasons to be recorded by him in writing, order such person to leave remove- the hill-tiacts or any specified hill-tract within a given time and not to return thereto.

21. If a person contravenes the provisions of section 18 or disobeys an **Penalty for** order under section 19. or a requisition under section 20 [1]Tor an order breac.'1[11] under section 20A], he may, on conviction by a Magistrate, be punished certam orders, with imprisonment of either description for a term which may extend to six months, and shall also be liable to fine which may extend to one thousand rupees.

22. When the Deputy Commissioner is of opinion that it is necessary ^ 0C1jl*ity for the purpose of preventing culpable homicide (whether amounting to prevention murder or not), grievous hurt, dakaiti or robbery to require a person to ofcrime. execute a bond for good behaviour, he may order the person to execute a bund with or without sureties for his good behaviour during such period not exceeding three years as the Deputy Commissioner may fix.

23. When a feud or other cause of quarrel likely to lead to blood- **Security** shed or violence exists or, in the opinion of the Deputy Commissioner, **from tribes,** is likely to arise between two tribes, clans, families or village-communities, the Deputy Commissioner maj order all or any members of both tribes, clans, families or village-communities, or of either tribe, clan, family or village-community, to execute a bond with' or without sureties for their good behaviour during such period not exceeding three years as he may fix.

24. When an Assistant Commissioner duly authorized under sec- **Report** tion 10, sub-section (2), passes an order under section 22 or under sec- Assistant tion 23, he shall at once submit a report of his proceedings to the Deputy Commissioner.

25. (*1*) The commission or attempted commission or the abetment, **Breach of bond.** by a person who has given security for good behaviour under section 22, of any offence against person or property 6hall be a breach of the bond.

(2) If, while a bond executed under section 23 is in force, the life of any member of either tribe, clan, family or village-community is unlawfully taken or attempted, or the property of any member of either tribe, clan, family or village-community is unlawfully taken or attempted to be taken, by or with the abetment of any member or members of the other family, the Deputy Commissioner may declare the bond of all or any member of the other tribe, clan, village-community or family and of their sureties (if any) to be forfeited.

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[1] **These words and figures were inserted by s. 6 of the Kachin Hill-tribes Regulation (1895) Amendment Regulation, 1898 (1 of 1893), post.**

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Imprisonment in default of security.

26. *(1)* If a person ordered to give security for good behaviour under section *22* or section 23 does not give security on or before the date on ■which the period for which the security is to be given begins, he shall be committed to prison or, if he is already in prison, be detained there until that period expires, or until within that period he gives security to the officer who made the order requiring it, or to the officer in charge of the jail in which he is detained.

(2) Imprisonment for failure to give security under section 22 or section 23 may be rigorous or simple as the officer requiring the security directs in each case.

Length of imprisonment.

27. When a person has suffered imprisonment for three years for failure to give security for good behaviour under section 22 or 23, he shall be released and shall not be again required to give security unless a fresh order is passed in accordance with the provisions of this Regulation.

Further security.

28. *(1)* A person ■nho has, under the provisions of section 22 or section 23, given security, or been imprisoned for failure to give security, may be brought before the Deputy Commissioner if, on the expiry of the period for which security was required to be given, the Deputy Commissioner so directs.

(2) When the Deputy Commissioner thinks it necessary for the purpose of preventing the commission of any offence against person or property to require security for a further period from any person so brought before him, he shall record a proceeding to that effect.

(3) The proceeding may be founded on the facts on which the original order to give security was founded, and it shall not be necessary to prove any fresh facts to justify an order to give security for a further period under this section, but such an order, if passed, shall have the same effect and be enforced in the same manner as an original order to give security under section 22 or section 23.

(4) Notwithstanding anything in this section, a person shall not suffer, for failure to give security under this Chapter, imprisonment for more than six years or without the sanction of the Commissioner, for more than three years.

CHAPTER Y.

Special Rules as to Abiis, Ammunition, Opium and Fofuosts.

Arms ani ammunition.

29. (1) The Deputy Commissioner may fix the number of firearms and the quantity and description of ammunition which may be possessed by hill-tribes in any hill-tract or part of a hill-tract, and may issue licenses either to persons or to the members of any tribe, clan or village as a class to possess the firearms and ammunition specified in the licenses.

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(*2*) All firearms for which licenses have been issued shall be stamped and entered in a register.

(3) Any person who, not being licensed in that behalf, or not being a member of any tribe, clan or village, the members of which have as a class been licensed in that behalf, possesses any firearm or ammunition, or who exports from the hill-tract any firearm or ammunition, shall be punished, on conviction by a Magistrate, ■with imprisonment which may extend to three years, or with fine, or with both.

(4) With the previous sanction of the Local Government, the Commissioner may direct that sub-sections (2), (*2*) and *(3)* shall not apply to any tract or part of a hill-tract), and may with the like sanction cancel any direction so made.

VI of 1887.

30. No prosecution under the 'Upper Burma Forest Regulation, 1887, or any rule made thereunder shall be instituted against a member of a hill-tribe except with the sanction in writing of the Deputy Commissioner.

Prosecution For the t Regulation, 1887.

Opium.

*31. (2) No person shall—

(*a*) possess opium, knowing or having reason to believe that it is intended to be taken out of the hill-ti-acts or to be transported from one hill-tract to another non-conterminous hill-tract, or

(*b*) take opium out of the hill-tracts or transport opium from one hill-tract to another non-conterminous hill-tract,

except under, and in accordance with, the terms and conditions of a license granted by the Deputy Commissioner and on payment of duty at such rate or rates as the Local Government may fix in this behalf.

(*2*) Whoever contravenes the provisions of sub-section (2) shall be punished on conviction by a Magistrate with imprisonment which may extend to one year, or with fine, or with both.

(3) In every prosecution under sub-section (2) it shall be presumed that all opium exceeding half a viss for which the accused person is, in the opinion of the Court, unable to account satisfactorily, is opium in respect of which he has committed an offence thereunder.

(4) The opium in respect of which an offence under sub-section (2) has been committed, and

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[1] *See* upw the Burma Forest Act, 1902 (Bur. Act 1 of 1902), which has repealed Regulation 5 of 1898, by which this Regulation was repealed, *post.*

[3] Section 31 was substituted for the former section by the Kachin Hill-tribes (Amendment) Regulation, 1902 (1 of 1902), *post.*

The original section ran as follows :—" 31. No one shall export opium from a hill-tract except under a license granted by the Deputy Commissioner and on payment of duty at such rate as may be fixed by the Lonj.l Government by rule made in this behalf. Any person who contravenes the provisions of this section shall be punished, oil conviction, by a Magistrate with imprisonment which may extend to one year, or with fine or with both."

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(a) the vessels, packages and coverings in which the opium is found,

(b) any other contents of such vessels, packages and coverings, and

(c) the animals and conveyances used in carrying the opium,

shall be liable to confiscation.

(5) Where any person charged with an offence rendering anything liable to confiscation under sub-section *(4)* is con-sicted, or where any such person is acquitted but the Court decides that anything is liable to confiscation under sub-section *(4),* the Court may order such thing to be confiscated or may give the owner an option to pay, in lieu of confis-caron, such fine as it thinks fit.

(6) Where an offence under this section has been committed but the offender is not known or cannot be found, or where opium not in the possession of any person cannot be satisfactorily accounted for, the case shall be inquired into and determined by the Deputy Commissioner or by an officer authorized by the Local Government in this behalf, and the Deputy Commissioner or such officer as aforesaid may order the opium, the vessels, packages and coverings in which the opium is found, any other contents of such vessels, packages and coverings, and the animals and conveyances used in carrying the opium, to be confiscated :

Provided that no such order shall be made until the expiration of one month from the date of seizing the things intended to be confiscated or without hearing the persons (if any) claiming any right thereto and the evidence (if any) produced in support of their claims.

(7) The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, make [1]rules to regulate—

(a) the disposal of things confiscated under this section, and

(b) the rewards to be paid to officers and informers out of the pro-ceeds of fines and confiscations under this section.

Fermented liquor and »pirit.

[2]31A. Whoever sells foreign fermented liquor or spirit to any mem-ber of n hill-tribe shall be punished on conviction by a Magistrate with imprisonment which may extend to three months, or with fine, or with both.

CHAPTER VI.

RULES REGARDING TAXES AND REALIZATION OF FINES, ETC.

Taies.

32. Taxes shall be levied on all hill-tribes, clans and villages at such

[1] **Fnr ri.les regulating things, including opium, confiscated under sub-section (7) of s. 31. see Burma Gazette, 1902. Pt. I, p. 782.**

[2] **Section 31A was inserted by s. 7 of the Kachin Hill-tribes Regulation (1895) Amend-ment Regulation, 1898 (1 of 189b),** *T)oU.*

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rates and in such manner as the Local Government may from time to time sanction.

33. *(1)* An order for the payment of any fine or tax, or for the delivery of any property, or the perfornance of any act, may be enforced ^1) by the seizure of any moveable /property or of any standing crops belonging to the person against whom the older is made, or when the order is made against a tribe, clan, family or village-community, to any member thereof, or (2) under the order of the Deputy Commissioner or Assistant Commissioner by imprisonment of the person against whom the -order is made for a term not exceeding one year. jiodeof recovering Fine s*tase3' etc.

(2) Imprisonment under this section shall be simple only.

CHAPTER VII.

CONTROL.

34. There shall be no appeal against any order passed by a headman ■or by any officer acting under this Regulation. **Prohibition of appeals.**

35. (2) All headmen and all officers in a hill-tract shall be subordinate to the Deputy Commissioner, who may revise any order passed by any such headman or officer including an Assistant Commissioner specially empowered under section 10, sub-section *(1).* **Control an I revision,**

(2) The Commissioner may revise any order passed by the Deputy Commissioner, or by any other officer in a hill-tract, or by a headman, and the Chief Commissioner may revise any order passed by the Commissioner.

36. *(1)* Subject to the control of the Governor General in Council, the Local Government may, by [1]rules which it is hereby empowered to make,— **Power of I**®1.,0T- eminent to make rules***

(a) prescribe the procedure to be observed by officers acting under this Regulation;

(b) [2]presciibe the use of such forms and require the submission of such reports and statements and the maintenance of such records and registers as it may think necessary.

\2) Subject to the same control, the Local Government may also "make other rules consistent with this Regulation for carrying into effect ihe purposes thereof.

37. Except as provided in this Regulation, a decision passed, act < .ne or order made under this Regulation, shall not be called in auestic. in any Civil or Criminal Court. **Proceedings ¡'¿^.ition not to be questio**

[1] **For rules, see Burma Gazette, 1896, Pt. I, p. 680.**

[2] **For lales prescribing registers, reports and statements to be maintained ana sub ■mitted, see Burma Gazette, 1895, Pt. I, p. 238;** ***ibid,*** **1896. Pt. I, p. 556;** ***ibid,*** **1897, Pt. I, j>p. 364 and 503, and** ***ibid,*** **1898, Pt. I, p. 380.**

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(The Schedule.—Enactments deemed, applicable to Hill-tribes.)

THE SCHEDULE.

(See section 3.)

[1] ENACTMENTS DEEMED APPLICABLE TO HILL-TRIBES.

No. and Year.	Subject.	Extent of application.	Modifications.
		1.—Acts.	
2 V of 1843	Slavery	So muoh as may from time to time be in force in Upper Burma.	
2X1 of 1857	State-o (fences	So much as may from time to time be in force in Upper Burma.	
2 XLVof I860	Penal Code	So much as may from time to time be in force in Upper Burma.	For the last forty-seven words of section 67 read the following :— " for any term not exceeding four months when the amount of the fine shall not exceed fifty rupees, and for any term not exceeding eight months when the amount shall not exneed one hundred rupees, and for any lerm not exceeding twelve months in any ether case." After section 75 insert ths following :— " 75A. Notwithstanding anything in this Code or in <*ny other enactment for the time being in force, a person convicted of any offence punishable under thjs Code or under any other rna«tment shall be punishabl« with fin» in lieu of or in addition to any other puni-hment to which he may be liable.' * Omit the clauses of section 64 inserted by Act VIII of 1882.
»VI of 1864	Whipping	Sn much as may from time to time be in force in Uppei Burm a.	Substitute for section 6 the following :— " Notwithstanding anything in the foregoing sections ui this Act, a person convicted of any offence may be pun* ished with whipping in lieu of or in addition tn any uther punishment to which he may be liable."

1 For enactments "inco declared applicable, *see post,* Part V, B.

2 Uenl. Acta, Vol I.

' s Rep. in the rest of British India by the Whipping Act, 1909 (4 of 1909), Genl. Acts, Vol. VI, Appei.dii 2.

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(The Schedule.—Enactments deemed applicable to HiU-tribes.)

THE SCHEDULE—*r.o$_n$td.*

Enactments deemed applicable to **Hill**-tribes—*contd.*

No. and Year.	Subject.	Extent of applicati Dn.	Modifica tiens.
		f.—Acts—contd.	
1 * * *	* * *	* * * *	
î I of 1872 . .	Evidence. .	So much as may from time to time be in force in Upper Burma.	
3 * * *	* * *	* * * *	
1 * * *	* * *	* * * *	
		2. —Regulations.	
*Bengil Regulation III of 1818.	State-prisoners.	So much as may from time to time be in force in Upper Burma.	
6 VI of 1887 .	Forests . .	So much as miy from time to time be in force in Upper Burma.	
6 * *	* *	* * •	
7 XII of 1887 .	Rubies . .	So much as may from time to time be in force in Upper Burma.	
7 V of 1892 .	Criminal Justice	The whole, except sections I, II, VI, VII, IX, X. XVI and XVII of the Schedule.	

[1] The entries relating to the General Clauses Acts, 1868 (1 of 18681, and 1887 (10 of 1887) have been omitted, as the Acts are repealed by the General Clauses Act, 1897 (10 of 1897), which was declared applicable by Notification No. 6, dated , the 16th February, 1899, ice Burma Gazette, 1899, Part I, p. 83.

[2] Genl. Acts, Vol. II.

[3] The entry relating to the Criminal Procedure Code, 1882 (10 of 1882), has :ieen omitted, as the Act is repealed by the Code of Criminal Procedure, 1898 (Act 5 of 1898), whii'h was declared applicable by Notification No. 14, datel the 30th June, 1898, Burma Gazette, 1898, Part I, p. 322.

* *Anie.*

6 *See* Burma Forest Act, 1902 (Bur. Act, 4 of 1902), *posi,* which is now in force in Upper Burma.

6 The entry relating to the Upper Burma and Arakan Hills Frontier Crossincr and Disturbed Districts Regulation, 1887 (9 of 1887), is omitted as that Begulition is repealed by the like Regulation 1 of 1907, which was applied to these tribes, *see* second footnote on p. 305.

7 *Ante.*

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REGULATION No. II OF 1895.[1]

[Received the assent of the Governor General on the 13th June, 1895; published in the Gazette of India on the 15th idem; and in the Burma Gazette on the 29th idem.~

A Regulation to amend the [2] Upper Burma Land and Revenue Regulation, 1889.

WHEREAS it is expedient to amend the [11] Upper Burma Land and Revenue Regulation, 1889; It is hereby enacted as follows: —

Amendment of section 4, Reg. III, 1889.

1. In sub-section *(3)* of section 4 of the [2] Upper Burma Land and Revenue Regulation, 1889, after the word " Myook," the words " Superintendent of Land Records " shall be inserted.

Addition to section 21, Reg. III, 1889.

2. To section 24 of the said Regulation the following shall be added, namely: —

[Ante, p. 228.]

THE UPPER BURMA CIVIL COURTS REGULATION, 1896.

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Title, extent and commencement.
2. Repeal of Regulations.
3. Definitions.

CHAPTER II.

LAW TO BE ADMINISTERED AND PROCEDURE TO BE FOLLOWED.

4. Law to be administered by Courts under this Regulation.
5. Certain suits triable with the aid of assessors.
6. Procedure to be followed.
7. Prior proceedings not affected.

[1] **Short title " The Upper Burma Land and Revenue Regulation (1889) Amendment Regulation, 1895," *see* the Burma Laws Act, 1898 (13 of 1898), Fourth Schedule, *ante,* p. 151.**

[2] ***Ante,* p. 219.**

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CHAPTER III.

THE CIVIL COURTS AND THEIR JURISDICTION.

SECTIONS.

8. Grades of Civil Courts.
9. Areas of jurisdiction of the Courts.
10. Original jurisdiction of Divisional, District, Sub-divisional and Township Courts.
]1 Power to invest certain Courts with Small Cause Court powers.
12. Appellate jurisdiction of the Courts.
13. Second appeals to the Court of the Judicial Commissioner.
14. [*Repealed by section 3 of Regulation V of 1903.*']
15. Power of Courts to transfer cases.
16. Continuance of jurisdiction of abolished Courts.
17. Judges of the Courts.
18. Additional Judges.
19. Additional Judges of more Courts than one.
20. Judges not to try cases, etc., in which they are personally interested.
21. Place of sitting.
22. Seal.

Provision for pending and past Proceedings.

23. Transfer of pending cases.
24. Execution of, and appeals from, past decrees and orders.

CHAPTER IV.

ADVOCATES.

25. Licensing of Advocates by Judicial Commissioner.
26. Penalty for contravening the provisions of this chapter or the rules made thereunder.
27. Control and taxation of fees of Advocates.
28. Rules as to fees of Advocates.
29. Penalty for giving or receiving commission.

CHAPTER V.

RULES AND ORDERS.

30. Power to make rules.
31. Compliance with requisitions of Local Government.
32. Process-serving establishments.

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CHAPTER VI.

MISCELLANEOUS.

SECTIONS.

33. Registrar.
34. Holidays..
35. Language of Court.
36. Court-fees in revision cases.
37. Recognized agents.
38. Publication of rules.

THE SCHEDULE.

REGULATIONS REPEALED.

REGULATION No. I of 1896.

[Received the assent of the Governor General on the 3rd February, 1896;- published in the Gazette of India, 1896, Pt. I, p. 76, and in the Burma Gazette, 1896, Pt. II, p. 51.]

A Regulation to amend the Law relating to Civil Courts and the Administration of Civil Justice in Upper Burma.

,Wheeeas it is expedient to amend the law relating to Civil Courts' and the administration of civil justice in Upper Burma; It is hereby enacted as follows: —

CHAPTER I.

PRELIMINARY.

Title, extent and commencement.

1. (2) This Regulation may be called the Upper Burma Civil Courts Regulation, 1896.

(2) It extends to the whole of Upper Burma,[1] * * * , but the Local Government may at any time, by notification, exempt from its operation any tract or district, and, so long as any such notification is uncancelled, nothing herein contained shall be deemed to apply to a tract or district specified in such notification.

(3) It shall come into force at once.

[1] **The words " except the Shan States " were repealed by the Burma Laws Act, 1893- (13 of 1898), Fifth Schedule, Pt. II, *ante*.**

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2. *(1)* The Regulations mentioned in the schedule hereto annexed Rejieai of shall be repealed to the extent mentioned in the third column Kcirjl*tl00*- thereof;

(2) Any enactment or document referring to any of the Regulations in that schedule shall, so far as may be, be construed as referiing to this Regulation or to the corresponding portion thereof; and

(3) All rules, orders, and appointments made, limits fixed, directions given, powers and jurisdiction conferred, lists, tables and notifications published, and seals, forms, registers, books, accounts, statements, and returns prescribed, ■ under any of the said Regulations shall, so far as may be, be deemed to have been respectively made, fixed, given, conferred, published, and prescribed under this Regulation.

(4) No trial had, decree made, order passed or proceeding taken by any Court before the day on which this Regulation comes into force shall, if not invalid before that day, become invalid by reason of any repeal effected by this Regulation.

3. In this Regulation, unless there is something repugnant in the **Definitions,** subject or context,—

(1) ‘ ‘ land-suit ” means any suit relating to immoveable property or to any right or interest in immoveable property :

(2) “value,” used with reference to a suit, means the amount or value of the subject-matter of the suit:

(3) “notification” means a notificalion in the local official Gazette:

(4) “Judge” means the presiding officer of a Court.

CHAPTER II.

LAW to be administered and Procedure to be followed.

4. *(1)* "Where in any suit or other proceeding it is necessary for any Law to!» Court under this Regulation to decide any question regarding succession, by "courts"" inheritance, marriage or caste or any religious usage or institution, the **under** this Buddhist law in cases whera the parties are Buddhist, the Haho- Regulatioa medan law in cases where the parties are Mahomedans, and the Hindu law in cases where the parties are Hindus, shall form the rule of decision, except in so far as such law has by legislative enactment been altered or abolished, or is opposed to any custom having the force of law in Upper Burma.

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(2) In cases not provided for by sub-section (*1*), or by any enactment for the time being in force, the Court shall act according to justice, equity, and good conscience.

Certain suits triable with the aid of assessors.

5. Any suit in which any question regarding succession, inheritance, marriage, or caste, or any religious usage or institution is involved, may be heard with the aid of assessors selected by the Court. The opinion of the assessors upon such question shall be recorded in the proceeding, but the decree or order shall be according to the judgment of the judge.

Procedure to be followed.

6. Subject to the provisions hereinafter contained the [1] Code of Civil Procedure, as amended for the time being by subsequent enactments, shall extend to the area to which this Regulation for the time being applies. XIV of 1882.

Prior proceedings not affected.

7. Nothing herein contained shall affect any proceedings prior to decree in any suit instituted or appeal presented before the first day of January, 1896, or any proceedings after decree that may have been commenced and were still pending at that date.

CHAPTER III.

THE CIVIL COURTS AND THEIR JURISDICTION.

Grades of Civil Courts.

8. *(1)* Besides Courts established under the [2] Provincial Small Cause Courts Act, 188T, or under any other enactment for the time being in force, there shall be five grades of Civil Courts in TJpper Burma, namely: — IX of 1887.

(i) the Court of the Judicial Commissioner;

(*ii*) the Divisional Court;

(iii) the District Court;

(iv) the Sub-divisional Court; and

(v) the Township Court.

The Court of the Judicial Commissioner shall be of the highest grade, and every other Court mentioned in the above list shall be of a lower grade than the Court mentioned immediately above it, and shall be subordinate to all Courts above it in the list.

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[1] See now the Code of Civil Procedure, 1908 (Act 5 of 1908), Genl, Acts, Vol. VI.
* Genl. Acts, Vol. IV.

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(2) The general superintendence and control over all other Civil Courts shall be vested in the Court of the Judicial Commissioner.

(3) Subject to the general superintendence and control of the .Court of the Judicial Commissioner, the Divisional Court shall superintend and control all other Civil Courts in the local area within its jurisdiction and, subject as aforesaid and to the control of the Divisional Court, the District Court shall superintend and control all other Civil Courts in the local area within its jurisdiction.

Areas of jurisdiction of the Courts.

9. (2) The Court of the Judicial Commissioner shall be established for and shall exercise its jurisdiction throughout the area to which ij this Regulation for the. time being applies.

(2) For every area constituted a division for revenue and administrative purposes the Local Government shall establish a Divisional Court, which shall exercise its jurisdiction throughout such area.

(5) For every area constituted a district for revenue and administrative purposes the Local Government shall establish a District Court, which shall exercise its jurisdiction throughout such area.

(4) For every area constituted a sub-division for revenue and administrative purposes the Local Government shall establish a Sub-divisional Court, which shall exercise its jurisdiction throughout such area.

(5) For every area constituted a township for revenue and administrative purposes the Local Government shall [1] establish a Township Court, which shall exercise its jurisdiction throughout such area :

Provided that, unless the Local Government thinks fit, no Township Court and no Sub-divisional Court shall be established for the Mandalay township and the Mandalay sub-Division of the Mandalay district.

Original jurisdiction of Divisional, District, Sub-divisional and Township Courts.

XIV of 1882. [2] 10. Subject to the provisions of the [3] Code of Civil Procedure, the [4] Provincial Small Cause Courts Act, 1887, and any other enactment for the time being in force,—

IX of 1887.

(a) the Township Court shall have jurisdiction to hear and determine any suit or original proceeding of a value not exceeding five hundred rupees;

(*b*) the Sub-divisional Court shall have jurisdiction to hear and determine any suit or. original proceeding of a value not exceeding three thousand rupees;

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[1] For instance of a notification establishing a Township Court, *see* Burma Gazette, 1902, Pt. I. p. 765.

* This sertion was substituted by s. 2 -if the Upper Burma Civil Courts Regulation, 1896 ¡Amendment) Regulation, 1900 (8 of 19001, *pnst.*

* *See* now the Code of Civil Procedure, 1908 (Act 5 of 1908), Genl. Acts, Vol. VI.

*Genl. Acts, Vol. IV.

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(c) the District Court shall have jurisdiction to hear and determine any suit or original proceeding without restriction as regards the value, except proceedings under the [1] Indian Divorce Act, and shall be deemed to be the Court of a District Judge as defined by clause (15) of section 3 of the [2] General Clauses Act, 1897; iv of 1869. x of 1897.

(d) the Divisional Court shall have such jurisdiction to hear and determine any suit or original proceeding as is by this section conferred upon a District Court, and shall also have jurisdiction to h^ar and determine any original proceedings under the [1] Indian Divorce Act, and shall be deemed the District Court under that Act for the local area within its jurisdiction. IV of 1869.

Power to invest certain Courts with powers.

11. The Local Government may, by notification, invest any District, Sub-divisional or Township Court with the jurisdiction of a Court of Small Cause Small Causes under the [2] Provincial Small Cause Courts Act 1887, up IX of 1887. ^ g$_{UC}$jj Value, not exceeding one hundred rupees in the case of a Township Court, or five hundred rupees in the case of a Sub-divisional Co.urt or District Court, as it thinks fit, and may, by notification, withdraw any jurisdiction so conferred.

Appellate ji. jdiction oi^the courts.

12. (2) The Court of the Judicial Commissioner shall have all the powers of a High Court not established under the [3] Statute 24 and 25, Victoria, Chapter 104, and shall be the Court of final appellate jurisdiction throughout the area to which this Regulation for the time being applies.

(2) Subject to the provisions of the [4] Cod<> of Civil Procedure, the [2] Provincial Small Cause Courts Act, 1887, and any special enactment for the time being in force, the Courts to which appeals are hereinafter declared to lie, shall respectively have authority to hear appeals from the decrees and orders of the Courts subordinate to them passed in the exercise of their original jurisdiction. XIV of 1882. Ix of 1887.

(3) (a) An appeal from a decree of a Sub-divisional Court and of a Township Court shall lie to the District Court.

(b) An appeal from a decree of a District Court shall, when the value of the suit in such Court is ten thousand rupees or upwards, lie to the Court of the Judicial Commissioner, and in any other case to the Divi-

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[1] Genl. Acts, Vol. I.
[3] Genl. Acts, Vol. IV.
* The Indian High Coirt» Act, 1861, Coll. Stats., Ind., Vol. II.
* *See* now the Code of Civil Procedur», 1908 (Act 5 of 1908), Genl. Acts, Vol. VI.

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sional Court, unless the Local Government shail, by notification, specially direct that appeals from original decrees and orders of any specified District Court shall lie to the Court of the Judicial Commissioner, in which case an appeal from such decree or order of a Court specified in the notification shall, so long as the notification is uncancelled, lie to the Court of the Judicial Commissioner.

[1] *(4)* The period of limitation for an appeal to the Divisional Court under clause (*b*) of sub-section (5) shall be sixty days, and in the computation of that period and in all other respects the limitation of the appeal shall be governed by the provisions of the [2] Indian Limitation Act, 1877.

XV of 1877.

13. *(1)* In addition to the second appeals permissible under section 584 of the [4] Code of Civil Procedure, a second appeal shall lie to the Court of the Judicial Commissioner from an appellate decree of a Court subordinate thereto on, any ground which would be a good ground of appeal if the decree had been passed in an original suit, whenever the decree of the appellate Court varies or reverses otherwise than as to costs the decree of the Court below:

Second appeals to Judicial Commissioner.

XIV of 1882.

Provided that no such second appeal shall lie in the case of a suit of the nature, cognizable by a Court of Small Causes under the [5] Provincial Small Cause Courts Act, 1887, unless the value of the suit exceeds five hundred rupees.

IX of 1887.

(2) The period of limitation for an appeal to the Court of the Judicial Commissioner under the section shall be ninety days, and in the computation of that period and in all other respects the limitation of the appeal shall be governed by the provisions of the [2] Indian Limitation Act, 1877.

XV of 1877.

14. *[Special revisional powers of the Court of the Judicial Commissioner.] Rep. s. 3, Reg. 5 of 1903.*

[6]15. *(1)* The Divisional Court may exercise, as regards the Courts under its control, the same powers of withdrawal, trial and transfer as are conferred by section 25 of the [4] Code of Civil Procedure on a District Court.

Power of Courts to transfer cases.

XIV of 1882.

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[1] This dause was added by the Burma Laws Act, 1898 13 of 1898), Third Schedule, *ante*, p. 146.

[2] *See* now the Indian Limitation Act, 1908 (9 of 1908^, Genl. Acts, Vol. VI.

[3] Section 13 was substituted by s. 2 of the Upper Burma Civil Courts (Amendment) Regulation, 1903 *5 of 1903*, *post.*

[4] *See* now the Code of Civil Procedure, 189b (Act 5 of 1908), Genl. Ants, Vol. VI.

[5] Genl. Acts, Vol. IV.

[6] Section 15 was substituted by s. 2 of the Upper Burma Civil Courts (Amendment) Regulation, 1905 ("3 of 1905), *post:*

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(2) In addition to the powers referred to in sub-section (*1*), a Divisional Court and a District Court may, by order in writing, direct that any case or class of cases which may be instituted in such Court, or in any Court subordinate thereto, shall be disposed of by an Additional Judge of such Court or by any other Court subordinate thereto, or by an Additional Judge of any such subordinate Court, as the case may be :

Provided that no direction under this section shall empower any Court to exercise jurisdiction beyond the pecuniary limits of its jurisdiction.

(3) The Court trying any suit withdrawn under this section from a Court of Small Causes shall, for the purposes of the suit, be deemed to be a Court of Small Causes.

(4) When a case has been withdrawn or transferred under section 25 of the [1] Code of Civil Procedure or under this section, any fees payable in such case under the [2] Court-fees Act, 1870, or under rules made under this Act, shall be payable at the rates which would have been applicable in the Court from which the case has been withdrawn or transferred.

XIV of 1882.

VII of 1870.

Continuance of jurisdiction notwithstanding abolition of Courts.

10. *(1)* Where any Court under this Regulation has from any cause ceased to have jurisdiction with respect to any case any proceeding in relation to the case which, if that Court had not ceased to have jurisdiction, might have been had therein, may be had in the Court to which the business of the former Court has been transferred.

(2) Nothing in this section applies to cases tor which provision is made in section 623 or section 649 of the [1] Code of Civil Procedure or^^0^®®2" in any other enactment for the time being in force.

Judge* of the Courts.

17. (I) The Judicial Commissioner of Upper Burma shall be the Judge of the Court of the Judicial Commissioner. He shall be appointed, and may be removed, by the Governor General in Council.

[3]*(2)* The [4] Judges of the Divisional, District, Sub-divisional and Township Courts shall be appointed by the Local Government.

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[1] *See* now the Code of Civil Procedure, 1908 (Act 5 of 1908;, Genl. Acts, Vol. VI.

[2] Genl. Acts, Vol. II.

[3] Sub-sef-tion (?) of s. 17 was substituted for sub-sections *(2)* to (5) by s. 3 of the Upper Burma Civil Courts (Amendment) Regulation, 1905 (3 of 1905), *post.*

* For notifications appointing Judges under sub-set tion (2), see those quoted on pp. 113 and 114, Bur. R. M., Vol. I.

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18. The Local Government may, whenever it shall think it necessary Addition»! or expedient so to do, appoint an [1] Additional Judge or [1] Additional Jud*"- Judges to any Court established under this Regulation, and any officer so appointed an Additional Judge shall exercise the jurisdiction of the Court to which he is appointed, subject, however, to any general or special orders of the Local Government as to the class or value of suits or appeals which he or officers of his rank or grade may try, hear, and determine.

19. An officer may be appointed an Additional Judge of one or more Courts, and an officer who is a Judge in one Court may be appointed an Additional Judge in another Court or in other Courts. **Judges of more Courts than one.**

20. (.?) No Judge oi Additional Judge of a Civil Court shall try any suit, appeal or other proceeding to which he is a party, or in which he is personally interested. **Judges not to try s. etc., they are personally interested,**

(2) When any such suit, appeal or other proceeding comes before any Judge, he shall forthwith transmit the record of the case to the Court to which he is immediately subordinate, with a report of the circumstances attending the reference, and such superior Court shall thereupon dispose of the case under section 25 of the [2] Code of Civil Procedure. .xrv of is«.

(3) When any such suit, appeal or other proceeding comes before an Additional Judge, he shall forthwith transmit the record of the case to the Judge of the Court who shall hear and determine the case.

(4) When any such appeal or other proceeding comes before the Judicial Commissioner, he shall report the case for the orders of the Local Government, which may thereupon appoint an Additional Judge of the Court of the Judicial Commissioner to hear and determine the appeal or other proceeding.

21. Every Civil Court shall be held at such place or places as the Lof'al Government may, by notification, direct, or, in the absence oi any such direction, at any place within the local limits of the Court's jurisdiction which the Judge or Additional Judge of the Court thinks fit. Place of sltttin2'

22. Every Civil Court shall use a seal, of such form and dimensions as the Local Government may prescribe, on all processes and orders issued by it and on all decrees passed by it. g$_{ea}$i.

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[1] **For notifications appointing Additional Judges, *see* Burma Gazette, 1904, Pt. I, pp. 113 and 312.**

[2] **See now the Code of Civil Procedure, 1908 (Act 5 of 1908) Genl. Acts, Vol. VI.**

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Provision for pending and past Proceedings.

Transfer of pending cases.

23. Every proceeding pending in any Civil Court in Upper Burma': at the time of the passing of this Regulation shall be transferred, or be deemed to be transferred, to the Court under this Regulation which would have had jurisdiction in the matter if this Regulation had been in force on the date on which the proceeding was instituted, and the Court to which any such proceeding is transferred shall proceed to try, hear and determine the matter as if it had been instituted in such Court:

Provided that nothing herein contained shall be taken to extend' the period of limitation to which any suit or appeal may be subject.

Execution of, and appeals from, past decreea and orders.

24. All decrees passed and orders made previous to this Regulation coming into force by a Court mentioned in the first column,, of the following table shall, for purposes of execution and of appeal and otherwise, be deemed to have been passed or made by the Court set opposite to it in the second column of such table exercising jurisdiction over the area in which the Court in the first column had jurisdiction, and every decree which, prior to such time- shall have been sent for execution to a Court mentioned in the first column, shall be deemed to have been sent for execution to the corresponding Court in the second column exercising jurisdiction over the sama area : —

1	2
The Court of the Judicial Commissioner .	The Court of the Judicial Commissioner.
The Court of the Commissioner . . .	The Divisional Court.
The Court of the Deputy Commissioner • .	^ The District Court.
The Civil Court of Mandalay . . .	
The Court of the Suh-divisional Officer . .	The Sub-divisional Court.
The Court of th« Township Offi :er . .	The Township Court.

CHAPTER IY.

ADVOCATES.

Lansing of Advocates. by

25. (i) No person shall be permitted to appear, plead or act as an Advocate in the Court of the Judicial Commissioner or in any Court,

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whether Civil or Criminal, subordinate thereto unless such person has been licensed thereto by the Judicial Commissioner, either generally or specially. Judicial Commissioner.

(2) The Judicial Commissioner may, with the previous sanction of the Local Government, make [1] rules for the qualification and admission of proper persons to appear, plead or act as Advocates in such Courts, and for the suspension or dismissal of any such Advocates who are guilty of fraudulent or grossly improper conduct.

(3) Such rules may also provide for the issue of licenses to Advocates on payment of such fees and to be current for such time as the Judicial Commissioner may prescribe.

26. Any person appearing, pleading or acting in any Court, in contravention of the foregoing provisions of this chapter, or any rules made thereunder, shall be liable, by order of the Court, to a fine which may extend to five hundred rupees. **Penalty** for contravening the provisions of this chapter or the rules made thereunder.

27. The fees to be received by any Advocate for business done in any Court under this Regulation shall at all times be subject to the control and taxation of the presiding Judge, and no such fees shall be recoverable unless they have been allowed on taxation by the Judge or such officer as he appoints in this behalf. Control and taxation of fees of Advocates.

28. The Judicial Commissioner may make [2] rules regulating the fees payable to Advocates in his Court and in the Courts subordinate thereto. **Rules** as to fees of Advocates.

29. Whoever commits any of the following offences, namely,— **Penalty** for giving or receiving commission.

(a) solicits or receives from any Advocate any gratification in consideration of procuring or having procured his employment in any legal business;

(b) retains any gratification out of remuneration paid or delivered, or agreed to be paid or delivered, to any Advocate for such employment;

(c) being an Advocate, tenders, gives or consents to the retention of any gratification for procuring or having procured the employment in any legal business of himself or any other Advocate shall be punished with simple imprisonment for a term which may extend to six months, or with

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[1] **For rules as to qualifications and admission of Advocates, *set* Burma Gazette. 1900, SPt.** IV, p. 384.

[2] **For rules as to fees pajable to Advocates, *set* Burma Gazette, 1891, Pt. IV, p 209.**

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fine which may extend to five hundred rupees, or with both.

CHAPTER V.

RULES AND ORDERS.

Power to make rules.

80. (*1)* The Judicial Commissioner may, with the previous sanction' of the Local Government, make rules consistent with this Regulation for—

[1](a) prescribing the fees to be paid for processes*;*

(*b*) regulating the travelling and other [2] expenses of witnesses and assessors;

(c) providing for the making of [3] copies and translations, the inspection of records, and the fees to be charged therefor ;

(d) determining in what cases persons practising in the Courts shall be permitted to address the Courts in English;

(e) conferring and imposing on the ministerial officers of tho- Courts such powers and duties of a non-judicial or *quasi-* judicial nature as he thinks fit, and regulating the mode in which powers and duties so conferred and imposed shall be exercised and performed;

(/) declaring what persons shall be permitted to practise as* [4] petition-writers in the Courts and regulating the conduct of persons so practising.

(2) Whoever breaks any rule made under sub-section (*1)* shall be- punished with fine which may extend to fifty rupees.

Compliance with requisitions of Local Government.

31. The Judicial Commissioner shall comply with' any requisition» which the Local Government may make for records of, or papers belonging to, any Court in TJpper Burma, or for certified copies of. or extracts from, those records or papers, or for returns, statements or reports.

Process-serving establishment*.

[1] **32.** The Local Government may, with the previous sanction of the- Governor General in Council, make [5] rules with respect to the establishments to be maintained for the service and execution of processes

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[1] **Clause *ta)* and a 32 will De repealed by ». 4 of the Burma Process Fees Act, 1910" (Bur. Aot 1 of 1910), when that Act is brought into force, *see* Appendix II, *post.***

For rules regarding process fees under s. 30 (/) (a), ***see*** Burma Gazette, 1896, Pt. IV, p. 3^4.

[1] **For rules for the payment of expenses of witnesses in Civil Courts, *see* Burma Gazette,. 1904, Pt. IV, p. 358.**

*** For rules as to copies and translations, see Burma Gazette, 1906, l't. IV, p. 384.**

*** For rules as to petition-writers, *see* Burma. Gazette, 1902, Pt. IV, p. 153.**

*** For rules as to establishments for the servi- e and execution of processes and their remuneration, *see* Burma Gazette, 1B98, Pt- I, p. 5i3; *ibid,* 1904, Pt. I, p. 230.**

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issued by Criminal, Civil, and Revenue Courts and authorities, and may declare rules so made to be in supersession of any rules made under the [1] Court-fees Act, 1870, or the [2] Upper Burma Land and Revenue Regulation, 1889.

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CHAPTER VI.

MISCELLANEOUS.

Registrar. [1]

33. A Registrar shall be appointed for the Court of the Judicial Commissioner, and the Judicial Commissioner may by written order direct that the Registrar shall exercise such powers and discharge such duties of a non-judicial or *quasi*-judicial nature as the Judicial Commissioner thinks fit.

Holidays.

34. *(1)* The Judicial Commissioner, with the approval of the Local Government, shall publish in the local official Gazette, before the commencement of each calendar year, a list of days to be observed in that year as holidays in the Courts of Upper Burma.

(2) A judicial act done by a Court on a day specified in the list as a day to be observed by the Court as a holiday shall not be invalid by reason only of its having been done on that day.

Language of Courts.

35. Plaints may be written and evidence may be taken down in such [3] language or languages as the Local Government directs in this behalf.' oult'

court-fees in Upper Burma.

36. In the application to Upper Burma of the First Schedule to the [1] Court-fees Act, 1870, after Article 14 the following shall be inserted, namely: —

VII of i87o.

i0v'i"on C&S6S.

Number.		Proper fee.
15. App'-ication to the Court of the Judicial Commissioner, Upper Burma, for the ejterci-e of its revisional juriadict'on under * section 622 of the Code of Civil Procedure or 5 section 25 of the Provincial Small Cause Courts Act, 1887, or [8] *section li of the JJpper Burma Civil Court/: Regulation, 1896.*	'I When the amount or value of the subject-matter in dispute does not e x c e e d }- twenty-five rupees. When such amount or value exceeJs J twenty-five rupees.	Two rujees. The fee leviable on a memorandum of appeal.

* Genl. Acts, Vol. II.

[1] *Ante.*

* For notification, *see* Bur. R. M., Vol. II_V p. 216.

[4] See now s. 115 of the Code of Civil Procedure, 1908 (Act 5 of 1908), Genl. Acts, Vol. VI.

* Genl. Acts, Vol. IV.

* *Ante,* p. 273. The words " or section 14 of the Upper Burma Civil Courts Regulation, 1896 " in Art. 15, Sch. I –>f Act 7 of 1870 have been repealed by the Upper Burma Civil Courts (Amendment) Regulation, 1903 (5 of 1903., s. 4, *post.*

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Re'ognized »gen's.

37. Section 37 of the [1] Code of Civil Procedure shall be read as if XIVof 1882. ■the words " or to Upper Burma " were added after the words " Cential Provinces."

Publication of rules,.

38. Rules made under this Regulation shall be published in the local official Gazette.

THE SCHEDULE.

REGULATIONS REPEALED.

No. and year.	Title of Regulation.	Extent of repeal.
Regulation VIII ot ls86 .	The Upper Burma Civil Justice Regulation, 1886.	So much as has not already been repealed.
Regulation X ot 1887 .	The Upper Burma Stamps and Limitation Regulation, 1887.	The preamble from " And whereas it is expedient to determine " to " now in force in Upper Burma." Sections 3, 4, 5, 6 and 7.
Regulation VII of 1890 .	Amending the Upper Burma Civil Justice Regulation, I88fi.	So much as l.a-. not already been repealed.
Regulation I of 1801 .	Amend ng the Upper Burma Civil Justice Regulation, 1S86, and other Regulations.	Parts I and II, section? 1 to 10.

REGULATION No. II OF 1896.

[Received the assent of the Governor General on the 5th March, 1896; published in the Gazette of India, 1896, Ft. I, p. 156; and in the Burma Gazette, 1896, Ft. 11, p. 151.~

A Regulation to amend the Law for the Suppression of Crime on the Frontiers of Upper Burma and the Hill District of Arakan.

WHERE vs it is expedient to amend the law for the suppression of crime on the frontiers of Upper Burma and the Hill District of Arakan; It is hereby enacted as follows: —

Title, extent and commencement.

1. (2) This Regulation may be called the Burma Frontier Tribes Regulation, 1896.

. (*2*) It extends to the Upper Chindwin, Pakokku and Minbu Districts and to the Hill District of Arakan; and

[1] * *See* nuw the Code bf Civil Procedure. 1908 (Act 5 of 1906j, Genl. Acts, Vol. \ I.

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(3) It shall come into force at once.

2. In this Regulation,— **Definitions.**

(7) " clan " means any sub-division or section of a tribe; and

(2) "village" means village-community, and includes a group of villages.

3. In the event of any frontier tribe, clan or village acting in a **Blockade** of hostile or unfriendly manner to the British Government or raiding on any other frontier tribe, clan or village under the protection of the British Government, the Deputy Commissioner may, with the sanction of the Commissioner and subject to the control of the Local Government, detain all or any members of the hostile or unfriendly tribe, clan or village, detain or confiscate their property, debar members of the tribe, clan or village from access into British territory, and prohibit British subjects from all intercourse with the tribe, clan or village. disaffected tribe.

4. No action shall be taken in the case of any tribe, clan or village under section 3 until after the Deputy Commissioner shall have, in such manner as the Local Government may, by general or special order, direct, specified by name, and indicated the position of, the tribe, clan or village against which action is to be taken, and prescribed the limits in British India beyond which members of the tribe, clan or village shall be debarred from passing. Notice of blootade.

REGULATION IY OF 1896.

.*Not republished. Only s. 4 of this Regulation which repeals s. 4 (2) (iv) of s. 53 of the Upper Burma Land and Revenue Regulation, 1889 (III of 1889), is still unrepealed. It is however spent.*

THE CHIN HILLS REGULATION, 1896.

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Title, commencement and extent.
2. Definitions.

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CHAPTER II.

LAW APPLICABLE IN THE CHIN HILLS.

SECTIONS.

3. Laws applicable to Chins.

*4. Application of ordinary, special and local laws to persons uut. Chins.

CHAPTER III.

HEADMEN AND THEIB POWERS.

5. Appointment and removal of headmen.

6. Powers of headmen.

7. Criminal jurisdiction of headmen.

8. Civil jurisdiction of headmen.

CHAPTER IV.

JURISDICTION AND SPECIAL POWEES OF OFFICEBS.

9. Chin Hills to constitute a sessions division and a district, ana Superintendent to be Sessions Judge.

10. High Court.

11. Powers which may be conferred on Assistant Superintendent.

12. Civil jurisdiction.

13. Power to withdraw cases.

14. Power to impose fines on villages, etc., for collusion with. criminals.

15. Fines on tribes, etc., in case of murder in their boundaries.

16. Action against disaffected tribe, etc.

17. Penalty for abuse of authority or disobedience of orders by headman.

18. Power to decide disputes likely to lead to feuds.

19. Power to prevent formation of new village.

20. Power to direct removal of villages.

21. Power to require persons to remove.

22. Expulsion of certain persons from Chin Hills.

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SECTIONS.

23. Penalty for breach of certain orders.
21. Security for the prevention of crime.
25. Security from tribes, etc.
26. Report by Assistant Superintendent.
27. Breach of bond.
28. Imprisonment in default of security.
29. Length of imprisonment.
30. Further security.

CHAPTER V.

SPECIAL RULES AS TO ARMS, AMMUNITION, OPIUM AND FORESTS.

31. Arms and ammunition.
32. Prosecution under Regulation VI, 1887.
33. Opium.
34. Prohibition of sale of foreign liquor, etc.

CHAPTER VI.

RULES BEGAEDING TAXES AND REALIZATION OF FINES, EIC.

35. Taxes.
36. Mode of recovering fines, taxes, etc.

CHAPTER VII.

CONTBOL.

37. Prohibition of appeals.
38. Control and revision.
39. Power of Local Government to make rules.
40. Proceedings under Regulation not to be questioned.
41. Delegation of certain powers.

THE SCHEDULE.

ENACTMENTS DEEMED APPLICABLE TO HILL TRIBES.

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REGULATION V OF 1896.

[Received the assent of the Governor General on the 13th August, 1896; published in the Gazette of India, 1896, Pt. I, p. 609; and Burma Gazette, 1896, Pt. II, p. 261.]

A Regulation to declare the law applicable in the Chin Hills of Upper Burma.

WHEREAS it is expedient to declare the law applicable in the Chin Hills of Upper Burma; It is hereby enacted as follows: —

CHAPTER I.

PRELIMINARY.

Title, commencement and extent.

1. (2) This Regulation may be called the Chin Hills Regulation, 1896.

(2) It shall come into [1] force on such date as the Local Government may, by notification in the Burma Gazette, appoint.

(5) This section and section 3 shall extend to the whole of the Chin Hills. The rest of this Regulation shall extend only to such tracts in the Chin Hills as the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the Burma Gazette, [2] direct.

^Definitions.

2. *(1)* In this Regulation, unless there is anything repugnant in the subject or context, the expression—

" Superintendent " includes any officer whom the [3] Local Government may invest with the powers of a Superintendent under this Regulation:

(2) " Assistant Superintendent " includes any officer whom the Local Government may invest with the powers of an Assistant Superintendent under this Regulation:

(3) " Chins " includes *(a)* Lushais, (*b*) Kukis, (c) Burmans domiciled in the Chin Hills, and (*d*) any persons who have adopted the customs and language of the Chins and are habitually resident in the Chin Hills:

(*4*) " clan " means any sub-division or section of Chins, and includes a group of clans :

(5) "village" includes—

(a) a village-community;

(*b*) village-lands;

(c) rivers passing through or by village-lands; and

(d) a group of villages; and

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[1] The Regulation came into force on 1st June, 11.97, Burma Gazette, 1M97. Pt. I, p. 210.

[1] For notifications under this sub-section extending the Regulation to tracts in the Chin Hills, *see* Burma Gazette, 1897 and 1898, Pt. I, pp. 210 and 322.

[3] For notificatici empowering the Superintendent, Chiu Hills, to discharge the functions of an officer in charge of a forest division, *see* Burma Gazette, 1899, Pt. I, p. 512.

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i ***(6)*** " headman " means the chief or head of any clan or village inhabited by Chins, and includes a council of chiefs or elders.

CHAPTER II.

LAW applicable in the Chin Hills.

3. *(1)* This Regulation and the enactments in the schedule, to the extent and with the modifications therein set forth, shall be deemed to be the only enactments which apply to any tract in the Chin Hills to which section 2 and sections 4 to 41 (both inclusive) may be extended by a notification under section 1, sub-section *(3).*

(2) No other enactments shall be deemed to apply to Chins in the Chin Hills:

Provided that the Local Government, [1] [subject to the control] of the Governor General in Council, may, by notification in the Burma Gazette, declare any other [2] enactment to be applicable wholly or to the extent or with the modifications which may be set forth in the notification.

4. ***(1)*** So far as regards persons other than Chins, the law in force in the Chin Hills shall, subject to the provisions of sub-sections *(4)* and *(5),* be the law for the time being in force in Upper Burma exclusive of the local Ians to town of Mandalay. Application of ordinary, special and person chin*3 not

(2) For the purposes of any enactment in force in the Chm Hills in pursuance of the provisions of sub-section *(1),* the Superintendent shall be deemed to be the Deputy Commissioner or the District Magistrate and Collector, and an Assistant Superintendent an Assistant Commissioner in charge of a sub-division or an Assistant Collector of the first class, as the case may be.

(3) The Local Government shall exercise the powers of the Financial Commissioner and of a Commissioner under any such enactment as aforesaid.

(4) This section and sections 9, 16, 22, 23, 33 and 34 shall apply to all persons within the Chin Hills.

(5) Section 12 shall apply to all parties to a suit or other proceeding of a civil nature in which any of the parties is a Chin.

CHAPTER III.

HEADMEN AND THEIR POWERS.

5. *(I)* Subject to any general or special orders of the Local Govern- **Appointment** and icnioi al

[1] **The words " subject to the control " were substituted for the words " witb the previous sanction " by ?. 5 of Regulation 2 of 1910, *see* Appendix II, *post.***

[1] **For other enactments applied, *see* Pt. V, *post.***

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of headmen. ment the Superintendent may appoint and remove any headman, and may define the local limits of his jurisdiction and declare what clan, or village, or both, shall be subject to him.

(2) Where a headman is appointed for a group of villages or clans, the Superintendent may declare the extent to, and the manner in, which the headmen of the villages or clans composing such group shall be subordinate to the headman of the group.

(3) In making a declaration under this section the Superintendent shall be guided as far as practicable by local custom.

Powers of headmen.

6 *(1)* Every headman shall within the local limits of his jurisdiction have general control, according to local custom, over the clan, or village, or both, declared subject to him.

(2) He may levy from such clan or village any customary dues and may impose on them such punishments as are authorised by local custom :

Provided that no barbarous, excessive or unusual punishment shall be imposed.

(3) He shall be bound to keep the peace within the tract under his general control ; to comply with all lawful orders received from the Superintendent or Assistant Superintendent; and to furnish on the requisition of the Superintendent or an Assistant Superintendent, on receipt of payment at rates to be fixed by the Superintendent, supplies of food or labour required by any public servant.

Criminal jurisdiction -of headmen.

7. (2) A headman may try, according to local custom, any person subject to his general control, who may be charged with any offence other than an offence punishable under sections 121 to 130, sections 302 to 308, sections 341 to 348, sections 363 to 377, sections 390 to 402 and sections 438 to 440 (all inclusive) of the [1] Indian Penal Code or with XLV of 1860. abetment of, or attempt to commit, any of these offenees, and may punish with fine in money or goods any person found guilty by him of any such offence as aforesaid.

(2) Nothing in the [1] Indian Penal Code or in the [2] Code of Criminal XLV of 1860. Procedure, 1882, shall apply to any proceedings of a headman acting in x of 1882. exercise of the powers conferred by this section.

Civil jurisdiction of headmen.

8. A headman may try and decide according to local custom any dispute of a civil nature between persons subject to his general control, and may enforce his decision in accordance with such custom.

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[1] Genl. Acts, Vol. I

[1] *See* now the Cod« of Criminal Procedure, 1898 Act 5 of 1898), which was declared applicable by Notification No. 15, dated 30'.h June, 1898, *see* Burma Gazette, 1698, Pt. I, p. 322, Genl, Acts, Vol. V.

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CHAPTER IV.

JURISDICTION AND SPECIAL POWERS OF OFFICERS.

9. (i) The Chin Hills shall constitute a sessions division and a district for criminal, civil, revenue and general purposes, aud the Superintendent shall be the Sessions Judge. **Chin Hills to** oc ditute a ge^onsdivi- **sionanda district, an** Superintend **dent to b«** S ssio

(2) As Sessions Judge the Superintendent may take cognizance of any offence as a Court of original jurisdiction without the accused being committed to him by a Magistrate for trial, and, when so taking j^dge^ cognizance, shall follow the procedure prescribed by the [1] Code of Criminal Procedure, 1882, for the trial of m arrant cases by Magistrates.

X o! 1882.

X -si 1882.

10. For the purposes of the [1] Code of Criminal Procedure, 18S2, the Local Government shall exercise the powers of a High Court. **High Court,**

11. The Local Government may, by ^notification in the Burma Gazette, invest any Assistant Superintendent with all or any of the powers of a Superintendent under this Regulation, and define the local limits of his jurisdiction. [Power3] **which** nisy o6 con- **theferredon Assistant Superinten-** dent.

12. *(1)* The Superintendent and every Assistant Superintendent exercising jurisdiction within the Chin Hills may try any suit or other proceeding of a civil nature between parties, any one of whom is a Chin, according to such [3] procedure as the Local Government may, by notification in the Burma Gazette, prescribe; and **Civil juris-** d]CtIon.

(2) in the trial of any such suit or proceeding, may exercise all or any of the powers which he might exercise in a suit or proceeding in ■which none of the parties is a Chin; and

(3) in deciding any such suit or proceeding, shall have regard to local custom and to justice, equity and good conscience.

13. The Superintendent may withdraw any civil or criminal case pending before a headman or an Assistant Superintendent and may either try it himself or refer it for trial to an Assistant Superintendent. **Power to** ca **withdraw** **.ses.**

14. *(T)* Subject to the control of the Local Government, the Superintendent may take hostages from, or impose fines in money or goods on villagesT on, any clan or village or any part thereof, if after enquiry he finds that any of the persons belonging to such clan or village have— **Power to** **impose fine** **etc., for col-** **lusion with** **criminals.**

fa) colluded with, or harboured, or failed to take reasonable ,

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[1] *See* now the Code of Criminal Procedure. 1898 (Act 5 of 1898'. Portions of the Code have been de-lared applicable by Notification No. 15, dated 30th June, 1898, *see* Burma Gazette, 1898, Pt. I, p. 322.

[1] For notification under s. 11, investing all Assistant Superintendents vtith the powers confured on the Superintendent by s. 14, to be exercised within certain defined limits, see Burma Gazette, 1897, Pt. I, *p.* 211.

For notification conferring such powers on the Assistant Superintendent at Mindat Sakan, *see* Burma Gazette, 1898, Pt. I, p. 323.

' For notification prescribing rules under this section to regulate the procedure for the trial of suits and other proceedings of a civil nature, see Burma Gazette, 1897, Pt. I, p. 211.

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means to prevent the escape of, any person accused of, or under sentence of imprisonment for, an offence;

(*b*) suppressed or combined to suppress evidence in any criminal case;

(*c*) failed or neglected to restore stolen property' tracked to their village or to take on the track beyond the limits of[1] their village;

(*d*) done any act hostile or unfriendly to the Government;

(e) disobeyed the lawful orders of the Superintendent or of an Assistant Superintendent;

(*f*) taken part in or abetted an attack on traders or other travellers, or the levy of or attempt to levy unauthorized dues, or tolls; or

(*g*) engaged in lighting with any other clan or village.

(2) The Superintendent may order the whole or any part of a fine imposed under this section to be given as compensation to any person to whom damage or injury has been caused, directly or indirectly, by the act in respect of which the fine is imposed.

(3) When in pursuance of an order passed under this section a person has received compensation for injury out of the proceeds of a fine, all right of such person to compensation based on the same injury shall be barred.

Fines on tribes, etc., in case of murder in their boundaries.

15. When within the area occupied by any clan or village a person is dangerously or fatally wounded by unlawful attack, or the body of a person reasonably believed to have been unlawfully killed is found, the members of such clan or village shall be deemed to have committed an offence under the last foregoing section unless they can show that they—

(*a*) had not any opportunity of preventing the offence or arresting the offender; or

(*b*) had used all reasonable means to bring the offender to justice.

Aotion against dianfleeted tribe, eto.

16. In the event of any clan or village acting in a manner hostile or unfriendly to the Government, the Superintendent may, subject to the control of the Local Government, detain all or any members of such clan or village, deport them from the Chin Hills for life or for any shorter term, detain or confiscate their property, debar them from access into territory outside the Chin Hills and prohibit all or any other persons from entering the area occupied by such clan or village.

Penalty for abuse of »uthority or disobedience

17. Every headman who abuses any of the powers conferred upon him by this Regulation, or neglects to obey any reasonable order of the Superintendent, shall be liable by order of the Superintendent to pay

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a fine not exceeding fifty iupees, or to be suspended or dismissed from office. of orders by headman.

18. When the Superintendent is satisfied that a dispute likely to cause a feud, breach of the peace or any offence affecting the human body or against property exists, he may enquire into the dispute and pass such order as he may think fit, having regard to local custom and to justice, equity and good conscience. Power to decide disputes likely to lead to feud.

19. No new village shall be formed without the consent of the Superintendent, who may, for reasons to be recorded in writing, prohibit the formation thereof. Power to prevent formation of new village.

20. Whenever it seems to the Superintendent to be expedient on military or other grounds, he may, by order in writing, direct the removal of any village to any other site, and, with the sanction of the Local Government, may award to the inhabitants thereof such compensation for any loss which may have been occasioned to them by such removal as, in his opinion, shall be just. Power to direct removal of villages.

21. *(1)* When any person is known or believed to have a feud, or has occasioned any cause of quarrel likely to lead to bloodshed, dacoity or robbery, the Superintendent may require such person to reside beyond the limits of the Chin Hills or within those limits at such place as the Superintendent may deem desirable. Power to require persons to remove.

(2) No order requiring a person to reside beyond the limits of the Chin Hills shall be made without the previous sanction of the Local Government.

22. When the Superintendent is satisfied that the presence of any person (not being a public servant or a Chin) is injurious to the peace or good administration of the Chin Hills, he may, for reasons to be recorded in writing, order such person to leave the Chin Hills within a given time. Expulsion of certain persons from Chin Hills.

23. Whoever contravenes the provisions of section 19, or disobeys an order under section 20 or a requisition under section 21, or an order under section 22, may, on conviction by a Magistrate, be punished with imprisonment for a term which may extend to six months, and shall also be liable to fine which may extend to one thousand rupees. Penalty for breach of certain orders.

24. When the Superintendent is of opinion that it is necessary for the purpose of preventing culpable homicide (whether amounting to the murder or not), grievous hurt, dacoity or robbery to require any person to execute a bond for his good behaviour, he may order such person to execute a bond, with or without sureties, for his good behaviour during such period not exceeding three years as the Superintendent may fir. Power to require security for preventive

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Security from tribes, etc.

25. When a feud or other cause of quarrel likely to lead to bloodshed or violence exists, or is, in the opinion of the Superintendent, likely to arise between two clans, villages or families of Chins, the Superintendent may order all or any of the persons belonging to such clans, villages or families, or of either of such clans, villages or families, to execute a bond, with or without sureties, for their good behaviour during such period not exceeding three years as he may fix.

Report by Assistant Superintendent.

26. When an Assistant Superintendent duly authorised under section 11 passes an order under section 24 or section 25, he shall at. once submit a report of his proceedings to the Superintendent.

Breach of Dond.

27. (i) The commission or attempted commission, or the abetment by a person who has executed a bond for his good behaviour under section 24, of any offence affecting the human body or against property shall be deemed to be a breach of such bond.

(*2*) If, while a bond executed under section 25 is in force, the life of any person belonging to any clan, village or family concerned is unlawfully taken or attempted to be taken, or the property of any such person is unlawfully taken or attempted to be taken, by or with the abetment nf any person or persons belonging to the other clan, village or family, the Superintendent may declare the bonds of all or any of the persons belonging to such other clan, village or family, and of their sureties (if any) to be forfeited.

Imprisonment in default of s«curity.

28. (*1*) If any person ordered to execute a bond for his good behaviour under section 24 or section 25 does not give the security required on or before the date on which the period for which the security is to be given begins, he shall be committed to prison or, if he is already in prison, be detained there until such period expires, or until within such period he gives the security to the officer who made the order requiring it, or to the officer in charge of the jail in which he is detained, in ■which case he shall be forthwith discharged from prison.

(2) Imprisonment for failure io give security under section 24 or section 25 may be rigorous or simple as the officer requiring the security directs in each case.

Length of imprisonment.

29. When any person has suffered imprisonment for three years for failure to give security for his good behaviour under section 24 or section *25* he shall be released and shall not again be required to give security unless a fr^sh order is passed in accordance with the provisions of this Regulation.

Further seourity.

30. *(T)* Any person who has, under the provisions of section 24 or section 25, given security, or been imprisoned for failure to give security, may be brought before the Superintendent if, on the expiry of the period for which security was required to be given, thi; Superintendent eo directs.

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(2) When the Superintendent thinks it necessary, for the purpose of preventing the commission of any offence affecting the human body or against property, to require security for a further period from any person so brought before him, he shall record a proceeding to that effect.

(3) The proceeding may be founded on the facts on which the original order to give security was founded, and it shall not be necessary to prove any fresh facts to justify an order to give security for a further period under this section; and such subsequent order, if passed, shall have the same effect and be enforced in the same manner as an order to give security under section 24 or section 25.

(4) Notwithstanding anything in this section, no person shall suffer, for failure to give security under this Chapter, imprisonment for more than six years or, without the sanction of the Local Government, for more than three years.

CHAPTER 7.

Special Rules as to Amis, Ammunition, Opium and Forests.

Arms and ammunition.

31. *(1)* The Superintendent may fix the number of firearms and the quantity and description oi ammunition which may be possessed by any clan or village, and may issue licenses, either to such clan or village collectively, or to any of the persons belonging thereto individually, to possess the firearms and ammunition specified in the licenses.

(2) All firearms for which licenses have been issued shall be stamped and entered in a register.

(3) The Superintendent may grant a license to any clan or village for the manufacture of gunpowder.

(4) Any person who, not being licensed or not belonging to any clan or village licensed in that behalf, possesses any firearms or ammunition, or who exports from the Chin Hills any firearms or ammunition, or who manufactures gunpowder, shall be punished, on conviction by a Magistrate, with imprisonment which may extend to three years, or with fine, or with both.

(5) With the previous sanction of the Local Government, the Superintendent may direct that the foregoing sub-section shall not apply to any tract or part of the Chin Hills, and may with the like sanction cancel any direction so made.

(6) The Superintendent may, by order in writing, prohibit all or any of the persons belonging to any clan or village from carrying dās, spears and bows and arrows, or any of those weapons, in any tract, to be defined in the order, if he is of opinion that such prohibition is necessary to the peace of such tract. Such order shall specify the length of time during which it shall remain in force.

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(Chap. F.—Spectdl Rules as to Arms, Ammunition, Opium and Forests. Chap. VI.—Rules regarding 'Faxes and Realization of Fines, etc. Chap. VII.—Control.)

(7) Whoever disobeys a prohibition under sub-section ***(6)*** shall, on. conviction by a Magistrate, be punished with imprisonment ■which may extend to six months, or with fine, or with both.

Prosecution under Reg. VI, 1887.

32. Xo prosecution under the ^pper Burma Forest Regulation, 1887, or any rule thereunder, shall be instituted against any Chin except with the sanction in writing of the Superintendent.

Opium.

33. Whoever imports, cultivates, manufactures, possesses, sells or exports opium, ganja, bhang or charas in the Chin Hills shall be punished,, on conviction by a Magistrate, with imprisonment ■which may extend to one year, or with fine, or with both. .

Prohibition of sale of foreign liquor, etc.

34. Whoever sells foreign fermented liquor or spirit to any Chin shall be punished, on conviction by a Magistrate, with imprisonment which may extend to three months, or with fine, or with both.

CHAPTER YI.

RULES REGARDING TAXES AND REALIZATION OF FINES, ETC.

Taxe a

35. Taxes shall be levied on all.clans and villages at such rates and in such manner as the Local Government may [2] prescribe.

Mode of recovering

36. An order for the payment of any fine or tax, or for the delivery of property, or for the performance of any act, may be enforced (1) by the seizure of any moveable property or of any standing crops of the person against whom such order is made, or, when the order is made against a clan or village or family of Chins, of any person belonging thereto, or (2) with the sanction of the Superintendent or of an Assistant Superintendent, by the simple imprisonment, for a term not exceeding one year, of the person against whom such order is made.

CHAPTER VII.

CONTROL.

Prohibition of appeals.

37. No appeal shall lie against any order passed by a headman or by any officer acting under this Regulation.

Control and revision.

38. (*1*) All headmen and all officers in tiie Chin Hills shall be subordinate to the Superintendent, who may revise any order passed by any such headman or officer, including an Assistant Superintendent specially empowered under section 11.

[1] See notification extending Regulation 5 of 1898., Pt. V, *post.* This Regulation has now been repealed in the rest nf Burma by the Burma Forest Act, 1902 (Bur. Act 4 of 1902), *post.*

[2] For notification directing the imposition of a house tax on all clans and villages in the Chin Hills, under this section, *see* Burma Gazette, 1901, Pt. I, p. 687.

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(2) The Local Government may revise any order passed under this Regulation.

39. Subject to the control of the Governor General in Council, the Power of Local Government may make [1] rules consistent with this Regulation— Local Government to make rules.

(a) to regulate the procedure to be observed by officers acting under this Regulation;

(b) to prescribe the use of such forms, the submission of such reports and statements and the maintenance of such records and registers as it may think necessary; and,

(c) generally, to carry into effect the purposes of this Regulation.

40. Except as provided in this Regulation, a decision passed, act done or order made under this Regulation shall not be called in question in any Civil or Criminal Court. Proceedings under Regulation not to be questioned.

41. *(1)* The Local Government may, by notification in the Burma Gazette, [2] delegate to the Commissioner of any division in Upper Burma all or any of the powers conferred upon the Local Government by this Regulation, except the powers conferred by this section and by sections 1, 3, 5, 11, 12, 31, 35 and 39, and may, from time to time by a like notification, rescind or vary any such notification. Delegation of certain powers.

(2) When all or any of the powers of the Local Government have been delegated to the Commissioner of a division, the Local Government may revise any order passed by such Commissioner except an order passed under section 10.

THE SCHEDULE.

(See section 3.)

ENACTMENTS DEEMED APPLICABLE TO HILL-TRIBES.

Number and year.	Subject.	Extent of application.	Modifications.
		I.—Acts.	
«Act V of 1843 .	Slavery . .	So much as may from time to time be in force in Upper Burma.	
3 .. XVIII of 1850.	Protection of Judicial Officers.	Ditto.	
3„ XI of 1857.	State Offences .	Ditto.	

[1] For rules regulating the procedure of officers under the Regulation and prescribing the forms to be used by them, *see* Burma Gazette, 1897, Pt. I, p 212.

[2] For instance of such a delegation, *see* Burma Gazette, 1898, Pt. I, p. 323.

* Geril. Acts, Vol. I.

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(The Schedule.—Enactments deemed applicable to Hill-tribes.)

THE SCHEDULE—***continued.***

Enactments deemed applicable to Hill-tribes—***continued.***

Number and year,	Subject.	Extent of application.	Modifications.
		1.—Acts—joncld.	
[1] Art XLV of . 1SG0.	Penal Code	So much as may from time to time be in force in Upper Buima.	In section 64 (as amended, hy subsequent enactments)- lor the first fifty-two words the words "In every case- in which an offender is sentenced to a line " shall be substituted. In section G7, ior the last forty-seven words the fol- lowing »hall be substituted* namely :— " for any term not exceed- ing lour months when the amount or the fine shall nob exceed fifty rupees, *nd for any term not exceeding eight months when the- amount »hall not exceed one hundred'rupee», and for any term not exceeding twelve months in any other ca*e." After section 75 the following shall be added, namely :— " 75A. Notwithstanding anything in this Code or in. any other law or enactment for the time t<eing in force, a per"on convicted of any offence punishable under- this Code or under any other law or enactment shall be punishable with fine in, lieu ot, oi in addition to, any other punishment to- which he may be liable."
:Act VI of 1S54	Whipping	Ditto	F=ir section 6 the following shall be substituted, namely :— " Notwithstanding anything in the foregoing sections, a person convicted of any offence may be punished with whipping in lieu of, or in addition to, any other punishment to which lie may be liable."

[1] tieni Act», Vol. I.

' Repealed in the rest of British India by the Whipping Act. 1909 [4 of 1909), Appendix II to Geni. Acts, Vol. VI.

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(The Schedule.—Enactments deemed applicable to Hill-tribes.)

THE SCHEDULE—*concluded.*

ENACTMENTS DEEMED APPLICABLE TO HILL-TRIBES—*concluded.*

Number and year	Subject.	Extent of application.	Modifications.
		1.—Acts■ -concld.	
1* *	* *	» * *	
2* *	* *	» * *	
Act I of 1872 .	Evidence. .	So much as may from time to time he in force in Uppor Burma.	
3* *	* *	* * *	
2* *	* *	* * *	
		S.—Regulations.	
Bengal Regula - tinn III of 1818.	State Prisoners.	So much as may from time to time bo in force in Upper Burma.	
5 Regulation VI of 1887.	Forests . .	Ditto.	
6 * * *	*	* * *	
7 Regulation XII Oi. 1887.	Rubies . .	Ditto.	
1 Regulation V of 1892. .	Criminal Justice	The whole except sections I, II, VI, VII, IX, X, XVI and XVII of the Schedule.	
8 Regulation V of 1895.	Ditto . .	The whole.	

[1] The entry relating to Act 14 of lfc!66 ':s omitted as that Act is repealed by the Indian Post Office Act, 1898 ^6 of 1898), Genl. Acts, Vol. V. Act 6 of 1898 was declared applicable by Notification No. 21, dated 9th September, 1898, Burma Gazette, 1898, Pt. I, p. 420.

[2] The entries relating to Acts 1 of 1868 arid 1 of 1887 are omitted as those Acts ar-3 repealed by the General Clauses Act, 1897 (10 of 1897), applied by Notification No. 7, Sated the 16th February, 1899, *see* Burma Gazette, 1899, Pt. I, j 83.

[3] The Code of Criminal Procedure, 1882, is repealed by the Code of Criminal Procedure, 18a8 (Act 5 of 1898), corresponding portions of which were applied by Notification No. 14, dated 30th June, 1898, *see* Pt. V, *post.*

* *Ante,* p. 1.

* *See* now, however, Notification No. 242. declaring the Upper Burma Forests Regulation, 1898 (5 of 1898), to be applicable to China in the Chin Hills, Burma Gazette, 1899, Pt. I, p. 369. The Burma Forest Act, 1902 (4 of 1902), now repeals this Regulation in the rest of Burma.

" The entry relating to Regulation 9 of 1887 is omitted as it is now repealed by the Upper Burma and Arakan Hills Frontier Crossing and Disturbed Districts Regulation, 1907 (1 of 1907), which has been applied to these hill-tribes, *see* second footnote on p. 306* *post.*

[7] *Ante.*

* Repealed in the rest of Upper Burma by the Burma Laws Act, 1898 (13 of 1898)! *ante,* p. 129.

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REGULATION No. I OF 1897.[1]

[Received the assent of the Governor General on the 10th May, 1897; published in the Gazette of India, 1897, Ft. I, p. 345; and in the Burma Gazette, ibid, Pt. 11, p. 152.~

A Regulation to amend the [2] Upper Burma Rubv Regulation, 1887.

"Whereas it is expedient to amend the [2] Upper Burma Ruby llegula- xil of 1887. tion, 1887; It is hereby enacted as follows : —

Amendment of section 6, Reg. XII, 1887.

1. In section 6 of the [2] Upper .Burma Ruby Regulation, 1887, [as] xi of 1887 amended by Regulation No. V of 1891, after the words " before a Magistiate of the first class " wherever they occur, the words " or, in a stonetract, before a Magistrate of the second class, specially empowered by the Local Government in this behalf" shall be inserted.

Amendment of section 9, Reg. XII, 1887.

2. In section 9, sub-section *(2),* of the said Regulation, for clause *(b)* the follow ing shall be substituted, namely: —

[Ante, p. 214.]

REGULATION No. II OF 1897.

[Received the assent of the Governor General on the 15th November, 1897; published in the Gazette of India, 1897, Pt. I, p 1056; and in the Burma Gazette, ibid, Pt. II, p. 419.~

A Regulation to consolidate and amend the Law providing for the Registration of Documents in Upper Burma.

WHEREAS it is expedient to consolidate and amend the law providing for the registration of documents in Upper Burma; It is hereby enacted as follows : —

Title, extent and commencement.

1. (7) This Regulation may be called the Upper Burma Registration Regulation, 1897.

(2) It extends to the whole of Upper Burma [3] except the Shan States; and

(5) It shall come into force at once.

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[1] Shcrt title " The Upper Burma Ruby Regulation (1887) Amendment Regulation, 1897," gee the Fourth Schedule to the Burma Laws Act, 1898 (13 of 1898), *ante,* p. 151.

[2] *Ante,* p. 208.

[3] The words " except the Shan States " ¿re probably superfluous, *see* s. 10 (2) of the Burma Laws Act, 1898 (13 of 1898l, *ante,* p. 129.

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I of 1887. 2. The Upper Burma Eegistration Regulation, 1887, is repealed. Repeal

3. ID this Regulation, the expression "immoveable property" in- Definition oi "immoveable pro-
eludes lands, buildings, hereditary allowances, rights to ways, lights, perty."
ferries, fisheries or any other benefit to arise out of land, and things
attached to the earth, or permanently fastened to anything which is
attached to the earth, but not standing timber, growing crops or grass.

4. The Local Government may, with the previous sanction of the Power for Local Government to notify documents which shall be registered,
Governor General in Council, by [1] notification in the local official Gazette,
declare, with respect to documents of any class described in the notifica-
tion, that documents of that class executed on or after a date to be pre-
scribed by the notification, and purporting or operating to create, declare,
assign, limit or extinguish, whether in present or in future, any right,
title, or interest, whether vested or contingent, to or in immoveable pro-
perty situate in any part of Upper Burma specified in the notification,
shall be registered in accordance with the provisions of this Regulation.

5. The Local Government may, by notification in the local official Power for Local Government to notify documents which may be registered.
Gazette, declare, with respect to documents of any class not required by
notification under the last foregoing section to be registered, that docu-
ments of that class executed on or after a date to be prescribed by the
notification may be registered in accordance with the provisions of this
Regulation.

6. A document required by a notification under section 4 to be reg- Effect of documents not registering under section 4 to be registered.
istered shall not affect any immoveable property comprised therein, or be
received as evidence of any transaction affecting that property, unless it
has been registered in accordance with the provisions of this Regulation.

7. (*1*) The Local Government may, for the purposes of this Regula- Power for Local Government to establish registration-offices and appoint officers.
tion by notification in the local official Gazette, establish such registra-
tion-offices and appoint such persons to be registering-officers, as it thinks
fit.

(2) A registering-oificer appointed under this Regulation shall be regisfering-
KLV of 1860. deemed to be a public servant within the meaning of the [2] Indian Penal
Code.

8. The Local Government may, by notification in the local official Power for Local Government to make rules.
Gazette, with the previous sanction of the Governor General in
Council, make [3] rules to regulate the registration of documents under
this Regulation.

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[1] For notification issued under this section, see Notification No. 25, dated the 17th February, 1898, Burma Gazette, 1898, Pt. I, p. 90.

[2] Genl. Acts, Vol. I.

[3] For rules made under section 8, *see* Burma Gazette, 1908, Pt. I, p. 161.

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(2) In particular and without prejudice to the generality of the foregoing provision, iules under this section may, among other matters,—

(*a*) define the time, place and mode of presenting documents for registration ;

(b) regulate the duties aid powers of registering-officers, and specify the cases in which such officers may enforce the appearance of executants and witnesses; and

(c) fix the iees payable for registration, searches and copies, and the time when fees shall be payable.

Power for Local Government to provide for deposit in registrai ion officts of documents written on parabaik or palm-leaves.

9. The Local Government may, by notification in the local official Gazette, declare that documents written on parabaik or palm-leaves may, before a certain day to be fixed by the notification, be deposited for safe custody in any registration-office, and may in like manner make rules for regulating, in respect of documents so deposited,—

(a) the time, place and mode of presentation and deposit;

(i) the fees payable for deposit ;

(c) the conditions subject to which such documents or certified copies thereof shall be produced by registering-officers in the Courts of law or before a revenue-officer ; and

(*d*) the manner in which such documents shall be copied into registers and indexed.

Disposal of deposUed'3 under section

10. When a document has been deposited in pursuance of the provisions of the last foregoing section and any rules thereunder, it shall not be returned by the registering-officer to the depositor nor delivered to any other person, and shall not be produced except upon the requisition, duly authenticated, of some Court of law or revenue-officer.

Penalty for incorrectly endorsing, opylni'. translating or registering documents with intent to injure.

11. Every registering-officer appointed under section 7, and every person employed in his office for the purposes of this Regulation, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited in pursuance of rules under this Regulation, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause, or knowing it to be likely that he may thereby cause, injury, as defined in the [1] Penal Code, to any person, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both. XLV of 1860.

[1] Geni. Acts, Vol. I.

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12. Whoever commits any of the following offences shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both : — Penalty for ^^"other 33.

(a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of rules under this Regulation in any proceeding thereunder;

(5) falsely personates another and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding under this Regulation;

XLV of 1860. (c) abets, within the meaning of the Indian Penal Code, anything made punishable by this or the last foregoing section.

REGULATION No. I OF 1898.

[Received the assent of the Governor General on the 25th March, 1898; published in the Gazette of India, 1898, Pt. I, p. 367; and in the Burma Gazette, ibid, Pt. II, p. 277.]

A Regulation to amend the [2] Kachin Hill-tribes Regulation, 1895.

I of 1895. WHEREAS it is expedient to amend the [2] Kachin Hill-tribes Regulation, 1895; It is hereby enacted as follows : —

1. (*1*) This Regulation may be called the Kachin Hill-tribes Regulation (1895) Amendment Regulation, 1898; and short title and commencement.

(*2*) It shall come into force at once.

I of 1895. 2. In section 1, sub-section (*3*), of the [2] Kachin Hill-tribes Regulation, 1895 (hereinafter referred to as " the said Regulation "), for the word and figures " section 15 " the words, figures and letters " sections 15, 20A, 21 and 31A shall apply " shall be substituted. Amendment of section 1, Reg. I, 1895.

3. For section 5 of the said Regulation the following section shall be substituted, namely : — Substitution of new section for section 5, Reg. 1,1895.

[*Ante,* p. 255.]

4. In section 16 of the said Regulation, for the word " fifty " the words " one hundred and fifty" shall be substituted. Amendment of section 1 Reg 1.^ 189^

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[1] Genl. Acts, Vol. I.

[1] *Ante,* p. 253.

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Addition of new section •after section 20, Reg. I, 1895.

5. After section 20 of the said Regulation the following section shall be added, namely: —

[Ante, p. 258.]

Amendment of section 21, Reg. 1,1895.

6. In section 21 of the said Regulation, after the figures "20" the words, figures and letter " or an order under section 20A " shall be inserted.

Addition of new section after section 31, Reg. I, 1895.

7. After section 31 of the said Regulation the following section shall be added, namely: —

[Ante, p. 262.]

Amendment of Schedule, Reg. I, 1895.

8. *In column 3 of the Schedule to the said Regulation and opposite to the entry regarding* [1]*Act X of 1882 (Criminal Procedure), after the figure " 4 " the figures " 12 " and after the figures " 89 " the word and figures " Chapter Vlll " shall be inserted.*

REGULATION No. Ill OF 1898.

[Received the assent of the Governor General on the 13th July, 1898; published in the Gazette of India, 1898, Pt. 1, p. 775; and in the Burma Gazette, 1898, Pt. 11, p. 406.]

A Regulation to amend the [2] Upper Burma Land and Revenue Regulation, 1889.

WHEREAS it is expedient to amend the [2] Upper Burma Land and Revenue Regulation, 1889; It is hereby enacted as follows: — **m of 18S9.**

Short title, extent and commei ce-ment.

1. *(1)* This Regulation may be called the Upper Burma Land and Revenue Regulation (1889) Amendment Regulation, 1898.

(2) It extends to the whole of Upper Burma [3] except the Shan States; and

(5) It shall come into force at once.

Substitution of new section for section 3, Reg. Ill, 1889.

2. For section 3 of the [2] Upper Burma Land and Revenue Regulation, 1889, the following shall be substituted, namely: — **m of 1889.**

[Ante, p. 220.]

Amendment of section 2H. Reg. Ill, 1S89.

3. In section 29, sub-section *(1),* of the said Regulation,, after the word " village " the words " and for such towns as he may from time to time, by notification in the local official Gazette, direct " shall be inserted.

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[1] **The Code of Criminal Procedure, 1898 (Act 5 of 1898), Genl. Acts, Vol. VI, has since been applied to these Hill-tribes with corresponding modifications, and this section is n'j'v therefore obsolete.**

[2] ***Ante,* p. 216.**

[3] **The words " except the Shan States " are probably superfluous, *see a.* 10 *IS)* of the Burma Laws Act, 189« |13 of 1898), *ante,* p. 129.**

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[1] 4. *(1) In section 31, sub-section (3), of the said Regulation, for* Amendment *the words and figures " [2] Upper Burma Land Acquisition Regulation, " in to, sec-* tion 3Mi«g. *IX of 18S6," the words and figures " [3] Land Acquisition Act, 1894" shall be substituted.*

(2) To the same section the following shall be added, namely: —

_{4) The Local Government may make rules for the levy and collection of royalties or fees in respect of minerals mined, quarried as collected in land wherein the right to minerals is deemed to belong to the Government.']

REGULATION No. IV of 1900.

[Received the assent of the Governor General on the 20th June, 1900; ' published in the Gazette of India on the 23rd idem; and in the Burma Gazette on the 7th July, 1900.]

A Regulation to amend the [4] Upper Burma Land and Revenue Regulation, 1889.

WHEREAS it is expedient to amend the [4] Upper Burma Land and Title and Revenue Regulation, 1889; It is hereby enacted as follows:—

1. (i) This Regulation may be called the Upper Burma Land and Revenue Regulation Amendment Regulation, 1900; and

(2) It shall come into force at once.

2. In section 33, sub-section *(3),* of the Upper Burma Land and Revenue Regulation, 1889, between the words "without such a license" and the words " for the time being in force " the following words shall be inserted, namely:—

" or in contravention of the terms of such a license".

REGULATION No. VIII of 1900.

[Received the assent of the Governor General on the 24th October, 1900; published in the Gazette of India on the 27th idem; and in the Burma Gazette on the 17th November, 1900.~

A Regulation to amend the [5] Upper Burma Civil Courts Regulation, 1896.

WHEREAS it is expedient to amend the [5] Upper Burma Civil Courts Regulation, 1896; It is hereby enacted as follows: —

1. *(1)* This Regulation may be called the Upper Burma Civil Courts Regulation (1896) Amendment Regulation, 1900; and

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[1] **Section 4 is now virtually repealed, *see* s. 2 *(2)* of the Upper Burma Land and Revenue (Amendment) Regulation, 1907 (6 of 1907), *'post.* New sub-sections *(2)* and *($)* having been substituted by that Regulation for sub sections *(2) to* (|).**

[2] **Rep. by Regulation 7 of 1896. which has in turn been repealed by the B"rma Laws Act, 1898 (13 of 1898'i. see the Fifth Schedule, that Act having declared the Land Acquisition Act, 1894 (1 of 1894), in force in Upper Burma, *see* the First Schedule, *ante.***

[3] **Gen'.. Acts, Vol. IV.**

* ***Ante,* p. 216.**

[5] ***Ante,* p. 268.**

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(2) It shall come into force at once.

Substitution of new section for section 10, Reg. 1, 1896.

2. For section 10 of the Upper Burma Civil Courts Regulation, 1896, the following shall be substituted, namely:— [Vide Ante, p. 271.]

REGULATION No. II OF 1901.

[Received the assent of the Governor General on the 4th March, 1901; published in the Gazette of India on the 9th idem; and in the Burma Gazette on the 30th March, 1901.]

A Regulation to provide for the exclusion, from the operation of the Indian Stamp Act, 1899, of the Hill District of Arakan.

WHEREAS it is expedient to provide for the exclusion, from the operation of the [1] Indian Stamp Act, 1899, of the Hill District of Arakan; It is hereby enacted as follows: —

Short title and commencement.

1. (2) This Regulation may be called the Arakan Hill District Laws Regulation, 1901; and

(2) It shall come into force at once.

Act II, 1899, to be defimed not to extend nor to have extended to the Arakin Hill District.

2. Notwithstanding anything contained in section 1, sub-section *(2),* of the [1] Indian Stamp Act, 1899, the said Act shall be deemed not to extend, and never to have extended, to the tract known as the Hill District of Arakan in the territories administered by the Lieutenant-Governor of Burma. ■

REGULATION No. V OF 1901.

[Received the assent of the Governor General on the 22nd October, 1901; published in the Gazette of India on the 26th idem; and in the Burma Gazette on the 16th November, 1901.]

Further to amend the [2] Upper Burma Land and Revenue Regulation, 1889.

WHEREAS it is expedient further to amend the [2] Upper Burma Land and Revenue Regulation, 1889; It is hereby enacted as follows: —

Short title and commencement.

1. *(1)* This Regulation may be called the Upper Burma Land and Revenue (Amendment) Regulation, 1901; and

(2) It shall come into force at once.

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[1] Gen], Acts, Vol. V.
[2] *Ante,* p. 216.

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2. *(1)* In section 6, sub-section *(1),* of tbe [1] Upper Burma Land and Revenue Regulation, 1889, as amended by subsequent enactments and hereinafter referred to as " the said regulation," after the words " such officers shall" the words "subject to the control of the Local Government " shall be inserted. **Amendment** of section 6, Reg. III of 1889.

(2) In sub-section (2) of the said section, after the word " Subject " the words " as aforesaid to the control of the Local Government and " shall be inserted.

3. In section 15, sub-section *(4),* of the said Regulation, for the words and figures "Part III of the Indian Post Office Act, 1866," the words and figures " Chapter VI of the Indian Post Office Act, 1898," shall be substituted. **Amendment** of section 15, Reg. III of 1889.

4. *(1)* In section 22, sub-section *(1),* of the said Regulation, for the words " The Thathameda-tax " the words " Subject to the provisions of this Regulation, the thathameda-tax " shall be substituted. **Amendment** of section 22, Reg. III of 1889.

(2) In sub-section *(2)* of the said section, after the word ' ' circumstances " the words "and the rates of land-revenue payable" shall be inserted.

5. (-7) In section 24, sub-section *(2),* of the said Regulation, for the words " rent-free or at a favourable rent or rate of rent " the words " free of land-revenue or at a favourable rate of land-revenue," shall be substituted. **Amendment** of, and addition to, section 24, Reg. III of 1889.

(2) To the said section the following sub-section shall be added, namely: —

[Ante, p. 228.]

6. In section 25 of the said Regulation, clause (*b*) is hereby repealed, and for the word "rent," in both places in which it occurs in clauses *(c)* and *(d),* the words " land-revenue " shall be substituted. **Amendment** of section 25, Reg. III, 1889.

7. For section 27 of the said Regulation the following section shall be substituted, namely:— **Substitution** of new section for section 27, Reg. III, 1889.

[Ante, p. 230.]

8. After section 28 of the said Regulation the following section shall be added, namely:— **Addition** of new section after section 28, Reg. III, 1889.

[Ante, p. 231.]

9. In section 37, sub-section *(1),* clause (6), of the said Regulation, the words " rent and " are hereby repealed. **Partial repeal** of section 37, Reg. III, 1889.

10. *(1)* In section 53, clause *(2),* sub-clause (ii), of the said Regulation, for the words " rent-free or at a favourable rent or rate of rent " the **Amendment** of section 53, Reg. III, 1889.

[1] *Ante,* p. 216.

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vords " free of land-revenue or at a favourable rate of land-revenue," shall be substituted.

(2) In sub-clause (vii) of the said clause, for the word " rent " the words xc land-revenue," and for the words " State land, or the amount of land-revenue to be assessed on any other land " the words " State or other land " shall be substituted.

REGULATION No. I OF 1902.

[.Received the assent of the Governor General on the 29th January, 1902; published in the Gazette of India on the 1st February, 1902; and in the Burma Gazette on the 15th idem.]

A Regulation further to amend the [1] Kachin Hill-tribes Regulation, 1895.

WHEREAS it is expedient further to amend the [1] Kachin Hill-tribea I of 1s95. Regulation, 1895; It is hereby enacted as follows: —

Short title.

1. This Regulation may be called the Kachin Hill-tribes (Amendment) Regulation, 1902.

Substitution of new section for section 31, Reg. I, 1S95.

2. For section 31 of the [1] Kachin Hill-tribes Regulation, 1895, the I of 1895. following section shall be substituted, namely: —

[Ante, p. 261.] •

REGULATION No. Ill OF 1903.

[Received the assent of the Governor General on the 12th June, 1903; published in the Gazette of India on the 20th idem; and in the Burma Gazette on the 11th July, 1903.~\

A Regulation to further amend the [2] Upper Burma Land and Revenue Regulation, 1889.

WHEREAS it is expedient to further amend the [2] Upper Burma Land Iilof 1889. and Revenue Regulation, 1889; It is hereby enacted as follows: —

Short title.

1. This Regu'ation may be called the Upper Burma Land and Revenue (Amendment) Regulation, 1903.

Amendment of section 12. Reg. Ill, 1SS9.

2. In section 12, sub-section (2), of the Upper Burma Land and Rev- mo< iSS9. enue Begulation, 1889, as amended by subsequent enactments, for the

[1] *Ante.,* p. 253.
[2] *An/e,* p. 216.

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words "in cases in which a procedure is not prescribed by this Regulation" the following words shall be substituted, namely : —

"and may by such rules confer upon any Revenue-officer any power exercised by a Civil Court in the trial of suits."

REGULATION' No. Y OF 1903.

[Received the assent of the Governor General on the 4th November, 1903; published in the Gazette of India on the 7th idem; and in the Burma Gazette on the 21st idem.]

A Regulation further to amend the Upper Burma Civil Courts Regulation, 1896.

I of 1896. WHEREAS it is expedient further to amend the Upper Burma Civil Courts Regulation, 1896; It is hereby enacted as follows: —

Short title and commencement.

1. *(1)* This Regulation may be called the Upper Burma Civil Coarts (Amendment) Regulation, 1903; and

(2) It shall come into [1] force on such date as the Local Government may, by notification in the local official Gazette, appoint.

Amendment of section 13 Reg. I of 1890.

I of 1896. 2. For section 13 of the Upper Burma Civil Courts Regulation, 1896, the following shall be substituted, namely: —

[Vide Ante, p. 273.]

Repeal of section 14, Reg. of 1896.

I of 1896. 3. Section 14 of the Upper Burma Civil Courts Regulation, 1896, is hereby repealed.

Amendment of *kcl* m vilofl870, Fijst^hcd- ule cable to Upper Burma.

I of 1896. VII of 1870. 4. From article 15. as inserted by the Upper Burma Civil Courts Regulation, 1896, in the First Schedule to the [2]Court-fees Act, 1870, its application to Upper Burma, the words and figures " or section 14 of the Upper Burma Civil Courts Regulation, 1896," shall be omitted, ls/asappli-

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REGULATION No. Ill OF 1905.

[Received the assent of the Governor General on the 21st July, 1905; published in the Gazette of India on the 29th idem; and in the Burma Gazette on the 19th August, 1905.]

A Regulation further to amend the Upper Burma Civil Courts Regulation, 1896.

Whereas it is expedient further to amend the Upper Burma Civil

I of 1896. Courts Regulation, 1896; It is hereby enacted as follows: —

Short title and commencement.

1. *(1)* This Regulation may be called the Upper Burma Civil Courts (Amendment) Regulation, 1905; and

[1] This Regulation was brought into force on the 1st December, 19H3. *see* Burins Gazette, 1903, Pt. I, p, 804.

[2] Genl. Acts, Vol. II.

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(2) It shall come into force on such[1] date as the Local Government may, by notification in the local official Gazette, appoint.

Substitution of new section for section 15, Reg. I, lt>96.

2. For section 15 of the Upper Burma Civil Courts Regulation, iof 1890. 1896, the following shall be substituted, namely: —

[Ante, p. 273.]

Amendment of section 17, **Reg. I, 1896,**

3. For sub-sections *(2),* (*3*), (*4*) and *(5)* of section 17 of the 'said Regulation the following shall be substituted, namely: —

[Ante, p. 274.]

REGULATION No. I OF 1907.[2]

[Received the assent of the Governor General on the 22nd February, 1907; published in the Gazette of India on the 2nd March, 1907; and in the Burma Gazette on the 16th March, 1907.]

A Regulation for conferring power to prevent persons from passing across the frontier out of certain Districts and from entering, or residing or travelling in, disturbed parts of Upper Burma or the Hill District of Arakan.

WHEREAS it is expedient that the Local Government and certain of its officers should have authority to prevent persons from passing out of certain parts of Upper Burma and the Hill District of Arakan into foreign or unadministered territory or Shan or Karenni States, and from entering, or residing or travelling in, disturbed parts of Upper Burma or of the Hill District of Arakan; It is hereby enacted as follows: —

Title, extent and commencement.

1. *(1)* This Regulation may be called the Upper Burma and Arakan Hills Frontier Crossing and Distributed Districts Regulation, 1907.

(2) It extends to the whole of Upper Burma and to the Hill District of Arakan; and

(3) It shall come into [3] force on such date as the Local Government may, by notification in the local official Gazette, appoint in this behalf.

Warning against passing from ;* notified

2. A person warned in the manner hereinafter provided shall not—

(a) pass from any local area which the Local Government may, by

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[1] **The 1st October, 1905, *see* Bnrma Gazette, 1905, Pt. I, p. 573.**

[3] **Regulation 1 of 1907 has been applied to members of a Hill Tribe in a Hill tract under the Kachin Hill Tribes Regulation, 1895 (1 of 1895), *see* Burma Gazette, 1907, Pt. I, p. 707.**

It has also been de. lared applicable to Chins in the Chin Hills under the Chin Hills Regulation, 1896 Î5 of 18.96), *ante,* and under ss. 10 (7) and 12 *(1)* (c) of the Upper Burma Laws Act, 1898 (13 of 1898, ; it has been extended to all the Shan States with a modification as to' the officers who aie to exercise rertain powers, *sec ibid.*

' The 30th August, 1907, *see* Burma Gazette, 1907, Pt. I, p. 629.

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notification in the local official Gazette, declare to be a district into [1] notified district" for the purposes of this Regulation, foreign or unadminis-

across the frontier of, or across any boundary which the tered territory, Shan [2] Local Government may, by such notification, declare to be l^iCarenni the administrative boundary of such notified district, into States, any foreign territory or Shan or Karenni State or into any territory beyond such boundary; or,

(b) while a notification under this clause is in force, pass from any part of the territories to which this Regulation extends into any other part of those territories to which the Local Government has, by notification in the local official Gazette, declared this clause to apply; or, *

[3](c) While a notification under this clause is in force, reside or travel in any part of those territories to which the Local Government has, by notification in the local official Gazette, applied this clause and which is mentioned in the warning.

3. Every warning for the purpose of this Regulation shall be in writing and shall,— Service or publication of warning.

(i*a*) if addressed to an individual, be signed by the Commissioner of the division or Deputy Commissioner of the district within which the individual dwells or may be found, and be served upon him in such manner as the Local Government may by general or special [4] order prescribe;

(*b*) if addressed to a class of persons or to the public generally, be published, with' the previous sanction of the Governor General in Council, in the local official Gazette and otherwise in such manner as tho Local Government may by general or special order direct.

4. (*1*) If any person, to whom a warning served or published under the last foregoing section is addressed disobeys, or attempts to disobey the warning,— Conseqeceuce of disobedience to waning.

(a) he shall be punished with fine which may extend to five hundred rupees; and

(*b*) the Local Government may order him to remove to such place within the territories to which this Regulation extends as it may direct in this behalf.

(2) If any person contravenes any order under sub-section (*1*), ■clause (¿), the Commissioner of the division or Deputy Commissioner of the district within which the person is dwelling or may be found may

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[1] For " notified districts," *see* Bar. E. M.. pp. 289 and 290.

[3] For boundary notified under s. 2 (a), *see* Burma Gazette, 1907, Pt. I, p. 957. '

* For notification applying this clause to certain districts in Upper Burma, see Burmr Gazette, li.07, Pt. I, p. 709.

[4] For manner of serving such warnings [s. 3 (a)], *see* Burma Gazette, 1907, Pt. I, p. 709.

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cause him to be arrested and detained in custody until lie accepts his release upon such conditions as the Local Government thinks fit to impose. ■

Power to Commissioner or Magistrate to require security for good behaviour in certain cas"s,

5. (2) If the Commissioner of the division or Deputy Commissipner of the district within which any person, whether a European British subject or not, is dwelling or may be found, reasonably suspects that the person intends to disobey a warning served ou him or published in accordance with section 3, the Commissioner or Deputy Commissioner may require such ¡security for his good behaviour for a period not exceeding six months as the Commissioner or Deputy Commissioner may deem sufficient.

(*2*) The provisions of the [1]Code of Criminal Procedure, 1898, sections 112 to 126 (both inclusive), and section 514 shall, so far as they can be made applicable, apply to all cases under this section. Vofl89S.

Ee neals.

6. The Upper Burma Frontier Crossing and Disturbed Districts Repulation, 1887, and so much of the Third Schedule to the [2]Burma Laws Act, 1898, as relates to the aforesaid Regulation, are hereby repealed. IXofl88T. xillof ls98.

REGULATION No. VI OF 1907.

[Received the assent of the Governor General on the 16th September, 1907; published in the Gazette of India on the 21st September, 1907; and in the Burma Gazette on the 19th October, 1907.]

A Regulation further to amend the [3] Upper Burma Land and Revenue Regulation, 1889.

IVheeeas it is expedient further to amend the Upper Burma Land and Revenue Regulation, 1889; It is hereby enacted as follows: — HI of 188».

Short title.

1. This Regulation may be called the Upper Burma Land and Revenue (Amendment) Regulation, 1907.

An e'ldmen* of ssction 31, Reg. Ill, 1889.

2. (2) To sub-section *(1)* of section 31 of the Upper Burma Land and Revenue Regulation, 1889, the following shall be added, namely: — III of 188».

[*Ante,* p. 233.]

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[1] Gonl. Acts, Vol. V.
[2] *Ante,* p. 129.
[3] *Anfe,* p. 219.

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PART IV.

ACTS OF THE LIEUTENANT-GOVERNOR OF BURMA IN COUNCIL.

THE BURMA GENERAL CLAUSES ACT, 1898.

CONTENTS.

Preliminary.

-SECTIONS.

1. Short title, application and commencement.

General Definitions.

2. Definitions.
•3. Definitions of Lower Burma and Upper Burma.

General Rules of Construction.

-4. Coming into operation of enactments.
-5. Effect of repeal.
'6. Kevival of repealed enactments.
7. Construction of references to repealed enactments.
S. Commencement and termination of time.
9. Computation of time.
10. Measurement of distances.
11. Duty to be taken *pro rata* in enactments.
.12. Gender and number.
13. Application of Burma Acts.

Powers and Functionaries.

'14. Powers conferred on the Government to be exerciseable from time to time.
15. Power to appoint, to include power to appoint *ex-officio*.
16. Power to appoint, to include power to suspend or dismiss.
17. Substitution of functionaries.
18. Successors.
19. Official Chiefs and subordinates.

Provisions as to Orders, Rules, etc., made under Enactments.

*20. Construction of orders, etc., issued under enactments.

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SECTIONS.

21. Power to make, to include power 'to add to, amend, vary or rescind orders, rules or bye-laws.
22. Making of rules or bye-laws and issuing of orders between passing and commencement of enactment.
23. Provisions applicable to making of rules or bye-l'aws after previous publication.
24. Continuation of orders, etc., issued under enactments repealed and re-enacted.

Miscellaneous.

25. Recovery of fines.
26. Provision as to offences punishable under two or more enactments.
27. Meaning of service by post.
28. Citation of enactments.

BURMA ACT No. I OF 1898.[1]

(APPLIES TO LOWEE AND UPPEE BURMA.)

*[13th December, 1897; 14th February, 1898.*J'

An Act for shortening the language in Acts of the Lieutenant-Governor of Burma in Council and for other purposes.

WHEREAS it is expedient to provide for shortening the language of' Acts passed by the Lieutenant-Governor of Burma in Council, and to make certain other provisions relating to the construction of such Acts;: It is hereby enacted as follows: —

Preliminary.

Short title, amdiaation and commencement.

1. *(1)* This Act may be called the Burma General Clauses Act, 1898;

(2) Notwithstanding anything in any other law or enactment for the-time being in force, it shall apply to all the territories for the time-being administered by the Lieutenant-Governor of Burma, including the [2] Shan States, the Chin Hills, and the [3] Kachin Hill Tracts.

(3) It shall come into force on the 1st March, 1898.

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[1] **For Statement of Objects and Reasons, *see* Burma Gazette, 1897, Pt. Ill, p. 24;: for Report of the Select Committee, *see iliid,* p. 79; and for Proceedings in Council, see *ibid,* Supplement, pp. 1280 and 1351.**

[2] **As to law in force in the Shar, States, *see* Pt. V, *post.***

* **As to law applicable to Hill-tribes in these tracts, *see* Regulations V of 1896 and I of 1S95, *ante,* Pt. III.**

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General Definitions.

2. In this Act, and in all Acts of the Lieutenant-Governor of Burma in Council, unless there is anything repugnant in the subject or context,— **Definitions.**

(1) "abet," with its grammatical variations and cognate expressions shall have the same meaning as in the Indian Penal Code: XLV of 1860. **"Abet."**

(2) "*act,*" used with reference to an offence or a civil wrong, shall include a series of acts, and words which refer to acts done extend also to illegal omissions: **"Act."**

(5) "affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing: **"Affidavit."**

(4) "barrister" shall mean a barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland : **"Barrister."**

(5) "British India" shall mean all territories and places within Her Majesty's dominions which are for the time being governed by Her Majesty through the Governor General of India, or through any Governor or other officer subordinate to the Governor General of India; **"British India."**

(6) "British possession" shall mean any part of Her Majesty's dominions, exclusive of the United Kingdom, and, where parts of those dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one British possession: **"British possession."**[1*]

(7) "Burma" shall mean all the territories administered for the time being by the Lieutenant-Governor of Burma. **"Burma."**

(8) "Burma Act" shall mean an Act made by the Lieutenant-Governor of Burma in Council under the [2] Indian Councils Acts, 1861 and 1892: *24 h* 25 Viet., c. 67 ; 55 & 56 Viet., c. 1 *i.* **"Burma Act."**

(9) "Chapter" shall mean a chapter of the Act in which the word occurs: **"Chapter."**

(10) "Chin Hills" shall mean the territories for the time being known as the Chin Hills : **"Chin Hills."**

(11) 'Chins" shall include also *(a)* Lushais, *(b)* Kukie, *(c)* Burmans domiciled in the Chin Hills, and *(d)* any persons who have adopted the customs and languages of the Chins and are habitually resident in the Chin Hills; **"Chins."**

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[1] Genl. Acts, Vol. I-
[2] Coll, of Stats. Ind., Vols. I and II, respectively.

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"Collector." (12) "Collector" shall mean the chief officer in charge of the revenue administration of a district:

"Colony." (13) "Colony" shall mean any part of Her Majesty's dominions, exclusive of the British Islands and of British India, and, ■where parts of those dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one colony:

"Commencement." (14) "commencement," used with reference to an Act, shall mean the day on which the Act comes into force:

"Comniasioner." (15) "Commissioner" shall mean the chief officer in charge of the revenue administration of a division:

"Consular officer." (16) "Consular officer" shall include consul-general, consul, vice-consul, consular agent, pro-consul, and any person for the time being authorized to perform the duties of consul-general, consul, vice-consul, or consular agent:

"Deputy Commissioner." (17) "Deputy Commissioner" shall mean the chief officer in charge of the general administration of a district:

"District Court." (18) "District Court" shall mean a Principal Civil Court of original jurisdiction :

"District Judge." (19) "District Judge" shall mean the Judge of a District Court.

"Document." (20) "document" shall include any matter written, expressed, or described upon any substance by means of letters, figures, or marks, or by more than one of those means, which is intended to be used, or which may be used, for the purpose of recording that matter:

"Enactment." (21) "enactment" shall include a Regulation fas hereinafter definedl and any Regulation of the Bengal Code, and shall also include any provision contained in any Act or in any such Regulation as aforesaid:

"Father." (22) "father," in the case of any one whose personal law permits adoption, shall include an adoptive father:

"Financial year." (23) "financial year" shall mean the year commencing on the first day of April:

"Gazette." (24) "gazette" shall mean the local official Gazette for Burma:

"Good faith." (25) a thing shall be deemed to be done in "good faith" where it is in fact done honestly, whether it is done negligently or not:

"Gove-nmeDt." (26) "Government" or "the Government" shall include the Local Government as well as the Government of India:

"Government of India." (27) "Government of India" shall mean the Governor General in Council, or, during the absence of the Governor General

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from his Council, the President in Council, or the Governor General alone, as regards the powers which may he lawfully exercised by them or him respectively:

(28) "Her Majesty" or "the Queen" shall include Her SUCCeS- "HorMa- sors t "jest_v" 01 "the Queen."

(29) " immoveable property " shall include land, benefits to arise "Immove- out of land and things attached to the earth, or perma- able Pro Per' nently fastened to anything attached to the earth: ty."

(30) "imprisonment" shall mean imprisonment of either descrip- "Imprison- XLV of 1860. tion as defined in the [1]Indian Penal Code. ment."

(31) " India " shall mean British India, together with any terri- "India." tories of any Native Prince or Chief under the suzerainty of Her Majesty exercised through the Governor General of India, or through any Governor or other officer subordinate to the Governor General of India:

(32) " Kachin Hill Tract " shall mean a hill tract to which the "Kachin Reg. I of 1895. [2]Kachin Hill Tribes Regulation, 1895, has been extended ai11 Iract_ ', by notification under that Regulation:

(33) " Kachin Hill Tribe " shall mean a hill tribe to which the "Kachin ^ Reg. I of 1895. [2] Kachin Hill Tribes Regulation, 1895, has been made Hl11 Tribe- applicable by notification under that Regulation:

(34) " local authority " shall mean a municipal committee, body "Local of port commissioners or other authority legally entitled Author,ty-' to, or entrusted by the Government with, the control or management of a municipal or local funds:

(35) " Local Government" shall mean the Lieutenant-Governor of "Locc.l Burma: Govf "ment.

(36) " Magistrate " shall include every person exercising all or any "Magis. ¡£ of 1882. of the powers of a Magistrate under the [3]Code of Criminal trat3-" Procedure for the time being in force :

(37) " master," used with reference to a ship, shall mean any "Master" person (except a pilot or harbour-master) having for the (of a):l- time being control or charge of the ship:

(35) "month" shall mean a month reckoned according to the "Month." British calendar:

(39) "moveable property" shall mean property of every descrip- 'Moveable tion, except immoveable property: property."

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* Genl. Acts, Vol. I.

[2] *Ante,* p. 253.

* ¿'ee Act 5 of 1898, Genl. Acts, Vol. V.

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"Notification." (40) "notification" shall mean a notification in the gazette:

"Oath." (41) "oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing:

"Offence." (42) "offence" shall mean any act oi omission made punishable by any law for the time being in force:

"Part." (43) "part" shall mean a part of the Act in which the word occurs:

"Person." (44) "person" shall include any company or association or body of individuals, whether incorporated or not:

"Political Agent." (45) "Political Agent" shall include—

(a) the principal officer representing the Government in any territory or place beyond the limits of British India, and

(b) any officer of the Government of India or of any Local Government appointed by the Government of India or the Local Government to exercise all or any of the powers of a Political Agent for any place not forming part of British India under the law for the time being in force relating to foreign jurisdiction and extradition:

"Privy Coum\I." (46) "Privy Council" shall mean the Lords and others for the time being of Her Majesty's Most Hon'ble Privy Council:

"Province." (47) "province" shall mean the territories for the time being administered by any Local Government:

"Piiblic nuisance." (48) "public nuisance" shall mean a public nuisance as defined in the [1] Indian Penal Code: XLV of 1860.

"Ra neoon Town." (49) "Rangoon Town" shall mean the Rangoon Town District as for the time being defined for purposes of revenue and general administration:

"Registered." (50) "registered," used with reference to a document, shall mean registered in British India under the law for the time being in force for the registration of documents:

"Regulation." (51) "Regulation" shall mean a Regulation made under the [2]Government of India Act, 1870: 33 Viet., c. 3.

"Rule." (52) "rule" shall mean a rule made in exercise of a power conferred by any enactment, and shall include a regulation made as a rule under any enactment:

"Schedule." (53) "schedule" shall mean a schedule to the Act in which the word occurs:

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[1] Genl. Acts, Vol. I.
* Coll. of Stats. Ind., Vol. I.

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XIV of 1874. *(54)* "Scheduled District" shall mean a "Scheduled District" as defined in the Scheduled Districts Act, 1874: **"Scheduled District."**

(55) "section" shall mean a section of the Act in which the word occurs: "Section."

(56) "Shan States" shall mean the territory for the time being notified under sub-section (5) of section 8 of the [2]Upper Burma Laws Act, 1886: **"Shan States."** XX of 1886.

(57) "ship" shall include every description of vessel used in navigation not exclusively propelled by oars: **"Ship."**

(58) "signs" with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name include "mark" with its grammatical variations and cognate expressions: "Sign."

(59) "son," in the case of any one whose personal law permits adoption, shall include an adopted son : **"Son."**

(60) "sub-section" shall mean a sub-section of the section in which the word occurs: **"Sub-section."**

(61) "swear," with its grammatical variations and cognate expressions shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing: **"Swear."**

(62) "vessel" shall include any ship or boat or any other description of vessel used in navigation: **"Vessel."**

(63) "will" shall include a codicil and every writing making a voluntary posthumous disposition of property: "Will."

(64) expressions referring to "writing" shall be construed as including references to printing, lithography, photography, and other modes of representing or repioducing words in a visible from: and "Writing."

(65) "year" shall mean a year reckoned according to the British calendar. "Year."

3. In this Act and in any Act subsequent thereto the expressions "Upper Burma" and "Lower Burma" shall mean respectively the territories for the time being included in Upper Burma and Lower Burma within the meaning, and pursuant to the provisions, of section 2 of the [3]Upper Burma Laws Act, 1886. XX of 1886. **Definitions of Lower Burma and Upper Burma.** [a]

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[1] Genl. Acts. Vol. II.

[a] *See* now s. 3 (e) of ihe Burma Laws Act, 1898 (13 of 1898), *ante,* by which Act 20 of 1886 has been repealed.

[1] *See* now definitions in s. 3 *(d)* and (/) of the Burma Laws Act, 1898 (13 of 1898), *ante.*

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General Rules of Construction.

Coming ir.to oper .tion of ■euac trente.

4. (7) Where any Act is not expressed to come into operation on a particular day, then it shall come into operation on the day on which the assent of the Governor General thereto is first published in the gazette in pursuance of sections 40 and 48 of the [1] Indian Councils Act, 24 & 2.'> Viet., 1861. c-67'

(2) Unless the contrary is expressed, an Act shall be construed as , coming into operation immediately on the expiration of the day preceding its commencement.

Effect of re* JK* .1.

5. Where any Act repeals any enactment hitherto made or hereafter to be made, then unless a different intention appears, the repeal shall not—

(a) revive anything not in force or existing at the time at which the repeal takes effect; or

(*b*) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or

(c) affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment so repealed ; or

(d) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment so repealed ; or

(*e*) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid;

and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, or punisnment may be imposed as if the repealing Act had not been passed.

Revival of Tepeilsd enactments,

6. In any Act it shall be necessary, for the purpose of reviving, either wholly or partially any enactment wholly or partially repealed, expressly to state that purpose.

Construction of references to repealed enactments.

7. Wh ere any Act repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provision so re-enacted.

Commencement and termination of time.

8. In any Act it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time, to use the word " from," and for the purpose of including the last in a series of days or any other period of time, to use the word " to."

Computation of time.

9. Where by any Act any act or proceeding is directed or allowed

[1] Coll. of Stats. Ind., Vol. I.

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to be done or taken in any Court or office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be cons'dered as done or taken in due time if it is done or taken on the nest day afterwards on which the Court or office is open:

Provided that nothing in this section shall apply to any act or pro-
XV of 1877. ceeding to which' the Indian Limitation Act, 1877, applies.

10. In the measurement of any distance, for the purpose of any Act, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane. Measurement of distances.

11. "Where, by any enactment now in force or hereafter to be in force, any duty of customs or excise, or in the nature thereof, is leviable on any given quantity, by weight, measure, or value of any goods or merchandise, then a like duty is leviable according to the same rate on any greater or less quantity. Duty to be taken? Pro aetments."

12. In all Acts, unless there is anything repugnant in the subject or contest,— ** Gender and number.[1]

(1) words importing the masculine gender shall be taken to include females; and

(2) words in the singular shall include the plural, and *vice versa.*

13. Unless and until extended under section 8, sub-section (2), of the
XX of 1886. Ret;. I of 1895. Reg. V of 1896. [2]Upper Burma Laws Act, .1886, or applied under section 3, sub-section *(2),* of the [3]Kachin Hill Tribes Regulation, 1895, or under section 3, sub-section *(2),* of the [3]Chin Hills Regulation, 1896, no Act shall, in the absence of express provision to the contrary, come into force in all or any of the Shan States or any specified local area therein, or shall apply to the members of the Kachin Hill tribe in a Kachin Hill tract or to Chins in the Chin Hills, as the case may be. Application of B

Powers and Functionaries.

14. Where, by any Act, any power is conferred or any duty imposed then that power may be exercised and that duty shall be performed from time to time as occasion requires. Powers conferred on the e tobeexerciseable from time to time.

15. Where, by any Act, a power to appoint any person to fill any office or execute any function is conferred, then, unless it is otherwise expressly provided, any such appointment may be made either by name or by virtue of office. to appoint *tz. officio.*

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[1] *See* now the Indian Limitation Act, 1908 (9 of 1908', Genl. Acts, Vol. VI.

[1] *See* now s. 10 *(1)* of the Burma Laws Act, 189a (13 of 1898), *ante.*

* *Ante,* pp. 253 and 284, respectively.

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(Powers and Functionaries. Provisions as to Orders, Rules, etc., made under Enactments.)

Pou er to appoint, to include power to suspend or dismiss.

16. Where, by any Act, a power to make any appointment is conferred, then, unless a different intention appears, the authority having power to make the appointment shall also have power to suspend or dismiss any person appointed by it in exercise of that power.

Substitution of functionaries.

17. In any Act it shall be sufficient, for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, to mention the ofiicial title of the officer at present executing the functions, or that of the officer by whom the functions are commonly executed.

Successors.

18. In any Act it shall be sufficient for the purpose of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession, to express its relation to the functionaries or corporations.

Official Chi 'fs and subordinates.

19. In any Act it shall be sufficient, for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superior, to prescribe the duty oi the superior.

Provisions as to Orders, Rules, etc., made under Enactments.

Construction of orders, etc., issued und^r eoaetments.

20. Where by any Act a power to issue any [1] [notification] order, scheme, rule, form*or bye-law is conferred, the expressions used in the [1] [notification] order, scheme, rnle, form or bye-law shall, unless, there is anything repugnant in the subject or context, have the same respective meanings as in the Act conferring the power.

Power to make, to include power to add to, « amend, **vary** or rescind orders, rules, or by e-laws. **Making** of rules or **bye**-laws and **is**suing of orders between passing and co.nm< Clement of enactment.

21. Where by any Act a power to [1][issue notifications] orders, rules, or bye-laws is conferred, then that power includes a power, exerciseable in the like manner, and subject to the like sanction and conditions (if any), to add to, amend, vary or rescind any [1][notifications]*orders, rules, or bye-laws so [1] [issued],

22. Where by any Act which is not to come into force immediately on the passing thereof, a power is conferred to make rules or bye-laws, or to issue orders with respect to the application of the Act or with respect to the establishment of any Court or office or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which, anything is to be done under the Act, then that power may be exercised at any time after the passing of the Act, but rules, bye-laws, or orders so made or issued shall not take effect till the commencement of the Act.

[1] Thu words " notification " and " notifications " were **inserted in as. 20 and 21 and the wcrda " issue notifications " and " issued " were respectively substituted for the words " make " and " made " in s. 21 by s. 4 of the Repealing and Amending Act, 1903 (1 of 1903),** *ante,* **p. 178.**

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(Provisions as to Orddrs, Rules, etc., made under Enactments. Miscellaneous.')

23. "Where by any Act a power to make rules or bye-laws is expressed Provisions to be given subject to the condition of the rules or bye-laws being made making*^t0 after previous publication, then the following provisions shall armly, namely— **rules or bye-laws saftor previous publication.**

(1) the authority having power to make the rules or bye-laws shall, before making them, publish a draft of the proposed rules or bye-laws for the information of persons likely to be affected thereby;

(2) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Local Government prescribes;

(3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration ;

(4) the authority having power to make the rules or bye-laws, and, where the rules or bye-laws are to be made with the sanction, approval, or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or bye-laws from any person with respect to the draft before the date so specified;

(5) the publication in the gazette of a rule or bye-law purporting to have been made in exercise of a power to make rules or bye-laws after previous publication shall be conclusive proof that the rule or bye-law has been duly made.

24. Where any enactment is repealed and re-enacted by an Act with or without modification, then, unless it is otherwise expressly provided, any '[appointment, notification] order, scheme, rule, form, or bye-law '[made or] issued under the repealed Act shall, so far as it is not ^peale-* and inconsistent with the provisions re-enacted, continue in force, and be deemed to have been '[made or] issued under the provisions so re-enacted, unless and until it is superseded by any '[appointment, notification] order, scheme, rule, form or bye-law '[made or] issued under the provisions so re-enacted. **Continuation of orders, etc., issued under repealed enactments re-enacted.**

Miscellaneous.

*XLiVofl8fiO. X' **of 1882.** 25. Sections 63 to 70 of the [2] Indian Penal Code and the provisions of the [3] Code of Criminal Procedure for the time being in force in relation to the issue and the execution of warrants for the levy of fines shall **Recovery of fines.**

* **These words were inserted in s. 24 by s. 4 of the Repealing and Amending Act, 1903 (1 of 1903j, *ante*-, p. 178.**

[2] **Genl. Acts, Vol. I.**

[2] ***See Act* 5 of 1898, Genl. Acts, Vol. V.[1]**

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apply to all fines imposed under any Act, Regulation, rule, or bye-law, unless the Act, Regulation, rule, or bye-law contains an express provision to the contrary.

Provision as to offences punishable under two or more enactments.

26. "Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

Meaning of service by post.

27. Where any Act authorizes or requires any document to be served by post, whether the expression " serve " or either of the expressions' "give" or "send" or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, prepaying, and posting by registered post, a letter containing the document, and, unless the contrary is proved, to have been effected at the time at -nhich the letter would be delivered in the ordinary course of post.

Citation of enactments.

28. *(1)* In any Act, and in any rule, bye-law, instrument, or document made under, or with reference to, any Act, any enactment may be cited by reference to the title or short title (if any) conferred thereon, or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.

(*2*) In this Act and in any Act a description or citation of a portion of another enactment shall, unless a different intention appears, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

THE BURMA FERRIES ACT, 1898.

CONTENTS.[1]

PART I.

SECTIONS. PRELIMINARY.

1. Short title, extent and commencement.
2. Repeal.
3. Definitions.

PART II.

PUBLIC FERRIES.

4. Power to declare and establish public ferries.
5. Control and superintendence of public ferries.
6. Superintendence may be vested in local Municipality or Town Committee and proceeds paid into Municipal or Town Fund.

[1] The Table to contents was not appended to the Act when passed.

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SECTIONS.

7. Letting public ferry tolls.
8. Recovery of arrears of rent.
9. Surrender of lease.
10. Prohibition of sub-letting.
11. Cancellation of lease with compensation.
12. Power to mate rules.
13. Publication of rules.
14. Powers of Superintendent.
15. Private ferry not to ply within certain distance of public ferry without sanction.

PART III.

TOLLS.

16. Tolls.
17. Abatement of rent claimable in certain cases.
18. Table of tolls.
19. Tolls, rents, etc., to be credited to District Fund.

PART IV.

PENALTIES.

20. Penalty for failing io affix or for removing, altering or defacing table of tolls.
21. Penalty for taking unauthorized toll and for causing delay.
22. Cancellation of lease on default or breach of rules.
23. Cancellation of lease on failure to provide accommodation.
24. Power to take possession of boats, etc., on surrender or cancellation of lease.
25. Maintaining private ferry within prohibited limits.
26. Penalties on passengers offending.
27. Penalty for plying within public ferry limits without license.
28. Power to arrest without warrant.
29. Court may assess damage done.
30. Fines payable to lessee
31. Power to try summarily.

PART V.

MISCELLANEOUS.

32. Delegation of powers.
33. Power to take possession of boats in case of public emergency..
34. Civil suits barred.

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BURMA ACT No. II OF 1898.[1]

[APPLIES TO UPPER AND LOWEB, BT RMA.]

[20th December, 1897; 14th April, 1898.~

An Act to amend the law regulating Public Ferries in Burma.

WHEREAS it is expedient to amend the law regulating public feriies in Burma; It is hereby enacted as follows: —

PART I.

PEELIMIRAK^ .

Short title, extent and commencement.

1. *(1)* **This Act may be called the Burma Ferries Act, 1898;**

(2) **It extends to the whole of Burma (inclusive of Upper Burma), except the Slian States; and**

(3) **It shall come into force at once.**

Repeal. II of 18731

2. The Burma Ferries Act, 1873, is repealed.

Delini tiona.

3. In this Act unless there is anything repugnant in the subject or context,—

(1) **" ferry " includes also a bridge of boats, pontoons or rafts, a swing bridge, a flying bridge and a temporary bridge, and the approaches to, and landing-places of, a ferry :**

(2) **" Superintendent " means the Deputy Commissioner or the Municipal or Town Committee vested with the immediate superintendence of a public ferry under section 5 or section 6, as the case may be:**

(3) **" Deputy Superintendent " means any person appointed by the Superintendent under section 14, clause** *(j):*

(4) " lessee" means a person to whom the right of levying tolls **at a public ferry has been let under section 7:**

(5) "Commissioner" and "Deputy Commissioner" mean, **respectively, the Commissioner of the division and the Deputy Commissioner of the district in which a ferry is, under section** *4,* **deemed to be situate:**

(G) **"notification" means a notification published in the Burma Gazette:**

(7) " toll-collector " means a person appointed by the Superintendent to levy tolls at a public ferry the right to levy the tolls of ,which has not been let under section 7 : and

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[1] For Statement of Objects and Reasons, ***nee*** Buima Gazette, 1897, Pt. Ill, p. 29; and for Proceedings in Council, s-'e ***ibid,*** Supplement, pp. 1237 and 1352.

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(8) "boat" includes a launch propelled by steam or electricity and a raft.

PART II.

PUBLIC FEBEIES.

■4. The Local Government may, by [1] notification,—

(a) declare what ferries shall be deemed public ferries and the p$_{ower}$ to declare and establish public ferries. respective districts in which they shall, for the purposes of this Act, be deemed to be situate;

(*b*) establish new public ferries where, in its opinion, they are necessary, and declare in what districts respectively they shall, for the purposes of this Act, be deemed to be situate;

■(c) define and alter the limits of any public ferry;

{*d*) change the course of any public ferry;

{*e)* discontinue any public ferry which it deems unnecessary; and

(*/*) declare the proportions in which all tolls levied, [3][moneys received under section 29 or by way of composition], and rents recovered, under this Act in respect of a public ferry shall be credited to two or more funds.

5. (1) The control of all public ferries shall be vested in the Commissioner. Control and superintendence of public ferries.

(2) The immediate superintendence of all public ferries shall, save as hereinafter provided, be vested in the Deputy Commissioner, and the Deputy Commissioner shall, except when the right to levy the tolls is leased, make all necessary arrangements for the supply of boats for such ferries and for the collection of the authorized tolls leviable thereat.

6. The Local Government may, by notification, vest the immediate sup^rinton- superintendence of any public ferry situated ^ holly or partly -nithin the l'mits of a municipality or to-rcn in the Municipal or Town Committee]$_{oca}$[1] jji'u'.'[11] thereof, and may direct that all or any part of the tolls levied, [3][moneys received under section 29 or by way of composition], and rents recovered under this Act in respect of such public ferry shall be credited to the Municipal or Town Fund of such municipality or town. dencemay be vest[ ] cipality or Town Com,, ni]ttfr and proceeds paid into Municipal or Town Fund.

7. (7) The right to levy the tolls of any public ferry may be let by the Superintendent by public auction, subject to the rules (if any) made under section 12, clauses (c) and («), or, with the previous sanctiun of the Local Government, otherwise than by public auction: Letting pu[illegible] lie ferry tolls'

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[1] **For instances of notifications under this clause, *see* Burma Gazette, 1899, Pt. I, pp. 154 and 352.**

[2] **For instances of notifications discontinuing ferries, *see* Burma Gazette, 1902, Pt. I, pp. 330 ar.d 371.**

* **These words in ss. 4 (*/*) and 6 were substituted for the words " moneys received ■by way of compensation or composition," by s. 1 of Burma Act 2 of 1899, *pvit.***

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Provided that, for reasons to be recorded by him in writing, any officer conducting a sale by auction under this section may refuse to accept the offer of the highest bidder and accept any other bid, or may withdraw from the auction.

(2) The lessee and his servants shall conform to the rules under this Act for the management and control of any public ferry of which the right to levy the tolls has been let to such lessee under this section, and shall obey all lawful orders issued to him or them by the Superintendent or Deputy Superintendent.

Beco very of »rrears of rent.

8. *(I)* All fees, rents, penalties and other moneys due to the Government or to a Municipal Fund in respect of any lease or agreement to lease under this Act may be recovered from the lessee or his surety (if any) or from any person who has agreed to take a lease as if they were arrears of land-revenue.

(2) The Local Government may make rules declaring on whose application and by whose order process shall issue for the recovery of any sum so due.

Surn-nder of lease.

9. The lessee may surrender his lease on the expiration of three-mnnths' notice in writing to the Superintendent and on payment of the rent for such three months.

Prohibition of sub-letting.

10. The lessee shall not transfer his lease without the permission in writing of the Superintendent.

Cancellation of leas« with compensation.

11. *(1)* The Local Government may cancel any lease under this Act on the expiration of six months' notice in writing to the lessee of its intention to cancel the same.

(2) "When any lease is cancelled under sub-section *(1)*, the Superintendent shall pay to the lessee such compensation as such Superintendent may, with the previous sanction of the Commissioner, think fit to award.

Power to mako rules

12. (*1*) The Local Government may make "rules, consistent with this Act,—

(a) for the superintendence and management of all or any particular public ferries;

(*b*) for regulating the traffic at such ferries;

(c) prescribing the'time and manner in which, and the terms on which, the right to levy the tolls of such ferries may be let;

(d) regulating the manner in which a lease shall be dealt with in case of the death or insolvency of the lessee or of the attachment of his property;

(*e*) for regulating the conduct of auctions and prescribing the persons by whom auctions may be conducted;

*** For rules, iee Burma Gazette, 1900, Pt. I, p. 46, and *ibid* 1907, Pt. I, p. 269.**

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(*l*) for compensating persons who have compounded for tolls when a public ferry has been discontinued before the expiration of the period compounded for and for recovering such compensation as if it were an arrear of land-revenue from the person who received the composition, and paying it to the persons entitled;

iff) prescribing the circumstances under which the person in charge of a public ferry-boat may refuse to convey in it any passenger, animal, vehicle or thing;

(h) for the regular maintenance of public ferry-boats in good condition for the safe conveyance of passengers and property ;

(i) for the submission of returns of traffic by the lessee or person in charge of a public ferry; and

(j) generally, for carrying out the purposes and objects of this Act.

(2) In making any rule under sub-section (*1*), the Local Government may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

13. Rules made under section 12 shall be published in such manner as the Local Government may, by notification, prescribe. Publication of rules.

14. Subject to such rules as may be made under section 12 and to the control of the Commissioner, the Superintendent may, for each public ferry— Powers of Superintendent.

(a) fix the places of embarkation and debarkation;

(b) fix the number and kinds of ferry-boats to be used, their dimensions and equipment, the number of crew for each ferry-boat, and the width of the bridges (if any);

(c) determine the maximum number of passengers, vehicles and animals and the maximum weight i»f goods to be carried in each ferry-boat at one trip;

(¿) regulate the times of opening and the construction and maintenance of pontoons, flying bridges, swing bridges, boat bridges, and temporary bridges;

■(e) appoint any person, by name or by virtue of his office, to inspect the ferry-boats and their equipment;

■.*(f)* require the lessee (if any) to affix to each ferry-boat employed by him in the public ferry a distinguishing mark, or flag of a prescribed pattern, and to keep in a prescribed place a notice-board showing the maximum number of passengers, ■vehicles and animals and the maximum quantity of goods to be carried therein;

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(ff) fix the hours during which the public ferry shall ply, and the nuinber of trips which the ferry-boat or boats shall make;

(7i) require the lessee (if any) to maintain in a prescribed form, and, when so required by any officer authorized, by name or by virtue of his office, in this behalf by the Superintendent, to produce registers of passengers, vehicles, animals and[2] goods conveyed across the ferry;

(i) require the lessee (if any) to maintain weights, measures and' scales for the weighment or measurement of goods, and

if) appoint, by name or by virtue of his office, a person to be in. charge of the ferry.

Private fern,' not to ply within certain distance of public ferry without sanction

15. *(1)* No person shall, except with the sanction of the Superintendent, ply a ferry-boat for hire within the limits of a public ferry or, except with the sanction of the Deputy Commissioner, establish, maintain or work a ferry within two miles from a public ferry.

(2) Subject to the provisions of section 16, sub-section *(4),* nothing in this section shall be construed to prevent any person from plying betweem two places one of which is without and one within the said limits, when the distance between such places is not less than two miles, or shall be held to apply to boats which do not ply for hire, or to any boats which the Local Government may, by notification, exempt from the operation of this section.

PART III.

TOLLS.

Tolls-

'16, *(1)* Tolls, according to such [2]rates as may from time to time b" fixed by the Commissioner, shall be levied on all persons, animals, vehicles and goods conveyed across any public ferry.

(2) The Local Government may from time to time, by notification,' declare what persons, animals, vehicles or goods shall, wThen employed or transmitted on the public service, or for other sufficient reason, be exempt from payment of such tolls.

(.3) The Commissioner may fix rates according to which persons may compound for the tolls payable during a quarter or other period.

(4) With the previous sanction of the Commissioner, the Superintendent may fix rates of toll for the use of any specially constructed landing-place by persons not liable to pay the tolls fixed under sub-section *(1).*

A batemcnt of rent

17. Where the right to levy the tolls of any public ferry has been let

[1] So much of s. 16 as provides for the exemption from payment of tolls of any persons, animals, vehicle« or other things which are exempted by s. 3 of the Indian Tolls (Army) Act, 1901 (2 of 1901), is repealed; *see* s. 8 and Schedule to that Act, Genl. Acta,.. Vol. V.

[1] For instances of notification imposing such tolls, *tee* Burma Gazette, 1889, Pt. IV-_ pp. 167, 328.

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by auction under section 7, any declaration made under sub-section *(2)* of the last foregoing section, if made after the date of the auction, shall entitle the lessee to such abatement of the rent payable in respect of the tolls as may be awarded by the Superintendent subject to appeal to the Commissioner. **Claimable in certain cases.**

18. The lessee or toll-collector of every public ferry shall affix a table of the tolls leviable under this Act, legibly written or printed in Burmese and in such vernacular language or languages as the Superintendent may prescribe, in a conspicuous position at each landing-place and in every ferry-boat, and.shall be bound to produce on demand a list of such tolls signed by the Superintendent or by some person authorized by the Superintendent to sign the same oil his behalf. **Table of tolls.**

19,. All tolls levied, [1][moneys received under section 29 or by way of composition,] and rents recovered, under this Act shall, except in the cases provided for [2][under powers conferred by sections 7 and 30], be credited— **Tolls, rents, &c., to be credited to District Fund.**

(a) in the manner directed under section 4, clause (*l*), or

(b) in the manner directed under section 6, or

(c) in the absence of any directions to the contrary, to the District Fund of the district in which the public ferry concerned is deemed to be situated.

PART IV.

PENALTIES.

20. Every lessee or toll-collector who—

(a) neglects to affix and keep in good order and repair the table of tolls mentioned in section 18, or **Penalty for failing to affix or for removing, &c., table of tolls.**

(b) wilfully removes, alters, or defaces such table, or allows it to become illegible, or

(c) fails to produce on demand the list of tolls mentioned in section 18, or

(d) neglects to keep any register or to furnish any return prescribed under section 12 or section 14, or

(e) commits a breach of any provision of this Act or of any rule thereunder, for which no punishment is specially provided, or

(*f*) disobeys or fails to comply with any lawful order issued to him by the Superintendent or Deputy Superintendent,

shall be punishable with fine which may extend to twenty rupees.

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* These words were substituted for the words " money received by way of compensation or composition," by s. 2 of Burma Act 2 of 1899. *post.*

[1] These words were substituted for the words and figures " by sections 28 and 30." by s. *2* of Burma Act 2 of 1899, *post.*

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(Part IV.—Penalties.)

Penilty far taking unauthorized toll and for naming delay.

21. Every lessee or toll-collector, or servant or agent of either, asking or taking more than the toll leviable under this Act, or without due cause delaying or interfering with any person, animal, vehicle or goods lawfully crossing a public ferry, shall be punishable with fine which may extend to fifty rupees.

Can-ella'ion of loiss on default or breach of rules.

22. When any lessee makes default in the payment of the rent or of any instalment thereof, or, having been convicted of an offence under section 20 or section 21, is again convicted of any such offence, the Superintendent may, with the previous sanction of the Commissioner, cancel the lease and make other arrangements for the working of the public ferry during the remainder of the term for which the right to levy tolls was let.

Cancellation *at* lease on failu e to provide accommolation.

23. The Superintendent may, with the previous sanction of the Commissioner, cancel a lease granted under this Act, if the lessee after fifteen days' notice fails to make due provision for the convenience or safety of the public.

Power to take possession of bonts, etc., on surrender or cancellation of lease.

24. When the lease of the light to levy the tolls of a public ferry is surrendered or cancelled, the Superintendent may take possession of all boats and their equipments, and all other appliances used by the lessee, and may use them until he can piocure substitutes, paying such hire for use of the same as the Commissioner may in each case direct.

Maintaining private feny within prohibited limits.

25. Whoever plies a ferry-boat for hire, or establishes, maintains or works a feriy in contravention of the provisions of section 15 shall be punishable with fine which may extend to five hundred rupees, and, after a first conviction, with a further fine which may extend to one hundred rupees for every day during which such ferry-boat is plied for hire, or such ferry is maintained or worked by him in contravention of those provisions.

Penalties on passengers offending.

26. Whoever—

(a) refuses to pay the proper toll on crossing at a public ferry or on using a landing-place for which a toll has been fixed under section 16, sub-section (*4*), or

(*b*) fraudulently or forcibly crosses, or attempts to cross, any public ferry or to use any such landing-place as aforesaid without paying such toll, or

(c) obstructs any toll-collector or lessee, or any of his assistants in any way in the execution of his duty under this Act, or

(*d*) after being warned by any toll-collector, lessee or person in charge of a public ferry-boat or bridge not to do so, himself goes or takes any animals, vehicles or goods into any public ferry-boat or upon any bridge at a public ferry which is in such a state or so loaded as to endanger human life or property, or

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(e) refuses or neglects to leave any such public ferry-boat or bridge or to remove any animals, vehicles or goods therefrom on being requested by such toll-collector, lessee or person in charge thereof to do so, or

(/) obstructs any part of a public ferry,

shall be punishable ■with fine ■rchich may extend to fifty rupees.

27. Whoever conveys for hire any passenger, animal, vehicle or goods to or from any point within the limits assigned to a public ferry in ■contravention of the provisions hereinbefore contained, shall be punishable with fine which may extend to fifty rupees. **Penalty for plying within public ferry limits without license**

[1]28. " Any police-officer may arrest ■without warrant any person committing an offence punishable under section 26 : **Power to arrest without warrant.**

Provided, that every person so arrested shall be released on his giving bail, or, if his true name and address are ascertained, on his executing a bond without sureties for his appearance before a Magistrate when required.

*29. (*1*) The Court trying any offence under this Act may enquire into and assess the amount of the damage (if any) done or caused by the a^done™ offender to the public ferry concerned, and shall order the amount so assessed to be paid by him in addition to any fine imposed upon him under this Act; and the amount so ordered to be paid shall be leviable as if it were a fine.. **Court may**

(2) An appeal shall lie against every such order as if it were a sentence of fine passed under this Act.

[1]30. Where the right to levy the tolls of any public ferry has been let under section 7, the ^hole or any portion of fine realized under section 25, section 26 or section 27 [2][and the whole or any portion of the amount realized under section 29] may, if the convicting Magistrate so directs, be paid to the lessee. **Fines payable to lessee.**

31. Every bench of Magistrates invested under section 261 of the [3]Code of Criminal Procedure, 1882, wixh power to try summarily the offences therein mentioned, shall also have power to try summarily any ■offence under this Act. **Power to try summarily.**

X'of 1882.

PART Y.

Miscellaneous.

32. *(1)* The Local Government may, by notification, [4] delegate to the **Delegation of powers.**

[1] **Sections 28, 29 and 30 were originally ss. 29, 30 .md 28, respectively. They were placed and re-numbered as they now stand, by s. 2 *(2)* of Burma Act 2 of 1899, *post.***

[2] **These words were inserted by s. 3 *(1)* of Burma Act 2 of 1899, *post.***

[3] **'*See* now the Code of Criminal Procedure, 1898 (Act 5 of 1898), Genl. Acts, Vol. V.**

[4] **' For notification delegating all the powers conferred by ss. 6, 7, 11 and 32 *(2)* to Commissioners of Divisions, sec Burma Gazette, 1907, Pt. I, p. 269, and by B. 15 (?) *see ibid,* L909, Pt. I, p. 95.**

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Commissioner, subject to sucli restrictions as it may think fit to prescribe, any of the powers conferred on it by this Act.

(2) The Local Government may, by notification, confer upon a Municipal Committee all or any of the powers of the Commissioner in respect of the public ferry of which the immediate superintendence is vested in such Committee under section 6.

Power to take possession of boats in ciso of public emfrgen-y.

33. When any boats or their equipments, or any materials oi appliances suitable for setting up a ferry, are emergently required for facilitating the transport of troops, police or other persons on the business of Her Majesty, or of any animals, vehicles or goods attached or belonging to such troops or police or other persons as aforesaid, the Deputy Commissioner may take possession of and use the' same until such transport is completed, paying such compensation or hire for the[1] use of the same as the Commissioner may in each case direct.

Civil suits barred

34. No suit to ascertain the amount of any compensation payable, or of any abatement of rent allowable, under this Act shall be brought in any Civil Court.

THE BUKMA MUNICIPAL ACT, 1898.

CONTENTS.

CHAPTER I.

SECTIONS. PRELIMINARY.

1. Title, extent and commencement.
2. Definitions.

CHAPTER II.

CONSTITUTION OF MUNICIPALITIES.

3. Proposal to create, alter the limits of, or abolish municipality.
4. Creation, alteration of limits, or abolition, of municipality.
5. Application of Act to existing municipalities.
6. Effect of including or excluding local area in or from municipality.

CHAPTER III.

ORGANIZATION OF MUNICIPAL COMMITTEES.

Constitution of Committees.

7. Committee to consist of elected and appointed members.

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SECTIONS.

8. Power for Local Government to make rules regarding election of members of committees.
9. Term of office of members of committee.
10. Resignation of member of committee.
11. Removal of member.
12. Filling of casual vacancies.
13. Incorporation of committee.
14. Time for committee coming into existence.
15. Consequences of establishment of committee where committee under Act XYII of 1884, or Regulation Y of 1887, exists.
16. ilember of committee to be municipal commissioner.

President and Vice-President.

IT. Election or appointment of president and vice-president.
18. Term of office of president and vice-president.
19. Yacancies in office of president or vice-president.
20. Conduct of business during interregnum.

Notification of Elections, Appointments and Removals.

21. Notification of elections, appointments and removals.

Conduct of Business.

22. Time for holding meetings.
23. Ordinary and special meetings.
24. Quorum.
25. Chairman of meeting.
26. Yoting and exclusion of members from voting when pecuniarily' interested.
27. Yote of majority decisive.
28. Resolutions to be recorded and published.
29. Language of discussions and proceedings.
30. Power of committees to make bye-laws as to conduct of business.
31. Extraordinary powers of president and vice-president in case* of emergency.

Joint Committees.

32. Joint committee of two or more committees or other local authorities.

Defects in Constitution and Irregularities.

33. Yacancies and irregularities not to invalidate proceedings.

Officers and Servants.

34. Appointment of Secretary.
35. Employment of other officers and servants by committee.
36. Power to prevent extravagance in establishments.

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SECTIONS.

37. Pensions of Government officials serving committee.
38. Pensions, etc., of other officers and servants.
38A. Power to establish Provident Fund for officers and servants of Rangoon Committee.
38B. Extraordinary pension, etc., in case of officer on servant injured or killed in execution of his duty, etc.

Contracts and Transfers of Property.

39. Mode of executing contracts and making transfers of immoveable property of committee.
40. Penalty for member, officer or servant of committee being interested in contract made with committee.
40A. Interest in contract to. disqualify member of Rangoon Committee.

Acquisition of Land.

41. Acquisition of land tinder Act I of 1894.

Privileges and Liabilities.

42. Suits against committee and its officers.
43. Liability for loss, waste or misapplication.
44. Members, officers, servants and agents of committee to be deemed public servants.
45. Notice of resignation or discharge of sweepers.

CHAPTER IY.

TAXATION.

General Provisions.

46. Taxes which may be imposed for general purposes of Act.
47. Water-tax.
48. Lighting-tax.
49. Latrine-tax.
50. Scavenging-tax.
51. Procedure for imposing such taxes,
52. Power to abolish, reduce or suspend tax.
53. Power to exempt from taxation.
54. Power to Local Government to suspend levy of tax.
55. Power to make rules for assessment, collection and remission of taxes.
56. Taxes not invalid for defect of form.
57. Taxes leviable under Act XVII of 1884 or Regulation V of 1887 to be deemed taxes under this Act.
58. Taxes when payable.
59. Receipts to be given.

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SECTIONS.

Taxes on Immoveable Property.

60. Preparation of assessment-list.
61. Publication of notice of assessments.
62. Public notice of time fixed for revising assessment-list.
63. Settlement of list.
64. Settlement of list in Rangoon.
65. Further amendments of assessment-list.
66. Addition of new buildings to assessment-list.
67. New list need not be prepared every year.
68. Joint and several liability of owners and occupiers for taxes.
69. Liability of owners and occupiers as between themselves for taxes.

Remission and Refund.

70. Remission and refund of taxes.

CHAPTER V.

FUNDS AND PROPERTY.

71. Municipal fund constituted.
72. Application of fund.
73. School fund.
74. Hospital fund.
75. Custody of and disbursements from funds.
76. Investment of same.
77. Delegation of management of school and hospital funds to sub-committees.
78. Property vested in committee.
79. Management of public institutions.
80. Transfer to Crown, of property vesting in committee.
81. Resumption by Government of land vested in committee.
82. Settlement of questions as to boundaries of, or compensation for, land resumed.

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

83. Acquisition of land for building-sites adjoining new streets.
84. Closure of streets.
85. Prohibition of use of streets by a class of animals or vehicles..
86. Temporary occupation of streets, etc.
87. Brackets for lamps.
88. Names of streets and numbers of buildings.
89. Use of inflammable materials in building.

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SECTIONS.

90. Fixing term for wearing out of inflammable roofs and walls.
91. Line of buildings.
92. Notice of new buildings.
93. Bye-laws as to mode of construction of buildings.
94. Removal of projections and obstructions.
95. [*Repealed.* [

Bathing and Washing Places.

96. Batliing and washing places.

Deposit of Offensive Matter.

97. Removal and deposit of offensive matter.
98. Special conservancy in certain towns.

Slaughter of animals.

99. Licensing, inspection and regulation of slaughter-houses.
100. Places for slaughter of animals for sale.
101. Regulation of the slaughter of animals for other purposes

Sale of Food, Drink and Drugs.

102. Bye-laws as to sale of food, drink and drugs.

Burial and Cremation.

103. Closure and formation of burial and burning places.
104. Removal of corpses.

Precautions against Fire.

105. Precautions against fire. .

Entry and Inspection.

106. Inspection of sewers, etc.
10T. Inspection of buildings, etc., for sanitary purposes.
108. Other powers of entry on buildings or land.
109. Discovery of vehicles or animals liable to taxation.
110. Inspection of places for sale of food or drink, etc., and seizure of unwholesome articles exposed for sale.
111. Inspection and seizure of food exposed in contravention of bye-laws.
Ill A. Inspection of weights and measures, and seizure of false weights, etc.
111B. Inspection of places for illicit slaughter of animals.
112. Entry for purpose of scavenging.
113. Precautions to be observed in entering dwelling.

Drainage, Sewerage and W citer-supply.

114. Troughs and pipes for rain-water.

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SECTIONS.

114A. Paving of courtyard, etc., for efficient drainage of building or land.
115. Provision of privies and the like.
116. Closing, alteration and repair of privies and the like.
117. Making and maintaining sewerage-connection with sewer.
118. Carriage of sewerage-connectnm or water-connection through adjoining land.
119. Compensation for use of land for sewerage or water-connection.
120. Connection with existing sewerage-connection or water-connection.
121. Access for scavenging.
122. Removal of unauthorized buildings over drains, etc.
123. Drainage, etc., of unwholesome tanks, etc.

Dangerous Buildings and Places.

124. Repair, etc., of buildings, wells, tanks, etc.
125. Removal of buildings, etc., in ruinous or dangerous state.

Buildings and Grounds in Unsanitary Condition.

126. Clearance of noxious vegetation.
127. Trimming of hedges and trees bordering on streets, wells, etc.
128. Fencing of land.
129. Cleansing of filthy buildings or land.
130. Prohibition of use for human habitation of buildings unfit for such use.
131. Enclosure of land resorted to by disorderly persons.
132. Prohibition of cultivation, use of manure or irrigation injurious to health.

Offensive and Dangerous Trades.

133. Regulation of offensive and dangerous trades.
134. Prohibition of such trades.

Epidemic Disease.

135. Obligation to report outbreak of cholera and small-pox.
136. Removal of cholera or small-pox patient.
137. Application of sections 135 and 136 to plague, etc.

Extinction of Fire.

138. Establishment and maintenance of fire-brigade.
139. Powers of fire-brigade and other persons for suppression of fire.
140. Power of Local Government to make rules concerning the use of the foregoing powers.
141. Application of sections 138 to 140.

Additional Power to make Bye-laws.

342. Power to make various bye-laws.

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SECTIONS.

Supplemental.

143. Confirmation of bye-laws under Chapter **VI.**
144. Execution of acts not done after notice.
145. Recovery of costs of execution.
146. Compensation out of municipal fund.
147. Appeals against certain orders of committee.

CHAPTER VII.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

148. Deposit of eartli, refuse, etc., on roads or drains.
149. Disposal of carcasses.
150. Discharging sewage.
151. Non-removal of filth, etc.
152. Making or altering severs or drains without authority.
153. Disobedience of section 116.
154. Slaughtering animals for sale at unauthorized places.
155. Slaughtering animals or conveying meat contrary to regulations.
156. Feeding animals on deleterious substances.
157. Contravention of bye-laws under section 102.
158. Refusal to suffer inspection under section 110 or 111.
159. TJsing manure, etc., in contravention of section 132.
160. Carrying on offensive or dangerous trade -without license.
161. Continuing certain nuisances after notice.
162. Diiving vehicles without proper lamps.
163. Discharging fire-arms, etc.
164. Allowing animals to stray on street.
165. Riding, driving or leading of animals contrary to public notice*.
166. Hanging articles over streets.
167. Suffering dogs to be at large.
168. Altering, obstructing, or encroaching upon streets, etc.
1^9 Quarrying, blasting, cutting timber, or building.
170. Exposure, etc., of infected persons and things.
171. Failure to provide for disinfection of public conveyance.
172. Omission to report cholera or small-pox, etc.
173. Leaving hospital without permission.
174. Picketing animals and collecting carts.
175. Keeping corpses or carrying corpses by prohibited routes or so» as to cause annoyance.
176. Illegal burial or burning of corpses..
177. Destroying direction-posts, lamp-posts, etc.
178. Destruction of name-boards and number-boards.
179. Unauthorized posting of advertisements.

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SECTIONS.

180. Disobedience to bye-laws and directions of committee under Chapter YI.
181. Disorderly houses.
181A. Disobedience of order excluding a brothel or prostitute from certain areas.
181B. Penalty for soliciting or loitering for purposes of prostitution.

CHAPTER VIII.

CONTBOL.

182. Control by Commissioner and Deputy Commissioner.
183. Powers to suspend action under Act.
184. Extraordinary powers of Deputy Commissioner in cases of emergency.
185. Powers of Local Government in case of default of committee.
186. Powers of Local Government and its ofEcers over committees.
187. Power of Local Government to supersede committee in case of incompetency, persistent default, or excess or abuse of powers.
188. Disputes.
189. Annual reports and statements.
190. Estimates of receipts and expenditure.
191. Sanction to works.
192. Powers of Commissioner.
193. Power of Local Government to frame form« and make rules.

CHAPTER IX.

SUPPLEMENTAL .

Criminal Procedure.

194. Powers and duties of police in respect of offences against Act, etc., and assistance to municipal authorities.
195. Prosecutions.
195A. Exemption of municipal cases from the provisions of s. 200 of the Code of Criminal Procedure.
196. Prosecution to be suspended pending appeal in certain cases.
197. Power to compound offences.
198. Member not to be deemed interested in prosecution.
199. Saving of prosecutions under other laws.

Rules, Bye-laws cmd Public Notices.

200. Procedure for making bye-laws.
201. Publication of rules, bye-laws and public notices.
202. Continuance of existing rules, etc.

Notices.

203. Authentication, service and validity of notice in writing.

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SECTIONS.

204. Mode of giving notice in writing to unknown owner or occupier of property.

Powers to except Municipalities from Provisions of Act.

205. Power to except municipality irom provisions of Act unsuited thereto.

Recovery of Money claimable by Committees.

206. Recovery of taxes, etc.

Miscellaneous.

207. Saving of Act XI of 1879.
208. Decision of questions as to whether persons are " innabitants."
209. Power to extend Act XIX of 1884.

CHAPTER X.

SMALL TOWNS.

210. Notification of area.
211. Powers of Local Government.
212. Adaptation of enactments and rules.
213. Effect of including or excluding local area in or from a notified area.

BURMA ACT No. Ill OF 1898.[1]

(APPLIES TO LOWER AND UPPER BURMA.)

[*10th March, 1898; 25th April,* 1555.]

An Act to amend the law relating to Municipalities in Burma.

"WHEREAS it is expedient to amend the law relating to Municipalities in Burma; It is hereby enacted as follows: —

CHAPTER I.

PRELIMINARY.

Title, extent and commencement.

1. *(!)* This Act may be called the Burma Municipal Act, 1898;

(2) It extends to the whole of Burma (inclusive of Upper Burma) except the [2]Shan States; and

(3) It shall come into force on such [3] date as the Local Government may, by notification in the gazette, appoint in this behalf.

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[1] For Statement of Obients and Hensons, *see* Burma Gazette, 1897, Pt. Ill, p. 72; for Report of tbe Select Committee, *see ibid,* 1898, p. *2;* for Proceedings in Council rela*ing to the Bill, *see ibid,* 1897, Supplement, p. 1233, *ibid,* 1898, Supplement, pp. 40 and 73.

* TLe Act was extended with modifications to the Shan States, by notification under a. 10 (7) of the Burma Laws Act, 1898 (13 of 1898), *see* Burma Gazette, 1901, Pt. I, p. 765.

* The Act was brought into force on the 1st July, 1898, see Burma Gazette, 1898, Pt. I, p. 281.

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Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "Commissioner" means the Commissioner of the division in which a municipality is situated:

(2) "committee" means the committee constituted by or under this Act for a municipality:

(3) "Deputy Commissioner" means the Deputy Commissioner of the district in which a municipality is situated:

(4) "inhabitant" of a local area includes any person ordinarily residing or carrying on business, or owning or occupying immoveable property, in such local area :

(5) "keeper" of a lodging-house means the person in charge of a lodging-house:

(6) "lodging-house" means a building or part of a building which is let in lodgings or occupied to any extent in common by members of more than one family:

(7) "municipality" means a local area declared under Chapter II to be a municipality:

(8) "owner" includes the person who for the time being receives the rent of any building or land, whether on his own account or as agent or trustee, or who would so receive the rent if the building or land were let to a tenant, but does not include the Government;

(5) ' ' sewage *' means night-soil and other proper contents of water-closets, latrines, urinals, privies, and cesspools: it includes polluted water from sinks, bath-rooms, stables, cattle-sheds and other like places :

(10) "sewer" includes a pipe, ditch or channel, or any other device, for carrying off sewage:

(11) "sewerage-connection" includes—

(a) any sewer between any water-closet, latrine, urinal, privy, bath-room, cook-room, sink, sulliage-tray, manhole or trap on the one hand, and any sewer set apart by a committee for sewage and other offensive matter on the other hand; and

(b) any cistern, flush-tank, land, building, machinery, work oi thing constructed or used for collecting and passing any sewage into any sewer vested in a committee:

(12) " street " includes any way, road, thoroughfare, passage or nlace over which the public have a right of way: and also the surface-soil sub-soil, footway and drains of any street,

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and any bridge, culvert or causeway forming part thereof r. and

(13) "water-connection" includes—

(a) any tank, cistern, hydrant, stand-pipe, meter or tap situated on private property and connected with a water-main or pipe belonging to the committee; and

(*b*) the water-pipe connecting such tank, cistern, hydrant, stand-pipe, meter or tap with such water-main or pipe.

CHAPTER II.

CONSTITUTION of MUNICIPALITIES.

Proposal to create, alter the limits of, or abolish, municipility.

3. (2) The Local Government may, by notification and by such other means as it may determine, signify its intention—

(a) to declare any town, or any group of towns in the immediate neighbourhood of one another, a municipality under this Act;

(*b*) to include within a municipality any loe.il area in the vicinity of the same;

(c) to exclude from a municipality any local area comprised therein ; or

(*d*) to withdraw the whole area comprised in any municipality from the operation of this Act:

Provided that, -when any part of a local area affected by any such notification is a military cantunment or part of a military cantonment, such notification shall not be published without the previous consent of the Governor General in Council.

(2) Every notification under this section shall define the limits of the local area proposed to be affected thereby, and may include within the limits of any municipality or proposed municipality any railway station, village, building or land in the vicinity thereof.

Creation, »It«ration of limits, or abolition of municipality.

4. *(1)* Any inhabitant of any part of a local area defined in a notification published under section 3 and proposed to be affected thereby may, if he objects to anything therein contained, submit his objection in writing to the Local Government within six weeks from the date of the publication of such notification, and the Local Government shall take his objection into consideration.

(2) When six weeks from the date of the publication of such notification have expired, the Local Government may by a further notification—

(a) declare the local area or any specified part thereof to be a municipality under this Act, or

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(b) include the local area or any part thereof in the municipality or exclude it therefrom, or

(c) [1] withdraw the whole area comprised in the municipality from the operation of this Act, as the case may be.

Applic... istin... e'...

5. (-?) All municipalities heretofore established under the [2] Burma .»¡on ISVn of 1884. Municipal Act, 1884, and the municipality of Mandalay established of Act to ex- v ot 1887, under the [3] Upper Burma Municipal Regulation, 188T, shall be deemed .[¿j-iX! * to be municipalities under this Act.

(2) The Local Government may, by notification, direct that this Act shall apply to any other municipality established under the Upper Burma Municipal Regulation.

(3) The president, vice-president and members of the committee of every municipality mentioned in sub-section *(1),* or in a notification under sub-section *(2),* in office at the time when this Act applies to that municipality, shall continue in office as such president, vice-president and members respectively under this Act until the time or respective times when they would respectively have vacated their offices if this Act had not been passed or if such notification had not been issued.

6. *(1)* When a local area is included in a municipality under section 4, all rules and bye-laws made, orders, directions and notices issued, and powers conferred and in force throughout the municipality at the local area in Hme when the local area is so included, shall apply thereto unless the municipality. Local Government shall, in and by the notification directing such inclusion, otherwise direct.

Effect of including or excluding or from

(2) When a local area is excluded from a municipality under section 4,—

(a) this Act and all rules and bye-laws made, orders, directions and notices issued, and powers conferred thereunder shall cease to apply thereto; and

(*b*) the Local Government shall, after consulting the committee, frame a scheme determining what portion of the balance of the municipal, school and hospital funds and other property vested in the committee shall vest in Her Majesty for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council; and, on the publication of such scheme in the

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[1] For instance of such withdrawal, *see* notification No. 82, Burma Gazette, 1899, Pt. I, r. 3SJ.

[2] Repeal^l by the Burma Laws Act, 1898 (13 of 1898j. *See* the Fifth Schedule, *ante.*

[3] Repealed by the Burma Repealing and Amending Act, 1909 (Bur. Act 5 of 1909), *post.*

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gazette, such property and liabilities shall vest and be apportioned accordingly.

(3) When the whole area comprised in any municipality is withdrawn from the operation of this Act under section 4, this Act and all rules and bye-laws made, orders, directions or notices issued, and powers conferred thereunder, shall cease to apply thereto; and the balance of the municipal fund and all other property at the time of the issue of the notification vested in the committee shall vest in Her Majesty, and the liabilities of the committee shall be transferred to the Secretary of State for India in Council.

(4) All property vested in Her Majesty under this section, shall be applied, under the orders of the Local Government, to the discharge of the liabilities imposed on the Secretary of State for India in Council thereby, or for tihe promotion of the safety, health, welfare or convenience of the inhabitants of the area affected.

CHAPTER III.

ORGANIZATION OF MUNICIPAL COMMITTEES.

Constitution of Committees.

Commit tefi to consist of elected ttnd appointed members.

7. (*1*) There shall be constituted for each municipality under this Act a committee having authority thereover and consisting of—'

(a) so many inhabitants of the municipality as may be determined by the Local Government, elected in manner next hereinafter prescribed to represent wards of the municipality or classes of the inhabitants; and

(b) such persons (if any), not exceeding in number one-fourth of the committee, as the Local Government may appoint by name or by office in this behalf:

Provided that,—

(i) when the circumstances of tihe municipality are, in the opnron of the Local Government, such as to require it, the Local Government may appoint a larger proportion of, or all, tlio members of the committee; and,

(ii) when any places on the committee are required to be filled by election and a sufficient number of members is not elected, the Local Government may fill by appointment the places so left vacant.

(2) The Local Government may by notification delegate to the Commissioner the power of appointment vested in it under sub-section (*1*), in respect of any committee or any vacancy in any committee.

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8. *(1)* The Local Government shall, for every municipality in which a system of election is introduced, make rules regulating the following matters, namely:— Power for Gov. make rules regardi election^ memberaof committees.

(a) the division of the muiicipality into wards or of the in- habitants into classes, or both;

(b) the number of representatives proper for each ward or class;

(c) the qualifications of electors and of candidates for election;

{d) the registration of electors;

(e) the nomination of candidates, the time of election and the mode of recording votes; and

(/) any other matters relating to the system of representation and of election for which it may seem expedient to provide.

(2) The Local Government may, after the committee has come into existence as hereinafter provided, amend, after consulting such committee, the rules under this section.

(3) The members of the committee shall be elected in accordance ^ith the rules under this section for the time being in force.

9. *{1)* If a member of the committee be appointed by office, the person for the time being holding such office, shall, unless and until t h e Local Government shall otherwise direct, be a member of the committee. Term of office^o member of committee.

{2) The term of office of all other members of the committee shall be fixed by the Local Government by rules, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(3) The term of office of members shall commence,—

{a) in the case of a member elected at a general election of members, on the first day of January following the election;

(6) in the case of a member elected to fill a casual vacancy, on the date of the meeting of the committee next following his election; and

(c) in the case of a member appointed by the Local Government or the Commissioner, on the date specified in the order appointing him or, if no date is so specified, on the date of such order.

{4) An outgoing member may, if otherwise qualified, be re-elected or re-appointed.

10. (i^ Any member of the committee ^ho may wish to resign shall forward his resignation in writing, through the president of the committee, to the Deputy Commissioner for submission to the Commissioner, mittei. Eesignation of member of com-

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(2) When the acceptance of such resignation by the Commissioner has been communicated to the committee, such member shall be deemed to have vacated his office as such.

Removal of member.

11. (i) The Local Government may remove any member of the committee,—

(a) if he ceases to be an inhabitant of the municipality;

(б) if he refuses to act or becomes, in the opinion of the Local Government, incapable of acting; „

(c) if he is declared a bankrupt or an insolvent;

(d) if he is convicted of any such offence or subjected by a Criminal Court to any such order as renders him, in the opinion of the Local Government, unfit to continue to be a member;

(e) if he is declared by the Local Government disqualified for employment "in, or is dismissed from, the public service;

(/) if he attends none of the meetings of the committee held during the space of three consecutive months;

(g) if his continuance in office is, in the opinion of the Local Government, dangerous to the public peace or order; or

(h) when he is a salaried officer of Government, if his continuance in office is, in the opinion of the Local Government, unnecessary or undesirable.

(2) A person removed under this section on any ground other than those mentioned in clauses *(a)* and (/), shall be disqualified for election unless and until the Local Government shall otherwise direct.

Filling of casual vacancies.

12. *(1)* When the place of an elected member of the committee becomes vacant by the resignation or removal of the member, or by his death, a new member shall be elected, in manner prescribed under section 8, to fill the place so vacated.

(2) When the place of a member of t'he committee appointed by name becomes vacant as aforesaid, tihe Local Government may, if it shall think fit, appoint a new member to fill the place so vacated.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would in the ordinary course have vacated office, and shall then vacate office, but may, if otherwise qualified, be re-elected or re-appointed.

(4) The Local Government may, by notification, delegate to the Commissioner the power conferred on it by sub-section *(2)* of appointing new members to fill casual vacancies in any committee.

Incorporation of committtt.

18. Every committee shall be a body corporate by the name of " The Municipal Committee of ," and shall have perpetual succession and

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a common seal, with power, subject to the provisions of this Act, to acquire and 'hold property, both moveable and immoveable, and to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name:

Provided that no committee shall transfer any immoveable property except in pursuance of a resolution passed at a special meeting and approved by the Local Government.

14. Subject to the provisions of section 5, sub-sect'on (3), the com- Time for committee coming into existence.
mittee shall come into existence at such time as the Local Government may, by notification,- appoint in this behalf.

15. When the committee comes into existence under this Act and the ('onse- , quenees of municipality comprises within its limits a local area which was const:- establish- tuted a municipality under the [1] Burma Municipal Act, 1884, or the; 'TM*of com" mittee
[2] Upper Burma Municipal Regulation, 1887, the following consequences where com- mittee unde
shall ensue, namely:— Act XVII of 188 o

XVII of 1884.
V of 1887.

(<i) the said Act or Regulation, as the case may be, shall cease Reg^'v* to apply to the local area; eVsta7'

(b) the committee (if any) constituted under the said Act or Regulation for the local area (hereafter in this section called the old committee) shall continue to act until a new committee has been constituted for the municipality under this Act, and shall thereupon cease to exist;

(c) all property vested in the old committee shall vest in such new committee as soon as the same shall have been constituted under this Act, subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting such property;

(d) every right and liability belonging to, or incurred by, the old committee may be enforced by and against such ¡new committee in like manner as it might have been enforced by and against the old committee if this Act had not been passed ;

(e) a Government officer employed by the old committee at the time when such new committee comes into existence shall be deemed to be similarly employed by the latter and shall not be dismissed from such employment without the sanction of the Local Government; and

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[1] Rep. **by the Burma** Laws **Act,** 1893 (13 of 1898), *ante,*.
[2] **Rep. by the Burma Repealing and Amending Act,** 1909 **(Bur. Act 5 of** 1909), ***'post.***

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(*f*) the new committee shall be substituted for the old committee in all legal proceedings by or against the old committee pending at the time when such new committee comes into existence.

llftmber of committee to be municipal commissioner.

36. Every member of the committee shall be deemed to be a municipal commissioner within the meaning of any enactment for the time being in force.

President and Vice-President.

Election or kpt^lr-tramt ol president and vice-president.

17. (*1*) The committee shall from time to time elect one of its members to be president, and may from time to time elect another of its members to be vice-president:

Provided that the Local Government may, by notification, exclude any municipality from the operation of this sub-section, and may declare that the president or vice-president, or both shall be appointed by the Local Government from among the members of the committee.

* (*2*) A member elected or appointed under this section to be president or vice-president, may be elected or appointed by office if he was appointed a member of the committee in the same way.

(3) If a president or vice-president is elected or appointed by office, the person who for the time being holds the office referred to shall be president or vice-president of the committee, as the case may be, during the term fixed under section 18 for the reteniion ot office by a president or vice-president.

(4) The Local Government may delegate to the Commissioner t'he power of appointing the president or vice-president of any committee.

Titra *ol u&ie* of president and -rio*. piWden[1].

18. (*1*) Except as provided in section 19, eub-section (3), every president, whether elected by the committee or appointed by the Local Government, and every vice-president appointed by the Local Government shall hold office for such term, not exceeding three years, as the Local Government may by rule fix, and every vice-president elected by the committee shall hold office for such term as the committee may by bve-law fix.

(2) Whenever the president or vice-president ceases to be a member of the committee or tenders in writing to the committee his resignation of his office, he shall vacate his office, and any president or vice-president may be removed from office by fihe Local Government in pursuance of a resoluiion to that effect passed by two-thirds of the members present at a special meeting.

(3) Every resignation of office tendered under this section shall be reported as soon as may be to the Commissioner.

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19. (*1*) Upon the occurrence of any vacancy in the office of president or vice-president during the term fixed under section 18, a new president or vice-president shall be elected or appointed in manner provided by section 17. **Vacancies, in office of president or vice.presi.dent'**

(2) Upon the expiration of the term of office fixed under section 18 for the president or vice-president, a new president shall, and a new vice-president may, be elected or appointed in manner provided by section 17.

(3) A person elected or appointed under sub-section *(1)* to fill a casual vacancy shall' hold office until the person whose place he fills would in the ordinary course have vacated office, and shall then vacate office.

(4) An outgoing president or vice-president may, if otherwise qualified, be re-elected or re-appointed.

20. Notwithstanding anything in sections 9, 12, 18 and 19, an outgoing president or vice-president may continue to exercise the powers conferred on a president or vice-president by this Act, or by any rule, bye-law, public notice, resolution or direction made thereunder, between the expiry of his term of office and the election or appointment of a new president or vice-president. **Conduct of business tlunnfilrtei-regnum.**

Notification of Elections, Appointments and Removals.

21. (2) Every election of a president or vice-president of the committee shall be subject to confirmation by the Commissioner, and shall, when so confirmed, be notified by him in the gazette; but, unless and until disallowed by the Commissioner, every such electiofi shall be valid and shall take effect from the date thereof. **tificatim** **No elections, appointments and removals.**

(2) Every appointment of a president or vice-president of the committee shall be notified by the appointing authority in the gazette and shall take effect from the date of such notification.

(3) Every election of a member or members of the committee shall be notified by the Commissioner in the gazette.

(4) Every order removing a member from the committee shall be notified by the Local Government in the gazette, and shall be communicated to the person removed and to the committee of which he was a member, and shall take effect from the date on which the committee received such communication.

Conduct of Business.

22. *(1)* The committee shall meet for the transaction of business at TimB for

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holding meetings.

least once in every month at such time as may be fixed by bye-law made under section 30.

(2) The president, or, in his absence, the vice-president, may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth of the members of the committee, convene an ordinary or a special meeting at any other time:

Provided that, when the entire number of members does not exceed five the concurrence of two of them in any such requisition shall be necessary.

Ordinary and special meetings.

23. (2) Every meeting of the committee shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules or bye-laws thereunder to be transacted at a special meeting.

Quorum.

24. *(1)* The quorum necessary for the transaction of business at a special meeting shall be one-half of the whole committee:

Provided that, when the committee consists of less than six members, the quorum shall be three.

(2) The quorum necessary for the transaction of business at an ordinary meeting shall be such number, not less than three, as may be fixed by bve-law made under section 30 :

Provided that, if at any ordinary or special meeting a quorum is not present, the chairman shall adjourn the meeting to such other day as he may think fit, and the business which would have been brought before the original meeting, if there had been a quorum present, shall be brought before and transacted at the adjourned meeting whether there is a quorum present thereat or not.

Chairman of mooting.

25. (7) At every meeting of the committee the president, if present, shall preside as chairman.

(2) If when any meeting is held the office of president is vacant, or the president is absent from the meeting and the vice-president is present, the vice-president shall preside as chairman.

(3) In any case not provided for in sub-sections *(1)* and *(2)* the members present shall elect one of their number to preside as chairman of the meeting.

Voting and exclusion of members Irom voting wh°n pecuniarily interested.

26. *(1)* Every member of the committee shall be entitled to attend every meeting of the committee, to take part in the proceedings and to vote upon every matter before it not being a matter in which he is, or may be, pecuniarily interested.

(2) The president of the committee or the chairman of a meeting may, after such inquiry as he may think fit, require any member to

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absent himself from a meeting during the discusssion of any matter in which he is believed to have a pecuniary interest, and any member refusing to comply with such requisition shall not be permitted to take part in the proceedings regarding such matter, nor shall his vote thereon be recorded.

(3) If the president of the committee or the chairman of a meeting is believed by any member present at the meeting to have a pecuniary interest in any matter under discussion, he may, on the motion of such member, if carried, be required to absent himself from the meeting during such discussion, and, if he refuses to comply with such requisition, he shall not be permitted to take part in the proceedings regarding such matter, nor shall his vote thereon be recorded.

27. (7) Except as otherwise provided by this Act or the rules or bye-laws thereunder, every question coming before a meeting of the committee shall be decided by a majority of the votes of the members present and entitled to vote thereon. **Vote of majority decisive.**

{2) In case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

28. Every resolution passed by the committee at a meeting shall be recorded in a book to be kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be open to inspection by the public at the municipal office at all reasonable times without charge and shall be published in such manner as the Local Government may direct. **Resolutions to be recorded and published.**

29. The discussions and proceedings of the committee shall be conducted either in English or in Burmese and recorded either in English or in both English and Burmese as the committee at a special meeting may, from time to time, direct: **Language of discussions and proceedings.**

Provided that, if the discussions and proceedings are conducted and recorded in English, the committee shall provide for their interpretation into Burmese for the benefit of such members (if any) as do not understand English.

30. (2) The committee may, from time to time at a special meeting, make bye-laws consistent with this Act as to— **Power of committees to bye-laws as to conduct of business.**

(a) the time and place of its meetings;

(b) the manner in which notice of its meetings is to be given;

(c) the quorum necessary for the transaction of business at ordinary meetings;

{d) the conduct of proceedings at meetings and the adjournment of meetings;

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(e) the exercise by the president, by the vice-president, by sub-committees, by individual members or by officers or servants of the committee, of any powers conferred upon the committee by this or any other Act, or by the rules or bye-laws thereunder;

(f) The persons by whom receipts may be granted on behalf of the committee for money paid to it;

(g) the term for which a vice-president elected by the committee shall hold office;

(h) the appointment, duties, leave, suspension and removal of its officers and servants; and

(i) other similar matters.

(2) Ho bye-law made under this section shall take effect until it has been confirmed by the Local Government.

Extraordinary powrs of president and viie-president in cases of emergency.

31. In cases of emergency the president, or in his absence the vice-president, of the committee may direct the execution of any work or the doing of any act which the committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be paid from the municipal fund:

Provided that—

(a) no order ¿hall be made under this section in contravention of any order of the committee passed at a meeting; and

(*b*) every order made under this section, and all proceedings consequent thereon, shall be reported to the committee at its next meeting.

Joint Committees.

Joint committee of two or more committees or other local a jthoritias.

32. The committee may, from time to time, concur with any other committee or cantonment, port or other local authority, or with more than one such committee or authority, in appointing, from their respective bodies, a joint committee lor any purpose in which they are jointly interested, and in appointing a chairman of the joint committee, and in delegating to any such joint committee any power which might be exercised by either or any of the said committees or authorities, and in framing and modifying regulations as to the proceedings of any s-uch joint committee, and as to the conduct of correspondence relating to the purpose for which it is appointed.

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(Chap. III.—Organization of Municipal Committees. Defects in Constitution and Irregularities. Officers and Servants.)

Defects in Constitution and Irregularities.

Vacancies and irregularities not to invalidate proceedings.

33. Nothing done and no proceeding taken under this Act shall be questioned by reason only of any vacancy in the committee, or joint committee, or of any defect or irregularity not affecting the merits of the case.

Officers and Servants.

Appointment of secretary.

34. *(1)* The committee shall, from time to time, at a special meeting, appoint one of its members, or, subject to the previous sanction of the Commissioner, any person to be its secretary, and may, at a like meeting and subject to the like sanction, remove any person so appointed.

(2) If the secretary is a member of the committee, he shall receive no remuneration in respect of his services. If he is not a member of the committee, the committee may, with the previous sanction of the Commissioner, assign to him such remuneration as it may think fit.

Employment of other officers and servants by committee.

35. Subject to the provisions of this Act and to such [1] rules as may be made by the Local Government thereunder, the committee may appoint and remove such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants such remuneration as it may think fit.

Power to prevent extravagance in establishments.

30. If, in the opinion of the Commissioner, the number of persons employed by the committee as officers or servants, or whom the committee proposes to employ as such, or the remuneration assigned by the committee to those persons, or any of them, is excessive, the committee shall, on the requisition of the Commissioner, reduce the number of those persons, or their remuneration, as the case may be:

Provided that the committee may appeal against any such requisition to the Local Government, and the decision of the Local Government on such appeal shall be final.

Pensions of Government official serving committee.

37. In the case of an officer or servant, being a Government official, the committee may,—

(1) if his services are wholly lent to it, meet any charges prescribed or authorized by any general or special orders of the Governor General in Council for the time being in force regarding contributions towards pension or gratuity and leave allowances; and,

(2) if he devotes only a part of his time to the performance of duties in behalf of the committee, meet any such charges as aforesaid in such proportion as may be determined by the Local Government.

[1] **Fur instance of such rules, *see* Burma Gazette, 1907, Pt. I, p. 424.**

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Pensions, etc., of other officers and servants.

[1] 38. In the case of an officer or servant, not being a Government official, the Committee may—

(1) grant him—

(a) leave allowances;

(*b*) a gratuity, on his retirement, if his monthly pay does not exceed ten rupees;

(*2*) with the sanction of the Local Government,—

(c) grant him on his retirement a gratuity in any other case;. or

(*d*). subscribe, in accordance with any general or special orders of the Governor General in Council for the time being in force, for a pension or gratuity payable on his retirement ; or

(e) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, annuity or gratuity shall be granted unless, under any general or special orders of the Governor General in Council for the time being in force, the officer or servant would be entitled to either pension or gratuity if the service had been service under Government.

And provided that no gratuity under clause (6) and no pension,, leave allowance or annuity shall exceed the sum to which, under such orders of the Governor General in Council, the officer or servant would be entitled if the service had been service under Government; and a gratuity under clause (c) shall not exceed one month's pay for every completed year of service and shall not in any case exceed a maximum of ten months' pay in all.

Power to establish Pro* vidfnt Fund for officer* and servants of Rangoon Committee.

[2] 38A. (2) The Rangoon Municipal Committee [3][and the Committee of any other municipality to which the Local Government may by notification declare this section to apply] may make bye-laws for the purpose of—

(a) establishing and maintaining a provident or annuity fund;

(б) compelling all or any of the officers or servants of the Committee (other than Government officials), to subscribe to such fund, and, if necessary, providing for the deduction

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[1] **Section 38 waB substituted by b. 2 of the Burma Municipal Act Amendment Act, 1908 (Bur. Act 2 of 1908;, *post.***

[!] **S. 38A was inserted by the Burma Municipal Act Amendment Act, 1903 (Bur. Act 2 of 1903), *post.***

* **The word» in square brackets in i>. 38A '-ere added by s. 3 of the Burma Municipal. Act Amendment Act, 1908 (Bur. Act 2 of 19D9), *post.***

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of such subscriptions out of the salaries or emoluments of such servants or officers;

(c) providing for the payment of contributions to such fund by the Committee out of other fimds vested in the Committee;

(d) fixing the times, circumstances and conditions under which payments may be made out of any fund established under this section and the conditions under which such payments shall discharge the fund from further liability;

(■*e)* providing for the settlement by arbitration or otherwise of disputes relating to such fund, or the payments or subscriptions thereto or claims thereon, between the Committee and other persons or between persons claiming any share or interest therein; and

(f) regulating generally such other matters incidental to such fund and the investment thereof as the Local Government may approve.

(2) No bye-law made under this section shall come into force until it has been confirmed by the Local Government.

[1] 38B. The Committee may, with the sanction of the Local Government, give an extraordinary pension or gratuity— **Extraordinary pension efcc., incase of officer or servant injured or kill ed in the execution of his duty, etc.**

(a) to any officer or servant injured in the execution of his duty; or

(b) to the family of any officer or servant who is killed in the edinexecution of his duty, or whose death is due to devotion to duty:

Provided that no such pension or gratuity shall exceed the sum to which, under any general or special orders of the Governor General in Council in force for the time being, such officer or servant, or his family, would be entitled if the service had been service under Government.

Contracts and Transfers of Property.

39. *(1)* When a contract made by or on beihalf of the committee exceeds in value or amount one hundied rupees, it shall be in writing 'oSraotf and signed by the president or vice-president and at least one member oi the committee. **Mode of making contracts and transfers of immoveable property of committee**

(2) Every transfer of immoveable property belonging to the committee shall be made by an instrument in writing, executed by the president or vice-president and by at least two other members of the

[1] **Section 38B vas inserted by s. 4 of the Burma Municipal Act Amendment Act, 1908 (Bur. Act 2 of 1908),** *post.*

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committee, and shall recite the number and date of the order of the Local Government approving the resolution for such transfer passed under section 13.

(J) If any such contract or transfer is executed or made otherwise than in conformity with the provisions of this section, it shall not be binding on the committee.

Penalty for member, officer or servant of committee being interested in con. tra^t made with o >m- mi'tee.

40. (2) If any member, officer or servant of the committee is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with the committee, he shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both, unless it shall appear that he was not aware of such interest.

(2) No person shall, by reason only of being a shareholder in, or a member of any incorporated or registered company, be deemed to be interested in any contract entered into between such company and the committee, but every such person shall be treated as pecuniarily interested in such contract within the meaning of section 26.

"[f*?) In the Rangoon Municipality this section shall apply to the paid officers and servants, but not to members of the Committee so interested in such contracts.]

Interest in contract to disqualify member of Rangoon Commit t e ■.

[2] 40A. *(1)* Any person nominated or elected a member of the Rangoon Municipal Committee, who is or becomes, or who takes an active part in the business of any person, firm or incorporated or registered company who or which is or becomes, either directly or indirectly, interested in any contract made with such committee, shall be disqualified to continue in office and shall cease to be a member oi such committee from the date on which such disqualification is admitted by such person or is declared by the Local Government to be established :

Provided that a member of the committee shall be treated as pecuniarily interested in such contract under section 26, but shall not be so disqualified under this section, by reason only of his having any share or interest in—

(n) any lease of land or any agreement for the same; or

(b) any sale or purchase of land or any agreement for the same, for which the previous sanction of the Local Government has been obtained under this clause; or

*(c^* any agreement for the loan of money or any security for the payment of money only; or

[1] Sub-section 3 was inserted by s. 2 *(1)* of the Burma Munic'pal Act Amendment Act, 1902 (Bur. Act 3 of 1902), *jtont.*

[1] S. 40A was inserted bv s. 2 *(2)* of the Burma Municipal Act Amendment Act, 1902 Viur. Act 3 ij0Sj, pjnt.

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(d) any newspaper in T\hich any advertisement relating to the affairs of the committee is inserted; or

(e) any stock, shares or debentures of any incorporated or registered company; or

(f) any occasional sale by any person, firm or company to the committee to the value not exceeding two thousand rupees in one year, of any articles in which such person, firm or company ordinarily trades.

(2) If any question arises as to whether any person has become disqualified from being a member of the Rangoon Municipal Committee under sub-section *(1),* the President shall refer the matter for the decision of the Local Governments, and may refuse to permit such person to take part in the proceedings of such committee until such decision becomes known to the committee.

Acquisition of Land.

41. Where any land, whether within or beyond the limits of the municipality, is required by the Committee for the purposes of this Act, or for any other object which it is empowered to carry out under other enactment for the time being in force, the Local Government may, at the request of the committee, proceed to acquire it under the provisions of the [J]Land Acquisition Act, 1894, and, on payment by the committee of the compensation awarded under that Act and of the charges incurred by the Local Government in connection with the proceedings, the land shall vest in the committee.

Acquisition of land.

I of 1894.

Privileges and Liabilities.

42. No suit shall be instituted against the committee, or against a member or officer of the committee, in respect of an act purporting to be done by him in his official capacity, until the expiration of one month next after notice in writing has been, in the case of the committee, delivered or left at its office, and, in the case of a member or officer, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff, and the plaint must contain a statement that such notice has been so delivered or left:

Suits against committee officers.

Provided that this section shall not apply to any suit instituted under section 64 of the [1] Specific Relief Act, 1877.

I of 1877.

43. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the committee if the loss, Liability for loss.

[1] Genl. Acts. Vol. IV.
[J] Genl. Acts, Vol. II.

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wa^te or misapplication.

waste or misapplication is a direct consequence of Lis neglect or misconduct while a member of the committee, and a suit for compensation may be instituted against liim by the committee or by the Secretary of State for India in Council.

Members, officers, servants and agents of committee to bp deemed public servants.

44. Every member, officer or servant of the committee, and every farmer or agent for the recovery on behalf of the committee of any tax, fee or other impost, shall be deemed to be a public servant within the meaning of section 21 of the [1] Indian Penal Code. XLV of 1860.

Notice of resignation or discharge of sweepers.

45. (*1*) In the absence of a written contract to the contrary, every sweeper employed by the committee shall be entitled to one month's notice before discharge, or to one month's wages in lieu thereof, unless he is discharged for misconduct or at the end of a specified term for which he was engaged.

(2) Should any sweeper employed by a committee, in the absence of a wricten contract authorizing him so to do and without reasonable cause, resign his employment, or absent himself from his duties 'without giving one month's notice to the committee, or neglect or refuse to perform his duties or any of them, he shall be liable to imprisonment for a term which may extend to two months.

(3) The Local Government may by notification direct that, on and from a date to be specified in such notification, the provisions of sub-sections (*1*) and (*2*) with respect to sweepers shall apply also to any specified class of municipal servants whose functions intimately concern the public health or safety.

CHAPTER IY.

TAXATION.

General Provisions.

Tasps which m»y bn imposed for general pur. posoa of Act.

46. (*1*) Subject to any general or special rules or orders which the Governor General in Council may issue, or may have issued in this behalf, the committee may, for the purposes of this Act, impose in the whole or any part of the municipality, with the sanction hereinafter specified in each case, any of the following taxes, namely: —

(A) with the previous sanction of the Local Government,—

(*a*) a tax on buildings and lands not exceeding ten per centum of the annual value of such buildings and lands;

(*b*) a tax on lands covered by buildings at a rate not exceeding three pies per square foot per annum; or, if the lands are

[1] **Genl.** Acts, **Vol. I.**

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covered by buildings of two or more storeys, at a rate not exceeding four pies per square foot per annum;

(c) a tax on lands not covered by buildings at a rate not exceeding ten rupees per acre per annum;

(cZ) a tax on buildings according to the length of street frontage occupied by such buildings at rates not exceeding the follow ing, namely : —

	Per annum. Rs. a.
For a building having not more than ten feet of stieet front-age	0 8
For a building having more than ten, but not more than twenty, feet of s-treet frontage	18
For a building having more than twenty, but not more than thirty, feet of street frontage	2 8
For a building having more than thirty, but not more than forty, feet of stieet frotage	4 0
For a building having more than forty, but not more than fifty, feet of street frontage	7 0
For a building having more than fifty, but not more than sixty, feet of street fiontage	10 0'
And for each additional ten, or part of ten. feet of street front-age ...	48

(e) a tax on households or families at a rate not exceeding thirty per centum per annum cm the amount of the *thathameda*-tax assessed upon each household or family;

(*f*) a tax, not exceeding nine rupees per quarter, on every vehicle, boat, beast used for driving, riding, draught or burden, or dog, kept within the municipality or any part thereof;

(*g*) a tax on private markets at a rate not exceeding five per centum of the net annual profits derived by the owners therefrom;

(*h*) a toll, not exceeding eight annas, on every vehicle, or beast used as aforesaid, entering the municipality and not liable to taxation vmder clause (*f*):

Provided that any person may compound for exemption from all tolls leviable in respect of any vehicle or animal under this clause by paying the tax which would have been leviable in respect thereof under clause (*f*) if the same had been kept within the municipality;

(B) with the previous sanction of the Local Government and the Governor General in Council, any other tax.

(2) Only one of the taxes mentioned in clauses *(a),* (&), (*c)* and *(d)* of sub-section (2) shall be imposed in respect of the same buildings or lands, and no tax under clause (e) thereof shall be leviable from a person who is liable to pay a tax under clause (a), *(b)* (c) or *(d').*

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(3) Only one of the taxes mentioned in clauses (a) and (*g)* shall be imposed in respect of the same premises.

(4) In this section " annual value " means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and, in the case of houses, may be expected to let unfurnished.

(<5) A tax may be imposed at different rates in different parts of the municipality.

Wawr-tax. 47. *(1)* Besides the taxes imposed under section 46, the committee may, with the previous sanction of the Local Government, for the purpose of constructing or maintaining works for the supply of water throughout the municipality or any part thereof, or paying the principal or interest of any loan raised for the construction of such works, impose a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by such works.

(2) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level:

Provided that, in fixing such rate or amount, regard shall be had to the principle that the total net proceeds of the tax, together with the estimated income from payments for water supplied from the works under special contracts or otherwise, should not exceed the amount required for the said purpose.

Ligliling-tai. 48. Besides the taxes imposed under the foregoing sections, the committee may, with the previous sanction of the Local Government, for the purpose of lighting the streets throughout the municipality or any part thereof, or paying the principal or interest of any loan raised for the construction of works required for lighting those streets, impose a tax, to be called the lighting-tax, upon buildings and lands situated within the municipality, or such part thereof, as the case may be:

Provided that, in fixing the rate or amount of the tax, regard shall be had to the principle that the total net proceeds thereof should not exceed the amount required for the said purpose.

Latiine-tai 49. Besides the taxes imposed under the foregoing sections, the committee may, with the previous sanction of the Local Government, for the purpose of providing and maintaining public latrines sufficient in number and situation for the ordinary wants of the municipality or any part thereof, or paying the principal or interest of any loan raised for the construction of works required for that purpose, impose a tax, to be called the latrine-tax, upon buildings and lands in the municipality, or such part thereof, as the case may be:

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Provided that, in fixing the rate or amount of the tax, regard shall *be* had to the principle that the total net proceeds thereof should not exceed the amount required for the said purpose.

50. (2) Besides the taxes imposed under the foregoing sections, the committee may, with the previous sanction of the Local Government, Scavenging-tai for the purposes of providing for the removal and disposal of sewage or rubbish, ur both, from any buildings or lands, or paying the principal or interest of any loan raised for the construction of works required for 'that purpose, impose upon such buildings or lands a tax, to be called the scavenging-tax, at such rate or rates as may be necessary.

(2) The rate or amount of the tax so imposed may vary according as sewage or rubbish or both is or are removed:

Provided that, in fixing the rate or rates of such tax, regard shall be had to the principle that the net proceeds thereof should not exceed the net cost of the removal and disposal of the said sewage or rubbish, or both, including the cost of the maintenance and repair of all materials, appliances and works connected with such removal and disposal after deducting the produce of the sale of such materials, appliances and works, if sold.

51. (2) The imposition in any municipality of any tax under this Act shall first be proposed at a special meeting of the committee. Procedure iiigsuch*"

(2) If and when a resolution has been passed approving of the taxM. imposition of a tax proposed under sub-section (2), the committee shall publish a notice defining the persons or property proposed to be taxed, the amount or rate of the tax to be imposed, and the system of assessment to be adopted.

(3) Any person likely to be directly affected by the proposed tax and objecting to the same may, within thirty days from the date of the publication of such notice, submit his objection in writing to the committee; and the committee 3hall> at a special meeting, take his objection into consideration.

(4) If no objection is received within the said period of thirty daya, or if the objections received, having been considered as aforesaid, ars deemed insufficient, the committee may submit its proposals to the Local Government, with the objections (if any) which have been submitted as aforesaid and its decision thereon.

(5) The Local Government, on receiving such proposals, may sanction the same, or refuse to sanction them, or sanction so much thereof as it may think fit, or return the same to the committee for further consideration.

(6) When the Local Government desires to sanction any such proposal \vhidh requires the fuither sanction of the Governor General in Council,

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it shall submit such proposal to the Governor General in Council with the objections (ii any) received through the committee and the views of the committee and the Local Government thereon, and the Governor General in Council may sanction the proposal, or refuse to sanction the same, or sanction so much thereof as he may think fit, or return the same to the Local Government for further consideration.

(7) "When any proposal of the committee in respect of a tax has been sanctioned in whole or in part by t)he Local Government or by the Governor General in Council and the Local Government, as the case may be, the Local Government may notify the imposition of the tax as sanctioned from a specified date, which date shall be the first day of January, April, July or October in any year and shall be distant not less than three months from the date of such notification, and thereupon the tax shall come into force from the date so specified, and, if it is a tax leviable by the year and comes into force on any day other than the first day of January, it shall be leviable in quarterly instalments until the first day of January then next ensuing.

(5) A notification of the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with' the provisions of this Act.

Power to abolish, reduce or suspend tax

52. *(1)* The committee may, by resolution passed at a special meeting, propose to abolish or reduce in amount any tax imposed under this Act, or to suspend the levy of any tax for any specified period, and the Local Government may sanction, or refuse to sanction, such proposal in whole or in part only. If the Local Government sanctions such proposal in whole or in part, it shall notify in the gazette the abolition or reduction of the tax or the suspension of the levy thereof, as the case may be.

(2) A tax may be abolished or reduced in amount or the levy thereof suspended in the whole or any part of the municipality.

Powr to exempt from taxation.

53. *(1)* The committee may, by resolution passed at a special meeting, sanctioned by the Local Government and published in theigazette, and the Local Government may, by [1] notification, exempt in whole or in part from the payment of any tax any person or class of persons, or any property or description of property, animals or vehicles.

(2) The committee may by resolution, supported by two-thirds of the whole number of members, exempt in whole or in part, for any period not exceeding one year, from the payment of any tax imposed under this Act, any person who by reason of poverty may, in its opinion,. be unable to pay t lie same.

[1] For instances of such notifications, *see* Burma Gazette, 1898, Pt. I, p. 533; *ibid*,. 1899. Pt. I. pp. 73 and 292: and *ibid.* 1907, Pt. I, p. 271.

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54. (2) If at any time it appears to the Local Government, on com- Power to
plaint made or otherwise, that any tax imposed under the foregoing ^to*™11' sections is unfair in its incidence, or that the levy thereof, or of any suspend levy part thereof, is injurious to the interests of the public, it may require °£ ta:L the committee to take, within a specified period, measures to remove the objection; and, if within that period such requisition is not complied with to the satisfaction of the Local Government, the Local Government may, by notification, suspend the levy of the tax or of any part thereof, until the objection has been removed.

(2) The Local Government may at any time, by a like notification, rescind, in whole or in part, any order made under sub-section *(1).*

55. *(1)* The Local Government may make •'rules consistent with Power to^ this Act for the assessment, collection and remission or refund of taxes f01 | £ ' leviable under this Act and for preventing evasion of the same.

. [2][Such rules may also authorize the Committee to dispose in accord- mission of. ance with such rules, by way of lease or otherwise, of the right to collect taxes, any tolls leviable under section 46, sub-section *(1),* Division (A), clause (?!■).]

(2) In making any rule under this section, the Local Government may direct that a breach of any provision thereof shall be punishable with fine which may extend to fifty rupees.

56. No tax imposed under this Act shall be invalid merely for defect Taxes not of form; and it shall be enough m connection with any such tax on property, or any assessment of value for the purpose of tfhe tax, if the£orm- property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier (if any) thereof.

57. *(1)* All taxes leviable in any local area under the [3]BurmaTaxes^ Municipal Act, 1884, or the [4]TJpper Burma Munici pal Regulation," 1887, ¿ct un' at the time when the committee having authority over such local area XVII of comes into existence under this Act, shall, so far as their imposition and (assessment are consistent with this Act and within the powers conferred V<>nss7^^ thereby, be deemed to have been imposed and assessed under this Act

XVII of 1884. V of 1887.

(2) In the case of any local area which is a municipality established under the [3] Burma Municipal Act, 1884, and in which a tax under section 41, sub-section *(1),* division fA), clause (c), of that Act has been imposed, such tax shall continue to be levied for the unexpired portion of the year for which it was assessed, and thenceforward, until the same shall have been dulv altered or abolished under the provisions of this Act.

xvnof 1884.

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[1] For rules made under this section, *see* Burma Gazette, 1898 Pt. I. p. , 591.

[1] The words in square brackets were added to s. 55 *(1)* by s. 5 of the Burma Municipal Act Amendment Act, 1908 (Bur. Act 2 of 19081 posi , - - c , , ,

* Rep. by the Burma Law. Act, 189?'. '13 of 1898^ ^6 Fifth Schedule ante.

* Rep. by the Burma. Repealing and Amending Act, 1909 (Bur. Act 5 of 1909!. p 5 -

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this Act, such tax shall be deemed to have been imposed under section 46, sub-section *(1),* division (A), clause (¿), of this Act, and shall be levied accordingly.

Taxes when payable.

58. Any tax imposed under this Act and payable periodically shall be payable on such dates during the period in respect of which it is leviable, and in sucfh instalments (if any) as the committee may, subject to the provisions of section 51, sub-section (7), and to any rules made by the Local Government in this behalf, from time to time direct.

Receipts to be given.

59. For every sum paid on account of any tax under this Act a receipt stating the amount and the tax on account of which it lias been paid, shall be tendered by the person receiving the same on behalf of the ■committee to the person making the payment.

Taxes on Immoveable Property.

Preparation of assess-ment -list.

60. (*1*) The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing—

(a) the name of the street or division in which the property is situate;

(b) the designation of the property, either by name or by number, sufficient for identification;

(c) the names of the owner and occupier if known;

(¿) the annual value, area, street frontage or profit on which the tax is assessed; and

"(e) the amount of the tax assessed thereon by the committee.

(2J for the purpose of preparing such list the committee may require the owners or occupiers of buildings or lands to furnish it with returns of the measurements or of the rent or annual value or profit of such buildings or lands.

(3) Whoever omits to comply with such requisition, or furnishes a return whicih is untrue, shall be punishable with fine which may extend to fifty rupees, and shall be precluded from objecting to any assessment made by the committee in respect of any building or land of which he is the owner or occupier.

Publication of notice of assessment».

61. When the assessment-list has been completed, it shall be signed by the president or vice-president and the committee shall give public notice of the fact and of the place where the list or a copy thereof may be inspected; and every person claiming to be either an owner or an occupier of any property included in such list, or the agent of any such person, shall be at liberty to inspect the list and to make extracts there-from free of charge.

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62. (2) The committee ¿hall at the time of publishing the assessment- list under the last foregoing section give public notice of a time, not less than one month from the publication of such notice, when it will proceed »ssessment. to revise the assessment; and in all cases in which any property is for the list' first time assessed, or the assessment of any property is increased, it shall also give notice of such assessment, or increased assessment, as the ■case may be, to the owner or occupier of the property, whichever of them will be liable as between themselves to pay the tax. Public notice of time fixed for revising

(2) Every objection to any such assessment or increased assessment ■shall be made in writing and shall be submitted at least eight days before the time fixed in tihe notice referred to in sub-section *(1):*

Provided that the committee may in its discretion receive oral objections at the time specified in the notice.

63. *(1)* A sub-committee of not less than two members appointed for this purpose by the committee shall inquire into any objection submitted under the last foregoing section, and in the course of such inquiry shall allow the objector an opportunity of being heard, either in person or by authorized agent, as the objector may think fit, and shall have authority to receive evidence on any matter arising therein, and shall record the proceedings and a summary of the evidence taken therein, and shall give a separate decision on each objection submitted as aforesaid, either at the hearing thereof or on a subsequent day of which notice shall be given to the objector. Settlement of list.

(2) An' appeal. from every decision of a sub-committee under sub-section *(1)* shall lie by petition in writing to the Deputy Commissioner, or, if the Deputy Commissioner is a member of the committee, to the Commissioner:

Provided—

(a) that the petition of appeal shall have been presented to the Deputy Commissioner or Commissioner [1][within thirty days from the date of the communication to the appellant of the sub-committee's decision;]

(*b*) that a notice in writing of the intention to appeal shall have been given to the president of the committee within seven days from the [1][date of the communication to the appellant of the sub-committee's decision;] and

(c) that the petition is stamped under article 11 of Schedule II of the [2] Court-fees Act, 1870.

VII oil WO.

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[1] **The words in square brackets in clauses (a) and (*b*) of «ub-section (•?) to s. 63 v,ere substituted for the words " within fourteen days from the_ date of the sub-committee's decision," and the words " date of the Rub-committee's decision" respectively, by s. 6 (i) and (2) of the Burma Municipal Act Amendment Act, 1906 (Bur. Act 2 of 1908).** *post.*

[1] **Genl. Acts, Vol. II.**

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(3) The appellant shall not be permitted, ■without the consent of the Deputy Commissioner or Commissioner, as the case may be, at the hearing of the appeal, to put forward any ground of appeal not set forth in his petition of appeal.

(4) It shall not be necessary for the respondent committee to appear' before the Deputy Commissioner or Commissioner, and any letter which may be addressed by, or by order of, such committee to such Deputy Commissioner or Commissioner regarding the appeal shall, if a copy thereof has before the hearing of the appeal been supplied to the appellant, be received and considered before the decision on the appeal is delivered.

(<?) If, on the hearing of an appeal under this section, any question as to the liability to, or the principle of, assessment arises on vhich he entertains doubt, the Deputy Commissioner or Commissioner hearing the appeal may, of his own motion, and shall, on the application of the appellant, or of the president of the respondent committee, made at the hearing, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement, with his own opinion on the point and the record of the case, for the decision of the [1] [Chief Court of Lower Burma, if the case has arisen in Lower Burma; or to the Judicial Commissioner of Upper Burma, if the case has arisen in Upper Burma].

(6) TThen a case has been stated under the provisions of the last foregoing sub-section, [1][the Chief Court or] the Judicial Commissioner shall, after considering the question so referred, send a ruling thereon to the officer by whom the reference was made, and such officer shall, on receipt of the rilling, dispose of the case in conformity therewith. It shall not be necessary for any party to the case to be present, either personally or by authorized agent, at the consideration of the case by [J][the Chief Court or] the Judicial Commissioner.

f7'l Subject to the foregoing provisions of this section, the decision of the sub-committee, Deputy Commissioner or Commissioner, as the case may be, shall be final.

(<S) The Deputy Commissioner or Commissioner, as the case may be, shall in his decision direct by ■whom the costs of the appellant and those of the respondent committee are to be paid, and, if he directs that one party shall pay the other party's costs or any part thereof, he shall fix the amount of the costs to be so paid.

(9) Costs awarded under this section to the committee shall be

[1] **Th» word.« in souare brackets in sub-section (5) were substituted for the words " Judicial Commissioner," and the words " the Chief Court or " were inserted in sub-section (6) by the Lower Burma Courts Act, 1900 (6 of 1900), s. 47 and the First Schedule;. *ante,* p. 173.**

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recoverable by the committee as if they were arrears of a tax due from the appellant.

(10) The pendency of any appeal from a decision of the sub-committee shall not operate to delay or prevent the levy of any tax, or, when the tax is payable by instalments, of any instalment of any tax payable in respect of any property according to the assessment of the committee; but if, by the final decision upon an objection, it is determined that such tax or instalment ought not to have been levied in whole or in part, the committee shall refund to the person from whom the same has been levied the amount of such tax or instalment, or the excess thereof over the amount properly leviable in accordance with such final decision, as the case may be.

(11) If, in accordance with the provisions of this section, a refund of any payment made by an appellant be required, the committee shall make such refund within ten days after receipt of a certified copy of the final decision of the Deputy Commissioner or Commissioner, as the case may be.

(12) If the committee fails to pay any costs awarded to an appellant under sub-section (5) or any refund due to an appellant under sub-sections ***(10)*** and ***(11)*** within ten days from receipt of a certified copy of the final decision of the Deputy Commissioner or Commisisoner, as the case may be, the Deputy Commissioner or Commissioner shall, on the application of the appellant, order the person having the custody of the balance of the municipal fund to pay the amount, together with the costs of the application and of the service of the order, and such person shall be legally bound to comply with such order and shall debit the amount so paid against the balance of the municipal fund.

(13) The assessment-list shall be amended under the direction and signature of the president or vice-president so as to make it correspond with the decisions upon objections submitted, or, in the case of appeals from such decisions, with the decisions on such appeals; and, subject to such amendments as may thereafter be duly made, the assessments in the list shall be the assessments on which the tax shall be calculated and levied for the year of assessment next ensuing, and, in the case of a tax imposed for the first time, for the period between the date of the coming into force of the tax and the commencement of the next year of assessment.

(14) The assessment-list, when amended under this section, shall be deposited in the committee's office, and shall there be open to inspection during office hours by all owners or occupiers of property comprised therein, and a public notice that it is so open to inspection shall forthwith be published.

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(15) This section shall not apply to the Eangoon Municipality.

Settlement of list in Rangoon.

64. *(1)* In the Eangoon Municipality the president shall inquire into any objection submitted under section 62, and in the course of such inquiry shall allow the objector an opportunity of being heard, either in person or by authorized agent, as the objector may think fit, and shall have authority to receive evidence on any matter arising therein, and shall record the proceedings and a summary of the evidence takea therein, and shall give a separate decision on each objection submitted as aforesaid either at the hearing thereof or on a subsequent day, of which notice shall be given to the objector.

(S') An appeal from every decision of the president under sub-section *(1)* shall lie by petition in 'writing to the Judge of the Court of Small Causes :

Provided—

(a) that the petition of appeal shall have been presented to the Judge within fourteen days from the date of the president's decision;

(b) that a notice in writing of the intention to appeal shall have been given to the president of the committee within seven days from the date of the president's decision;

(c) that the petition is stamped under article 11 of Schedule II of the [1] Court-fees Act, 1870. YU of 1870.

(3) The appellant shall not be permitted, without the consent of the Judge at the hearing of the appeal, to put forward any ground of appeal not set forth in his petition of appeal.

(4) It shall not be necessary for the Eangoon Municipal Committee to appear before the Judge, and any letter which may be addressed by, or by order of, such committee to the Judge regarding the appeal shall, if a copy thereof has before the hearing of the appeal been supplied to the appellant, be received and considered before the decision on the appeal is delivered.

(5) If, on the hearing of an appeal under this section, any question as to the liability to, or the principle of, assessment arises on which he entertains doubt, the Judge hearing the appeal may of his own motion, and shall, on the application of the appellant, or the president of the respondent committee, made at the hearing, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement, -with his nwn opinion on the point and the record of the case, for the decision of the [2] [Chief Court of Lower Burma].

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[1] Genl. Acts, Vol. II.

[1] The words in snuare brackets in sub-section (S' were substituted for the word " Recorder " by the Lower Burma Courts Act, 1900 (6 of 1900), s. 48, and First Schedule, *ante,* p. 173.

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(6) When a case has been stated under the provisions of the last foregoing sub-section, the ^Chief Court of Lower Burma] shall, after considering the question so referred, send a ruling thereon to the Judge, and the Judge shall, on receipt of the ruling, dispose of the case in conformity therewith. It shall not be necessary for any party to the case to be present either personally or by authorized agent at the consideration of the case by the ^Chief Court of Lower Burma],

(7) Subject to the foregoing provisions of this section, the decision of the president, or Judge, as the case may be, shall be final.

(8) The Judge shall, in his decision, direct by whom the costs of the appellant and those of the respondent committee are to be paid, and, if he directs that one party shall pay the other party's costs or any part thereof, he shall fix the amount of the costs to be so paid.

(9) Costs awarded under this section to the committee shall be recoverable by the committee as if they were arrears of a tax due from the appellant.

(10) The pendency of any appeal from a decision of the president shall not operate to delay or prevent the levy of any tax, or, when the tax is payable by instalments, of any instalment of any tax payable in respect of any property according to the assessment of the committee; but if, by the final decision upon an objection, it is deternr'ned that such tax or instalment ought not to have been levied in whole or in part, the committee shall refund to the person from whom the same has been levied the amount of such tax or instalment, or the excess thereof over the amount properly leviable in accordance with such final decision, as the case may be.

(11) If, in accordance with the provisions of this section, a refund of any payment made by an appellant be required, the committee shall make such refund within ten days after receipt of a certified copy of the final decision of the Judge.

(12) If the committee fails to pay any costs awarded to an appellant under sub-section (S), or any refund due to an appellant under sub-sections *(10)* and *(11),* within ten days from receipt of a certified copy of the final decision of the Judge, the Judge shall, on the application of the appellant, order [1]he person having the custody of the balance of the municipal fund to pay the amount, together with the costs of the application and of the service of the order; and such person shall be legally bound to comply with such order, and shall debit the amount so paid against the balance of the municipal fund.

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[1] The words in square brackets in sub-section (6) were substituted for the word "Recorder" by th^ Lower Burma Courts Act, 1900 (6 of 1900), s. 48, and First Schedule, *ante,* p. 173.

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(13) The assessment-list shall be amended under the direction and signature of the president or vice-president so as to make it correspond ■with the decision upon objections submitted, or, in the case of appeals from such decisions, with the decisions on such appeals; and, subject to such amendments as may thereafter be duly made, the assessments in the list shall be the assessments on which the tax shall be calculated and levied for the year of assessment next ensuing, and, in the case of a tax imposed for the first time, for the period between the date of the coinin" into force of the tax and the commencement of the next year of assessment.

(14) The assessment-list, when amended under this section, shall be deposited in the committee^ office, and shall there be open to inspection during office hours by all owners or occupiers of property comprised therein, and a public notice that it is so open to inspection shall forthwith be published.

(25) This section shall apply only to the Rangoon Municipality.

Further amendments of assessment-list.

65. (2) The committee may at any time amend the list by inserting the name o± any person whose name ought to have been inserted, or by including any property which ought to have been included, or by altering the assessment on any property which has been erroneously valued,) or assessed through fraud, accident or mistake, after giving notice, to the person interested in the amendment, of a time, not less thau one month from the date of service of such notice, at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same, either in person or by authorized agent, as he may think fit.

(3) The provisions of section 63 or section 64 shall apply to objections and appeals in such cases.

Addition of new buildings to asse s-inent-list.

66. When a new building is erected after the completion of the assessment-list, the committee may cause it to be added to the list, and in such a case the provisions of sections 60 to 62 and section 63 or section 64 shall apply, except that no public notice shall be required. In such a case the assessment shall take effect from the beginning of the month following the date on which the assessment is settled by the committee.

New list need not be prepared every year.

67. It shall be in the discretion of the committee to prepare a new assessment-list every year, or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment

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for the year following, giving the same notice as if a new valuation and assessment-list had been prepared.

Joint and several liability of owners and occupiers for taxes.

68. Every tax payable under section 46, sub-section (*1*), division (A), clause *(a),* clause (*b*), clause *(c)* or clause *(d),* or section 47, section 48, section 49 or section 50, in respect of any building or land, shall be payable jointly and severally by all persons who have been either owners or occupiers of the building or land at any time during the year of assessment, or, when the tax is payable by instalments, at any time during the period in respect of which the instalment is payable.

Liability of owners and occupiers as between themselves for taxes.

69. *(1)* In the absence of any agreement to the contrary between an owner and an occupier of any building or land, any tax payable under section 46, sub-section (*1*), division *(A),* clause *(a),* clause *(b),* clause (*c)* or clause *(d),* which is paid by or recovered from the occupier, shall be recoverable by him from the owner, and any tax payable under section 47, section 48, section 49 or section 50, which is paid by or recovered from the owner, shall be recoverable by him from the occupier.

(2) A sum recoverable under sub-section *(1)* by an occupier from an owner may be deducted by the occupier from any rent due or afterwards accruing due from him to the owner.

Remission and Refund.

Remission and refund of taxes.

70. *(1)* When any building in respect of which a tax is leviable under section 46, sub-section *(1),* division (A), clause *(a)* or clause *(b)* or clause *(d),* or under section 47, or section 48, or section 49 or section 50, remains unoccupied throughout the period on account of which an instalment of such tax is payable, the amount payable in respect of such building on account of such period shall, on application in writing to the committee, be remitted, and, if such amount has been paid, it shall be refunded:

Provided that it shall be in the discretion of the committee to direct that no such remission or refund shall be granted under this sub-section unless notice in writing of the vacancy has been given to it within such time after the beginning of the year or of the period as it may, from time to time, fix in this behalf.

(2) When any such building as aforesaid—

(a) has not been occupied or productive of rent for any period of not less than sixty consecutive days, or

(b) is wholly or in greater part demolished or destroyed by fire or otherwise,

the committee may remit or refund such portion (if any) of the tax or instalment as it may think equitable.

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(3) The burden of proving the facts entitling any person to claim relief under this section shall lie upon such person.

CHAPTER Y.

FUNDS AND PROPERTY.

Municipal fund constituted.

71. There shall be formed for each municipality a municipal fund and there shall, save as by this Act otherwise provided, be credited thereto—

(a) all sums received by or on behalf of the committee under this Act or otherwise :

(*b*) all fines realized from persons convicted under this Act or the rules or bye-laws thereunder, or under section 34 of the [1] Police Act, 1861, for offences committed within the[Vof][86]L municipality ;

(c) the whole, or any such part as the Local Government may approve, of any contributions from the port fund of any port abutting on, or situated within, the municipality, made under the authority of the [2] Indian Ports Act, 1889, section 36, sub-section *(5) ;* X of 1889.

(d) when there has been included within the municipality a municipality constituted under the [3] Burma Municipal Act, [of] 1884, or the [4] Upper Burma Municipal Regulation, 1887, [v]of 1887 the balance (if any) standing at the credit of such municipality at the time when the committee cnines into existence. XVII 1884.

Application of fund.

72. (*1)* The committee shall set apart and apply annually out of the municipal fund,—

(a) first, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

(b) secondly, such sum as may be required to meet the charges of its own establishment, [5] [including such subscriptions, payments, and contributions as are referred to in sections 37, 38, 38A, and 38B] ; and

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[1] Genl. Acts, Vol. I.

[1] See now the Indian Ports Act, 1908 (15 of 100«), Gen], Acts, Vol. VI.

[1] Rep. by the Burma Laws Act, 1898 (13 of 1898), *ante.*

[4] Rep_. by the Burma Repealing and Amending Act, 1909 (Bur. Act 5 of [1]909), *post.*

[5] The ^=irds and figures in square brackets in s. 72 (7) *(b)* were substituted for the words and figures " including such subscriptions and contributions as are referred to in sei tions 37 and 38 " by s. 7 of the Burma Municipal Act Amendment Act, T908 (Bur. Act 2 of 1908), *post.*

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(c) thirdly, such sums as may be required to pay the expenses of pauper lunatics and pauper lepers sent to public asylums from the municipality, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the Provincial Departments for Education, Sanitation, Vaccination, Medical Relief and Public Works, as may be deemed by the Local Government to be equitably debitable to the committee in return for services rendered to it by such departments or any of them.

(2) Subject to the charges specified in sub-section *(1)* and to such rules as the Local Government may make with respect to the priority to be given to the several obligations of the committee, the municipal fund shall be applicable to the payment, in -whole or in part, of the charges and expenses incidental to the undermentioned matters within the municipality, and with the sanction of the Commissioner outside the municipality, when such application of the fund is for the benefit of the inhabitants, namely: —

(<z) the construction, maintenance, improvement, cleansing, and repair of streets and of public bridges, embankments, drains, latrines, tanks and water-courses ;

(b) the watering and lighting of the streets or any of them;

(c) the prevention and extinction of fires ;

(d) the construction, establishment and maintenance of schools, hospitals, dispensaries, leper asylums and other institutions for the promotion of education, or for the benefit of the public health, and of rest-houses, *zayats,* wharves, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;

(e) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper asylums and other educational or charitable institutions ;

(/) the training of teachers and the establishment of scholarships;

(g) the giving of relief and the establishment and maintenance of relief works in time of scarcity or famine;

(h) the supp[1]^', storage and preservation from pollution of wati'r for the use of men or animals :

{*i*) the planting and preservation of trees;

(j) the taking of a census, the registration of births, marriage[5]! and deaths, public vaccination and any other sanitary measures ;

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(A) the keeping and auditing of tlie accounts of the municipal fund, the school fund and tlie hospital fund;

(I) the holding of fairs and industrial exhibitions; and

(m) all other acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants, or expenditure whereon may be declared by the committee, with the sanction of the Local Government, to be an appropriate charge on the municipal fund.

School fund.

73. *(1)* There may be formed for each municipality a school fund,, to which shall be credited—

(a) the fees levied in schools maintained at the cost of the school fund;

(б) any assignment that may be made to the school fund from Imperial or Provincial funds or from any district or local fund;

(c) any other funds or income that may be entrusted to the committee for the promotion of education; and

(<£) any sums assigned for educational purposes from the municipal fund.

(2) The Local Government may fix for the municipality the minimum proportion of the municipal fund that shall be yearly assigned to the school fund under clause *(d):*

Provided that the minimum so fixed shall not exceed five per centum' on the gross annual income of the municipality.

(3) No expenditure, except expenditure for the promotion of education, shall be charged against the school fund. In case of doubt, the' Commissioner shall decide whether any expenditure is or is not for the promotion of education, and his decision shall be final.

Hospital fun<£

74. *(I)* There may be formed for each municipality a hospital fund, to -which shall be credited—

(a) any fees received from paying patients in any hospital maintained by the fund;

(b) any money realized by the sale of medicines or other stores oi articles purchased by the fund;

(c) any assignment that may be made to the hospital fund from Imperial or Provincial funds or from any district or local fund;

(d) any other funds or income that may be entrusted to the committee for the construction or maintenance of hospitals, dispensaries or leper asylums, or the provision of medical aid or relief; and

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(e) any sums assigned for medical purposes from tlie municipal fund.

(2) No expenditure, except expenditure for the construction or jnaintenance of dispensaries, hospitals or leper asylums, or the provision of medical aid or relief or vaccination, shall be charged against the hospital fund. In case of doubt the Commissioner shall decide whether any expenditure iç or is not for any of the purposes abovementioned, and his decision shall be final.

75. (-?) The balances standing to the credit of the municipal fund custody of and school and hospital funds ÿhall, if there is situate within the anddis*' bursement municipality a Government treasury or sub-treasury, or a bank to "«Inch trom fund», the Government treasury business has been made over, be kept in such treasury, sub-treasury or bank. In any other case, the bulk of the funds shall be kept in the nearest Government treasury or sub-treasury or bank as aforesaid, and such money as may be required for current expenditure shall be kept by the committee in a strong box in such place and under such precautions as the committee may, from time to time, «direct.

(2) Save as provided in section 77, no disbursement from the municipal fund, the school fund or the hospital fund shall be made except under the signature of the president or vice-president and one other member of the committee.

76. *(1)* The committee may from time to time, with the previous investment sanction of the Local Government, invest any portion of the Municipal of saine- fund or school fund or hospital fund in securities of the Government of India or such other securities as the Governor General in Council may approve in this behalf, and may, with the like sanction, realize any such funds so invested or vary such investments for others of a like nature.

(2) The income resulting from such securities and the proceeds of the sale of the same shall be credited to the municipal fund, school fund or hospital fund, as the case may be.

77. (.?) The committee may delegate to a school sub-committee the **Delegation** management of the school fund, and to a hospital sub-committee the management of the hospital fund. **of manage-ment of school and hospital funds to** >ul);

(2) The school and hospital sub-committees (if any) formed under sub-section (*I*) shall each consist of such members of the committee as **committees,** may be appointed by the committee for this purpose, and of such other persons l'if any) as may be nominated for this purpose by the committee, the Local Government or the Commissioner under rules made by the Local Government in this behalf.

(3) Every hospital sub-committee and every school sub-committee shall elect a chairman.

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(4) When the management of the school fund or hospital fund has been delegated in manner provided by sub-section (I), disbursements therefrom may be made under the signature of the chairman of the school sub-committee or hospital sub-committee, and one other member of such school sub-committee or hospital sub-committee, as the case may be.

Property vested in committee.

78. Subject to any special reservation made by the Local Government in this behalf, all property in a municipality of the nature hereinafter specified shall be vested in and belong to the committee, and shall, with all other property which may become vested in the committee, be under its direction, management and control, and shall be held and applied by it for the purposes of this Act, that is to say,—

(a) all public town-halls, gates, markets, slaughter-houses, manure and night-soil depots and public buildings of every description which have been constructed or are maintained out of municipal funds;

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes and other water-works, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(c) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto ;

(d) all dust, dirt, dung, ashes, refuse, animal-matter or filth, or rubbish of any kind, collected by the committee from the streets, drains, houses, privies, sewers, cesspools or elsewhere, or deposited in places fixed by the committee under section 97 ;

(e) all public lamps, lamp-posts and appaiatus connected therewith or appertaining thereto;

(*f*) all land or other property transferred to the committee by Her Majesty or by gift or otherwise, for local public purposes ; and

(g) all streets, and the pavements, stones and other materials; thereof, and also all trees, erections, materials, implements and things provided for such streets.

Management of public institutions.

79. *(1)* The management, control and administration of every public institution maintained out of the municipal fund shall vest in the committee :

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Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Local Government :

Provided also that the committee may delegate its authority over schools or hospitals maintained or aided by it to a school or hospital sub-committee, if any, formed under section 77.

(2) When the management, control and administration of any public institution are vested in the committee, all property, endowments and funds belonging to such institution shall be held by the committee in trust for the purposes to which such property, endowments and funds are lawfully applicable.

Transfer to Crown of property vesting in committee.

80. The committee may, with the sanction of the Local Government, transfer to Her Majesty any property vesting in and belonging to the committee under section 78, or any property, endowments and funds held by the committee in trust under section 79, sub-section *(2),* but not so as to affect any trusts or public rights subject to which such property, endowments and funds are held.

Resumption by Government of land vested in committee.

81. If any land which is vested in the committee, and which has been transferred from Her Majesty to the committee, is required by the Government for a public purpose, it may be resumed by the Government without compensation to the committee, except for the cost or the present value, whichever may be less, of any permanent buildings erected, or other works executed, thereon by the committee, and for the amount (if any) paid to Her Majesty therefor.

Settlement of questions as to boundaries or, or compensation on land resumed.

82. If any question arises between the Government and the committee as to the boundaries of any land vested in the committee by section 15, clause *(c),* or section 78, or as to the compensation to be paid under section 81 to the committee in respect of anything on any land to be resumed, the decision of the Local Government shall be final.

CHAPTER VI.

Powers for Sanitary and other Purposes.

Streets and Buildings.

Acquisition of land for sites adjoining new streets.

83. When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

Closure of streets.

84. The committee may close temporarily any street vested in it, or any part thereof, for the purpose of repairs, or for the purpose of con-

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structing or repairing any drain, culvert or bridge, or for any other public puipose; and may divert, discontinue or permanently close any such street, and sell the land or such part thereof as is not required for the purposes of this Act.

Prohibition of use of streets by a olass of animals or vehicles.

85. The committee may by public notice prohibit the driving, riding or leading of animals or vehicles of any particular kind along any street or part of a street vested in it.

Temporary occupation of streets, etc.

86. The committee may grant permission in writing for the temporary occupation of any street or land vested in it for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, or, subject to the provisions of the [1] Dramatic Performances Act, 1876, the [2]Lower Burma Towns Act, 1892, and of any ocher law for the time being in force, for holding a *pwe* or other entertainment thereon, and may make such conditions as it may think fit, either by bye-law or in any particular case by resolution, for the safety or convenience of persons passing by, or dwelling or working in, the neighbourhood, and may charge fees for such permission, and may, at its discretion, withdraw such permission. xiXof 1873. ix of 1892.

Brackets for lamps.

87. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any inconvenience or injury thereto.

Names of streets and numbers of buildings.

88. The committee may at a meeting cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

Use of inflammable materials in building.

89. The committee may, by bye-law, fix limits within which the roofs and external walls of huts or other buildings shall not be made or renewed of bamboos, grass, mats, leaves, or other highly inflammable material unless with its permission in writing; and may, by notice in writing, require any person who has disobeyed any such bye-law to remove or alter the roofs or external walls so made or renewed as it may think fit.

Fixing term for wearing out of inflammable roofs and walls.

90. (2) The committee may, by bye-law, prescribe that, within certain limits and after a day to be fixed by the bye-law, no building shall have a roof or external walls of bamboos, grass, mat, leaves, or other highly inflammable material ■without its permission in writing.

(2) The committee may, after the date so fixed, by notice in writing, require the owner of any building situated within the limits specified

[1] OenL Aets, Vol. [I.
[2] *See* now the Burma, Towns Act, 1907 (Bur. Act 3 of 1907), *past.*

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ii! sucli bye-law to remove any roof or external 'wall made ot any such material.

(3) The date to be specified in a bye-law made under sub-section (*1*) of this section shall be such as, in the opinion of the committee, to allow the roofs and external walls of any such material in existence at the time of the making of such bye-law to remain until they would in ordinary course, if not repaired, require to be removed.

91. (*1*) If any building or part of a building projects beyond the regular line of a street, either existing or in process of formation, or beyond the front of the buildings on either side thereof, the committee may whenever such first-named building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice in writing require such building or part, when being rebuilt, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the street and shall vest in the committee: Line >f bnilding8-

Provided that the committee shall make full compensation to the owner for any damage which he may sustain in consequence of his building or any part thereof being set back.

(2) The committee may, on such terms as it may think fit, allow any building to be set forward for the improvement of the line of a street.

92. *(1)* Every person intending to erect or re-erect any building shall, if so required by a bye-law made by the committee in this behalf,— Notice of new buildings.

(*a*) give notice in writing of his intention to the committee, and

(*b*) submit with such notice—

(i) a site-plan of the land;

(ii) where the land belongs to Her Majesty or the committee a certified copy of the document or documents authorizing him to occupy the land, andj on the requisition of the committee, the original document or documents also, if the committee desires to inspect it or them : and

>[(iii) a plan or plans showing the levels at which it is proposed to lay the foundations and the lowest floor or plinth and such other particulars of the proposed building as may be prescribed in such bye-laws, together with specifications of the work to be constructed and the materials to be used.]

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[1] Clause (iii) Was ¿ubfitituted by s. 3 of tin Burma, Municipal Act Amendment Act, 1902 (Bur Act 3 of 1902), *post.* The original clause ran as follows • —

** (iii) a plan showing the levels at which it is proposed to lay the foundation »£ii the lowest floor or plinth, and specifications of the work to he constructed and the materials to be used."

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(2) The committee may at any time within six weeks thereafter, by notice in writing, either prohibit the erection or re-erection of such building if deemed likely to be injurious to the inhabitants of the neighbourhood, or give any directions consistent with this Act in respect of all or any of the following matters, namely,—

(a) any trespass or encroachment on land belonging to the committee or to Her Majesty, provided that, if the land belongs to Her Majesty, the previous sanction of such officer as the Local Government may appoint in this behalf is obtained;.

(b) the free passage or way in front of the building;

(c) the space to be left about the building to secure free circulation of air and facilitate scavenging and for the prevention of fire;

(d) the ventilation and drainage;

(e) the level and width of foundation, the level of the lowest floor or of the plinth, and the stability of the structure ;

(/) the line of frontage with neighbouring buildings, if the building abuts on a street; and

(g) the number and situation of the water-closets, latrines, urinals, privies, sewers, ventilating-pipes, cess-pools, traps,, sinks, sullage-trays and wells.

(3) If any building is begun or erected or re-erected in contravention of any such bye-law, prohibition, or direction as aforesaid, the committee may, by notice in writing, require the building to be altered or demolished, as it may deem necessary.

(4) If any person, after delivering plans and specifications regarding any building under sub-section ***(1),*** departs, except under the orders or with the permission of the committee, from such plans and specifications, the committee may, by notice in writing, require such building to be altered or demolished, as it may deem necessary.

(5) A notice issued under sub-section *(1)* shall hold good only for such time as the committee may by bye-law direct for each class of buildings.

(6) The expression " erect or re-erect any building " includes—

(a) any material alteration or enlargement of any building;

(b) the conversion into a place for human habitation of any building not originally constructed for human habitation;

(c) the conversion into more than one place for human habitation of a building originally constructed as one such place;

(d) the conversion of two or more places of human habitation into a greater number of such places ;

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(e) such alteration of the internal arrangements of a building as effects an alteration in its drainage or sanitary arrangements, or affects its security;

(f) the addition of any rooms, buildings, out-houses or other structures to a building; and

(g) the re-construction of the whole or any part of the external walls of a building or the renewal of the posts of a wooden building.

93. *(1)* The committee may by bye-law regulate, in respect of the erection or re-erection of any building within the municipality,— Bye-laws as to mode of construction of buildings.

(a) the materials to be used and method of construction to be adopted as regards external and party-walls, roofs, floors, fire-places and chimneys;

(b) the position of fire-places, chimneys, sewers, privies and cess-pools ;

(c) the space to be left about the building to secure the free circulation of air and facilitate scavenging and for the prevention of fire;

(d) the ventilation and drainage;

(e) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;

(f) the number and height above the ground, or above the next lower storey, of the stories of which the building may consist ;

(g) the level and width of the foundation, the level of the lowest floor or plinth, and the stability of the structure; and

(h) the means to be provided for egress from the building in case of fire :

Provided that the committee may by resolution dispense with the observance of any or all of the bye-laws (.if any) made under this section in regard to the erection or re-erection of any building or class of buildings specified in the resolution.

(2) If in and during the erection or re-erection of any building any bye-law made under this section is contravened, the committee may, by notice in writing to be delivered within a reasonable time, require the building to be within the space of thirty days demolished or so altered as it may deem necessary :

Provided that no such notice shall issue in respect of the contravention of any bye-law of which the observance has been dispensed with under the proviso to sub-section ***(1)***.

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(3) This section shall not take effect in anj municipality until it has been specially declared to apply thereto by the Local Government at the request of the committee.

Removal of projections and obstructions.

94. (7) It shall not be lawful, unless with the permission in writing of the committee, for the owner or occupier of any building in a street to add to or place against or in front of the building any projection or structure over-hanging, projecting into, or encroaching on, the street, or any sewer or aqueduct therein.

(2) The committee may, by notice in writing, require the owner or occupier of any building to remove or alter any projection, encroachment, or obstruction built or placed against, or in front thereof, *[so as to form part thereof] if the same overhangs or projects into, or encroaches on, any street, or any sewer or aqueduct in the street, or any door, gate, bar, window, Venetian, shutter or other thing opening outwards into any street so as to cause any obstruction therein:

x[The Committee may, without giving any notice, remove any other encroachment or obstruction which has been erected or set up, or any materials or goods which are exposed or kept or offered for sale, in a street or in or over any sewer or aqueduct in the street, whether the offender be piosecuted or not:]

Provided that in the case of a projection, encroachment or obstruction lawfully in existence at the commencement of this Act, the committee shall make reasonable compensation to any person who suffers damage by the removal or alteration: [1] [but no compensation shall be payable in respect of any other alteration or removal effected or requisitioned under this sub-section :]

Provided also that in lieu of requiring the removal or alteration of any such projection, encroachment, obstruction, door, gate, bar, window, Venetian, shutter or other thing opening outwards into a street, the committee may, upon such terms as to it shall seem fit, grant permission for the continuance thereof, either at the will of the committee or for a period of years not exceeding seven, and may reserve a rent for such permission.

(3) The committee may give permission in writing to the owners or occupiers of buildings in streets to put up open verandahs, balconies, or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street to be specified in such written permission.

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[1] **The words in square blankets in sub-section (?) of s. 94, the second para, of that sub section and the words in square brackets in the first proviso to that sub-section were added by s. 8 of the Burma Municipal Act Amendment Act, 1908 (Bur. Act 2 of 1906)^ *post.***

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95. *[Exemption as regards Government buildings.'] Rep. s. 4, Bur. Act 3 of 1902.*

Bathing and Washing Places.

96. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness, or comfort of the inhabitants; and may, by public notice, prohibit bathing or the washing of animals or clothes in any public place not so set apart, or at times or by persons other than those so specified, and any other acts, to be specified in such notice, by which water in public places may be rendered foul or unfit for use. Bathing and washing places.

Deposit of Offensive Matter.

97. The committee may fix places within, or, with the approval of the Deputy Commissioner, beyond, the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind, or for the dis- posai of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places. Re-nwvdl and deposit of offensive matter,

98. (i) The committee of any municipality to which the Local Government may by notification in the gazette apply the provisions of this section, shall provide for the cleansing of all streets, drains and towns, public places within the limits of such municipality, and the removal therefrom of all refuse or rubbish of every kind, and shall provide for the removal of all house refuse of any kind from premises within such limits. Special conservancy certain 111

(2) The committee shall provide within the limits of the municipality sites and places for the collection, deposit, or disposal of all refuse, rubbish, and offensive matter: Provided that the Local Government may require the said committee, in lieu of, or in addition to, such sites and places, to provide sites and places for such deposit and disposal beyond such limits.

(5) The committee may by public notice require the owners or occupiers of premises within the whole or any specified portion of the municipal limits, to provide proper receptacles for collecting and keeping such refuse, rubbish and offensive matter prior to removal by the committee or its agents, and to place such receptacles where they may conveniently be emptied by the persons employed by the committee to remove the same.

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Slaughter of Animals.

Licensing, inspection and regulation of slaughter-houses.

99. The committee may make bye-laws—

(a) for rendering licenses necessary for the use of any building or land within the municipality as a slaughter-house and for fixing the fees to be paid for such licenses and the conditions subject to which they may be granted and revoked;

(б) for the inspection and proper regulation of slaughter-houses.

Places for slaughter of animils for sale.

100. *(1)* The committee may, with the approval of the Deputy Commissioner, fix and abolish places, either within or beyond the limits of the municipality, for the slaughter of animals or of any specified description of animals for sale of their flesh, and may, with the like approval grant and withdraw licenses for the use of such places, or, if they belong to the committee, charge rent or fees for the use of the same.

(2) When such places are fixed by the committee beyond the limits of the municipality, it shall have the same powers in respect of the inspection and proper regulation of the same as if they were within those limits.

(3) When any such place has been fixed, no person shall at any other place slaughter for sale of its flesh within the municipality and such animal.

Regulation of the «laughter of animals for other purposes.

101. Whenever it appears to the District Magistrate to be necessary for the preservation of the public peace or order, he may, with the previous sanction of the Commissioner, prohibit or regulate, by proclamation published in such manner as the Local Government may by rule prescribe, the slaughter within the limits of a municipality, or of any portion thereof, of animals or of any specified description of animals, for purposes other than sale, and may by order prescribe the mode and route in and by which meat shall be conveyed from the place where such animals are slaughtered.

Sale of Food, Drink and Drugs.

Bye-laws as to sale of food, arink and drugs.

102. *(1)* The committee may, by bye-law,—

(a) regulate the sale of any specified articles of food, drink or drugs either by rendering licenses necessary or otherwise;

(*b*) fix fees for the grant of such licenses and prescribe the conditions subject to which they may be granted and revoked;

(cj regulate the hours and manner of transport within the municipality of such specified articles of food, drink or drugs;

(d) fix the places in -which such specified articles of food, drink or drugs may or may not be sold or exposed for sale;

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(c) prohibit the sale of the flesh of animals not slaughtered in manner prescribed by section 99 or 100;

(*f*) require sellers of meat to procure from, and on requisition to produce to, the person or persons empowered in this behalf by the committee, passes showing that their meat has been slaughtered in a place fixed under section 100 or licensed under section 99 and in accordance with any bye-laws made under section 99; and

(*g*) regulate the sanitary condition of bakeries, dairies and places where milch animals are kept for profit:

Provided that no person shall be punishable for breach of any bye-law made under clause (a) or clause *(d)* by reason of the continuance of such sale or exposure for sale upon any premises which are at the time of the making of such bye-law used for such purpose, until he has received from the committee six months' notice in writing to discontinue such sale or exposure for sale in such premises.

(2) This section shall not take effect in any municipality until it has been specially[1] declared to apply thereto by the Local Government at the request of the committee.

Burial and Cremation.

Closure and formation of burial and bununf places.

103. *(1)* The committee may, by public notice, order any burial or burning ground to be closed from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(2) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committte may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they are used only for the burial of members of the family of the owner thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed after the passing of this Act, without the permission in writing of the committee.

Bemoval of corpses.

104. The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

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[1] For instances of such extensions, *fee* Burma (iazette, 1899, Pt. I, pp. 280 and 359, *ibid*, 1907. Pt. I, pp. 257, 339. 406 and 424.

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Precautions against Fire.

Precautions against fire.

105. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice—

(a) prohibit all persona from stacking or collecting bamboos, dry grass, straw, or other inflammable material, or lighting fires, in any place or within any limits specified in such notice;

(*b*) declare under what conditions, and at what times, fires may be lighted in any such place or within any such limits; and

(*c*) require the owners or occupiers of any buildings with thatched roofs within the municipality to place mats thereon of such descriptions as the committee may prescribe.

Entry and Inspection.

Inspection of sewers, etc.

108. (*1*) The committee, by any person authorized by it in this behalf, may, after giving sis hours' notice in writing to the occupier of any land or building in which any sewers, sewerage-connections, privies or cesspools are situated, inspect any such sewers, sewerage-connections, privies or cess-pools at any time, between sunrise and sunset, and may, if necessary cause the ground to be opened where the committee or person may think fit for the purpose of preventing or removing any nuisance arising from the sewers, sewerage-connections, privies or cesspools.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee.

Inspection of buildings, etc., for sanitary purposes.

107. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice in writing to the occupier, or, if there is no occupier, to the owner, of any building, at any time between sunrise and sunset, enter and inspect the building, and may, by notice in writing, direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

Other powers of entry on buildings or land.

108. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice in writing to the occupier, or, if there is no occupier, to the owner, at any time between sunrise and sunset—

(a) enter on and survey and take levels of any land;

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(b) enter, inspect and measure any building for the purpose of valuation; and

(c) enter any building or land for the purpose of examining works under construction, of ascertaining the course of sewers or of executing or repairing any work which it is by this Act empowered to execute or maintain.

Discovery of vehicles or animals liable to texatlon.

109. The committee, by any person authorized by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Act and which has not been so taxed.

inspection of P*"cw^or^ sale o oo ..rririck,rto, and seizure of unwholesome articles «g^edfor sa.

110. *(1)* The committee, by any person authorized by it in this behalf, may, at all reasonable times, enter into and inspect any market, building, shop, stall or place used for the sale of any kind of food, drink or drugs for man, or for the preparation, manufacture or storage of the same for sale, or as a slaughter-house, and inspect and examine any food, diink, drug or animal which may be therein; and, if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its exposure for sale or its use for such consumption; and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation, or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for inquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

Explanation.—Meat into which air has been blown, or which has been watered in order to make it appear fresher than it really is, shall be deemed to be unfit for human food.

(2) The committee, by any person authorized by it in this behalf, may, at all reasonable times, enter into and inspect any bakery, dairy or place where milch animals are kept for profit.

and seizure of food exposed in Contravention of bye-laws.

111. (7) The committee, by any person authorized by it in this behalf, may, at all reasonable times, enter into and inspect any market, building, shop, stall or place used for the sale of any kind of food, drink or drugs for the regulation of the sale of -which bye-laws have been mf>de by the committee under section 102, and may seize any such food, drink or drug exposed for sale therein in contravention of such bye-laws.

(2) When any food, drink or drug is seized in any market, building, shop, stall or place under this section, it shall be removed by the offircr

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seizing it from such market, building, shop, stall or place, as the case may be, and shall be disposed of in such manner as the committee may by bye-law direct.

Inspection of weights and measures, and seizure of false weights, etc.

[1] **111 A.** (*1*) The committee, by any person authorized by it in this behalf, may, at all reasonable times, enter into and inspect any market, building, shop, stall or place used for the sale of any goods, food, drink or drug, and may inspect any instruments for weighing, weights or measures found therein and test the same with other weights and measures, and may seize any such instrument for weighing, weight or measure which the person so authorized reasonably believes to be false or not in accordance with bye-1 aws made bj the committee under section 142, clause («), and may take the same to be examined or tested by the officer appointed for the purpose.

(2) Every person for the lime being in charge of, or employed in, such market, building, shop, stall or place shall, if so requested by the person making such inspection, produce for such inspection and comparison all instruments for weighing, weights and measures kept or used therein.

Inspection of places for illicit slaughter of animals.

[1]**111B.** Tf there are reasonable grounds for believing that any animal has been, is being or is about to be slaughtered in any place or premises not fixed for such purpose under section 100 or in contravention of any bye-law made under section 99, the committee, by any person authorized by it in this behalf, may, at all reasonable times, enter into and inspect any such place or premises :

Provided that no entry shall be made under the provisions of this section without an order in writing from the President or from the Health Officer or, in Rangoon, from the Veterinary Surgeon. Such order shall specify the place or premises to be entered and the locality in which the same is situate and the period (which shall not exceed seven days) for which it is to remain in force.

Entry for purpose of Bcavenging.

112. (*1*) The committee may provide for the removal of sewage or rubbish, or both, from any building or land, or from any water-closet, latrine, urinal, privy, sewer, cess-pool, dust-bin, or other receptacle for sewage or rubbish in or upon any building or land.

(2) When the committee has undertaken to provide for the removal of sewage or rubbish, or both, as aforesaid, the persons employed by the committee for this purpose may enter any building, water-closet, latrine, urinal, privy, sewer, cess-pool, dust-bin, or other receptacle for sewage

[1] **Ss. 111A and 111B were inserted by** s. **2 of the Burma Municipal Act (1898) Amendment Act, 1906 (Bur. Act 3 of 1906),** ***post.***

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or rubbish, or enter on any land, at all reasonable times, in so far as may be necessary for the proper discharge of tho'se duties; and the committee, by any person authorized by it in this behalf, may enter on such property at all reasonable times for the purpose of ascertaining whether such duties have been duly performed.

113. \\ hen any building used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman who, according to custom, does not appear in public, is entered under this Act, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing. **Precautions** ^ ^tering^'[1] **dwelling.**

Drainage, Sewerage and Water-supply.

114. The committee may, by notice in writing, require the owner of any building in any street to put up and keep in good condition proper and sufficient troughs and pipes for receiving and carrying the water from the roof and other parts of the building, and for discharging the water so that it shall not fall upon the street or damage the streets or other property vested in the committee. **Troughs and** ra^w^ter.

'114-A. For the purpose of efficiently draining any building or land the committee may, by notice in writing— **Paving of** etc^for^' **building or** land.

(a) require any courtyard, alley or passage between two or more buildings to be paved with such materials and in such manner as may be approved of by them, and

(b) require such paving to be kept in proper repair.

115. (i) The committee may, by notice in writing, require the owner of any building or land to provide, in such manner as it may direct, any water-closet, latrine, urinal, privy, sewer, cess-pool, trap, sink, sulliage-tray or ventilating-pipe, or to provide any additional water-closets, latrines, urinals, privies, sewers, cess-pools, traps, sinks, sulliagc-trays or ventilating-pipes which should, in its opinion, be provided for such building or land. **Provision of privies and the like.**

(2) The committee may, by notice in writing, require any person employing more than twenty workmen or labourers, to provide such water-closets, latrines, urinals, privies, sewers, cess-pools, traps, sinks, sulliage-trays or ventilating-pipes as it may think fit, and to catise the same to be kept in proper order and to be daily cleansed.

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[1] S. 114A was inserted by s. 3 of the Burma Municipal Act (1898) Amendment Act, 1906 (Bur. Act 3 of 1906), *'post.*

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(3) The committee may, by notice in writing, require the owner or occupier of any building or land to have any water-closet, latrine, urinal or privy provided for the same shut out by a sufficient roof and wall oi fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as it may direct, any door or trap-door of a water-closet, latrine, urinal or privy opening on to any street or drain.

Closing, alteration and repair of privies and the like.

116. *(1)* The committee may, by notice in writing, require the owner or occupier of any building or land to close, remove, repair, alter or put in good order any water-closet, latrine, uiinal, privy, sewer, cess-pool, oi other receptacle for filth or refuse or any trap, sink, sulliage-tray or: ventilating-pipe belonging thereto.

(2) The committee may, by notice in writing, require any person who makes *ofr* alters any sewerage-connection, water-closet, latrine, urinal, privy, sewer, cess-pool, trap, sink, sulliage-tray or ventilating--pipe without its permission in writing, or contrary to its bye-laws, directions or regulations or to the provisions of this Act, or who constructs, re-builds or opens any sewerage-connection, water-closet, latrine, urinal, privy, sewer, cess-pool, trap, sink, sulliage-tray or ventilating-pipe which' it has ordered to be demolished or stopped up or not to be made, to demolish such sewerage-connection, water-closet, latrine, urinal, privy, sewer, cess-pool, trap, sink, sulliage-tray or ventilating-pipe, or to make[1] such alteration therein as it may think fit.

Making and maintaining sewerage connection with sewer.

117. *(I)* Where any building or land situated within one hundred feet of a sewer set apart by the committee for sulliage, sewage or other-offensive matter, is at any 'time not provided to the satisfaction of the committee with a sufficient sewerage-connection with such sewer, the committee may, by notice in writing, require the owner of such building or land to make and maintain a sewerage-connection with the sewer in such manner as it may by bye-law direct.

^Provided that the committee may cause any portion of such work to be executed by any municipal or other agency in such manner as it may by bye-law direct, and the cost of such portion of the work shall' be paid by the owner aforesaid to the committee in advance or at such time as the committee may by bye-law direct. J

(2) The provisions of sections 144 and 145 shall apply to any default in compliance with a requisition under sub-section (1) notwithstanding that part of the land through which the said sewerage-connection is required to pass may not belong to the person so making default, unless--

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[1] **The proviso to s. 117 (i) was added by s. 9 of the Burma Municipal Act Amendment A_t, 1908 (Bur. Act 2 of 1908', *post.***

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such person shall prove that the default was caused by the act of the owner or occupier of such last-mentioned land.

(3) This section shall not take effect in any municipality until it has been specially declared to apply thereto by the Local Government at the request of the committee.

Carriage of sewerage-connection or water-connection through land adjoining land.

118. (1) If it appears to the committee that the only or most convenient means by which the owner of any building or land can make a sewerage-connection or water-connection is by carrying the same into, through or under land belonging to, or occupied by, another person, the committee, after giving such other person a reasonable opportunity of stating any objection, may, if no objection is raised, or if any objection which is raised appears to it to be invalid or insufficient, by notice in writing, require such other person to permit the owner first-mentioned to carry the sewerage-connection or water-connection into, through or under his land in such manner as shall be specified in the said notice, and on such equitable terms as to compensation for disturbance or temporary damage as to the committee may appear reasonable.

(2) After the service of the said notice the committee may, by an order in writing, authorize the first-mentioned owner to carry the sewerage-connection or water-connection into, through, or under the said land in the manner aforesaid, and every such order shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose after giving to such other person as aforesaid reasonable written notice of his intention so to do, to enter upon the said land with assistants and workmen at any time between sunrise and sunset, and to construct the said sewerage-connection or water-connection, and thereafter, upon the necessity arising and after the like notice, to repair and alter the same, or to construct a new sewerage-connection or water-connection in place thereof in such manner and at such time as aforesaid.

Compensation for use of land for sewerage or water-connection.

119. All compensation payable to such other person as aforesaid under the foregoing section shall be paid by the committee out of the municipal fund, and the committee may recover the amount from the first-mentioned owner as if it were an arrear of tax.

Connection with existing sewerage or water-connection.

120. If it appears to the committee that it is desirable to use an existing sewerage-connection for the purpose of connecting any building or land with the sewers, or to use an existing water-connection for the purpose of supplying water to any building or land, the committee may, by notice in writing, require the owner of such sewerage-connection or water-connection to allow a connection therewith to be made on such terms as may to it seem equitable:

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Provided that the owner of such sew erage-connection or water-connection may refuse to allow the connection to be made until any payment to which he may be entitled in respect thereof has been made by the committee, which payment may be recovered by the committee as if it were an arrear of tax from the owner of any building or land served by the connection made under the circumstances aforesaid.

Access for scavenging.

121. The committee may, by notice in writing, require the owner' of any land to allow its servants such reasonable access to, or passage over, his land for scavenging purposes as it may direot.

Removal of unauthorized buildings over drains, etc.

122. The committee may, by notice in writing, require any person who, without its permission in writing, newly erects or rebuilds any building over any sewer, drain, culvert, water-course or water-pipe vested in the committee, to pull dow'n or otherwise deal with the same as it may think fit.

Drainage, etc., of unwholesome tanks, etc.

123. The committee may, by notice in writing, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool or excavation therein which appears to the committee to be injurious to health or offensive :

Provided that, if, for the purpose of effecting any drainage under this section, it is necessary to acquire any land not belonging to the person who is required to drain his land, or any easement over land not so belonging, or to pay compensation to any other person, the committee; shall acquire such land or pay such compensation.

Dangerous Buildings and Places.

Repair, etc., of buildings, wells, tanks, etc.

124. If any building or any well, tank or other excavation is, for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice in writing, require the owner or occupier thereof to repair, protect or enclose the same; and, if it appears to it to be necessary, in order to prevent imminen't danger, it shall forthwith lake such steps, as may be necessary to avert such danger.

Removal of building, etc., in ruinous or dangerous state.

125. If any building, wall, structure or anything affixed thereto is in a ruinous state or in any way dangerous, the committee may, by notice in writing, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made therein as it considers necessary for the public safety; and, if it appears to it to be necessary in order to prevent imminenit danger, it shall forthwith take such steps as may be necessary to avert such danger.

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Buildings and Grounds in Unsanitary Condition.

120. The committee may, by notice in writing, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or undergrowth injurious to health or offensive to the inhabitants in the neighbourhood. **Clearance** ofnoxioua Te8etatton*

127. The committee may, by notice in writing, require the owner or occupier of any land within three days to cut or trim the hedges there- of bordering on any street, or the branches of trees growing thereon and overhanging any street so as to cause obstruction or danger there- in, or overhanging any well, tank or other source from which water is derived for public use so as to be likely to pollute the water thereof. **Trimming** of hedges ancUrees **bordering** & streets T^Usf etcl'

128. The committee may, by notice in writing, require the owner of any land to erect, and thereafter to maintain, a fence around such land, or to put in repair to the satisfaction of the committee any existing fence on such land. Fencing ofland-

129. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the committee may, by tuUdiii^sor notice in writing require him within twenty-four hours to cleanse the same or otherwise put it in a proper state. **Cleansing** of filth **land,**

139. If any building appears to the committee to be unfit for human habitation in consequence of the want of proper means of drainage, of water-supply or ventilation, or for any other sufficient reason, the com- mittee may, by notice in writing, prohibit the owner or occupier thereof of from using the same for human habitation or suffering it to be so used until it has been rendered fit for such use. **Prohibition for human habitation Wildings unfit for** suc h use-

131. The committee may, by notice in writing, require the owner of any building or land, which is a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same to Ihe satisfaction of the committee within a reasonable time to be fixed in such notice. **Enclosum °^ r ^ dto r by disorderly persons.**

132. The Local Government may, on the report of the Sanitary Com- missioner or of the Civil Surgeon that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any specified manner in any place within the limits of any municipal* ity is injurious to the health of persons dwelling in the neighbourhood, by public notice prohibit the cultivation of such crop, the use of such manure or the use of the method of irrigation so reported to be injurious, or impose such conditions with respect thereto as may prevent injury arising therefrom: prohibition of cultiva-^ tion, use o manurPlir irrigation injurious to health,

Provided that, when on any land to which such public notice applies, the act prohibited has been practised during the five years next preced'ng

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such public notice, in the ordinary course of husbandry, compensation shall be paid from the municipal fund to all persons interested therein for any damage caused to them by the effect of such public notice.

Offensive and Dangerous Trades.

Regulation of offensive and danger ou3 trades.

133. *(1)* Unless it has been registered for that purpose under *Act XVII of 1884, uo place within the municipality shall be used for any of the following purposes,-namely : —

melting tallow;
boiling bones, offal or blood ;
as a soap-house, oil-boiling house, dyeing-house or tannery ;
as a brick-kiln, lime-kiln or pottery ;
as any other manufactory, store-house, or place of business from which offensive or unwholesome smells arise ;
as a place for keeping or breeding pigs;
as a yard or depot for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material ;
as a store-liouse for kerosene, petroleum, naphtha or any inflammable oil, spirit or explosive substance;

except under a license from the committee, which shall be renewable annually.

(2) The license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(3) The committee may impose such conditions in respect of such license as it may think necessary, and may withdraw such license for breach of any condition so imposed, and may levy a fee not exceeding five rupees for each license.

Prohibition of such trades.

134. If it is shown to the satisfaction of the committee at a meeting that any place registered or licensed under the last foregoing section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice in writing, require the occupier thereof to discontinue the use of the place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or likely to be dangerous.

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[1] **The Burma Municipal Act, 1884, now rep. by the Buima Laws Act, 1898 (13 of 1898). S*e the Fifth Schedule, *ante.***

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Epidemic Disease.

135. In tlie event of any person within the municipality, other than a patient in a public hospital, being attacked with cholera or small-pox— Obligation to report outbreak of cholera and small-pox,

(a) every medical practitioner or person openly and usually practising the medical profession, -who in the course of such practice becomes cognizant of the fact, and

(b) the owner and occupier of the building in which the person so attacked may be residing, and

(c) every person in charge of or in attendance on any person so attacked, shall, as soon as he becomes cognizant of the iact, forthwith report the same, or cause a report thereof to be made, to the committee, or to such officer as the committee may appoint in this behalf :

Provided that no person shall be b°nnd to make such report, or to cause such report to be made, if he has reasonable ground for believing that a report has already been or will be duly made by some other person.

136. When any person suffering from cholera or small-pox is— Removal of cholera or small-pox

(a) without proper lodging or accommodation, or

(b) living in a *zayat* or inn, or in a building registered as a lodging-house in pursuance of bye-laws under section 142, clause *(d),* or P®[141"1]-

(c) living in a room or house which he neither owns nor pays rent for, the committee, by any person authorized by it in this behalf, may on the advice of its Health Officer (if anj-) or of any medical officer of rank not inferior to that of an Assistant Surgeon, or of a Hospital Assistant in independent charge of a hospital or dispensary, remove the patient to any hospital or place at which persons suffering from such diseases are received for medical treatment, and may do anything necessary for such removal.

137. The Local Government may, by notification in the gazette, declare *that the provisions of sections 135 and 136 shall apply to plague, yellow fever, or other dangerous epidemic disease for a period to be specified in such notification. Application of sections 135 and 130 to plague, etc.

Extinction of Fire.

138. *(1)* Por the prevention and extinction of fire the committee may establish and maintain a fire-brigade, and may provide any implements, machinery or means of communicating intelligence which Establishment of fire j|J2|tc«nce

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of fire-brigade.

it may think necessary for the efficient discharge of their duties by the brigade.

(2) The committee may recognize and aid a volunteer fire-brigade, and make bye-laws for the guidance, training, discipline and conduct of the members thereof.

Powers of fire-brigade and othfir persons for suppression of fire.

139. *(1)* On the occasion of a fire the person directing operations for extinguishing or arresting the fire or for saving life or property being —

(i) a Magistrate, or

(ii) a police-officer of or above the rank of Inspector, or

(Hi) a member or officer of the committee, or

(iv) a member of a fire-brigade maintained or aided by the committee,

may give orders for the following matters: —

(a) the removal of any person who by his presence interferes with or impedes such operations;

(b) the closure of any street or passage in or near which the fire is burning;

(c) the breaking into or through or demolition of any premises, or the use thereof for the passage of any hose or other appliance, and the taking of water from any stream, tank, cistern, well or other source or store of water, whether public or private property;

(d) "ihe closure of mains and pipes so as to give greater pressure of water in or near the place where the fire has occurred;

(e) the rendering of such assistance as he may deem advisable by the persons in charge of any fire-engine or others; and

(/) generally such measures as may appear necessary for the preservation of life or property.

(2) No person shall be liable to pay damages for any act done by him in good faith under sub-section (*1*).

(3) Any damage caused by the exercise of a power conferred or a duty imposed by this section shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

(4) Every person empowered by sub-section (*1*) to do any of the acts enumerated therein shall in that behalf for the purposes of Chapter X of the [1]Indian Penal Code be deemed to be a public servant within the meaning of section 21 of the said Code. XLV of 1860".

[1] Genl. Acta, Vol. I.

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140. The powers conferred by the last foregoing section shall be subject to any regulations, conditions or restrictions which may be imposed by rules made in this behalf by the Local Government. Power of Local Government to make rules concemin j the use of the foregoing powers.

141. Sections **138, 139** and **140** shall not take effect in any municipality until they have been specially declared to [1] apply thereto by the Local Government at the request of the committee. Application of sections 138 to Mu.

Additional Power to make Bye-laws.

142. The committee may, from time to time, at a special meeting, make bye-laws— Power to make vari< PUS

(a) for rendering licenses necessary for the proprietors or drivers of vehicles, boats or beasts plying for hire within the limits of the municipality, and for fixing the fees payable for such licenses and the conditions on which they shall be granted and may be revoked ; bye-laws.

(*b*) fo,r limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of beasts hired to carry loads, or for the services of persons hired to carry loads, and the loads, to be carried by such conveyances, beasts or persons, where they are hired within the municipality for a period not exceeding twenty-four hours, or for a service wThich would ordinarily be pertormed within twenty-four hours ;

(c) for securing a proper registration of births, marriages and deaths and for the taking of a census;

(d) (i) for filing, and from time to time varying, the number of persons who may occupy a lodging-house, for rendering licenses necessary for the proprietors or keepers of lodging-houses and for fixing the fees payable for such licenses and the conditions subject to which they shall be granted and may be revoked ;

(in for the registration and inspection of lodging-houses ;

(iii) for promoting cleanliness and ventilation in lodging-houses ;

(iv) for the precautions to be taken in the case of any infectious disease breaking out in a lodging-house ; and

[1] **For instance of a notification applying these sections to a municipality, ee* Burma Gazette, 1907, Pt. I, p. 406.**

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(v) generally for the proper regulation of lodging-houses ;

(e) [1] for rendering licenses necessary for pawn-brokers and determining by public auction or otherwise the amount to be ipaid for any such license and the conditions subject to which they shall be granted and may be revoked ;

[2] (*f*) for prohibiting the establishment of any new private markets for the sale of meat, iish, fruit, vegetables or livestock in the municipality or in any specified portions thereof, either absolutely or except under a license, and, in respect of any license so permitted, for fixing the fees to be paid therefor and the conditions subject to which such licenses may be granted and revoked.

(g) for the inspection and proper regulation of encamping-grounds, pounds, *zayats,* wharves not within the limits of any port, markets, washermen's tanks, and public washing and bathing places ;

(h) for controlling and regulating the use of any public river, creek or si ream, and the foreshore and banks thereof, within the municipality and not included within the limits of a port, and for levying fees for the use of [3] [such public river, creek or stream] ;

(¿) for regulating the disposal of food, drink or drugs seized under section 110 or 111 ;

(J) for the holding of fairs and industrial exhibitions within the municipality and under the committee's control;

(k) for controlling and regulating the use and management of burial and burning grounds ;

(Z) for the supervision and regulation of public wells, tanks, springs or other sources from which water is, or may be made, available for public use;

(771) for requiring and regulating the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the municipality;

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[1] **For instance of such bye laws made by the Rangoon Municipal Committee, *see* Notification No. 81, Burma Gazette, 1899. Pt. I, p. 392.**

[3] **Clause (*f*) was substituted by s. 4 (2) of the Burma Municipal Act (1898) Amendment Act, 190h (Bur. Act 3 of 1906|, *post.* The original clause ran as follows :—**

" (*f*) for rendering licenses necessary for the establishment of any nevs market acd fixing the fees to be paid for such licenses and the conditions subject to which they may be granted and revoked."

[3] **The words in square brackets in clause (*h*) above were substituted for the words " the same " by s. 5 of the Burma Municipal Act Amendment Act, 1902 (Bur. Act 3 of 1902), *post.***

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(n) for requiring occupiers of houses to keep ready at hand buckets or pots of water, hooks, bamboo-flappers, and other appliances for extinguishing small fires;

[1] *(o)* (i) for prescribing, notwithstanding the provisions of [2] Act XXXI of 1871, the standard weights and measures to be used within the municipality, and for making the use of such standards compulsory; and

(ii) for preventing and detecting the use of false or defective instruments for weighing, weights and measures in any market, building, shop, stall or place used for the sale of any goods, food, drink or drug.

(p) for protecting from injury or interference anything within the municipality which is the property of the committee;

(j) for regulating or prohibiting- the exposure of goods for sale on the streets and for levying fees from persons setting up stalls or otherwise selling goods on streets;

(r) for regulating or prohibiting the keeping of animals of any specified description; and

[3] *(s)* for regulating or prohibiting the use of barbed wire or any material likely to cause injury to persons or animals on any land or premises abutting upon any street or place which persons are entitled to use or frequent.

Power to make bye-laws as to barbed wire.

[3] *(t)* generally, for carrying out the purposes of this Act:

Provided that the committee of a municipality in which the 'Hackney Carriage Act, 1879, is in force, shall not make bye-laws under clauses *(a)* and *(b)* in respect of any vehicles to which that Act applies.

XIV of 1879.

Supplemental.

143. (2) No bye-law made under any section of this Chapter shall come into force until it has been confirmed by the Local Government. u»" ander"

Contirwation of bye-laws.

(2) The Local Government may, by notification, cancel its confirmation of any such bye-law, and thereupon such bye-law shall cease to have effect.

Chapter VI.

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[1] Clause *Io)* was substituted by a 4 *(2)* of the Burma Municipal Act, 1898 (Amendment) ' Act, 1006 (Bur. Act 3 of 1906), *post.* The original clause was as follow s :—

" *(o)* for prescribing, notwithstanding the provisions of Act XXXI of 1871, the standard weight and measures to be used within the munii ipality."

[1] Genl, Arts, Vol. II.

* Clause (») was inserted and the lettering of the following clause altered to clause (i\ by ». 2 of the Burma Municipal (Amendment) Act, 1909 (Bur. Act 2 of 19091, *post.*

[1] *Ant»,* p. 37.

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Execution of acts not done after notice.

144. (*1*) When any notice under this Chapter requires any act to be done for which no time is fixed by this Act, such notice shall fix a reasonable time for doing the same:

Provided that it shall rest with the Court to determine in any case in which the question arises, whether the time so fixed was a reasonable time within the meaning of this Act.

(2) When the owner or occupier of any land or building fails to comply with the terms of any notice under this Chapter requiring him to do any act upon such land or building, the committee may, after six hours' notice, by its ofiicers cause such act to be done.

Recovery of costs of execution.

145. (*1*) Where, under this Act, the owner or occupier of property is required by the committee to execute any work and makes default in complying with such requisition, and the committee executes the work, the committee may recover the cost of the work from the person in default.

(2) If the person in default is the owner, the committee may, by waj of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the oecupier may deduct any sum paid by him under this sub-section from the rent from time to time becoming due from him to the owner of the property in respect of which the payment is made or otherwise recover it from the owner:

(3) Provided that an occupier shall not be required to pay, under sub-section ***(2),*** any sum greater than the amount of rent which is for the time being dus from him to the owner, or which, after demand for payment of the money payable by him to the committee and after notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable: but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(4) Nothing in this section shall affect any contract between an owner and an occupier.

■Compensation out of Munie ipal lund.

146. *(1)* The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its officers and servants, under this Act, and shall make such compensation ^vhere the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) If any dispute arises touching the amount of any compensation which the committee is required by this Act to pay for injury to any

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building or land, it shall be settled in such manner as the parties may agree upon, or in default of agreement, in the manner provided by the [1] Land Acquisition Act, 1894, so far as the provisions of the said Act can be made applicable.

I of 1894.

147. *(1)* Any person aggrieved by any order made by the committee under the powers vested in it by section 103, section 114, [2] [section 114A] section 130 or section 134, may appeal within thirty days from the date thereof to the Commissioner or to the Deputy Commissioner, according as the Local Government may direct in this behalf; and no such order shall be liable to be called in question otherwise than by such appeal:

Appeal against orders of committee.

Provided that, if the Deputy Commissioner is himself a member of the committee, the appeal shall lie to the Commissioner.

(2) The appellate authority may, for sufficient cause, extend the period hereby allowed for an appeal.

(3) The order of the appellate authority confirming, setting aside or modifying the order appealed against shall be final:

Provided that the order appealed against shall not be modified or set aside until the appellant and the committee have had a reasonable opportunity of being heard.

CHAPTER VII.

Offences affecting the Public Health, Safety or Convenience.

148. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits any of his servants or the members of his household under his control to throw or deposit earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any street or public place, or into any public drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

Deposit of earth, refuse, etc., on roads and drains.

149. Whoever disposes of the dead body of any animal in contravention of section 97 or of the committee's directions thereunder shall be punishable with fine which may extend to one hundred rupees.

Disposal of carcasses.

150. Whoever, without the permission of the committee, causes or allows the water of any sink, sewer or cess-pool, or any other offensive matter, to flow, drain or be put upon any street or public place, or into

Discharging sewage.

[1] Genl. Acts. Vol. IV.

[2] Inserted in s. 147 by s. 5 of the Burma Municipal Act [1898] Amendment Act, 1906 (Bur. Act 3 of 1906), *post.*

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any drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

Non-removal of filth, etc.

151. Whoever being the owner or occupier of any building or land,, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any carcass, dirt, dung, bunes, ashes, night-soil or filth or any noxious or offensive matter, in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

Making or altering sewers or drains without authority.

152. Whoever, without the permission of the committee, makes or causes to be made, or alters or causes to be altered, any sewer or drain leading into any of the sewers or drains vested in the committee, shall be punishable with fine which may extend to fifty rupees.

Disobedience of section 116.

153. Whoever neglects or refuses to comply with the requirements of any notice issued by the committee under section 116 shall be punishable with fine which may extend to twenty rupees, and when a notice has issued, with a further fine, not exceeding five rupees, for each day after the first on which the offender is proved to have persisted in the offence after the lapse of the period allowed for removal or closure.

Slaughtering animal[11] for sale at unauthorized places.

154. Whoever slaughters any animal at any place in contravention of section 99 or 100 shall be punishable with fine which may extend to fifty rupees.

Slaughtering animals or conveying meat contrary to regulations.

155. Whoever slaughters any animal or conveys meat from the place of slaughter in contravention of any prohibition, regulation or order under section 101, shall be punishable with fine which may extend to two hundred rupees.

Feeding animals on deleterious substances.

156. Whoever feeds or allows to be fed any animal which is kept for dairy purposes, or may be used for food, on deleterious substances, filth or refuse of any kind, shall be punishable with fine which may extend to fifty rupees.

Contravention of bye-laws under section 102.

157. Whoever in contravention of any bye-law made under section 102 sells or exposes for sale or transports any food, drink or drug, or works or keeps any bakery, dairy or place where milch animals are kept for profit, shall be punishable with fine which may extend to two hundred rupees.

Refusal to suffer ins pection under section 110 or 111.

158. Whoever in contravention of section 110 or section 111 [1][or section 111A or section 111B] refuses to suffer inspection of any premises, food, drink, drug [1] [animal, instrument for weighing, weight or measure,.

[1] The words and figures in square brackets in s. 158 were inserted after the figures 111, and the words in such brackets in the saiue section after the word " drug " were substituted for the words " or animal " by s. 6 of the Burma Municipal Act (1898) Amendment Act, 1906 (Bur. Act 3 of 1906), *'post.*

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•or in contravention of section 111A, sub-section *(2),* refuses to produce any instrument for weighing, weight or measure to which he has access] shall be punishable with fine which may extend to two hundred rupees.

Using manure, etc., in contravention of section 132.

159. Whoever cultivates any description of crop, uses any kind of manure, or irrigates in any specified manner in contravention of the terms of a public notice issued under section 132, shall be punishable with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the date of the first conviction on which the offender is proved to have persisted in the offence.

Carrying on dangerous trade without license.

160. Whoever, without the registration or license required by section 133, uses any place for any of the purposes mentioned in that section, as a dangerous trade shall be punishable with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day after the date of first conviction on which the offender is proved to have persisted in the offence.

Continuing certain nuisances after notice.

161. Whoever, after notice has been given by the committee under section 134, uses any place registered or licensed under section 133, in such manner as to be dangerous to life, health or property, or a nuisance to the neighbourhood, shall be punishable with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees for every day after the date of first conviction on which the offender is proved to have persisted in the offence.

Driving vehicles without proper lamps.

162. Whoever drives any vehicle after dark in any street, unless the vehicle is properly supplied with lamps, shall be punishable with fine which may extend to twenty rupees.

Discharging fire-arms, etc.

163. Whoever discharges fire-arms or lets off fire-works or fire-balloons, without the permission of such officer as the Local Government may [1] appoint in this behalf or in a place other than that specified by such officer, and whoever engages in any game in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, or risk of iujury to property, shall be punishable with fine which may extend to twenty rupees.

Allowing animals to stray in street.

164. Whoever allows any animal in his possession or under his control and power to stray into or be loose in any street, or in any unfenced place adjacent to a street, and whoever fastens or tethers any such animal so near to any street as to render it possible for it to enter into such street, shall be punishable with fine which may extend to twenty rupees.

[1] For instance of appointments under s. 163, *see* Notification No. 10, dated 14th January, 1899, Burma Gazette, 1899, Pt- I, p. 49.

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Biding, driving or leading of animals or vehicles contrary to publio notice.

165. Whoever, in contravention of a public notice issued by the committee under section 85, rides, drives or leads any animal or vehicle, shall be punishable with fine which may extend to twenty rupees.

Hanging articles over street«.

166. Whoever, without the permission in writing of the committee,, spreads or deposits or hangs out or suspends on or over any street any cloth, mat, goods or any article whatsoever, shall be punishable with fine which may extend to twenty rupees.

Buffering dogs to be at large.

167. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate persons passing by, neglects to restrain it so that it shall not be at large without a muzzle in any street or public place, shall be punishable with fine which may extend to twenty rupees.

Altering, obstructing or encroaching upon streets, etc.

168. Whoever, without the permission of the committee, alters,, obstructs or encroaches upon any street, drain or water-course, or displaces, takes up or alters the pavement or other materials, or the fences or posts, of any street or public place, or deposits building materials, or makes any hole or excavation on or in any street, shall be punishable with fine which may extend«to fifty rupees.

Quarrying, blasting, cutting timber or building.

169. Whoever quarries, blasts, cuts timber or carries on building operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

Exposure, etc., of infected persons and things.

170. Whoever—

(1) while suffering from any dangerous infectious disorder, wilfully exposes himself without proper precautions against spreading the said disorder in any street, public place, shop or public conveyance, or enters any public conveyance without previously notifying to the owner, conductor or driver thereof that he is so suffering, or

(2) being in charge of any person so suffering, so exposes the sufferer, or

(3) gives, lends, sells, keeps, transmits or exposes without previous disinfection any bedding, clothing, rags or other things which have been exposed to infection from any such disorder,

ßhall be punishable with fine which may extend to fifty rupees; and whoever, while suffering from any such disorder, enters any public conveyance without previously notifying to the owner or driver that he is so suffering, shall also be ordered by the Court to pay to the owner or driver the amount of any loss and expense which may be incurred in

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carrying iuto effect any measures requisite for the disinfection of such conveyance:

Provided that no proceedings under this section shall be taken against persons transmitting with proper precautions any bedding, clothing, rags or other things for the purpose of having the same disinfected.

Failure to provide for disinfection of public conveyance.

171. Every owner or driver of a public conveyance, which has to his knowledge conveyed any person suffering from a dangerous infectious disorder, shall disinfect such conveyance to the satisfaction of the committee, who may by any person authorized by it in this behalf inspect the process of disinfection, and such owner or driver, if he fails to disinfect such conveyance as aforesaid, shall be punishable with fine which may extend to fifty rupees, but no such owner or driver shall be required to convey any person so suffering until he has been paid a sum sufficient to cover any loss or expense likely to be incurred by him in carrying into effect the provisions of this section.

Omission to report cholera or small-pox.

172. Whoever, being bound by section 135 to report the existence of cholera or small-pox, or other dangerous epidemic disease to which the provisions of section 135 have been applied under section 137, fails to make such report, shall be punishable with fine which may extend to fifty rupees.

Leaving hospital without permission.

173. Whoever, having been removed to a hospital under section 136, leaves such hospital without the permission of the medical officer in charge thereof, shall be punishable with fine which may extend to fifty rupees.

Keeping animals and collecting carts.

174. Whoever, contrary to the orders of the committee, pickets animals or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any description, or as a cart-., place of encampment, or causes or permits animals to stray, shall bo punishable with fine which may extend to twenty rupees.

Keeping corpses or carrying corpses by prohibited routes as to cause annoyance.

175. Whoever, without the permission of the committee, keeps a corpse or causes it to be kept in or on any building or land when seventy-two hours, or, if the cause of death was cholera or small-pox, when twenty-four hours, after dealh have elapsed, or carries a corpse along u route prohibited by the committee, or in a manner likely to cause annoyance to the public, shall be punishable with fine which may extend to one hundred rupees.

176. Whoever—

Illegal burial or burning.

(a) buries or bums, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of section 103 or after the date fixed thereunder for closing the same, or

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(b) without the written permission of the committee buries or burns, or causes or permits to be buried or burnt, any corpse in any place other than a burial or burning ground authorized under section 103,

shall be punishable with fine which may extend to one hundred rupees.

Destroying direction-posts, lamp, posts, etc.

177. Whoever in a public place, without being authorized by the committee, defaces or disturbs any direction-post or lamp-post or fence, or injures any tree or gabion, or extinguishes any light, shall be punishable with fine which may extend to ten rupees.

Destruction of name-boards and number-boards.

178. Whoever destroys, pulls down, or defaces any name or number affixed by order of the committee under section 88, or ptits up any different name or number from that put up by order of the committee, shall be punishable with fine which may extend to twenty rupees.

Unauthorized posting of advertisements.

179. *(1)* Whoever, not being authorized by law bo to do, affixes any poster, advertisement or notice on any public property without the consent of the person in charge thereof, or on any private property without the consent of the owner or occupier thereof, shall be punishable with fine which may extend to twenty rupees.

(2) Any person by whose direction any such poster, advertisement or notice is so affixed shall be punishable as if he himself had affixed the same.

Disobedience to bye-laws ana directions of committee under Chapter VI.

180. *(1)* Whoever disobeys any bye-law made or any lawful direction given by the committee by public notice under the powers conferred upon it by the last foregoing Chapter, or any notice in writing lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the date of first conviction on which the offender is proved to have persisted in the offence.

(2) In lieu of or in addition to imposing any fine under sub-section (2), the Magistrate may require the offender to remedy any mischief directly caused by his disobedience in so far as it lies in his power to do so.

Disorderly houses.

[1]**181.** *(1)* On the complaint of three or more inhabitants that a house within the limits of the municipality is used as a brothel or by disorderly persons of any description, to the general annoyance of the inhabitants of the vicinity, or of persons using any main street/any Magistrate of the

[1] Section 181 has ceased to apply to Rangoon Town; see s. 2 of the Rangoon Police Act Amendment Act, 1902 (Bur. Act 2 of 1902) *post*.

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first class, having, as such, jurisdiction in the place where such house is situated, may summon the owner or occupier of such house to answer the complaint; and, on being satisfied that such house is so used to such general annoyance, may order the owner or occupier to discontinue such use of it; and, if such owner or occupier fails to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter during which it is proved that the house has continued to be so used.

(2) The Local Government may, by notification, declare what shall be deemed to be main [1] streets for the purpose of sub-section *(1)*.

(3) This section shall not take effect in any municipality until it has been specially [2] extended thereto by the Local Government at the request of the committee.

[3]181A. (7) On a complaint or police-report that a house, situated within such local areas of a municipality as the committee with the sanction of the Local Government may, by public notice, declare, to be within the operation of this section, is used as a brothel or as a lodging house or place of residence for one or more prostitutes at any time after the expiration of one month from the publication of such notice,

Disobedience of order excluding a brothel or prostitute from certain areas.

any Magistrate of the first class, having as such jurisdiction in the place where such house is situated, may summon the owner or occupier of such house or any person alleged to be a prostitute residing or lodging therein to answer such complaint or police-report;

and, on being satisfied that such house is so used, may order such owner or occupier to discontinue such use of it;

and, on being satisfied that any such person is a prostitute residing or lodging in such house, may pass an order prohibiting such prostitute from residing or lodging within the local areas of the municipality to which this section has been so declared to apply.

(2) Any such owner, occupier or prostitute, who, on or after the fifth day from the date of an order passed under sub-section *(1)*, fails to comply with such order, shall be punishable with fine which may extend to twenty-five rupees for every day thereafter on which it is proved that such house was so used or that the accused resided or lodged within any such local areas (as the case may be), in contravention of the order passed against such accused.

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[1] For instance of such a notification concerning streets in Rangoon, see Notification No. 6. Burma Gazette, 1899, Pt. I, p. 19.

[1] For instances of such extensions, *see* Burma Gazette. 1899, Pt. I, p. 359, *ibid.* 1907, Pt. I, p. 393.

* Ss. 181A and 181B were inserted by s. 6 of the Burma Municipal Act Amendment Act, 1902 (B. Act 3 of 1902), ***past.***

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Penalty for soliciting ur loitering for purposes of prostitution.

^lB. *(1)* Whoever, in any street or public place ■within the limits of a municipality—

(a) loiters for the purpose of prostitution; or

(b) solicits any person to the commission of immorality,

shall be punishable with fine which may extend to fifty rupees or with imprisonment which may extend to eight days:

Provided that no Court shall take cognizance of an offence under this section except on the complaint of the person solicited, or of a police-officer not below the rank of Head Constable who has been specially authorized in this behalf by a written order of the District Magistrate.

(2) This section shall not take effect in any municipality until it has been extended thereto by the Local Government at the request of the committee.

CHAPTER VIII.

CONTROL.

Control by Commissioner and Deputy Commissioner.

182. *(I)* The Commissioner or the Deputy Commissioner may—

(a) enter on and inspect, or cause to be entered on and inspected, any immoveable property situate within the limits of his division or district, as the case may be, and occupied by any committee, hospital sub-committee, school sub-committee or joint committee, or any work which is in progress within such limits under the direction of any such committee, sub-commitiee or joint committee;

(*b*) call foi and inspect any book or document in the possession or under the control of any such committee, sub-committee or joint committee having authority within such limits;

(c) require any such committee, sub-committee or joint committee to furnish such statements, accounts, reports, and copies of documents relating to the proceedings or duties of such committee, sub-committee or joint committee as he may think fit to call for; and

(d) record in writing, for the consideration of any such committee, sub-committee or joint committee, any observations he may think proper in regard to the proceedings or duties of such committee, sub-committee or j oint committee:

Provided that,—

(i) when the Deputy Commissioner is a member of a committee, sub-committee or joint committee, he shall not exercise, in

[1] *See* the third footnote on preceding page.

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respect of that committee, sub-committee or joint committee, the powers conferred upon him by this section; and,

(ii) in the case of any municipality, the Local Government may, by notification in the gazette, direct that all or any of the powers conferred on the Commissioner and Deputy Commissioner by this section shall be exercised by it alone, and not by such Commissioner and Deputy Commissioner.

(2) "When the Local Government, the Commissioner or Deputy Commissioner requests the committee to consider any observations under sub-section (*1*), clause (<Z), nothing in any bye-law made under section 30 shall prevent such consideration.

183. (*1*) The Commissioner or the Deputy Commissioner may, by order in writing, suspend within the limits of his division or district, as the case may be, the execution of any resolution or order of a committee or joint committee, or prohibit the doing within such limits of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, such resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a serious breach of the peace, or to cause serious injury or annoyance to the public or to any class or body of persons. Power to suspend action under Act.

(2) When the Commissioner or Deputy Commissioner makes any order under this section, he shall forthwith forwaid a copy thereof, with a statement of his reasons for making it and of any representations regarding it submitted to him by the committee, to the Local Government, which may thereupon rescind the order or direct that it shall continue in force, with or without modification, permanently or for such period as it may think fit.

184. *(1)* In cases of emergency, the Deputy Commissioner may provide for the execution of any -work, or the doing of any act which a com-^^j^y** mittee is empowered to execute or to do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of theca'seTof" public, and may direct that the expense of executing such work or doing such act shall be forthwith paid by the committee. Extraordi- Commis- sion i emergency,

(2) If the expense is not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is from time to time possible, from the balance in preference to any or all other charges against the same.

(3) The Deputy Commissioner shall forthwith report to the Commissioner every case in which he uses the powers conferred upon him by this section.

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Powers of Li)Oal Government in case of default of committee.

185. (*1*) If at any time it appears to the Local Government that the committee has made default in performing any duty imposed on it by or under this or any other Act for the time being in force, the Local Government may, by order in writing, fix a period for the performance of such duty.

(2) If such duty is not performed within the period so fixed, the' Local Government may appoint the Deputy Commissioner to perform it, and may direct that the expense of performing it shall be paid, within such time as it may fix, to the Deputy Commissioner by the committee.

(5) If the expense is not so paid, the Deputy Commissioner, with the previous sanction of the Local Government, may make an order, directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is from time to time possible, from the balance in preference to any or all other charges against the same.

Powers of Local Government and its officers over committees.

186. *(1)* The Local Government and the Commissioner and Deputy Commissioner, within their respective jurisdictions, acting under the orders of the Local Government, shall be bound to require the proceedings of every committee to be in conformity with law and with any rules in force under any enactment for the time being applicable to Burma generally or to the area over which such committee has authority.

(2) The Local Government may exercise all powers necessary for the performance of this duty, and may, amongst other things, by order in writing annul or modify any proceeding which it may consider not to be in conformity with law or with any such rules as aforesaid.

(3) The Commissioner and the Deputy Commissioner may, within their respective jurisdictions, for the same purpose, exercise such powers as may be conferred upon them by rule made in this behalf by the Local Government.

Power of LocaJ Government to supersede committee in case of incompetency, persistent default, or excess or abuse of powers.

187. (2) If the committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act for the time being in force, or exceeds or abuses its powers, the Local Government may, with the previous sanction of the Governor General in Council, by an order published, with the reasons for making it, in the gazette, declare the committee to be incompetent, or in default, or to have exceeded or abused its powers, as the case may be, and direct its supersession for a period to be specified in such order.

(2) When the committee is so superseded, the following consequences shall ensue, namely: —

(a) all members of the committee shall, as from the date of the order published under sub-section *(1),* vacate their office» as such members;

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(fc) all powers and duties of the committee may, during the period of supersession, be exercised and performed by such person or persons as the Local Government shall appoint in that behalf; and

(c) all property vested in the committee shall, during the period of supersessionj vest in the Local Government.

(5) On the expiration of the period of supersession specified in the order published under sub-section (*1*), the committee shall be re-constituted, and the persons who vacated their offices under sub-section *(2),* clause *(a),* shall not, if otherwise qualified, be deemed disqualified irom being members thereof.

188. (2) If any dispute for the decision of which this Act does not Dispute*, otherwise provide arises between the committee and any other local authority, it shall be referred—

(a) to the Deputy Commissioner if the local authorities concerned are in the same district;

(b) to the Commissioner if the local authorities concerned are in different districts of the same division;

(c) to the Local Government if the local authorities concerned are in different divisions.

(2) The decision of the authority to which any dispute is referred under this section shall be final.

(3) If in the case mentioned in sub-section *(1),* clause (tf), the Deputy Commissioner is one of the persons constituting any of the local authorities concerned, his functions under this section shall be discharged by the Commissioner.

189. (*1)* The committee shall, at the close of each year or of such other period as may, from time to time, be fixed by the [1] Local Govern- statements, ment in this behalf, submit to the Local Government a statement of its receipts and disbursements in such form as the Local Government may prescribe, and a general report of its proceedings during that period: Annual reports and

Provided that separate accounts shall be submitted of—

(aj all receipts of the water-tax, and all expenditure on the purposes for which the water-tax is levied;

(b) all receipts of the lightmg-tax, and all expenditure on the purposes for which the lighting-tax is levied;

(c) all receipts of the latrine-tax, and all expenditure on the purposes for • which the latrine-tax is levied:

[1] For lules made undei the provisions of BS. 109 and 193 t.s to the vibmission of annual report« and statements by Municipal Committees see Burma Gazette. 1901, Pt. I, p. 352.

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(d) all receipts of the scavenging-tax, and all expenditure on the purposes for which the scavenging-tax is levied;

(e) all income under the heads mentioned in section 73, and all expenditure on educational purposes; and

(f) all income under the heads mentioned in section 74, and all expenditure on medical purposes.

(2) Accounts submitted under this section shall be examined or audited in such manner as the Local Government may prescribe.

Estimates of receipts and expenditurs.

190. *(1)* The committee shall submit, before such date in each year as may be directed by the Local Government, for the sanction of such authority as the Local Government may appoint on this behalf, an estimate of its probable receipts for the financial year next following, with proposals for the expenditure, and may, from time to time, submit in like manner further estimates or proposals in modification of those submitted as aforesaid.

(2) No expenditure shall be incurred by a committee unless it is provided for in an estimate and proposals sanctioned under this section.

(3) An abstract of the annual estimate and proposals submitted and sanctioned as required by this section shall be published in such manner as the Local Government shall direct.

Sanction to works.

191. *(1)* No work, the estimated cost of which exceeds five hundred rupees, shall be begun by the committee, nor shall any contract be entered into by it in respect of any such work, until a plan and estimate thereof have been approved by the committee at a meeting.

(2) If the estimated cost of any such work has not been specifically provided for in proposals submitted and sanctioned in manner mentioned in section 190, or exceeds—

twenty thousand rupees in the case of the municipalities of Moulmein, Bassein and Akyab, or

one-tenth of the estimated annual income of the municipal fund in the case nf any other municipality,

such work shall not be begun, nor shall any contract be entered into in respect of it, until the plan and estimate have been submitted to and approved by the Local Government, or by an officer empowered by the Local Government in this behalf.

Powers of Commissioner.

192. In all matters connected with the administration of this Act, the Commissioner shall have and exercise tlie same authority and control over every Deputy Commissioner subordinate to him as he has and exercises over such Deputy Commissioner in the general and revenue administration.

Power of Local Government to

193. The Local Government may frame forms for any of the proceedings of committees for which it considers that a form should be

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provided, and may, in addition to rules made under any other powers conferred by this Act, make rules consistent with this Act— frame forms and make rules.

(a) as to the officers to be addressed by committees when desirous of communicating with the Local Government or officers of the Local Government ;

(*b*) as to the preparation of estimates of the receipts and expenditure of committees, and as to the conditions subject to ^hich such estimates may be sanctioned;

(c) as to the returns, statements ard reports to be submitted by committees ;

(d) as to the keeping and auditing of the accounts of municipal funds, school funds and hospital funds;

[1] *(e)* as to the appointment and removal of officers and servants of committees ; and

[2] (*f*) generally, for the guidance of committees and public officers in all matters connected with the carrying out of this Act.

CHAPTER IX.

SUPPLEMENTAL.

Criminal Procedure.

194. (2) Every police-officer employed within the limits of the municipality shall give immediate information to the committee of any offence committed against this Act or the rules or bye-laws thereunder, and shall be bound to assist all members, officers and servants of the committee in the exercise of their lawful authority. Powers and duties of police in reference to offences against Act, etc., and assistance to municipal authorities.

(2) Any such police-officer may arrest any person committing in his view any offence against this Act or the rules or bye-laws thereunder—

(a) if the name and address of the person are unknown to him, and

(б) if the person declines to give his name and address, or there is reason to doubt the accuracy of the name and address if given.

(3) A person arrested under this section may be detained until his name and address are correctly ascertained :

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[1] For instance of rules under this clause, *see* Notification No. 8, Burma Gazette. 1899, Pt. I, p. 19; *ibid,* Notification No. 119. Burma Gazette, 1899, Pt. I, p. 463.

For rules as to appointment of Municipal Health Officers, *see* Burma Gazette, 1909, Pt. I, p. 197.

[3] For rul<* made tinder this clause as to procedure to be followed in the collection of *11 fees, r«nt« and other sums due to a Municipal Committee, *see* Burma Gazette, 1898, Pt. 1, p. 593.

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Provided that no person so arrested shall be detained longer than is necessary for bringing him before a Magistrate unless an order of a Magistrate for his detention is obtained.

Prose cm-tions.

195. No Court shall take cognizance of any offence punishable under this Act or any rule or bye-law thereunder except on the complaint of the committee or of some person authorized by the committee in this behalf.

Explanation.—The committee may by resolution authorize persons to prosecute, either generally in regard to all offences against this Act and the rules or bye-laws thereunder, or specially in regard only to specified offences, or offences of a specified class. The person authorized may be authorized by office, if he is president, vice-president, *ex-officio* member, secretary, engineer, or health officer of the committee; in other cases the authority must be personal. The authority must in all cases be in writing, and may at any time by resolution be cancelled by the committee.

Exemption of municipal cases from the provisions of s. 200 of Criminal Procedure.

[1]195A. In any municipality to which the Local Government may by [2] notification apply this section, it shall not be necessary, in respect of any offence punishable under this Act or any rule or bye-law thereunder to examine the complainant, when the complaint is presented in writing, notwithstanding anything contained in section 200 of the Code of Criminal Procedure. V of 1898.

Prosecution tu In' suspended pending appeal in certain cases.

196. Any prosecution for an offence under section 161, section 176, or section 180, when the order which has been disobeyed is appealable, shall, if and when the Court learns that an appeal has been instituted against such order, be suspended pending such appeal.

Power to compound offences.

197. (2) In any municipality the Local Government may [4] empower the committee or its president, vice-president, secretary, health officer or engineer, or any member appointed by office, or any sub-committee, to accept from any person, against whom a reasonable suspicion exists that he has committed an offence against this Act or any rule or bye-law thereunder, a sum of money by way of composition for such offence.

(2) On payment of such sum of money, the suspected person, if in custody, shall be discharged, and no further proceedings shall be taken against him in regard to the offence or alleged offence so compounded.

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[1] S. 195A was inserted by s. 3 of the Burma Municipal (Amendment) Act, 1909 (Bm. Act 2 of 1909), *post.*

[a] For notification applying s. 195A to the Municipality of Rangoon, *see* Burma Gazette, 1909, Pt. I, p. 423.

[J] Genl. Acts, Vol. V.

* For officers empowered to accept composition for certain offences under tht Act, ia all municipalities to which the Act applies or may hereafter be applied, *see* Notification, No. 22, Burma Gazette, 1899, Pt. I, p. 137.

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(3) Sums paid by way of composition under thii section shall be credited to the municipal fund.

(4) Tower under sub-section (*1*) to accept composition for alleged offences may be given either generally in regard to all offences under this Act and the rules and bye-laws thereunder, or particularly in regard only to specified offences or offences of a specified class, and may at any time be withdrawn by the Local Government.

(5) The Local Government may make [1] rules to regulate the proceedings of persons empowered to accept composition under this section for alleged offences.

198. No Judge or Magistrate shall be deemed to be a party to, or "Member not personally interested in, any prosecution for an offence punishable under this Act or any rule or bye-law thereunder, or under any other law, in prcrwou- within the meaning of section 555 of the [2] Code of Criminal Procedure, tl0n' 1882, by reason only of his being a member of the committee by the order or with the approval of which such prosecution has been instituted.

to be deemed interested

X of 1882.

199. Nothing in this Act shall prevent any person from being Saving of prosecuted under any other law for the time being in force for any act or omission which constitutes an offence against this Act or the rules laws, or bye-laws thereunder, or from being liable under any other law to any other or higher punishment or penalty than that provided by this Act or the rules or bye-laws thereunder:

prosecutions under other

Provided that no person shall be punished twice for the same offence.

Rules, Bye-laws and Public Notices.

200. Before making any bye-law the committee shall publish, in procedure such manner as may be sufficient for giving information to all persons [1]^S interested, a draft of the proposed bye-law, together with a notice specifying a date on or after which the draft will be taken into consideration; and shall receive aiid consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(or the bye la

201. (2) Every bye-law shall, after being sanctioned or confirmed Publication by the Local Government, be published -'n the gazette in English and in such other language or languages as the Local Government may public direct; and such publication shall be conclusive eviderce that the bye- notlcea- law was made in accordance with the requirements of this Act.

of rules, bye-laws and

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[1] For rules made under this sub-section, *ste* Notification No. 21, Burma Gazette, 1899, Pt. I, p. 137.

[2] *See* now the Code of Criminal Procedure, 1898 (Act 5 of 1898). Genl. Acts, Vol. V.

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(2) Every public notice which, under this Act, does not require the sanction of, or confirmation by, the Local Government, and every rule which the Local Government is by this Act empowered to make other than a rnle made under section 95, shall be published in such manner as the Local Government may by notification direct, and shall have no force or validity until so published.

Continuance of e listing rules, eto.

202. Unless the Local Government, by notification, otherwise directs, all rules, bye-laws, orders, directions, notices, and powers made, issued, or conferred under the ^ower Burma Municipal Act, 1881, or xvn of 1884. the [2]TJpper Burma Municipal Regulation, 1887, and in force in any local V of 1887. area being or comprised in a municipality constituted under this Act at the time the committee comes into existence under this Act, shall, in so far as they are consistent with this Act and within the powers conferred thereby, be deemed to have been made, issued or conferred under this Act, and shall continue in force until superseded by rules, bye-laws, orders, directions, notices or powers made, issued or conferred under this Act.

Notices.

Authentication, service and validity of notice in writing.

203. *(1)* Every notice in writing issued by the committee under this Act shall be sufficiently authenticated by the signature of the president, vice-president, health officer, engineer or secretary, and may be served on the person to whom it is addressed, or left at his usual place of abode or business with some adult male member or servant of his family, or if it cannot be so served, may be affixed to some conspicuous part of his place of abode or business.

(2) If the place of abode or business of the person to whom the notice is addressed is not within the limits of the municipality, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(3) If the place of abode or business of the owner of any property is not known, every such notice addressed to him as such owner may be served on the occupier.

(4) If the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by affixing it to some conspicuous part of the property.

(5) No notice issued by the committee under this Act shall be invalid merely by reason of any defect of form.

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[1] **Hep. by the Burma Ła̧ws A.ct,** 1898 (13 **of** 1898). ***See* the Fifth Schedule,** ***ante.***

[2] **Rep. by the Burma Repealing and Amending Act, 1909 (Bur. Act 5 of 19C9'.,** ***post***

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[Chap. IX.—Supplemental. Notices. Powers to except Municipalities from provisions of Act. Recovery of Money claimable by Committees. Miscellaneous.)

Mode of giving notice in writing to unknown owner or occupier of property.

204. When any notice in writing is under the provisions of this Act to be given to; or served on, the owner or occupier of any property and he is unknown, it may be given or served—

(a) by delivery to some person on the property, or if there is no person on the property to whom it can be delivered, by affixing it to some conspicuous part of the property, or

(*b*) by posting a prepaid letter containing it, and addressed to the "owner" or "occupier" of the property (to be named) in respect of which the notice is given, without further name or description.

Powers to except Municipalities from provisions of Act.

Power to except municipality from provisions of Act unsuitable thereto.

205. (2) If the circumstances of any municipality are such that, in the opinion of the Local Government, any of the provisions of this Act are unsuited thereto, the Local Government may, by notification, except the municipality from the operation of such provisions; and thereupon such provisions shall cease to apply to the municipality.

(2) While an exception notified under sub-section (2) remains in force, the Local Government may make rules for the guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.

Recovery of Money claimable by Committees.

Recovery of taxes' etc.

[1]206. (2) Any arrears of any tax or fee or any other money clarmable by the committee under this Act may be recovered as if they were arrears of land-revenue.

(2) The Local Government may by Notification prescribe by whose order and on whose application such arrears may be recovered.

Miscellaneous.

Saving of XI of 1879.

207. Nothing in this Act shall affect the [3]Local Authorities Loans Act, 1879.

Decision of questions as to whether persons are inhabitants.

208. If any question arises as to whether a person or persons of a specified class is or are an inhabitant or inhabitants of a local area within the meaning of this Act, it shall be referred to the Local Government, and the decision of the Local Government thereon shall be final.

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[1] For application of section 206 to the Maymyo Cantonment, *stt* Notification No. 3, dated 19th January, 1899, Burma Gazette, 1899, Pt. I, p. 49.

[2] For notification under s. 206 *(S), tee* Buima Gazette, 1908. Pt. I, p. 147.

[3] Genl. Acts, Vol. III.

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Pt. V. Act XIX of 1884.

209. The Local Government may, by notification, extend to any municipality any of the provisions of the Rangoon Water-Works Act, 1884, other than those contained in section 3 thereof, and may, by such notification, declare with what modifications, not affecting the substance, such provisions shall apply to the said municipality.

CHAPTER X.

SMALL TOWNS.

Notification of Area.

210. *(1)* The Local Government may, by notification, declare that, in respect of some or all of the matters upon which a municipal fund may be expended under section 72, improved arrangements are required within a specified area which nevertheless it is not expedient to establish as a municipality.

(2) An area with regard to which a notification has been issued under sub-section *(1)* is hereinafter called a ' 'notified area."

[2] (3) No area shall be declared a notified area unless it contains less than ten thousand inhabitants according to the returns of the most recent official census, is not a purely agricultural village and contains a town or market.

(4) The Local Government may at any time, in like manner, vary or rescind any notification issued under this section.

Powers of Local Government.

[3] **211.** *(1)* The Local Government may, by notification,—

(i) appoint, or empower the Commissioner to appoint, two or more persons to be a town-committee for any notified area ;

(ii) extend or apply to any notified area the provisions of any section of this Act or of any rules for the time being in force under this Act, subject to such restrictions and modifications (if any) as the Local Government may think fit;

(iii) impose in any notified area any tax which could have been imposed therein if such area were a municipality;

(iv) arrange for the due expenditure of the proceeds of taxes imposed under clause *(Hi)* and of any other funds which may come to the hands of the committee for the purposes of the

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[1] *Ante,* p. 82.

[2] Sub-section *(3)* of s. 210 was substituted by s. 7 of the Burma Municipal Act Amendment Act, 1902 (Bur. Act 3 of 1902). *'post.* Thé original sub-section ran as follows :—

" (S) No area shall be declared a notified area if it contains more than ten thousand inhabitants according to the returns of the most recent official census, or unless it contains a town or bazaar and is not a purely agricultural village."

. * Sections 211 and 212 were substituted fcy s. 8 of the Burma Municipal Act Amendment Act, 1902 (Bur. Act 3 of 1902), *post.*

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notified area, and for the preparation and maintenance of proper accounts; and

(*v*) vary or rescind any notification issued under this section.

(2) The proceeds of any tax levied in any notified area under this section shall not be expended except in payment of charges and expenses incidental to some one or more of the matters, on which the municipal fund of such area might be expended if such area were a municipality.

212. For the purposes of any section or iules extended or applied Adaptation of enactXIII of 18S0. to a notified area under this Chapter, and of the [1] Vaccination Act, 1880, mcntaand and of any other enactment which the Local Government may, by noti- rules. fication, specify in this behalf for any notified area, the town-committee appointed under section 211 shall be deemed to be a committee and the area a municipality.

[2] ^13. Where by reason of a notification under section 210, sub-sec- Effect of tion *(4),* any local area is included in or excluded from or ceases to be a inclUdi?8 or excluding notified area, the provisions of section 6 shall apply as if the notified area locaUreain or ^rom a were a municipality altered or abolished under section 4. notified area.

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THE LOWER BURMA TOWN AND VILLAGE LANDS ACT, 1898.

CONTENTS.[3]

CHAPTER I.

PBELIMINABY.

SECTIONS.

1. Short title, extent and commencement.
2. Land to which Act applies.

* *Ante,* p. 58.

S. 213 was substituted (Bur. 2 of 1906), *post.* is as follows — fe*' 10 of ,the „?ulma Municipal Act Amendment Act, 1908 original section as amended by Bur. Act 3 of 1902 ran

" 213. When by reason of a notification under section 210, sub-section *(J)* any area *cty* to U* a notified area, Ibe unexpended proceeds of anv '' UzeTlvied thflrpm m pursuance of t he pro sj ons of section 211 and any funds the* ve.tml inUy CWMOUy appointed for the purposes of that section shall be applied for tSe Msrfit of the inhabitants of the paid ir*u in .oth MIUM1 a tb. Government may think fit. " a' k0«1

' The table of contento was not appended to the Act when passed.

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SECTIONS.

3. Laifds excepted from operation of Chapters II and IV.
4. Definitions.
6. Power of Local Government to define boundaries of towns and villages.

CHAPTER II.

OF RIGHTS IN LAND.

6. Application of Chapter.
7. Rights which may be acquired over land.
8. Mode of acquisition of landholder's right.
9. Mode of acquisition of landholder's rights in Akyab, Bassein and Prome.
10. Saving of rights of persons possessing lands included within extended limits of town or village.

CHAPTER III.

GENERAL PROVISIONS IN REGARD TO A LANDHOLDER'S RIGHT.

11. Loss of landholder's right by abandonment of possession.
12. Application of person in possession of land for record of declaration that he has landholder's right.
13. Procedure of Revenue Officer on receipt of such application.
14. Cancellation of such declaration and record.
15. Duty of Civil Court -when questions arise as to original acquisition or loss of landholder's right.

CHAPTER IV.

DISPOSAL OF LAND.

16. Modes of disposal of land at disposal of Government.
17. Power of Local Government to make rules for disposal of such land.

CHAPTER V.

Eviction from and unauthorised possession and use of ST me LAND.

18. Liability of possessors of State land to eviction in certain cases.
19. Penalties for unauthorised possession of land.
20. Penalties for using land for unauthorised purpose.
21. Procedure for evicting person liable to eviction under Act.

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CHAPTER VI.

ASSESSMENT OF LAND-REVENUE.

SECTIONS.

22. Land liable to land-revenue assessment.
23. Assessment and levy of land-revenue by Revenue Ofticor.

CHAPTER VIA.

23A. Extraction of minerals and levy of royalties thereon.

CHAPTER VII.

RECOVERY OF SUMS DUE TO GOVERNMENT.

24. Recovery of money due to Government under Act.
25. Priority of sums due to Government.
26. Personal liability for sums due to Government.

CHAPTER VIII.

RECORD OF POSSESSION.

27. Application of Chapter.
28. Roll of town lands to be kept.
29. Duty of registering officer on registration of document relating to title to land in towns.
30. Duty of parties to unregistered document transferring title to lands in towns.
31. Duty of persons acquiring possession of land otherwise than by transfer.
32. Power of Revenue Officer to hold inquiry in certain cases before altering roll.
33. Penalty for failure to give notice as required by section 30 or 31.
34. Power of Revenue Officer to hold inquiry at any time.
35. Presumptive evidence of possession arising from entry in roll.
36. Liability of persons entered in roll to pay Government demands.
37. Exemption of certain lands.

CHAPTER IX.

MISCELLANEOUS.

38. Power to summon witnesses, etc.
38A. Witnesses, etc., bound to speak the truth.

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SECTIONS .

39. Appeals.
40. Financial Commissioner's powers of revision.
41. Bar to jurisdiction of Civil Courts.
42. Power of Financial Commissioner to make rules concerning forms.
43. Power of Local Government to make general rules.
44. Publication of rules.
45. Bar of suits against Revenue Officers.
46. Legalization of levy of sums by Government in the past.
47. Repeal of existing enactments relating to subject of Act.

THE SCHEDULE.

SCHEDULED **Towns.**

BURMA ACT No. IV OF 1898.[1]

[APPLIES TO LOWER BURMA ONLY.]

[7th March, 1898; 5th May, 1898.]

'An Act to declare and amend the law relating to interests in land in towns and villages in Lower Burma.

WHEREAS it is expedient to declare and amend the law relating to interests in land in towns and villages in Lower Burma, and to provide for the assessment and recovery of the revenue and other Government demands in respect thereof, and for other matters connected therewith > It is hereby enacted as follows: —

CHAPTER I.

PRELIMINARY.

Short title, extent and commence-' ment.

1. (/) This Act may be called the Lower Burma Town and Village Lands Act, 1898.

(2) It extends to the whole of Lower Burma except the hill district of Arakan; and

[1] **For Statement of Objects and Reasons, *see* Burma Gazette. 1897, Pt. Ill, p. 7; for Report of Select Committee, see *ibid,* p. 93; and for Proceedings in Council, aee *ibid,* Supplement, p. 1230, and *ibid,* 1898, Supplement, pp. 39 and 74.**

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(3) It shall come into force on [1]such date as the Local Government may, by notification, appoint in this behalf.

2. The provisions of th is Act shall apply only to land in towns and Land to Tillages. ."J$L[Ae‘]

3. (/) Nothing in Chapter II shall apply to the following lands, **Lands** *ex-* namely:— **ceptedfrom operation of Chapte and .**

(a) the soil of any river, canal, tank, drain, embankment, public jy[18 11] road or natural water-course;

(b) land included in any cantonment;

(c) land occupied at the commencement of this Act for the purposes of any monastery, pagoda or other sacred building, and continuing to be used for the purposes of such monastery, pagoda or building;

VII of 1876 *(d)* land included in any fisheries as defined in the [2]Buima Fisheries Act, 1875.

(2) When the boundaries of any land exempt under this section from the operation of Chapter II need definition, and no other mode of defining them is provided by law, they shall be defined by the Revenue Officer.

(5) If before they are defined any question arises as to whether any land is included within them, such question shall be decided by the Revenue Officer.

(4) Nothing in Chapter IV shall apply to land included in any cantonment.

4. In this Act, unless there is anything repugnant in the subject or **Definitions,** context,—

(2) " State land " means all land of which no absolute and revenue-free grant has been made, recognised or continued by or on behalf of the British Government:

(2) "land at the disposal of Government" means—

(<z) land in respect of which no person has acquired a land-1) older's right;

(*b*) land in respect of which no person holds any right created by grant or lease made by or on behalf of the British Government:

(3) "town " means an area declared by the Local Government by [3] notification to be a town for the purposes of this Act, or

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[1] **For notification declaring that the Act thall i»me into force on the 9th September, 1899. *see* Burma Gazette, 1899, Pt. I. p. 501.**

[2] ***See* now the Burma Fisheries Act, 1905 (Bur. Act. 3 of 1S05), *post.***

* **For ¡n»txn. e of a notification under sub-sections (i) and (/>) of B. 4, <>ee Burma Gazette, 190b. Pt. I, p. 824.**

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constituted a municipality or town for the purposes of the [1] Burma Municipal Act, 1898, or of the [2] Lower Burma Towns Act, 1892: Burma Act III of 1898

(4) "scheduled town" means a town specified in the schedule:

(J) "village" means an area appropriated to dwelling-places not included in the limits of a town:

(6) "Revenue Officer" means any person whom the Local Government may [3] appoint by name or as holding an office to do anything to be done by a Revenue Officer tinder this Act, or under any rule made thereunder:

(7) "license" means a license in writing to use and occupy State land granted by a Revenue Officer authorised to grant the' same:

(§) "possession" means the occupation of land by any person or by his servant, agent, guardian, trustee, mortgagee, tenant or licensee:

(9) "continuous possession" includes occupation of land by another person through whom or in whose right the present occupier has immediately succeeded in occupation, or by the' servant, agent, guardian, trustee, mortgagee, tenant or licensee of any such person: and

(10) [11] landholder's right" means a permanent heritable and transferable right of use and occupancy in land in the landholder's possession, subject only—

(a) to the payment of all such revenue, taxes, cesses, rates and other impositions as may from time to time be imposed on such land under any law for the time being in force;

(б) to the reservation in favour of Government of all mines and; mineral products and of all buried treasure, [4][with all the powers conferred by Chapter VIA.]

Power of Local Government to define boundaries of towns and villages.

[5t] When the boundaries of any town or village need definition for the purposes of this Act, the Local Government may by notification define the same.

[1] *Ante,* p. 338.

[2] *See* now the Burma Town Act, 1907 (Bur. Act 3 of 1907), *post.*

[3] For notifications under sub-section 6, *see* Bur. R. M., Vol. II, p. 221.

* The words in square brackets in sub-section *(10) (b)* were substituted *fm* the words "with full liberty to woik s.nd search for th<» same on payment to the landholder of compensation for damage to the uuiface of .the land, and the produce and buildings thereon, aB estimated by th*' Revenue Officer," by j 7 of the Lower Burma Land and Revenue Law Amendment Act, 1907 (Bur. Act 1 of 1907j, *post.*

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CHAPTER II.

OF RIGHTS IN LAND.

Application of Chapter.

6. Subject to the provisions of section 3, this Chapter shall apply to all lands in all towns and villages.

Rights which may be acquired over land.

7. No right of any description as against the Government shall be deemed to have been, or shall hereafter be, acquired by any person over ^acquired any land in any town or village except the following, namely :—

(a) rights created by grant or lease made by or on Jbehalf of the British Government ;

(б) rights acquired as against the British Government under the [1]Indian Limitation Act, 1877 ; XV of 1877.

(c) rights orginating and acquired in any of the modes specified in the next following section, or in section 9 or section 10;

(d) rights legally derived from any right mentioned in clauses (a),. (6) and (c) of this section.

ac ui-t ic right.

8. Except in land in any scheduled town, and in land ^vhich the Mod® ?f. Local Government may, by notification, specially [2] exempt from the ^?an"i-'on operation of this section, a landholder's light shall be acquired by every person who, otherwise than under a grant or lease made by the British Government,—

holder's

(a) has had continuous possession of land for twelve years immediately preceding the commencement of this Act;

(&) having had continuous possession of any land for less than twelve years immediately preceding the commencement of this Act, shall have continuous possession thereof for twelve years computed from the date of original entry into possession ;

(c) shall, after the commencement of this Act, have continuous possession under a license of any land at the disposal of Government, and pay all land-revenue and other public demands (if any) in respect thereof for twelve years.

Mode of acquisition of landhold.

9. In the towns of Akyab, Bassein and Prome every person w ho from the follor ng dates, namely—

er'« rights in Akyal, Bassuh »nd Prome.

(a) in the case of Akyab, the first day of April 1852 ;

(б) in the case of Bassein, tlie first day of January 1876;

(c) in the case of Prome, the first day of January 1870;

has been in continuous possession of any land otherwise than under a grant or lease of the same from the British Government up to the

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[1] *See* now the Indian Limitation Act, 1908 (9 of 190-3), Genl. A< ts. Vol. VI.

[1] For lands exempted under s. 8, **ee* Bur. R. M., Vol. II, p. 224, and Burma Gazette, 1908, Pt. I, p. 8.

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commencement of this Act, shall be deemed to have acquired a landholder's right in respect of such land.

Saving of rights of persona possessing lands included within extended limits of town or village.

10. *(1)* The extension of the limits of any town or village shall not affect the rights which a person in possession of land included within the extended limits may have acquired prior to such extension under any law for the time being in force.

(2) If, under the law applicable to any such land before such extension, the person in possession of the land at the time when the extension was made could by continuous possession for a period of twelve years have acquired a right thereto equivalent to a landholder's right under this Act, any such person or his successor in continuous possession shall, after such period of twelve years' continuous possession computed from the date of original entry into possession, be deemed to have acquired a landholder's right under this Act in respect of such land.

CHAPTER III.

General Provisions in regard to a Landholder's Right.

Loss of landholder's right by abandonment of possession.

11. A landholder's right in respect of any land shall cease if the landholder abandons possession of the land for two years continuously.

Application of person in possession of land for record of declaration that he has landholder's right.

12. Any person who is in possession of any land and asserts that he has acquired a landholder's right in respect of the same, may *apply to the Revenue Officer to record in a roll to be kept for this purpose a declaration of the fact of his having acquired such right.

Procedure of Revenue Officer on receipt of such application.

13. On receipt of any such application, the Revenue Officer shall cause public notice thereof to be given in such manner and for such period as the Local Government may by [1] rule prescribe, and, if after inquiry he is satisfied that the applicant has acquired such right, he shall record a declaration to that effect in the said roll and shall furnish the applicant, if he requires it, with a certified copy of such declaration.

Cancellation of such declaration and record.

***14.** *(1)* If, within five years from the date on which a declaration has been recorded under the last foregoing section, the Revenue Officer is satisfied that it is erroneous, he may cancel it:

Provided that no declaration shall be cancelled until notice of the Revenue Officer's proposal to cancel it has been published in such manner

[1] *See* note to s. 17, *poit.*

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and for sucli period as the Local Government may by rule prescribe, and until all persons claiming an interest in the land shall have had an opportunity of showing cause against the proposal.

(2) While any such declaration remains on the roll uncancelled, no fresh declaration inconsistent therewith shall be recorded in the roll.

Duty of Civil Court as to questions arise as to original acquisition loss of landholder's right.

15. (2) Whenever a question arises in any proceeding before a Civil Court as to whether any person has acquired a landholder's right in respect of any land, and it appears that a declaration of the fact of such acquisition has been made and recorded by the Revenue Officer not less than five years before the commencement of such proceeding and is still uncancelled, the Court shall decide in accordance with such declaration.

(2) Whenever any such question arises in any such proceeding and it appears that no such declaration has been so made, or that, if made, it was made less than five years before the commencement of such proceeding, or that it has been cancelled, and whenever any question aiises as to whether a landholder's right, having been acquired, has been subsequently lost, the Court shall refer such question to the Revenue Officer, and shall give judgment in accordance with his decision thereon:

Provided that, where an appeal from the decision of the Revenue Officer on any question so referred lies to a Revenue Officer of a higher grade, the Court shall, on such conditions as to the furnishing of security or otherwise as it thinks fit, defer its judgment so as to allow time for preferring an appeal, and, in the event of a decision being given in appeal different from that given by the Revenue Officer to whom the question was originally referred, shall give judgment in accordance with the decision given in appeal.

CHAPTER IV.

Disposal of Land.

Modes of disposal of land at disposal of Government.

16. Land at the disposal of Government may be disposed of—

(a) by giant or lease, conferring such interests therein and on such conditions as the Local Government may by [1] rule prescribe;

(b) by license of the Revenue Officer.

Power of Local Government to make rules for disposal of such land.

17. *(1)* Subject to the control of the Governor General in Council, the Local Government may make [1] rules for the disposal of land at thi disposal of Government.

[1] For rules under s. 17, in conjunction witli ss. 12, 13, 14, 16 and 43, *see* Bur. E. M., Vol. II, pp. 225, 233, 234 and 237.

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[2) Such rules may provide, amongst other matters, for the following: —

(a) the amount or kind of interest to be created in such land by grants or leases and the conditions (if any) subject to which such interest may be conferred;

(b) the mode in which, and the Revenue Officers by whom, such grants or leases may be given;

(c) the Revenue Officers by whom, the manner in which, and the conditions subject to which licenses to use and occupy land may be given;

(d) the rates of revenue to be levied or rent to be reserved in respect of land disposed of by grant or lease or occupied under license, as the case may be; and

i *(e)* the cases in which such land may be disposed of revenue-free.

CHAPTER V.

EVICTION FROM AND UNAUTHORIZED POSSESSION AND USE OF STATE LAND,

Liability of possessors of State land to eviction in certain cases.

18. (*1*) Every person who—

(a) at the commencement of this Act is in possession of State land in respect whereof he has not then acquired a landholder's right, or

(*b*) after the commencement of this Act enters into possession of such land under a license from the Revenue Officer,

shall, until he acquires a landholder's right in respect of such land, be liable to be evicted therefrom after three months' notice from the Revenue Officer to quit the same :

Provided that every person so evicted shall be entitled to receive from Government such compensation as the Revenue Officer may determine for the expense of removing and re-crecting elsewhere the building* (if any) on the land, and for any loss or injury to any crop, garden produce and productive trees planted or grown by him or by previous occupants of the land.

(*2*) Nothing in this section shall apply to any person holding State land under a grant or lease made by or on behalf of the British Government.

Penalties for unauthorized possession of land.

19. Any person who after the commencement of this Act—

(a) enters into possession of any land at the disposal of Government except under a grant or lease from the Government, or under a license from the Revenue Officer, or

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(*b*) remains in possession of such land after any such grant, lease or license has been cancelled, or has expired, or has otherwise become void and possession has been demanded on behalf of Government,

shall be liable—

(1) to be summarily evicted therefrom;

(*i*) to pay five times the amount of revenue or rent assessable or payable in respect of the land during the period of his unauthorized occupation; and

(*ii*) to pay such fine as the Revenue Officer may determine as a further penalty for such unauthorized occupation or possession.

Penalties for unauthorized use.

20. When the Revenue Officer is satisfied that any State land of which a grant or lease has been made, or in respect of which a license has been given, limited to any specific purpose, has been, or is being used without the permission of the Revenue Officer for any other purpose, the person in possession of the land shall be liable—

(2) to pay such revenue or rent, or enhanced rate of revenue or rent, in respect of the land as the Revenue Officer shall determine from the time when the land was first used for such other purpose;

(*2*) to pay such fine as the Revenue Officer may determine as a further penalty for the unauthorized use of the land;

(3) to have the grant, lease or license of or for the land cancelled by the Revenue Officer and to be evicted therefrom:

Provided that no final order under this section shall be made until the person in possession of the land has had an opportunity of showing cause against the imposition of any penalty, and that no order shall be enforced until it has been confirmed by the Commissioner of the division.

Procedure to eviction under Act.

21. (*1*) When any person is liable under this Act to be evicted from State land, the Revenue Officer may issue an order requiring him and any other person (if any) occupying the land to quit the same, and to remove therefrom all property other than Government property within a specified time.

A copy of such order shall be posted up in some conspicuous position on the land or upon a building thereon.

(*2*) If after the time specified in the order any person remains upon or in occupation of the land, the Revenue Officer may, by warrant under his hand, cause such person to be arrested and may commit him to imprisonment in the civil jail for such period, not exceeding thirty

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days, as the Revenue Officer may consider necessary for the purpose of preventing resistance or obstruction to his order.

(3) If any property other than Government property remains on the land after the time specified in the order, the Revenue Officer may cause tlie same to be removed and sold for the purpose of defraying the cost of its removal, custody and sale; and thereupon the surplus proceeds of the sale (if any) shall be paid to the owner of the property.

(4) Nothing shall be deemed to be Government property within the meaning of this section merely by reason of its having been put into or affixed to the soil.

CHAPTER VI,

ASSESSMENT OF LAND-REVENUE.

Land liable to land-revenue assessment.

22. All State land shall be liable to be assessed to land-revenue, except—

(a) land which at the commencement of this Act belongs to the site of any monastery, pagoda or other sacred building, and which continues to be used for the purpose of such monastery, pagoda or sacred building;

(*b*) land exempt from assessment under the express terms of anj grant or lease made or to be made by or on behalf of the British Government, so long as the conditions (if any) subject to which the grant or lease has been or shall be made are fulfilled;

(c) plots of land in villages not exceeding one-fourth of an acre each in extent and occupied by or appertaining to buildings;

(d) plots of land in towns not exceeding one-fourth' of an acre each in extent and occupied by or appertaining to buildings which are assessed to one of the taxes specified in section 46, sub-section (*1*), Division (A), clause *(a),* clause (6), clause (c) or clause (*d*) of the [1]Burma Municipal Act, 1898, or on which a house-cess is levied under section 6 of the [J]Burma District Cesses and Rural Police Act, 1880. [11 of] *880.

Bur. Act of 1898.

Assessment and levy of land-revenue by Revenue Officer.

23. The Revenue Officer shall assess and levy land-revenue upon all lands liable to payment thereof according to such rates and in such manner as the [2]Financial Commissioner, with the previous sanction of the Local Government, may prescribe.

[1] ***Ante.***

[B] For notification as to rates, ***see*** Burma Gazettej **1900,** Pt. **IV, p. 340.**

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(Chap. VIA.—Regulation of the Extraction of Minerals and levy of Royalties thereon. Chap. VII.—Recovery of Sxims due to Government.)

[1] CHAPTER VIA.

REGULATION OF THE EXTRACTION OF MINERALS AND LEVY OI ROYALTIES THEEEON.

Extraction and levy of royalties thereon.

23A. (*l*) In the case of any land wherein the light to minerals is reserved to or otherwise belongs to Government, the Government shall have all puweis necessary for the proper enjoyment of its right thereto, and may dispose of any such right and powers to any persons in such manner as to it may seem fit.

(2) Whenever in the exercise of any such rights and powers by the Government, or by any person to whom the Government may have disposed of such rights and powers, the rights of any owner or occupier of any such land are infringed by the occupation or disturbance of the surface of such land, the Government shall pay, or cause to be paid, to such owner or occupier compensation for the infringement.

The compensation shall be determined, as nearly as may be, in accordance with the provisions oi the [2] Land Acquisition Act, 1894.

I of i894.

(3) The Local Government may, from time to time, make [3] rules—

(a) for regulating or prohibiting the mining, quarrying or digging for or the excavating or collecting of minerals on land wherein the right to minerals is reserved to or otherwise belongs to Government;

(b) for the disposal by way of lease, license or otherwise of such right of the Government, and fixing the conditions subject to which and the mode in ■which such dispositions may be made;

(c) for the levy and collection of royalties and fees in respect of minerals mined, quarried, excavated or collected on any such land; and

(*d*) for regulating and controlling the transport and export of minerals.

CHAPTER VII.

RECOVERY OF SUMS DUE TO GOVERNMENT.

Recovery of

24. All sums of money now due and payable, or which shall hereafter become due and payable, to Government in respect of any land, [mon0ydue]

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[1] Chapter VIA was inserted by s. 3 of the Lower Burma Land and Revenue Law Amendment Act, 1907 (Bur. Act 1 of 1907), *post.*

[1] Genl. Acts, Vol. IV.

[5] For rules under >. 23A *(3), set* Burma Gazette. 1908, Pt. I, p. 832.

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to Government under Act.

whether for land-revenue, rent or otherwise, and all fines imposed by a Revenue Officer under this Act, shall be recoverable as if they were arrears of land-revenue under the 'Burma Land and Revenue Act, 1876. II of 1876.

Priority of sums due to Government.

25. Every sum due to Government in respect of any land shall be a charge ujron the land and shall have priority over every other charge thereon created by mortgage, decree, attachment or otherwise.

Personal liability for sums due to Government.

26. Any sum due to Government in respect of any land shall be due jointly and severally from, and shall be payable by, all persons in possession of the land at the time the sum is demanded and all persons in possession of the land during the period for which the sum is payable.

CHAPTER VIII.

RECORD OF POSSESSION.

Application of Chapter.

27. This Chapter shall apply only to scheduled towns and to such other towns as the Local Government may, by notification, [2] direct.

Roll of town lands to be kept.

28. There shall be kept by the Revenue Officer for every town to which this Chapter applies, a roll of town lands, in -which shall be entered the names of the persons for the time being in possession of all lands within the town, together with such particulars as the Local Government may, by rule, prescribe.

Duty of registering officer on registration of document relating to title to land in towns.

29. Whenever any document affecting the title or right to possession of any land in any such town as aforesaid shall be registered under the [3] Indian Registration Act, 1877, the officer registering the same shall send to the Revenue Officer a true copy of the entries in the indexes, kept ¿under the said Act, relating to such document. III of 1877.

Duty of parties to unregistered document transferring title to lands in towns.

30. Whenever the title or right to possession of any land in any such town as aforesaid shall be transferred otherwise than by a registered document, the transferor and transferee shall give notice to the Revenue Officer of the change in possession within thirty days from the date on which the transferee enters into possession.

Duty of persons acquiring possession of land otherwise than by transfer.

31. Whenever any person acquires possession of land in any such town as aforesaid otherwise than by transfer or assignment from the person previously in possession of such laud, he shall, within thirty days from the date on which he enters into possession, give notice to the Revenue Officer of the change in possession and of the right under which he claims possession.

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[1] *Ante,* p. 8.

[2] For instances of notifications applying Chapter VIII to other towns, «66 Burma Gazette, 1906. Pt. I, p. 824; *ibid,* 1907, Pt. I, p. 103; *ibid,* 1908, Pt. I, p. 330.

[3] *See* now the Indian Registration Act, 1908 (16 of 1908), Genl. Acts, Vol. VI.

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32. The Revenue Officer may in any case before altering the roll of town lands, make a summary inquiry into the circumstances of any alleged transfer, devolution of title, or acquisition of possession of any land, and may refuse to enter the name of any person on the roll as being in possession of any land until he shall have been declared by the decree of a competent Civil Court to be entitled to possession thereof. **Power of Revenue Officer to hold inquiry in certain cases before altering roll.**

33. Whoever, being bound by section 30 or section 31 to give notice to the Revenue Officer of a change in possession, shall fail to give such g%e notice notice within the time prescribed therefor, shall be liable to such fine, as required not exceeding one hundred rupees, as the Revenue Officer may impose. **Penalty** ^ ,®"tion 30 31.

34. The Revenue Officer may at any time hold a summary inquiry in order to ascertain who is in fact in possession of any land, and may oSTih«ld enter in the roll of town lands the name of the person whom he finds to be in possession. **Power of R inquiry at anytime.**

35. An entry in the roll of to^n lands of the name of any person as being in possession of any land shall be presumptive evidence that such person was, or is, in possession of the land, as the case may be. **Prtsumption evidence arising from entry in roll.**

36. *(1)* The person whose name is for the time being entered in the roll of town lands as being in possession of any land, shall be liable to pay all revenue, taxes, rent and other Government demands in respect of such land, -whether he is in fact in possession of such land or not. **Liability of persons enteral in roll to pay Govern t demand™.**611

(2) Nothing in this section shall be taken to exempt from liability any other person who under this Act or under any other enactment for the time being in force may be liable to pay any such revenue, taxes, rent or other demand.

37. Nothing in this Chapter shall apply to land held from the Government on a lease from month to month or under a tenancy determinable at will. **Exemption**

CHAPTER 15.

MISCELLANEOUS.

'38. *(1)* A Revenue Officer may summon any person whose attendance he considers necessarv for the purpose of any business before him as a **Power to summon witnesses, etc**

[1] **Sections 38 and 38A were substituted for s. 38 by s. 9 of the Lower Burma Land ;.na Revenue Law Amendment Act, 1907 (1 of 1907), *post.* The original s. 38 was as follows :—**

> **" 38. Every Revenue Officer holding an inquiry or hearing an appeal under this Act ahn'.l have power to summon and enforce the atten jan^e of witnesses, including the parties interested or any of them, and to compel them to give evidence, and to make and enforce oideis for the production of documents bv the same means ar.d (so far as may be} in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure."**

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Revenue Officer. Such summons shall be issued and served in accordance with the provisions of the [1] Code of Civil Procedure regarding the service of summonses. XIV of 1882,

(2) Every person so summoned shall be bound to appear at the time and place mentioned in the summons in person or, if the summons so allows, by his recognized agent or legal practitioner.

(5) In addition to the powers conferred by this section, the Local Government may invest any Revenue Officer with any power exercised by a Civil Court in the trial of suits for the purpose of all or any particular cases or classes of cases coming before such Revenue Officer.

Witnesses, etc., b'jund to speak the truth.

[2] 38A. Every person attending in obedience to a summons issued by a Revenue Officer, and every applicant or other person appearing before a Revenue Officer, shall be bound to state the truth' upon any matter respecting which he is examined or makes statements, and to produce such documents and other things relating to any such matter as the Revenue Officer may require.

Appeals.

39. An appeal shall lie from the orders and decisions of Revenue Officers in respect of matters dealt with under this Act in such cases, to such officers, and subject to such limitations as to time and such other conditions as the Local Government may, by [3] rule, determine.

Financial Commissioner's powers of revision.

40. Notwithstanding that no appeal may lie to him, the Financial Commissioner may call for and revise the proceedings of any Revenue Officer in any case dealt with under this Act, and may pass such orders thereon, consistent with the provisions of this Act, as he may think fit.

Bar to jurisdiction of Civil Courts.

41. No Civil Court shall have jurisdiction to determine—

(a) any matter which, under this Act, is to be determined by the Revenue Officer;

(b) any claim to any right over land as against the Government.

Power of Financial Commissioner to make rules concerning forms.

42. The Financial Commissioner may, subject to the control of the Local Government, make [4]rules prescribing the forms of all rolls, registers, notices and other documents to be used under this Act.

Power of Local Government

43. In addition to the rules concerning matters in respect of which the Local Government is by section 17 expressly empowered to make

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[1] *See* now Act 5 of 1908, Genl. Acts, Vol. VI.

[2] *See* the footnote on previous page.

[3] For rule as to appeals, *see* Bur. R. M., Vol. II, p. 239.

[4] For rules prescribing forms under s. 42, *see* list on p. 101 of Vol. I, Bur. R. M.

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'rules, the Local Government may, subject to the control of the Governor General in Council, make rules to prescribe— **to make general ules.**

•(a) the manner in which, and the period for which, notice of receipt of an application under section 12 shall be given by the Revenue Officer under section 13;

(6) the manner in which, and the period for which, notice of the Revenue Officer's proposal to cancel a declaration under section 14 shall be published;

(c) the particulars to be entered in the roll of town lands to be kept under section 28;

{d) the cases in which, the officers to whom, and the limitations and conditions subject to which, appeals shall lie from orders and decisions of Revenue Officers;

(e) the person or persons by whom, and the manner in which, anything required by this Act to be done and not therein specially provided for shall be done ; and

(/) generally, to carry out the provisions and objects of this Act.

44. The power to make rules conferred on the Local Government by section 17, section 28, and section 43, clauses (c), *{d),* (e) and (/) shall be subject to the condition of the rules being made after previous publication and the rules so made shall not take effect until after they have been published in the gazette. **Publication** ofrules.

45. No civil suit shall lie against any Revenue Officer in respect of anything done or purporting to have been done by him in good faith under the provisions of this Act. **B.ir of suits** against Re" venue **Offioers.**

46. All sums levied by Government before the commencement of this Act in respect of lands in any town or village shall be deemed to have been lawfully levied, and no civil suit shall lie against the Secretary of State for India in Council, or against any public servant, in respect of any such sum or in respect of anything done in levying and realizing it which might lawfully have been done for the purpose of enforcing a lawful demand. **Legalization** f levv of s **Government** t in 116 past'

47. On and from the date of the commencement of this Act in any town or village, all enactments, rules and regulations (if any) relating to any of the matters provided for by this Act and then having the force of law shall be repealed. **Repeal of existing enactments relating to subject of Act.**

[1] For nln under t. 'Vi *i»d ». 17 vflh reference to u. 12, 13, 14, 16 anti 17, *»« Barm» GiiiOf, 1901, Pt. I. p. 589.

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THE SCHEDULE.

[See section 4, clause (^).]

SCHEDULED TOWNS.

Rangoon.	Akyab
Moulmein.	Bassein.

Prome.

THE BURMA GAMBLING ACT, 1899.

CONTENTS.

Preliminary.

SECTIONS.

1. Short title, etc.
2. Repeal.
3. Interpretation-clause.
   " Common gaming-house."
   " Gaming " and " playing."
   " Instruments of gaming."
4. Act not to apply to games of skill.

Arrest without warrant, etc., for Offences in Public Places.

5. Power to arrest without warrant.
   Power to seize instruments of gaming.

Searches of, and Arrests in, Common Gaming-houses, etc.

6. Power to enter and authorize police to enter and search suspected houses, etc.

Special Rules of Evidence, etc.

7. Presumption upon instruments of gaming being found in places entered under Act.
8. Magistrate may require any person accused of offence under Act to give evidence.
9. Witnesses to be absolved from punishment.

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Penalties.

SECTIONS.

10. Penalty for gaming, or setting birds or animals to fight, in public streets.
11. Penalty for playing or being in a gaming-house.
12. Penalty for owning or keeping or having charge of a gaming-house.
13. Penalty on conducting game of *ti* and like games.

Bar to Prosecutions in certain cases.

14. Bar to prosecutions in certain cases.

Destruction of Instruments of Gaming and Disposal of Valuables seized.

15. Convicting Magistrate may order destruction of cards, etc., and forfeiture of valuables, etc., seized.
16. Portion of fine may be paid as rewards.

Security for Good Behaviour.

17. Power to demand security.

BURMA ACT No. I OF 1899.[1]

[Applies to Lower AND Uffeb Bukma.]

[10th March, 1899; 1st April, 1899.]

An Act to provide for the punishment of public gambling and the keeping of common gaming-houses, and for the suppression of certain forms of gaming.

Preamble. WHEREAS it is expedient to make provisions for the punishment of public gambling and the keeping of common gaming-houses, and for the suppressions of certain forms of gaming; It is hereby enacted as follows: —

Preliminary.

Short title, etc. 1. *(1)* This Act may be called the Burma Gambling; Act, 1899: and *(2)* It extends to the whole of Burma except the Shan States.

Repeal. XVI of 18al. Ill of 18G7. 2. Thfi Burma Gaming Act, 1884, is hereby repealed; and the Public Gambling Act, 1867, shall from the commencement of this Act cease to be operative in Burma.

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[1] **For Statement of Objects and Reasons, *irt* Buima Gazette, 1898, Pt. Ill, p. 116; for Report of the Select Committee, *stt ibid,* 1099, Pt. Ill, p. 13; for Proceedings relating to the Bill, *see ibid,* 18S9. Supplement, p. 195.**

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(Preliminary. Arrest without Warrant, etc., for Offences in Public Places.)

Interpretation-clause.

3. In this Act, unless there is anything repugnant in the subject or context - -

"Common gaming-house."

(1) "Common gaming-house" means any house, enclosure, room, vessel or place, whether public or private, in which—

(a) any instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such house, enclosure, room, vessel or place, whether by way of charge for the use of the instruments of gaming as such, or of the house, enclosure, room, vessel or place, or otherwise howsoever for gaming purposes; or where—

(b) the game of *ti* or any other game or pretended game of a like nature is carried on :

"Gaming" and "playing."

(2) The words "gaming" and "playing," with their grammatical variations and cognate expressions, include taking part in the game of *ti* or in any other game or pretended game of a like nature :

"Instruments of gaming."

(3) The expression "instruments of gaming" means and includes—

(a) any cards, dice, counters, coins, gaming-tables, gaming-cloths, gaming-boards or other articles devised or actually used for the purpose of gaming;

(б) any boxes, receptacles, lists, papers, tickets or forms used for the purpose of the game of ti or any other game or pretsnded game of a like nature.

Act not to apply to games of skill.

4. Nothing in this Act shall be held to apply to any game of mere human skill wherever played.

Arrest without warrant, etc., for Offences in Public Places.

Power to arrest without warrant.

5. A police-officer may arrest without warrant any person who in any street or thoroughfare or place to which the public have access, and within the view of such police-officer—

(a) solicits or collects stakes for the game of *ti* or any other game or pretended game of a like nature; or

(b) plays for money or other valuable thing with anj instrument of gaming; or

(c) sets birds or animals to fight; or

(d) being there present aids and abets such public fighting of birds or animals.

Power to seize instruments of gaming.

And such police-officer may seize all instruments of gaming found in such place or on the persons of those whom he shall so arrest.

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(Searches of, and Arrests in, Common Gaming-houses, etc.)

Searches of, and Arrests in, Common Gaming-houses, etc.

Power to

6. *(1)* If the District Magistrate or any Sub-divisional Magistrate or Magistrate of the first class, or a Magistrate of the second class specially empowered by the Local Government in this behalf, or the District Superintendent of Police, [1][on credible information or on other sufficient grounds, has reason to believe that any house, enclosure, room, vessel or place is used as a common gaming-house, he may, after recording in writing such information or grounds,] either himself do any of the following acts, or by warrant authorize any officer of police not below the rank of sergeant or officer in charge of a police station to—

(a) enter, within seven days from the date thereof, with such assistance as may be found necessary, by night or by day, and by force, if necessary, any such house, enclosure, room, vessel or place; and

(b) take into custody all persons whom he finds therein, whether they are then actually gaming or not; and

(c) seize all instruments of gaming, and all moneys and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein; and

(d) search all parts of the house, enclosure, room, vessel or place, which he shall have so entered, when he has reason to believe that any instruments of gaming are concealed therein and also the persons of those whom he so takes into custody, and seize and take possession of all instruments of gaming found upon such search.

(2) No Magistrate [2][or District Superintendent of Police] recording the substance of the information [2][or] grounds of belief under sub-section (*1*), shall be bound to specify therein the name of any informer.

(3) All searches under sub-section (2) shall be made in accordance with the provisions of sub-section (3) of section 102, and of section 103 of the [3]Code of Criminal Procedure, 1898. V of 1898.

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[1] **The words in square brackets in s. 6 (2) were substituted for the wurds " upon credible information, has reason to believe that >>ny house, enclosure, rnom, vessel or plaso is used as a common gaming-house, he may, after recording in writiiig the substan. e of each information and the grounds of *onh belief " by s. 2 (*1*) of the Burma Gambling Act Amer.-dnient Act, 1905 (Bur. Act 1 of 1905), *post.***

[2] **The words in square brackets in sub-section (?) were inserted, and the word " or " substituted for the «"rd " and " by s. 2 (2) of the Burma Gambling Act Amendment Act, 1905 'Bur Act 1 of 1905}, •*post.***

[3] **Genl. Acts, Vol. V.**

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[1] (*4*) When any house, enclosure, room, vessel or place is entered under suh-sectioD (*1*) by a police-officer, he shall, immediately after the completion of the proceedings under that sub-section, submit a report of such proceedings together with the warrant (if any) to a Magistrate who has jurisdiction to take cognizance of any offence which appears to have been committed and take or send to such Magistrate the persons arrested and articles seized:

Provided that the police-officer may release the persons so arrested on bail or on their own recognizances conditioned to appear before such Magistrate, and, unless he produces such persons before a Magistrate within three hours from the arrest, he shall release them on such bail or recognizances as may be reasonably sufficient:

Provided also that, if no persons are arrested, the police-officer shall submit a report of his proceedings to the Magistrate who issued the warrant, if any.

Special Rules of Evidence, etc.

Presumption upon instruments of gaming being found in places entered under Act.

7. When any instruments of gaming are found in any house, enclosure, room, vessel or place entered under the provisions of the last preceding section, or about the person of any of those who are found therein, it shall be presumed, until the contrary is proved, that such house, enclosure, room, vessel or place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Magistrate or police-officer, or by any one aiding in the entry.

Magis träte may require any person

[2] 8. It shall be lawful for the Magistrate, before whom any persons are accused of an offence under this Act, to require any such persons to

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[1] **Sub-section (4) was substituted by s. 2 *(3)* of the Burma Gambling Act Amendment Act, 1905 (Bur. Act 1 of 1905), *post*. The original sub-section was as follows :—**

" (4) When any house, enclosure, room, vessel or place is entered by a police-officer under a warrant issued under sub-section (*1*), he shall, after the execution of such warrant, forthwith submit it to the Magistrate who issued it, or to the nearest Magistrate empowered under clause (c) of section 190 of the Code of Criminal Procedure, 1898, together with a report of the proceedings thereunder, and shall together therewith take or send the persons arrested and all articles seized thereunder before such Magistrate :

Provided that, when it is not practicable to produce the persons so arrested before such Magistrate within three hours after their arrest, it shall be lawful for such police-officer to release them on bail on their own recognizances."

[2] **Section 8 was substituted by s. 3 of the Burma Gambling Act Amendment Act, 1905 (Bar. Act 1 of 1905!, *post*. The original section was as follows :—**

"8. It shall be lawful for the Magistrate before whom any persons shall be brought who have been found in any house, enclosure, room, vessel or place entered under the provisions of section 6, to require any such persons to give evidence touching any unlawful gaming in such house, enclosure, room, vessel or place, or touching any act done for the purpose of preventing, obstructing or delaying the entry into such house, enclosure, room, vessel or place or any part thereof, of any Magistrate or officer authorized as aforesaid."

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give evidence touching any unlawful gaming, or touching anything done accused of offence under Act to give evidence. with reference to, or in furtherance of, any unlawful gaming, or touching any act done for the purpose of preventing, obstructing or delaying the entry into any house, enclosure, room, vessel or place or any part thereof, of any Magistrate or officer authorized to make such entry.

9. Any person who shall have been concerned in gaming contraiy to this Act, and [1] [who shall be examined (under section 8 or otherwise) as a witness] before a Magistrate on the trial of any person for an offence under this Act and who, upon such examination, shall in the opinion of the Magistrate make true and faithful discovery, to the best of his knowledge, of all things as to which he shall be so examined, shall thereupon receive from the said Magistrate a certificate in writing to that effect, and shall thereby be absolved from punishment for any offence under this Act committed by him during such gaming. Witnesses to be absolved from punishment.

Penalties.

10. Any person who in any street or thoroughfare, or place to which the public have access— Penalty for gamng or Betting birds or animals to public streets.

(a) plays for money or other valuable thing with any instrument of gaming; or

(*b*) sets any birds or animals to fight; or

(c) being there present aids and abets such public fighting of birds or animals,

shall be liable to a fine not exceeding fifty rupees, or to imprisonment for any term not exceeding one month.

11. Whoever plays in any common gaming-house, or is there present for the purpose of gaming, whether or not actually playing, shall be liable for a first offence to a fine not exceeding one hundred rupees, or to imprisonment for any term not exceeding one month, and for a subsequent offence to a fine not exceeding two hundred rupees or to imprisonment for any term not exceeding two months. Penalty for playing or being in a gaming-house.

12. Whoever—

(a) being the owner or occupier, or having the use of any house, enclosure, room, vessel or place, opens, keeps or uses the same as a common gaming-house; or Penalty for owning or having charge of a gaming-house.

(б) being the owner or occupier of any house, enclosure, room, vessel or place, knowingly permits the same to be opened, used or kept as a common gaming-h^use; or

(c) has the care or management of, or in any manner assists in conducting the business of any common craming-house; or

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[1] The words in square brackets in s. 9 were substituted for the words " who shall be examined »» * witness " by s. 4 of the Burma GamDling Act Amendment Act, 1905 i Bur. Act 1 of 1905), *post.*

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(Penalties. Bar to Prosecutions in certain cases. Destruction of Instruments of Gaming and Disposal of Valuables seized.)

(d) advances or furnishes money for the purpose of gaming[1] with persons frequenting any common gaming-house,

shall be liable for a first offence to a fine not exceeding '[five hundred rupees] or to imprisonment for any term not exceeding three months, and for a subsequent offence to a fine not exceeding '[one thousand rupees] or to imprisonment for any term not exceeding six months.

Penalty on conducting game oi *li* and like games.

13. Whoever—

(a) conducts or assists in conducting the game of *ti,* or any other game or pretended game of a like nature, as manager, stake-holder or *daing;* or

(б) is according to the rules of the game or pretended game entitled to receive the surplus proceeds, or any part of the surplus proceeds, of the stakes after deducting the amount payable to the successful player or players; or

(c) promotes the game or pretended game by soliciting or collecting stakes or otherwise,

shall be punished with imprisonment for a term which may for a first offence extend to six months, and for a subsequent offence to two years, or with fine, or with both.

Bar to Prosecutions in certain cases.

Bar to prosecutions in certain cases,

14. [2] [No Court shall try]—

(a) under section 10 or section 11 unless a complaint or a report or information in respect thereof has been made or given

[2] [to, or cognizance thereof has been taken by, a Magistrate] within seven days of the date of the alleged commission of the offence, or

(b) under section *12* or section 13 unless a complaint or a report or information in respect thereof has been made or given

[2] [to, or cognizance thereof has been taken by, a Magistrate] within one month of the date of the alleged commission of the offence.

Destruction of Instruments of Gaming and Disposal of Valuables seized.

Convicting Magistrate may order destruction

15. *(1)* On the conviction of any person for an offence under section 11, 12 or .13 committed in any common gaming-house entered under the provisions of section 6, the convicting Magistrate may order any instru-

[1] **The words " five hundred rupees " and " one thousand rupees " in s. 12 were substituted for the words " two hundred rupees " and " four hundred rupees," respectively, by s. 5 of the Burma Gambling Act, 1905 (Bur. Act 1 of 1905), *post.***

[2] **The opening words of s. 14 were substituted for the words " No Magistrate shall take cognizance of an offence," and the words in square brackets in clauses (a) and (6), for the words " to him " by s. 6 of the Burma Gambling Act Amendment Act, 1905 iBlir. Act 1 of 1905), *post.***

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(Destruction of Instruments of Gaming and Disposal of Valuables seized. Security for Good Behaviour.)

ments of gaming found therein to he destroyed, and may also order any other articles seized to be sold and converted into money, and the proceeds thereof with all moneys seized therein to be forfeited; or, in his discretion, may order any of such articles and the whole or any part of such moneys to be returned to the persons appearing to have been severally thereunto entitled.

of ©»rds, etc.. »ir.l iurfeit-jre i>< Ya-lua'jles etc., seized.

(2) On the comiction of any person for an offence under clause (a) of section 10 or under section 11, 12 or 13, the convicting Magistrate may order all instruments of gaming seized under section 5 to be destroyed or forfeited.

16. The ^Magistrate trying the case may direct any portion of any fine which shall be levied under sections 10, 11, 12 and 13, or any part of the moneys or proceeds of articles seized and ordered to be forfeited under this Act, to be paid to any person who has contributed in any way to the conviction.

Portion of fine may be paid as re-ards.

Security for Good Behaviour.

17. Whenever a District Magistrate, Sub-divisional Magistrate, or, when he is specially empowered in this behalf by the Local Government, ■<% Magistrate of the first class, receives information that any person within the local limits of his jurisdiction earns his livelihood, wholly or in part, by unlawful gaming or by promoting or assisting in the promotion of unlawful gaming, he may deal with such person as nearly as may be as if the information received about him were of the description mentioned in section 110 of the [1] Code of Criminal Procedure, 1898; and for the purposes of any proceeding under this section the fact that a person earns his livelihood as aforesaid may be proved by evidence of general repute oi otherwise.

Pow er to iVirwrid «ecurily.

V of ISOS.

BURMA ACT Xo. II OF 1899.[3]

[APPLIES TO LOWEE AND UPPER BURAIA.]

[.23rd March, 1899; 10th April, 1899.']

An Act to amend the [3] Burma Ferries Act, 1898.

Bur. Aot II of 1898.

WHEEEAS it is expedient to amend the [3] Burma Ferries Act, 1898; It is hereby enacted as follows : —

1. In section i, clause (/), and in section 6 of the said Act, for the words " moneys received by way of compensation or composition " in each

Amendm«nt of secUnni 4 »□d<l. Uurca» Act II. J SOS.

[1] Genl. Acts, Vol. V.

[3] For Statement of Objects and Reasons, sc« Burma Gazette, 1897. Pt. III. p. 29; for Report of the Select Committee. *ttt ibid,* 1899, Pt. Ill, p. 22; for Proceedings in Council, «e *ibid,* Supplement, 1897. p. 1237, *ibid,* Supplement, 1899, p. 197.

* *Ante,* p. 322.

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section the words and figures ' ' moneys received under section 29 or by way of composition" shall be substituted.

Amendment of section 19, Burma Act II, 1898.

2. In section 19 of the said Act, for the words " moneys received by way of compensation or composition" the words and figures " moneys received under section 29 or by way of composition/' and for the words and figures " by sections 28 and 30 " the words and figures " under powers conferred by sections 7 and 30," shall be respectively substituted.

Amendment of section 28 (re-numbered section 30), Burma Act II, 1898.

3. (*1*) In section 28 (hereinafter re-numbered so as to become section 30) of the said Act, after the words and figures " or section 27 " and before the word " may," the following shall be inserted, namely : —

" and the whole or any portion of the amount realized under section 29."

Re-arrangement and re-numbering of sections 28, 29 and 30, Burma Act II, 1898.

(2) The said section 28 shall be removed from its former position and shall be inserted as the section next preceding section 31 of the said Act ; and sections 29, 30 and 28 of the said Act as so amended and re-arranged shall be re-numbered as sections 28, 29 and 30, respectively.

BURMA ACT No. Ill OF 1899.[1]

[19th. March, 1899; 12th April, 1899.]

An Act to amend the [a] Burma Military Police Act, 1887.

WHEREAS it is expedient to amend the [2] Burma Military Police Act XV of 1887. 1887; It is hereby enacted as follows: —

Short title.

1. This Act may be called the Burma Military Police Act Amendment Act, 1899.

Amendment of section 3, sub-sections (5) and (6), Act XV, 1887.

2. For sub-section *(5)* and (***6***) of section 3 of the [2] Burma Military **xv$_0$fl887.** Police Act, 1887, the following shall be substituted, namely: —

" *(5)* ' Adjutant ' means a person appointed by the Local Government to be an Adjutant of Military Police, and in Lower Burma includes a District Superintendent of Police and an Assistant District Superintendent of Police in charge of the police of a district or of a sub-division :

" ***(6)*** ' Assistant Commandant ' means a person appointed by the Local Government to be an Assistant Commandant or an Assistant Adjutant of Military Police, and includes an Assistant District Superintendent of Police not in charge of the police of a district or of a sub-division:

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[1] For Statement of Objects and Reasons, ***see*** Burma Gazette. 1899, Pt. Ill, p. 119; for Report of the Select Committee, see ***ibid,*** 1b99, Pt. Ill, p. 19; for Proceedings in Council, ***see ibid,*** Supplement, p. 197.

[a] ***Ante,*** p. 95.

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"*(7)* **'Inspector' means an inspector of Civil Police who has been appointed by the Inspector-General of Police to be also an Inspector of Military Police:**

" (5) The expressions ' reason to believe,' ' criminal force,' ' assault,' 'fraudulently' and 'voluntarily causing hurt' have the meanings assigned to them respectively in the *Indian Penal Code."

3. *(1)* **For the words "or second-in-command" in sub-section** (2) **of section** 4 **of the said Act, the following shall be substituted, namely :—** Amendment of section 4 sub-section* (1), 1887, Act XV*

"Adjutant or Assistant Commandant."

(2) To the same sub-section the following shall be add^d, namely: —

" and he shall be asked the questions in the said schedule set out, and in answering such questions he shall be bound to state the truth."

4. For section 5 **of the said Act, the following shall be substituted,** Amendment of section 5 Act XV, 1887. **namely: —**

L*Ante,* p. 97.]

5. In section 8 of the said Act, the words "class of sepoy" shall be substituted for the words " rank of constable." Amendment of section 8* Act XV, 1887.

6. (2) **In sub-section** *(1)* **of section** 9 **of the said Act, for the words " or Second-in-command or an officer " the following shall be substituted,** Amendment of section 9. **namely:-**

"Adjutant or Assistant Commandant or an Inspector, or a subah- dar or jamadar." 1887.

(*2*) In the same sub-section for the words "head-quarters of a district during the absence of the Deputy Commissioner, Commandant and Second-in-command" the words "head-quarters of a district or battalion duiing the absence of the Commandant, Adjutant and Assistant Commandant" shall be substituted.

(3) **In the same sub-section the words "of the class of sepoy" shall be inserted between the words "officer" and "who".**

(4) **Foi sub-clause (*b*) of the same sub-section the following sub-clauses shall be substituted, namely: —**

"(6) extra guards, pickets or patrols;

(c) confinement to lines for any period not exceeding thirty days with punishment drill not exceeding fifteen days and thereafter fatigue duty."

7. **In section** 11 **of the said Ac*, for the words "police-officer not below the rank of Commandant" the words "Commandant, Adjutant or Assistant Commandant" shall be substituted.** Amendment of section 11 Act XV, 1887.

8. **In sections** 12 **and** 13 **of the said Act, for the words "or Second-in-command,[1]' wherever they occur, the words "Adjutant or Assistant^ Commandant " shall** be **substituted.** Amendment of sections 12 and 13, Act XV, 1887.

* Genl. Acts Vol. I.

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Amendment of the schedule, Act XV, 1887.

9. (1) In the schedule of the said Act, for the words "through the Inspector, if any, to whom you may be subordinate, to a Commandant of Military Police or the Deputy Commissioner of the district in which you may be serving" the following shall be substituted, namely: —

"through the officer to whom you may be subordinate, to a Commandant or Adjutant of Military Police."

(2) To the schedule of the said Act, after the words "previous to your discharge" the following shall be added, namely: —

_*Ante,* p. 102.]

(3) In the attestation clause of the schedule of the said Act, for the words "or Second-in-command" the following shall be substituted, namely : —

" Adjutant or Assistant Commandant."

THE RANGOON POLICE ACT, 1899.

CONTENTS.

PART I.

PEELIMINAEY.

SECTIONS.

1. Short title, extent and commencement.
2. Repeal.
Saving of Act III of 1888.
3. Act not to apply to Burma provincial police unless serving under Commissioner of Police.
4. Effect of alteration of limits of Rangoon Town.
5. Interpretation-clause.

PART II.

CONSTITUTION, REGULATION AND POWEES OF THE POLICE.

6. Superintendence in the Local Government.
7. Appointment of superior officers.
8. Powers of Commissioner of Police.
8A. Power of Superintendent to issue warrant for s°arch, etc., of common gaming-house.

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SECTIONS-

9. General constitution of the Rangoon force.
10. Control and rules for government of the Rangoon force.
11. Commissioner of Police to appoint inferior police-officers.
12. Vesting of powers, functions and privileges of a police-officer.
13. Responsibilities, etc., of police-officer under suspension.
14. Police-officers not to engage in other employment.
15. Police-officer always on duty.
16. Duties of a police-officer.
17. Police-officers to give two months' notice of resignation.
18. On ceasing to be a police-officer every person to give up certificate and equipment.
Penalty for refusing to do so.
19. Punishments for breaches of discipline.
20. Penalties for offences against this Act by a police-officer.
21. Fund for rewards to members of the police-force.

PART III.

SPECIAL PROVISIONS FOR ADDITIONAL POLICE AND DISTURBED AREAS.

22. Additional police-officers employed at the cost of individuals.
23. Appointment of additional force in the neighbourhood of railway and other works.
24. Quartering punitive police in disturbed or dangerous areas
25. Awarding compensation to sufferers from misconduct of inhabitants.
26. Recovery of moneys payable under sections 22, 23 , 24 and 2-5.

Special Police-officers.

27. Special police-officers.
28. Powers of special police-officers.
29. Punishment for refusing to serve.

PART IV.

PROVISIONS FOR THE PRESERVATION OF PEACE AND ORDER AND FOR OTHER PURPOSES.

Provisions against Thieves and Vagabonds.

30. Apprehension and punishment of reputed thieves and others.
31. Penalty for possession of property suspected to be stolen.
31A. Power to require security for good behaviour on conviction under section 30 or 31.

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Powers of Entry and Inspection.

SECTIONS.

32. Power for police to enter pawnshops, licensed lodging-houses and places of resort of loose or disorderly characters.

33. Powers of police-officer deputed to enter and seize false weights and measures.

34. Admission of police to places of public resort.

Additional Powers to Arrest.

35. Apprehension of offenders by private persons, if name, etc., unknown.

30. Punishment for resisting lawful arrest by private persons.

36A. Police-officer may arrest without warrant in view of certain offences, if name, etc., unknown.

Regulation of Crowds, Traffic, etc.

37. Regulation of public assemblies and processions, and licensing of the same.

Music and torches in streets.

38. Powers with regard to assemblies or processions violating conditions of license.

39. Power to keep order on public roads, etc.

40. Penalty for disobeying orders issued under the last three sections.

41. Punishment for certain offences on roads and public places: —

(*1*) Driving elephant or wild animal:

(*2*) Driving a vehicle without sufficient lights:

(5) Riding or driving otherwise than on the left side of road:

(*4*) Furious riding or driving :

(*5*) Exposing horses for sale, training animals, and cleaning or repairing vehicles:

(*6*) Negligence in driving cattle :

(7) Leaving cart, etc., without control:

(*8*) Obstructing thoroughfare by vehicle or animal:

(*9*) Obstructing foot-way by vehicle or animal:

(*10*) Exposing goods:

(*11*) Beating drums, etc.:

(*12*) Illuminations:

(*13*) Bathing in public :

(*14*) Being drunk and incapable :

(*15*) Indecent exposure of person:

(*16*) Begging:

(*17*) Neglecting to fence dangerous places.

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SECTIONS.

41A. Penalty foi begging or seeking for alms.
42. Penalty for lighting bonfires, sending up fire-ballons, or discharging guns or fire-works.
43. Penalty for aifixing bills.
43A. Penalty for continuing to keep a disorderly house.
43B. Power to prohibit brothels and the residpnce of prostitutes in certain areas.
43C. Penalty for soliciting or loitering for purposes of prostitution.
43D. Imprisonment for non-payment of fine where substantive sentence of fine only has been passed for certain offences.
44. License fees.

Protection of Unclaimed and Lost Property.

45. Unclaimed property.
46. Commissioner of Police may proclaim property.
47. Power to sell perishable property.
48. Disposal of property should no claimant appear.
49. Intestate's property under two hundred rupees in value.

Destruction of Stray Dogs.

50. Power to destroy stray dogs.

PART V.

LIMITATION OF PROCEEDINGS.

51. Limitation of prosecutions.
52. Notice of civil action.
53. Sanction of Commissioner of Police required for prosecution for certain offences under Act.
54. Plea that act was done under warrant.

PART VI.

POWEB. TO* MAKE RULES.

55. Power of Local Government to make rules.

FORM.

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ACT No. IV OF 1899.[1]

[27th March, 1899; 13th April, 1809.]

An Act to provide for the better regulation of the Police in Rangoon Town.

Preamble.

WHEREAS it is expedient to exclude Rangoon Town for certain purposes from the general police-district of Burma and to make provision for the regulation of the police within the limits so excluded ; It is hereby enacted as follows : —

PART I.

PRELIMINARY.

Short title, extent and commencement.

1. *(1)* This Act may be called the Rangoon Police Act, 1899,

(2) It extends to Rangoon Town ; and

(5) It shall comp into [2] force on such day as the Local Government may, by notification, appoint in this behalf.

Repeal.

2. (i) Except as provided in the [3] Police Act, 1888, and in section 3 of this Act, the [4] Police Act, 1861, and Act [5] VIII of 1895, shall cease to take effect within the limits of Rangoon Town. III of 1888. Vof 186L

(2) Subject to the provisions of section 3 of this Act and notwithstanding anything contained in section 12 of the Cantonments Act, 1889, the police-force employed in the Cantonment of Rangoon shall, for the purposes of this Act, be deemed to be part of the police-establishment constituted under this Act. XIII of 1889.

Saving of Act III, 1888.

(3) Nothing contained in this Act shall be construed to affect the provisions of the [3] Police Act, 1888. ni of 1888.

Act not to apply to Burma provincial police unless serving under Commissioner of Police.

3. *(1)* Notwithstanding anything in this Act, the [1] Police Act, 1861, (as amended by subsequent Acts,) shall apply to all military and civil police-officers of the general police-district of Burma, stationed or employed within the limits of Rangoon Town, for the purposes of the organization, regulation and control of such police and of the discharge by them, within such limits, of police-functions connected with the administration of any parts of Burma beyond such limits. Vof 1861.

(2) Subject to any orders which the Local Government may make in this behalf, any such police-officer may discharge any functions of a police-officer in Rangoon Town and shall, while so discharging any functions not provided for in sub-section *(1),* be deemed to be a member

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[1] For Statement of Objects and Reasons, *see* Burma Gazette, 1899. Pt. Ill, p. 10 ; for Report of the Select Committee, *see ibid,* Pt. Ill, p. 23; for Proceedings in Council, *see ibid.* Supplement, pp. 197 and 341.

[2] The Act came into force on the 15th June, 1899, *see* Burma Gazette, 1899. Pt. I, p. 304.

[3] Genl. Acts. Vol. IV.

[4] Genl. Acts Vol. X

[5] The Police Act (1861) Amendment Act, 1895, Genl. Acts, Vol. IV.

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of the police-establishment constituted under this Act and be vested with the powers, functions and privileges and be subject to the liabilities of u police-officer appointed under this Act.

Effect of alteration of limits of Rangoon Town.

4. In the event of the limits of Rangoon Town being altered at any time hereafter,—

(a) this Act shall be deemed to extend to any area thereby included within such limits from the date of such inclusion ; and

(b) this Act shall cease to be operative within, and the [1]Police Act, 1861, (as amended by subsequent Acts,) shall extend to any area thereby excluded from Rangoon Town from the date of such exclusion,

V of 1861.

unless it be otherwise expressly provided in the notification or enactment altering such limits.

"Cattle."

5. In this Act, unless there is anything repugnant in the subject or context,—

(1) "Cattle" includes, (besides horned cattle,) elephants, camels, horses, asses, mules, sheep, goats and swine :

"Police."

(2) "Police" includes—

(a) all persons appointed under this Act ; and

(b) any member of any other police-establishment so far as may be necessary for the purposes of sub-section *(2)* of section 3 of this Act, or of section 3 of the [2] Police Act, 1888 :

XXI of 1888.

"Shop."

(3) "Shop" includes dwelling-house and warehouse or other place of business, or place where business is transacted :

"Vehicle."

(4) "Vehicle" includes every description of wheeled conveyance except perambulators and other conveyances designed for the carriage of children.

PART II.

Constitution, Regulation and Powers of the Police.

Superintendence in the Local Government.

6. The superintendence of the police in Rangoon Town shall vest in, and subject to the general control of the Government of India, shall be exercised by, the Local Government; and, except as authorized under the provisions of this Act, no person, officer or Court shall be empowered by the Local Government to appoint, supersede or control any police-functionary.

[1] Genl. Acts, VoL I.
[2] Genl. Acts, Vol. IV.

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Appointment o! «upcrior offioers.

7. The Local Government shall appoint a Commissioner of Police for Rangoon Town, and in him shall be vested the administration of the police of that town subject to the direct control of the Local Government.

The Local Government may appoint so many Superintendents of Police as shall be sanctioned by the Government of India.

Powers of Commissioner of Police.

8. The Commissioner of Police—

(*1*) shall have the powers of a Magistrate so far as may be necessary for the purposes of preserving the peace, preventing crime, and detecting, apprehending and detaining offenders in order to their being brought before a Magistrate and so far as may be necessary for the performance of the duties assigned to the Commissioner of Police by this Act;

(2) shall perform the duties and exercise the powers of the Deputy Commissioner under the 'Lower Burma Towns Act, 1892; IX of 1892.

(3) shall likewise exercise the full powers conferred on the District Superintendent of Police by any law or regulation in force in Rangoon Town;

(4) may, when the holder of a license granted under the [2]Indian Arms Act, 1878, is within the limits of Rangoon Town, XI of 1878. cancel or suspend such license, if, for reasons to be recorded in writing, he deems it necessary to do so for the security of the public peace ;[3]*

(5) may, whenever sanction is necessary under section 29 of the [2]Indian Arms Act, 1878, for the institution of proceedings XI of 1878. in respect of an offence under section 19, clause (*l*) of the said Act, give such sanction, notwithstanding anything contained in such sections; [3] [and]

[3]*(6)* may do any acts which a Magistrate is authorized or required to do under sections 4, 5, 6A, 14 and 15 of the [4] Indian Lunatic Asylums Act, 1858. XXXVI of 1858*

Power of Superintendent to issue warrant for search, etc., of common gajning-

[5]8A. Every Superintendent of Police may exercise the powers conferred on a District Superintendent of Police by section 6 of the [6] Burma Bur. Aotl Gambling Act, 18yy. of 1899.

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[1] ***See*** **now** Burma **Act 3 of 1907,** ***post.***

* r»CtvL« Acts, Vol. II.

[4] **S The word "and " after sub-section (¿) was omitted, and the word " and [fl], after sub-section (5), and isub-section *(8)* were added by the Rangoon Police Act Amendment Act, 1907 (Bur. Act 4 of 1907),** ***'post.***

^ Gen. Acts, Vol. I.

[5] **S. 8A was inserted by s. 3 of the Rangoon Police Act Amendment Act, 1007 (Bur. Act 4 of 1907),** ***'post.***

' ***Ante,*** **p. 435.**

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General constitution of the Rangoon force.

9. Tie Rangoon police-force shall be a separate police-establishinent and shall consist of such number of officers and men, and shall be constituted in such manner, and the members of such force shall receive such pay, as shall from time to time be ordered by the Local Government subject to the control of the Government of India.

Control and rules for government of the Rangoon force.

10. The police-force shall be under the exclusive direction and control of the Commissioner of Police, who may from time to time, with the previous sanction of the Local Government, frame rules for the government of the force and the regulation of its duties.

Commissioner of Police to appoint inferior police-officers.

11. All police-officers, other than those mentioned in section 7, shall, subject to such rules as the Local Government shall from time to time sanction, be appointed by the Commissioner of Police; and every police-officer so appointed shall receive, on his appointment, a certificate in the form annexed to this Act under the seal of the Commissioner of Police.

Vesting of powers, functions and privileges of a police-officer.

12. Every police-officer appointed under section 7 shall, by virtue of his appointment, and every police-officer holding a certificate under section] 1 shall, by virtue of such certificate, be vested with the powers, functions and privileges of a police-officer.

Such certificate or appointment shall cease to have effect when the person named in it ceases for any reason to be a police-officer.

Responsibilities, etc., of police-officer under RUS- Possibilities.

13. A police-officer shall not, by reason of being suspended from office, cease to be a police-officer. During the term of such suspension the powers, functions and privileges vested in him as a police-officer shall be in abeyance, but he shall continue subject to the same responsibilities, discipline and penalties and to the same authorities as if he had not been suspended.

Police-officers engage employment.

14. No police-officer shall engage in any employment or office whatever, other than his duties under this Act, unless expressly permitted in writing by the Commissioner of Police to do so.

Police-officer always on duty.

15. Every police-officer shall, for the purposes of this Act, be considered to be always on duty, and may at any time be employed as a police-officer in any part of Rangoon Town.

Duties of police-officer.

16. It shall be the duty of every police-officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority, and to take lawful measures for—

(1) collecting and communicating intelligence affecting, and otherwise preserving, the public peace;

(2) preventing the commission of offences and public nuisances;

(3) detecting and bringing offenders to justice;

(4) apprehending persons whom he is legally authorized to apprehend, and for whose apprehension sufficient ground exists;

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(5) regulating processions and assemblies in public places;

(6) regulating tbe traffic upon public thoroughfares and removing obstructions therefrom ;

(7) preserving order and decorum in public places, in places of public resort and in assemblies for public amusements;

(5) protecting unclaimed or lost property, and finding the owners thereof;

(9) taking charge of and impounding stray animals;

(10) inspecting weights and measures and instruments for weighing;

(11) assisting in the protection of life and property at fires;

(12) protecting public property from loss or injury;

(13) attending the Criminal Courts and keeping order therein;

(14) escorting and guarding prisoners to and from prisons and places of detention; and

(15) executing warrants of arrest, and serving summonses and notices whenever specially directed by a Magistrate to do so.

Police-officers to give two months' notice of resignation.

17. No police-officer appointed under section 11 shall be at liberty to withdraw himself from tbe duties of his office, unless expressly allowed to do so by the Commissioner of Police, nor without the leave of the Commissioner of Police to resign his office unless he shall have given, to his superior officer notice in writing, for a period of not less than two months, of his intention to resign.

On ceasing to be a police-officer every person to give up certificate and equipment.

18. Every person, who ceases to be a police-officer appointed under section 11, shall forthwith deliver up to the Commissioner of Police or to a Superintendent of Pol|ice his certificate and the clothing, accoutrements, appointments and other articles which have been supplied to him for the execution of his duty.

Penalty for refusing to do so.

If he neglects or refuses to do so. he shall be liable, on conviction, to imprisonment for a term which may extend to six months, or to a fine not exceeding two hundred rupees, or to both.

Punishments for breaches of discipline.

19. *(1)* The Commissioner of Police may, subject to any rules or orders which the Local Government may make or give in this behalf, at any time reduce any police-officer, appointed under section 11, whom he shall think remiss or negligent in the discharge of his duty, or unfit for the same, or

may, subject to any such rules or orders as aforesaid, award any one or more of the following punishments to any such police-officer,, namely : —

(a) fine to any amount not exceeding one month's pay;

(£>) deprivation of good conduct pay;

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(c) removal from any post of distinction or special emolument;

(d) confinement to quarters for a term not exceeding fifteen days, %vith or without punishment-drill, extra guards, fatigue or other duty.

(2) A Superintendent of Police may, subject to any such rules or ■orders as aforesaid, award to any police-officer below the rank of Inspector any of the punishments specified in clause *(d)* of sub-section i(2), for any minor offence not requiring any other punishment.

Penalties for offences by police-officers.

20. Any police-officer who—

(a) shall engage in any employment or office contrary to the against'tS* provisions of section 14 ;

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(*b*) shall withdraw himself from the duties of his office contrary v>0*'ot"<1®e*r- to the provisions oï section 17 ;

(c) being absent on leave shall fail, without reasonable cause, to report himself for duty on the expiration of such leave;

(d) shall be guilty of any violation of duty, or wilful breach or neglect of any rule or lawful order made by competent authority ;

(e) shall be guilty of cowardice ; or

(/) shall offer any unwarrantable personal violence to any person in his custody,

shall be liable, on conviction, to imprisonment for a term which may •extend to three months, or to fine not exceeding three months' pay, or to both.

Fund for

21. All pay which shall be forfeited by, and fines inflicted on, members of the police-force by virtue of the powers herein contained shall rewaMsto be paid into a fund to be called the "Rangoon Police Reward Fund," thepolice- which fund shall be applied for the purpose of rewarding afccers, ap- *lorce.* pointed under section 11, for extra or special services.

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This fund shall be admin stered by the Commissioner of Police.

PART III.

SrECiAi Provisions for Additional Police and Disturbed Areas.

Additional police-offic

22. It shall be lawful for the Commissioner of Police, on the application of any person showing the necessity thereof, to depute or employdeV* appoint any additional number of police-officers to keep the peace at the cost of any place within his jurisdiction. Such force shall be exclusively indiv duals, under the orders of the Commissioner of Police and shall be at the charge of the person making the application.

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Provided that it shall be lawful for the person on whose application such deputation or appointment shall have been made, on giving one month's notice in writing to the Commissioner of Police, to require that the police-officers so deputed or appointed shall be withdrawn;, and such person shall be relieved from the charge of such additional force from the expiration of such notice.

Appointment of additional force in the neighbourhood of railway <ind other works.

23. Whenever any railway, canal or other public wort, or any manufactory or commercial concern shall be carried on or be in operation in any part of Rangoon Town, and it shall appear to the Commissioner of Police that the employment of an additional police-force in such place is rendered necessary by the behaviour or reasonable apprehension of the behaviour of the persons employed upon such wort, manufactory or concern, it shall be lawful for the Commissioner of Police, with the consent of the Local Government, to appoint or depute such additional force to such place, and to employ the same so long as such necessity shall continue, and to make orders, from lime to> time, upon the person having the control or custody of the funds used in carrying on such work, manufactory or concern, for the payment of the' extra force so rendered necessary, and such person shall thereupon cause payment to be made accordingly.

Quartering punitive police in disturbed or dangerous areas.

24. *(1)* It shall be lawful for the Local Government, by proclamation to be notified in the gazette and in such other manner, if any, as the Local Government shall direct, to declare that any area has been found to be in a disturbed or dangerous state, or that, from the conduct of the inhabitants of such area or of any class or section of them, it is expedient to increase the number of police.

(2) It shall thereupon be lawful for the Commissioner of Police, with the sanction of the Local Government, to employ any police-force in addition to the ordinary fixed complement to be quartered in the area specified in such proclamation as aforesaid. .

(*3)* Subject to the provisions of sub-section (5) of this section, the cost of such additional police-force shall be borne by the inhabitants of such area described in the proclamation.

(4) The District Magistrate, after such inquiry as he may deem necessary, shall apportion such cost among the inhabitants who are,, as aforesaid, liable to bear the same, and who shall not have been exempted under the next succeeding sub-section. Such apportionment shall be made according to the Magistrate's judgment of the respective means within such area of such inhabitants.

(5) It shall be lawful for the Local Government, by order, to exempt any persons or class or section of such inhabitants from liability to bear any portion of such cost.

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(6) Every proclamation issued under sub-section *(1)* of this section shall state the period for which it is to remain in force, but it may be withdrawn at any tiime or continued from time to time for a further period or periods as the Local Government may in each case think fit to direct.

Explanation.—Eor the purposes of this and the next succeeding section, "inhabitants" shall include persons who themselves or by their agents or servants occupy or hold land or other immoveable property within such area, and landlords who themselves or by their agents or servants collect rents direct from occupiers in such area, notwithstanding that they do not actually reside therein.

25. *(1)* If, in any area in regard to which any proclamation ^-p^'naation notified under the last preceding section is in force, death or grievous to sufieiere hurt, or loss of or damage to property has been caused by or has en- TMlscon- sued from the misconduct of the inhabitants of such area, or any class inhabitants, or section of them, it shall be lawful for any person, being an inhabitant of such area, who claims to have suffered injury from such misconduct; to make, within one month from the date of the injury or such shorter period as may be prescribed, an application for compensation to the District Magistrate.

(2) It shall thereupon be lawful for the District Magistrate, with the sanction of the Local Government, after such enquiry as he may deem necessary, and whether any additional police-force has or has not been quartered iin such area under the last preceding section, tp--

(a) declare the persons to whom injury has been caused by, or has ensued from, such misconduct;

(b) fix the amount of compensation to be paid to such persons and the manner in which it is to be distributed among them; and

(c) assess the proportion in which the same shall be paid by the inhabitants of such area, other than the applicant, who shall not have been exempted from the liability under the next succeeding sub-section:

Provided that the Magistrate shall not make any declaration or assessment under this sub-section unless he is of opinion that such injury as aforesaid has arisen from a riot or unlawful assembly within such area and that the person who suffered the injury was himself free from blame in respect of the occurrences which led to such injury.

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(Part III.—Special Provisions for Additional Police and Disturbed Areas. Part IV.—Provisions for the Preservation of Peace and Order and for other Purposes.)

(3) It shall be lawful for the Local Government, by order, to exempt any persons or class or section of such inhabitants from liability to pay any portion of such compensation.

(4) Every declaration or assessment made or order passed by the District Magistrate under sub-section *(2)* shall be subject to revision by the Local Government, but save as aforesaid shall be final.

(5) No civil suit shall be maintainable in respect of any injury for which compensation has been awarded under this section.

Recovery of moneys payable under sections 22, 23, 24 and 25.

26. (*1)* All moneys payable under sections 22, 23, 24 and 25 shall be recoverable by the District Magistrate as a fine, or by a suit in any competent Court.

(2) All moneys paid or recovered under sections 22, 23 and 24 shall, subject to such orders and directions as the Local Government may give, be applied to the maintenance of the police-force.

(3) All moneys paid or recovered under section 25 shall be paid by the District Magistrate to the persons to \^hom and in the proportions in which the same are payable under that section.

Special Police-officers.

Special police-officers.

27. The Commissioner of Police may of his own authority appoint special police-officers to assist the police-force on any temporary emergency.

Power of special police-officers.

28. Every special police-officer so appointed shall have the same powers, privileges and protection, and shall be liable to perform the same duties, and shall be amenable to the same penalties, and be subordinate to the same authorities, as the ordinary officers of police.

Punishment for refusing to serve.

29. If any person, being appointed a special police-officer under section 27, shall, without sufficient excuse, neglect or refuse to serve as such, or to obey any lawful order or direction, .he shall be liable, on conviction, to a fine not exceeding fifty rupees for every such neglect or refusal or disobedience.

PART IV.

Provisions foe the Preservation of Peace and Ordee A.ND foe OTHEE PURPOSES.

Provisions against Thieves and Vagabonds.

Apprehension and punish-

30. **(a)** Any person found between sunset and sunrise armed with any dangerous or offensive instrument whatsoever, and who

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is unable to give a satisfactory account of his reasons for being so aimed;

(*b*) any reputed thief found between sunset and sunrise lying others. or loitering in any bazar, street, road, yard, thoroughfare or other place, who shall not give a satisfactory account of himself;

(c) any person found between sunset and sunrise having his face covered or otherrc ise disguised and who is unable to give a satisfactory account of himself;

(i*d*) any person found between sunset and sunrise, within the precincts of any dwelling-house or other building whatsoever, or on board any vessel, without being able satisfactorily to account for his presence therein; and

(e) any person having in his possession, without lawful excuse, any implement of house-breaking,

may be taken into custody by any police-officer without a warrant, and shall be liable to imprisonment which may extend to three months.

31. Whoever has in his possession or conveys in any manner anything which may reasonably be suspected to be stolen property as XLV of 1860, defined in section 410 of the [1]Indian Penal Code, shall, if he fails to account satisfactorily for his possession of the same, be punished with imprisonment which may extend to three months, or with fine, or with both.

Penalty for possession of property suspected to be stolen.

[2] **31 A.** (2) Whenever any person is convicted of an offence nnder section 30 or section 31 before the Chief Court, or the Court of the District Magistrate or of a Sub-divisional Magistrate or Magistrate of the nrst class,

Power to require security for behaviour on conviction under section 30 or 31.

and it is deemed necessary to require such person to execute a bond for bis good behaviour,

the convicting Court may, at the time of passing sentence on such person, and the Chief Court may, on appeal or in exercise of its revisional powers, order him to execute a bond, -with or without sureties, for his good behaviour during such period not exceeding one year, and for such amount, as it thinks fit to fix: '

Provided—

firstly, that the amount of such bond shall be fixed ■with due regard to the circumstances of the case and shall-not be excessive; and

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[1] **Genl Acts, Vol. I.**

[3] S. **31A was added** by **s.** 2 **of the Rangoon Police Act Amendment Act,** 1904 **i.Bur. Act** 1 **of** 1904\ *post-*

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secondly, that when the person so convicted is a minor, the bond shaU be executed only by his sureties.

(2) If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

(3) The provisions of sections 120 to 126, 514 and 515 of the [1] Code of Criminal Procedure, 1898, shall apply in the case of any security so required under this section : v of 1898.

Provided that the imprisonment for failure to give the security so required shall always be rigorous.

Powers of Entry and Inspection.

Power for police to enter pawnshops, licensed lodeing-houses and places of resort of loose or disorderly characters.

32. It shall be lawful for every police-officer, for any of the purposes mentioned in section 16, without a warrant to enter and inspect any pawnshop, licensed lodging-house, public-house or bar, and any place of resort of loose or disorderly characters.

Powers of police-officer deputed to enter and seize false weights and measures.

33. (*1*) It shall be lawful for any police-officer, generally or specially deputed to that duty by the Commissioner of Police, to enter without a warrant any shop for the purpose of inspecting the weights and measures and instruments for weighing kept or used therein; and

to seize any weight, measure or instrument for weighing which he may have reason to believe is false or, within the limits of the Rangoon Municipality, not in accordance with bye-laws made by the Rangoon Municipal Committee for prescribing the standard weights and measures to be used within the municipality.

(2) The police-officer making a seizure under sub-section *(1)* shall forthwith give information of such seizure to the Magistrate having jurisdiction; and,

if such weights, measures or instruments shall be found by the Magistrate to be false, they shall be destroyed.

Admission of police to places of public resort.

34. Police-officers on duty shall have free admission to all places of public resort and assemblies for public amusement while open to any of the public.

Additional Powers to Arrest.

Apprehension of offenders by private persons, if name, etc., unknown.

35.' Whoever—

(a) commits an offence on or with respect to the person or property of another; or

* Genl. Acts, Vol. V.

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(*ib*) in committing any offence described in this Act, injures or damages the person or property of another,

may, if his name and address be unknown, be apprehended by the person injured or by any person using the property to which the injury may be done, or by the servant of either of such persons, or by any person authorized by or acting in aid of him ;

and may be detained until he gives his name and address, and satisfies such person that the name and address so given are correct, or until he can be delivered into the custody of a police-officer.

36. If any person, lawfully apprehended under the last preceding section, shall assault or forcibly resist the person by whom he shall * " be so apprehended, or any person acting in his aid, he shall be liable t,, private to a fine not exceeding two hundred rupees.

Punishment- c resisting lawful arrest. persona.

]36A. Any police-officer may arrest without a warrant any person committing, in his view, any of the offences described or referred to in this Act, if the name and address of such person be unknown to such police-officer and cannot be ascertained by him then and there.

p,,iice-officer may an-est without warrant in view o£ certain offenoes, if name, etc., unknown.

Regulation of Crowds, Traffic, etc.

37. (2) The Commissioner of Police may, as occasion requires, direct the conduct of all assemblies and processions on the public roads, streets and thoroughfares, and prescribe the routes by which, and the times at ■which, such processions may pass.

R,Cgu,i,tioQ ot public assemblies ind pr0COi· sions.and icensing of the same°

(2) He may also, on being satisfied that it is intended by any persons or class of persons to convene or collect an assembly in any such road, street or thoroughfare, or to form a procession which would, in his judgment if uncontrolled, be likely to cause a breach of the peace, require, by general or special notice, that the persons convening oi' collecting such assembly or directing or promoting such procession shall apply for a license.

(3) On such application being made, he may issue a license specifying the names of the licensees, and defining the conditions on which alone such assembly or such procession is to be permitted to take place, and otherwise giving effect to this section.

(4) He may also regulate the extent to which music, torches or other naked lights may be used in the streets on the occasions of festivals and ceremonies.

Music and torches i,, streets.

38. *(1)* Any Magistrate, or the Commissioner of Police or a Superintendent or Inspector of Police, or any police-officer in charge of

Powers wit,, regard to assemblies or processions

[1] Secti >n 36A was added by s. 4 of the Rangoon Police Act Amendment Act, **1907** (Bur. Act 4 of 1907), ***post.***

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violating conditions of license.

a station, may stop any procession which violates the conditions of a license granted under the last preceding section, and may order it or any assembly which violates any such conditions as aforesaid to disperse.

(2) Any procession or assembly which neglects or refuses to obey any order given under sub-section *(1.)* shall be deemed to be an unlawful assembly within the meaning of section 141 of the Indian Penal Code. XLVof i860.

Power to keep order on public roads •Æte.

39. Any police-officer may, subject to the general or special orders of the Commissioner of Police, give all proper orders and directions to any persons for the purpose of—

(a) keeping order on the public roads, streets, thoroughfares and landing-places, and at all other places of public resort; and

(b) preventing obstructions on the occasions of assemblies and processions on the public roads and streets, or in the neighbourhood of places of worship during the times of public worship, and in any case when any road, street, thoroughfare or landing-place may be thronged or may be liable to be obstructed.

Penalty for ■disobeying orders issued under the last three sections.

40. Every person opposing or not obeying the orders issued under the last three preceding sections, or violating the conditions of any license granted by the Commissioner of Police for the use of music, torches or naked lights, or for the conduct of assemblies and processions shall be liable to a fine not exceeding two hundred rupees.

Punishment for certain offences on roads and public places :—

41. Whoever, within such limits as shall be, from time to time, defined by the Commissioner oi Police, in any public street, road, thoroughfare or place of public resort, commits any of the following offences, shall be liable to a fine which shall not exceed fifty rupees, or tc imprisonment not exceeding eight days, or to both: —

Driving elephant or wild animal : Driving a vehicle without sufficient lights :

(2) Whoever drives, rides or leads any elephant or wild animal, without the permission of the Commissioner of Police:

(2) Whoever drives or otherwise propels any vehicle of any description between half an hour after sunset and half an hour before sunrise, without sufficient and proper lights:

Riding or •driving otherwise than on left side of road :

(5) Whoever, without reasonable cause, rides, drives or otherwise propels any vehicle or cattle otherwise than on the left or near side of the road so as to cause any obstruction, inconvenience, risk, danger or damage to any person:

Furious Tiding or •driving:

(4) Whoever rides or drives or otherwise propels any vehicle or cattle recklessly or furiously:

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(5) Whoever, to the obstruction, inconvenience, risk, danger or damage of any person— Exposing horses for sale, training animals, and cleaning or repairing vehicles[8]:

(a) exposes for show, hire or sale any horse or other animal;

(b) cleans or dresses any horse or other animal, or cleans any carriage or other conveyance; or

(c) makes or repairs any part of any cart or carriage except in cases of accident where repairs on the spot are necessary; or

(d) trains or breaks any horse or other animal,

except in such places and at such times as may be allowed by the Commissioner of Police:

(6) Whoever, by negligence or ill-usage in driving cattle, causes any mischief to be done by such cattle, or in anywise misbehaves himself in the driving, management or care of such cattle so as to cause mischief or obstruction: Negligence in driving cattle:

(7) Whoever, being in charge of a cart, carriage or horse, leaves it at such a distance as not to have the same under due control: Leaving cart, etc., without control:

(5) Whoever causes any cart or truck, with or without horses or cattle, to remain or stand longer than may be necessary for loading or unloading, except at places lawfully appointed for the purpose; Obstructing thoroughfare by vehicle or animal:

or leaves any cart, carriage or truck, or fastens any horse or other animal, so as to cause any obstruction in any thoroughfare;

or leads thereon more cattle than two at once:

(9) Whoever leads or rides any horse or other animal, or draws, drives or otherwise propels any vehicle, upon any foot-way, or fastens any animal so that it can stand across or on any foot-way: Obstructing by vehicle or animal:

(10) Whoever causes obstruction or inconvenience to any person by placing any goods on the streets or foot-ways, whether for sale or otherwise, longer than is necessary for loading or unloading, except as permitted under clause *(q)* of section 142 of the Burma Municipal Act, 1898: Exposing goods:

Bur. Act III of 1898.

(11) Whoever beats a drum, tom-tom or gong, or blows a horn, shell or trumpet, or sounds any brass or other metal instrument or utensil to the annoyance of any person, except at such times and places as shall be, from time to time, allowed by the Commissioner of Police: Beating drum, etc.

(12) Whoever, without the consent of the Commissioner of Police, puts up any post or other thing on the side of any public street for the purpose of fixing lamps or illuminations unless authorized to do so by the Rangoon Municipal Committee: Illumination:

[1] *Ant**, p. 338.

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Bathing in public :

(13) Whoever bathes or washes himself in any public place not set apart for such purpose:

Being drank and incapable : Indecent exposure of person :

(14) Whoever is found drunk or riotous or incapable of taking care of himself:

(15) Whoever wilfully and indecently exposes his person [1] * * or eases himself in a place not set apart for the purpose:

[2] *(Iff) Rep. Bur. Act 4 of 1907.*

Neglecting to fence dangerous places.

(IT) TVhoever neglects to fence in or protect any excavation, well or other dangerous place or structure over which he has control.

Penalty for begging or seeking for alms.

[3] 41A. Whoever—

Ji) begs or applies for alms; or

(ii) seeks for or obtains alms by means of any false statement or pretence; or

(Hi) exposes or exhibits any sore, wound, bodily ailment or deformity with the object of exciting charity or of obtaining alms,

shall be punishable with fine which may extend to fifty rupees, or with imprisonment which may extend to one month, or with both.

Penalty for lighting bonfires, sending up iire-balloons, ■or disc'ho rging guns or fire-works.

42. Whoever, within such times and limits as shall be, from time to time, defined by the Commissioner of Police,—

(a) sets fire to or burns any straw or other matter to the risk or damage of any person; or

(b) sends up any fire-balloon; or

(c) in or near any public street, road or thoroughfare lights any bonfire, or wantonly discharges any fire-arm or air-gun, or lets off or throws any fire-work,

shall be liable to a fine which shall not exceed fifty rupees, or to imprisonment for a term not exceeding eight days, or to both.

Penalty for affixing bills.

43. Whoever, without the consent of the owner or occupier, affixes or authorizes the affixing of any poster, advertisement or notice against or upon any building, wall, fence or property, or writes upon, defaces or marks any such building, wall, fence or property with chalk or paint or in any way whatsoever; and

whoever does the like upon any public property of any description without the permission of the person in charge of such property,

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[1] The words " or anj offensive deformity or disease," were repealed by s. **5** of the Rangoon Police Act Amendment Act, 1907 [Bur. Act 4 of 1907), *post.*

[3] Cl. 16 ran as follows :—

" Whoever begs or applies for alms, or seeks for or obtains alms by means of any false statement or pretences."

' Section 41A was added by s. 6 of the Rangoon Police Act Amendment Act, 1907 (Bur-Act 4 of 1907), *post.*

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shall be liable to a fine which shall not exceed fifty rupees, or to imprisonment for a term not exceeding eight days, or to both.

[1] 43A. (2) On the complaint of tbree or more inhabitants that a house is used as a brothel or by disorderly persons of any description, tcfkeep^a8 t(the general annoyance of the inhabitants of the vicinity or of persons using any main street, any Magistrate of the first class or the Commissioner of Police may summon the owner or occupier of such house tc answer the complaint; Penalty for continuing disorderly ho',i,e'

and, on being satisfied that such house is so used to such general annoyance, may order the owner or occupier to discontinue such use of it.

(2) Any such owner or occupier who fails to comply, within five •¿ays, with an order passed under sub-section (*1*), shall, on conviction before a Magistrate, be punishable with fine which may extend to twenty-five rupees for every day thereafter during which it is proved that the house has been continued to be so used.

(3) The Local Government may, by notification, declare what shall be deemed to be main streets for the purpose of sub-section *(1).*

[2] 43B. (*1*) On a complaint or police-report that a house, situated in such local areas of Rangoon Tow n as the Commissioner of Police with ¿he sanction of the Local Government may, by public notice, declare to the 'ne within the operation of this section, is used as a brothel or as a lodg- '.£ Prostitutes mg-house or place of residence for one or more prostitutes at any time areas, after the expiration of one month from the publication of such notice, Power to prohibit brothels and residence in certain

any Magistrate of the first class or the Commissioner of Police may ■summon the owner or occupier of such house, or any person alleged to .be a prostitute residing or lodging therein, to answer such complaint «or police-report;

and, on being satisfied that such house is so used, may order such •owner or occupier to discontinue such use of it;

and, on being satisfied that any such person is a prostitute residing or '■lodging in such house, may pass an order prohibiting such prostitute from residing or lodging within the local areas to which this section has 'been so declared to apply.

(2) Any such owner, occupier or prostitute, who, on or after the fifth •day from the date of an order passed under sub-section *(I),* fails to comply with such order, shall, on conviction before a Magistrate, be punishable with fine which may extend to twenty-five rupees for every

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[1] Sectien 43A 'vas inserted by s. 3 of the Rangoon Police Act Amendment Act, 1902 (Bur A<t 2 of 19021, *port.*

[2] Section 43B was inserted by s. 3 of the Rangoon Polite Act Amendment Act, 1902 ■(Bur. Act 2 of 1902), *post.*

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day thereafter on which it is proved that such house was so used, or that the accused resided or lodged within any such local areas (as the case may be), in contravention of the order passed against such accused.

Penalty for soliciting or loitering for purpose^ of prostitution.

[1]**43C.** Whoever, in any street, thoroughfare or place of public resort,—

(a) loiters for the purpose of prostitution; or

(h) solicits any person to the commission of immorality,

shall be punishable with fine which may extend to fifty rupees or with imprisonment which may extend to eight days :

Provided that no Court shall take cognizance of an offence under this section except on the complaint of the person solicited, or of a police-officer who is either an European or not below the rank of Head Constable, and who has been specially authorized in this behalf by a written order of the Commissioner of Police.

Imprisonment for non-payment of fine where sentence for any offence under sections 41, 41A, 42, 43 or 43C may be substant'y sentence of^ imprisoned in default of payment of such fine for any period not exceeding the maximum term of imprisonment fixed for such offence,

fine only has been passed for certain offences.

[2] **43D.** Notwithstanding anything contained in section 65 of the [3] Indian Penal Code, any person sentenced to fine only as a substantive XLV of 1860.

License fees.

44. For every license granted by the Commissioner of Police under this Act, there shall be levied a fee of two rupees.

Protection of Unclaimed and Lost Property.

Unclaimed property.

45. It shall be the duty of every police-officer to take charge of all unclaimed property and furnish an inventory thereof to the Commissioner of Police.

Commissioner of P lice may°proclaim property.

46. The Commissioner of Police may proclaim the property and issue [a] Proclamation specifying the articles of which it consists and requiring any person who has any claim thereto to appear and establish his right to the same within six months from the date of such proclamation.

Power to sell perishabl property.[0]

47. _ jf the person entitled to the possession of such property is unknown or absent and the property is subject to a speedy and natural decay, or the Commissioner of Police is of opinion that its sale would b& for the benefit of the owner, the Commissioner of Police may at any time direct it to be sold, and shall hold the nett proceeds of such sale in deposit until the expiration of six months from the date of the proclamation under section 46.

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[1] Section 43C was inserted by s. 3 of the Rangoon Police Act Amendment Act, 1902 (Bur. Act 2 of 1902), *post.*

[1] Section 43D was inserted by s. 7 of the Rangoon Police Act Amendment Act, 1907 (Bur. Act 4 of 1907), *pnst.*

[3] Genl. Acts, Vol. I.

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48. (2) If no person shall within the period allowed claim such property, it may, if not already sold, be sold under the orders of the Commissioner of Police. Disposal of property should no claimant appear.

(2) The sale-proceeds of property sold under the provisions of sub-section (2) or of section 47, to which no claim has been established, shall be at the disposal of Government.

49. (2) Whenever any person dies intestate in Rangoon Town leaving moveable property therein, the total value of which is under two hundred rupees, and the property is, in the absence of any person entitled thereto, taken charge of by the police for the purpose of safe custody, it shall be lawful for the Commissioner of Police to order the said property to be delivered, without letters of administration having been taken out, to any person claiming to be entitled to the whole or any part thereof: Intestate's property under two hundred rupees in value.

Provided that he shall be satisfied of the title of the claimant:

Provided also that the Commissioner of Police may, before making any order under this section, take security for the due administration and distribution of the property.

(2) Nothing contained in sub-section (2) shall affect the right of any person to recover the whole or any part of such property irom the person to whom it may have been delivered pursuant to such order.

Destruction of Stray Dogs.

50. The Commissioner of Police may by public notice appoint, from time to time, certain periods within which any dogs found straying may be destroyed, and ten days after the issue of such notice any dog found straying, without a collar or other mark of ownership, beyond the enclosure of the house of his owner may be destroyed by such person and in such manner as the Commissioner of Police may direct. Power to destroy dogs.

PART V.

Limitation of Proceedings.

51. All criminal proceedings against any person which may be lawfully brought for anything done or intended to be done under the provisions of this Act, or under the general police-powers hereby given, shall be commenced within three months after the act complained of shall have been committed, and not otherwise. Limitation of prosecutions.

52. No suit shall be instituted in any Civil Court against any person for anything done or intended to be done under the provisions of, or Notice of

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under the general police-powers given by, this Act, unless notice in writing of such suit and of the cause thereof shall have been given to the defendant or to the Commissioner of Police one month at least before the commencement of such suit:

Provided always that no suit shall in any case lie where such person shall have been prosecuted criminally for the same act.

Sanction of Commissioner of Police required for prosecution for certain offences under Act.

53. No Court shall take cognizance of an offence punishable under section 20, clause (a), (*b*), (c) or (e), or section 29 without the previous sanction of the Commissioner of Police.

Plea that act was done under warrant.

54. When any action or prosecution shall be brought, or any proceedings held, against any police-officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate.

Such plea shall be proved by the production of the warrant directing the act and purporting to be signed by such Magistrate, and the defendant shall thereupon be entitled to a decree in his favour notwithstanding any defect of jurisdiction in such Magistrate. No proof of the signature of such Magistrate shall be necessary unless the Court shall see reason to doubt its being genuine :

Provided always that any remedy which the party may have against the authority issuing such warrant shall not be affected by anything contained in this section.

PART VI.

POWER, TO MAKE RULES.

Power of Local Government to make rules.

55. The Local Government may, from time to time, by notification, make rules consistent with this Act—

(a) to regulate the procedure to be followed by Magistrates and police-officers in the discharge of any duty imposed upon them by or under this Act ;

(*b*) to prescribe the time, manner and conditions within and under which claims for compensation under section 25 are to be made, the particulars to be stated in such claims, the manner in which the same are to be verified, and the proceedings (including local enquiries if necessary) which are to be taken consequent thereon; and

(c) generally for giving effect to the provisions of this Act.

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(Form.)

1900: Bur. Act I.] *Rangoon Water Works.*

1901: Bur. Act I.] *Land Revenue.*

FORM.

(Section 11.)

A. B. has been appointed a member of the Rangoon Police-force under Burma Act, of 1899, and is vested with the powers, functions and privileges of a police-officer.

Dated ----------

Commissioner of Police,
Rangoon.

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[1] BURMA ACT No. I OF 1900.

(APPLIES IN LOWER BURMA.)

[24th March, 1900; 20th April, 1900.]

An Act to amend the Rangoon Water-works Act, 1884.

WHEREAS it is expedient to amend the Rangoon Water-works Act, XIX of 1884. 1884; It is hereby enacted as follows: —

1. This Act may be called the Rangoon Water-works Act Amendment Act, 1900. Short title.

2. (2) For sub-section (*1*) of section 8 of the Rangoon Water-works Act, 1884, the following sub-section shall be substituted, namely:— Amendment of section 8 [*Ante*, p. 85.] Bub-sections' (*1*) and (*2*), Act xix 1384.

(2) In sub-section *(3)* of the said section for the words " fifteen hundred gallons," wherever they occur, the following shall be substituted, namely, " three thousand gallons."

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[2] BURMA ACT Xo. I of 1901.

(APPLIES TO LOWER BURMA.)

[loth February, 1901; 16th March, 1901.]

An Act to amend the Burma Land Revenue Act, 1876.

Whereas it is expedient to amend the Burma Land and Revenue Act, 1876; It is hereby enacted as follows: — II of 1876. Pr.'ai»blo.

1. (*1*) This Act may be called the ("Lower) Burma Land and Revenue Act Amendment Act, 1901; and Short title and commencement.

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[1] For Statement of Objects and Reasons, see Burm.> Gazette. 1899, Pt. Ill, p. 61; for Report of the Select Committee, *S'e ibid,* 1900, p. 6, and for Proceedings in Council, *see ibid,* Supplement, pp. 2 and 192.

[2] For Statement ot Objects and Reasons, see Buima Gazette, 1900. Pt. Ill, p. 39; for Report of the Select Committee, see *ibid,* 1901, Pt. Ill, p. 3; and for Proceedings in Council, see *ibid,* 1900. Supplement, p. 1212, and *ibid,* 1901, Supplement, p. ¿2.

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(2) It shall come into force at once.

Amendment of section 39 Act XI, 1876.

2. In section 39 of the Burma Land and Revenue Act, 1876, for the II of 1876. words " any person who, without a license for the time being in force " the following shall be substituted, namely: —

" any person who, without, or in contravention of the terms of, a license for the time being in force."

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[1] BURMA ACT No. II OF 1901.

(APPLIES TO LOWER AND UPPER BURMA.)

[*15th February, 1901; 23rd March, 1901.*]

An Act to amend the Burma Military Police Act, 1887.

Whereas it is expedient to amend the Burma Military Police Act, XV of 1887. 1887; It is hereby enacted as follows : —

Short title. 1. This Act may be called the Burma Military Police Act Amendment Act, 1901.

Insertion of new section after section 11, Act XV, 1887.

2. After section 11 of the Burma Military Police Act, 1887, the XV of 1887. following section shall be added, namely: —

[*Ante,* p. 101.]

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[2] BURMA ACT No. IY OF 1901.

(APPLIES TO LOWER BURMA.)

[*8th March, 1901; 19th April, 1901.J*

An Act to amend the Lower Burma Courts Act, 1900.

WHEREAS it is expedient to amend the Lower Burma Courts Act, VI of 1900. 1900; It is hereby enacted as follows: —

Short title and commencement.

1. (2) This Act may be called the Lower Burma Courts Act (1900) Amendment Act, 1901; and

(2) It shall come into force [3] on such date as the Local Government may, by notification, appoint in this behalf.

Addition of new sub-section to section 13, Act VI, 1900.

2. To section 13 of the Lower Burma Courts Act, 1900, the following VI of 1900. sub-section shall be added, namely: —

[*Ante,* p. 160.]

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[1] For Statement of Objects and Reasons, *see* Burma Gazette, 1900. Pt. Ill, p. 38; for Report of the Select Committee, *see ibid,* !900, p. 6, and for Proceedings in Council, *see ibid,* 1900, Supplement, p. 1212, and *ibid,* 1901, p. 42.

[3] For Statement of Objects and Reasons, see Burma Gazette, 1901, Pt. Ill, p. 6, and for Proceedings in Council, *see ibid,* 190], Supplement, p. 49, and *ibid,* Pt. Ill, p. 7.

[s] Came into force on 24th June 1901, *see* Notification No. 202, dated 20th June, 1901, Burma Gazette, 1901, Pt. I, p. 299. I

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3. *Every appeal instituted before the commencement of this Act in the Court of Session from a sentence or older of a Court or Magistrate exercising jurisdiction in the Rangoon Town shall be continued in such Court of Session ais if this Act had not been passed :* Pending Criminal Appeals im Rangoon.

Provided that if any appellant, before the final hearing of any such appeal, applies to such Court of Session or to the Chief Court for a transfer of such appeal to the Chief Court, such appeal shall be transferred to, and heard and decided by, the Chief Court.

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[1] BURMA ACT No. II of 1902.

(APPLIES TO IOWHR BURMA.)

[2Sth February, 1902; 17th March, 1902.]

An Act to amend the Rangoon Police Act, 1899.

Bur. Act IV ol 1S99.

WHEREAS it is expedient to amend the Rangoon Police Act, 1899; It is hereby enacted as follows: — Preamble.

1. *(1)* This Act may be called the Rangoon Police Act Amendment Act, 1902; and Short title and commenwrnent.

(*2*) It shall come into force at once.

Bur. Act III of 1898.

2. Section 181 of the Burma Municipal Act, 1898, shall cease to apply to Rangoon Town. Rei>eal.

Bur. Act IV of 1899.

3. After section 43 of the Rangoon Police Act, 1899, the following sections shall be inserted, namely:— Addition of three sections after se tionaIV, 1899.

[Ante, pp. 4G3 and 4G4.]

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[2] BURMA ACT No. Ill of 1902.

(ArPLiES TO LOWER AND UPPER BURMA.)

[2Sth Febiuaiy, 1902; 17th March, 1902.]

An Act to amend the Burma Municipal Act, 1898.

Bur. Act III of 189S.

WHEREAS it is expedient to amend the Burma Municipal Act, 1898; It is hereby enacted as follows: — Preamblo.

1. (*1*) This Act may be called the Burma Municipal Act Amendment Act, 1902; and Amend-Short title and commen® men t.

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[1] For Statement of Objects and Reasons, *set* Burma Gazette, 1901, Pt. Ill, p. 40; for Report of the Select Committee, *see ibid,* 1902, p. 20; and for Proceedings in Council, aee *ibid,* 1901, Pt. Ill, p. *VI,* and *ibid,* 1902. p. 26.

[1] For Statement of Objects and Reasons, **te* Burma Gazette, 1901, Pt. Ill, p. 43; for Report of the Select Committee, *see ibid,* 1902, p. 22; and for Proceedings in Council, *see ibid,* 1901, p. 48, and *ibid,* 1902, p. 27.

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(2) It shall come into force at once.

Amendment of sect: ■ ' I", *ii>J insertion of new section 40A in Burma Act III, 1898.

2. (7) To section 40 of the Burma Municipal Act, 1898, the following sub-section shall be added, namely: — Bur. Act III of 1898

[Ante, **p.** 354.]

(2) After section 10 of the said Act as amended by sub-section (2), the following section shall be inserted, namely: —

[Ante, p. 354.]

Amendment of section 92, sub-section (1), clause (m). Burma Act III, 1898.

3. In section 92, sub-section *(1),* of the said Act, for clause *(iii)* the following clause shall be substituted, namely: —

[Ante, p. 377.]

Repeal of section 95, Burma Act III, 1898.

4. Section 95 of the said Act is hereby repealed.

Amendmen t of »«-i ton 142. clause (A), BuTti:» Act III, 1898.

5. In section 142, clause *(h),* of the said Act, for the words " the-same " the following shall be substituted, namely:—■

" such public river, creek or stream."

Addition of two sections after section 181, Burma Act III, 1898.

6. After section 181 of the said Act the following sections shall be-inserted, namely: —

[Ante, pp. 405 and 406.]

Substitution o! a new sub-section for section 210, sub-section (5), Burma Act III, 1898.

7. For sub-section (3) of section 210 of the said Act, the following sub-section shall be substituted, namely: —

[Ante, p. 416.]

Substitution nf two ortr sections for sections 211 and 212, Burma Act III, 1898.

8. For sections 211 and 212 of the said Act, the following sections shall be substituted, namely: —

[Ante, pp. 416 and 417.]

of ■ tion Act III, 1898.

Amendment 213*'Burma

9. In section 213 of the said Act, after the words and figures " in pursuance of the provisions of section 211," the following shall be-inserted, namely:—-

" and any funds then vested in the committee appointed for the-purposes of that section."

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THE BURMA FOREST ACT, 1902.

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Title, extent and commencement.
2. Repeal.
Saving of appointments.
3. Definitions.

CHAPTER II.

RESERVED FORESTS.

Power to constitute Reserved Forests.

4. Power to constitute reserved forests.

Procedure, &c., on Proposal to constitute Reserved Forests.

5. Notification by Local Government of proposal to constitute a reserved forest.
6. Proclamation by Forest-settlement-officer.
7. Bar of accrual of forest-rights after proclamation.

Settlement of Rights, &c., before Reservation.

8. Inquiry by Forest-settlement-officer.
9. Powers of Forest-settlement-officer.
10. Treatment of claim relating to practice of shifting cultivation.
11. Order on claim to right-of-way, water-course or pasture or to forest-produce.
12. Provision for right of pasture or to forest-produce admitted.
13. Order on other claims.
14. Appeal from order passed under this Chapter.
15. Presentation and hearing of appeals,
16. Revision by Local Government.

Power to Abandon Proposal.

17. Abandonment of proposal to reserve.

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Constitution of Reserved Forests and Powers, Rights and Duties therein.

SECTIONS .

18. Notification declaring forest reserved.
19. Extinction of rights not claimed.
20. Publication of translation of notification in neighbourhood of forest.
21. Power of Local Government to revise arrangement made by Forest-settlement-officer.
22. Cancellation of right to practise shifting cultivation.
23. Acquisition of right in or over reserved forest.
24. Restrictions on right to forest-produce or pasturage continued under section 12.
25. Power to stop way or water-course in reserved forest.
26. Acts prohibited in a reserved forest.
27. Kindling of fires prohibited in or near a reserved forest.
28. Acts excepted from sections 26, 27, 54 and 55.

Cessation of Reserve.

29. Power to declare forest no longer reserved.

CHAPTER III.

GENERAL PROTECTION, &C., OF FORESTS AND FOREST-PRODUCE.

30. Reserved trees in unsettled tracts.
31. Protection of reserved trees.
32. Levy of .royalty on manufactured catechu, &c.
33. Power to make rules for protection of public forest-land.
Power to attach penalty to rules.
34. Nothing in this Chapter to prohibit acts done in certain cases.

CHAPTER IV.

DUTY ON IMPORTED FOREST-PRODUCE.

35. Power to impose duty on forest-produce.
36. Duty on certain timber floated down the Ataran.
37. Power to exempt forest-produce from duty.
38. Provisions of Chapter not to limit purchase-money or royalty.

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CHAPTER V.

CONTROL OF FOREST-FRODUCE IN TRANSIT, &C.

General Control of Forest-pruduce in Transit, fyc.

SECTIONS.

39. Power to make rules to regulate transit of forest-produce.
Power to attach penalty to rules.

Collection of Drift, Stranded and Other Timber.

40. Certain kinds of timber to be deemed the property of the Government until title thereto proved.
41. Notice to claimants of timber collected under section 40.
42. Procedure on claim preferred to timber.
43. Disposal of unclaimed timber.
41. Payment to be made by claimant before delivery of timber.
45. Power to m.ike.rules as to salving, &c., of timber.
Power to attach penalty to rules.

CHAPTER YI.

PENALTIES A:ND PROCEDURE.

Police-powers, §c., and Protection and Seizure of Property.

46. Power to prevent commission of forest-offfince.
47. Power to arrest without warrant.
48. Seizure of property liable to confiscation.
49. Power to seize cattle trespassing in a reserved forest.
50. Certain persons bound to furnish information and assist.
51. All persons bound to assist in case of accident at revenue-station.

Special Rules of Evidence.

52. Presumption in favour of forest-prnduee belonging to the Government.
53. Evidence recorded by Forest-officer admissible in criminal trial.

Penalties.

54. Penalty for trespass or damage in reserved forest.
55. Penalty for other offences in reserved forest.
56. Additional punishment in the case of offence committed by person having rights in reserved forest.
57. Power to alter fines fixed by Cattle Trespass Act, 1871.
58. Penalty for causing damage to a reseived tree.
59. Penalty for breach of certa'n rules under Act.

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SECTIONS.

60. Penalty for wrongful seizure.

61. Penalty for counterfeiting or defacing, or possessing implements for counterfeiting, marks on trees and timber and for altering boundary-marks.

Compounding of, and Compensation for, Forest-offences.

62. Power to compound forest-offences.

63. Compensation for damage caused by commission of forest-offence.

Disposal of Property Seized.

64. Forest-produce, tools, &c., when liable to confiscation.

65. Disposal, on conclusion of trial for forest-offence, of produce in respect of which offence was committed.

66. Procedure when offender is not known or cannot be found.

67. Procedure as to perishable property seized under section 48-

68. Appeal from order under section 64, 65 or 66.

69. Testing of confiscated property in the Government.

70. Saving of powder to release property seized.

Recovery of Money under Act.

71. Recovery of money due to the Government.

72. Lien on forest-produce for money due to the Government.

73. Recovery of penalty due under bond.

CHAPTER VII.

FOREST-OFFICERS .

74. Investiture of Forest-officers with certain powders.

75. Forest-officers to be deemed public servants.

7§. Forest-officers not to trade.

CHAPTER VIII.

SUPPLEMENTAL PROVISIONS.

Rules.

77. Additional pow'er to make rules.

78. Publication and effect of rules.

Limitation of Proceedings.

79. Indemnity for acts done in good faith.

80. The Government and its officers not liable for loss or damage in respect of certain forest-produce.

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(Chap. I.—Preliminary.)

Acquisition of Land.

SECTIONS.

81. Land required under this Act to be deemed to be needed for a public purpose.

Saving of Rights of Profit.

82. Saving of rights of profit from the Burma Land and Revenue Act, 1876.

SCHEDULE.

[1] BURMA ACT, No. IV OF 1902.

(APPLIES TO LOWER AND UPPER BTJRMA.)

[3rd March, 1902; 27th March, 1992.']

An Act to consolidate and amend the law relating to forests, forest-produce and the duty leviable on timber in Burma.

WHEREAS it is expedient to consolidate and amend the law relating to forests, iorest-produce and the duty leviable on timber in Burma; It is hereby enacted as follows: —

CHAPTER I.

PRELIMINARY.

1. *(1)* This Act may be called the Burma Forest Act, 1902; Title, extent and commencement»

(2) It extends to the whole' of Burma, including the Shan States:

Provided that the Local Government may, by notification, exempt any place from its operation; and

(3) It shall come into force at once.

(4) A notification under the proviso to sub-section *(2)* exempting a place from the operation of this Act shall not affect any thing done, or the liability for any offence committed, or any fine or penalty imposed in such place, before such exemption.

2. (*1*) The enactments specified in the schedule are hereby repealed Repeal, to the extent specified in the fourth column thereof.

(2) Every appointment made under any enactment repealed and re- Saving of appointments. enacted ■nith or ■without modifications by this Act, shall, if such

' For Statement of Objects and Reasons, .«ee Burma Gazette, 1901, Pt. I, p. 32; for Report of the Select Committee, see *ibid,* 1902. p. 1; and for Proceedings in Council, *see ibid,* 1601, pp. 46 and 50, and i*bid,* p. 26.

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appointment would have continued in force after the commencement of this Act, except for such repeal, be deemed to have been made under this Act, and, if made for any special purposes under the provisions of the repealed enactment, then, so far as may be, for the purposes of the corresponding provisions of this Act.

Definitions.

3. In this Act unless there is anything repugnant in the subject or context,—

"Cattle."

(1) " cattle " includes also elephants, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids :

" Classification-mark."

(2) " classification-mark " means a mark placed on timber to denote its origin or the agency by which it has been handled:

"Deputy Commissioner."

(3) "Deputy Commissioner" includes a Superintendent of the Shan States:

" Forest-offence."

(4) "forest-off ence '' means an offence punishable under this Act:

" Foreat-officsr."

(5) " Forest-officer " means any person [1] appointed by or under the orders of the Government to be a Conservator, Deputy Conservator, Extra Deputy Conservator, Assistant Conservator, Extra Assistant Conservator, Forest-ranger, Deputy Forest-ranger, Forester or Forest-guard, or to discharge any function of a Forest-oificer under this Act:

" Forest-produce."

(6) " forest-produce " includes—

(a) the following when found in, or brought from a reserved forest or public forest-land, that is to say—

(i) trees and leaves, flowers and fruits, and all other parts or produce not hereinafter mentioned of trees;

(ii) plants not being trees (including grass, creepers, reeds and moss), and all parts of produce of such plants;

(Hi) wild animals and skins, tusks, horns, bones, silk cocoons, honey and wax, edible birds' nests, bats' guano, and all other parts or produce of animals; and

(iv) peat, surface-soil, rock and minerals (including lime-stone laterite, mineral oils and all products of mines or quarries); and

(*b*) the following whether found in, or brought from, any such forest or forest-land, or not, that is to say—

timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, baik, lac, mahua flowers and myrabolams:

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[1] **For notification under sub-section (5) in conjunction with s. 62, see note to that section.**

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(7) "land at the disposal of the Government" means land in respect of which no person has acquired either— "Land at the disposal of the Government."

(a) a permanent, heritable and transferable right of use and occupancy under any law for the time being in force; or

(b) any right created by grant or lease made or continued by, or on behalf of, the British Government:

(8) "Magistrate" means a Magistrate of the first or second class, and any Magistrate of the third class specially empowered by the Local Government to try forest-offences: "Magistrate."

(5) "property-mark" means a mark placed on timber to denote that after all purchase-monev or royalties due to the Government shall have been paid, the owner of the mark has or will have a right of property in the t imber: "Property-mark."

(10) "public forest-land" means land at the disposal of the Government and not included in a reserved forest: "Public forest-land."

(11) "reserved forest" means and includes a forest and every part of a forest----- "Reserved forest."

(a) declared to be a reserved forest under the provisions of section 18 of this Act or the corresponding section of any enactment previously in force in Burma; or

(b) declared to be a reserved forest under the provisions of any rules in force in Lower Burma previous to the 1st July 1882, and brought within the provisions of the [1] Burma Forest Act, 1881, by section 30 of that Act, XIi of 18S1.

which shall, not, at the time being, have ceased to be a reserved forest under section 29 of this Act or the corresponding provision of any such enactment or rules:

(12) "river" includes also streams, canals, creeks and other channels, natural or artificial: "River."

(13) "shifting cultivation" includes *taungya* cultivation and cultivation of such other kinds as the Local Government may, by notification, declare to be shifting cultivation for the purposes of this Act: "Shifting cultivation."

(14) "timber" includes trees when they have fallen, or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not : "Timber."

(15) "tree" includes palms, bamboos, stumps, brush-wood and canes. "Tree."

[1] Repealed by this Act.

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CHAPTER II.

RESERVED FOHESTS.

Power to Constitute Reserved Forests.

Power to ■constitute reserved forests.

4. The Local Government may constitute any land at the disposal of the Government a reserved forest in manner hereinafter provided.

Procedure, §c., on Proposal to constitute Reserved. Forests.

Notification by Local Government of proposal to constitute *si* reserved forest.

5. (*1*) Whenever it is proposed to constitute any land a reserved forest, the Local Government shall publish a notification—

(a) specifying as nearly as possible the situation and limns of such land;

(*b*) declaring that it is proposed to constitute such land a reserved forest;

(c) appointing an officer (hereinafter called the Forest-settlement-officer) to inquire into and determine the existence, nature and extent of any rights claimed by, or alleged to exist in favour of, any person in or over any land comprised within such limits, and any claims relating to the practice within such limits of shifting cultivation and to deal with the same as provided in this Chapter.

(2) The Forest-settlement-officer shall ordinarily be a person other than a Forest-officer, but the Forest-officer may be appointed by the Local Government to assist the Forest-settlement-officer in the inquiry prescribed by this Chapter.

Procla - mation by Forest-settlement-officer.

6. When a notification has been published under section 5, the Forest-settlement-officer shall publish in the language of the country, at the head-quarters of each township or Shan State in which any portion of the land mentioned in such notification is situate, and in every town and village in the neighbourhood of such land, a proclamation—

(*a*) specifying as nearly as possible the situation and limits of the forest proposed for reservation;

(b) setting forth the substance of the provisions of the next following section;

(c) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and

(d) fixing a period of not less than three months from the date of the publication of such proclamation, and requiring every person claiming any right or making any claim referred to or mentioned in section 5 either to present to such officer within such period a written notice specifying, or to

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appear before him within such period and state the nature of such right or claim.

Bar of accrual of forest-rights after proclamation.

7. (*1*) During the interval between the publication of such proclamation and the date fixed by the notification declaring the forest to be reserved as hereinafter provided, no right shall be acquired in or over the land mentioned in such notification, except by succession or under a grant or contract in writing made or entered into by, or on behalf of, the Government or some person in whom such right or power to create such right was vested when the proclamation was published; and, on such land no new house shall be built or plantation formed, no fresh clearings for cultivation or for any other purpose shall be made, and no trees shall be cut for the purpose of trade or manufacture except as hereinafter provided.

(*2*) Nothing in this section shall be deemed to prohibit any act done with the permission in writing of the Forest-settlement-officer, or any clearings lawfully made for shifting cultivation by persons in the habit of practising such cultivation on such land.

Settlement of Rights, &c., before Reservation.

Inquiry by Forest-settlement-officer.

8. (2) The Forest-settlement-officer shall take down in writing all statements made under section 6, and shall inquire into all claims made under that section, and into the existence of any right or practice mentioned in section 5 in respect of which no claim is made.

(*2*) The Forest-settlement-officer shall at the same time consider and record any objection which the Forest-officer, if any, appointed under section 5 to assist him, may make to any such claim or with respect to the existence of any such right or practice.

(*3*) In the case of a claim relating to the practice of shifting cultivation, the Forest-settlement-officer shall pass an order specifying the particulars of such claim, and permitting, or refusing to permit, such practice wholly or in part.

(*4*) In the case of any other claim the Forest-settlement-officer shall pass an order specifying the particulars of such claim and admitting or rejecting the same wholly or in part.

(5) The particulars recorded under sub-section (*3*) or sub-section (*4*) shall be such as may be necessary in order to define the nature, incidents and extent of the privilege solicited or right claimed.

Powers of Forest-settlement officer.

9. (*1*) For the purposes of such inquiry the Forest-settlement-officer may exercise—

(a) the powers of a Demarcation-officer under the [1] Burma Boundaries Act, 1880, and

V of 1880.

[1] *Ante.*

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(b) the powers conferred on a Civil Court by the [1] Code of Civil XIVo* 1882. Procedure for compelling the attendance of witnesses and the production of documents.

(2) Before the issue of the notification under section 18, the Forest-settlement-officer may, for sufficient reason and after due notice to the claimant and other persons concerned within three months of any order passed under section 8, section 10, section 11, section 12 or section 13, review such order and pass a new order after holding such further inquiry as he may consider necessary:

Provided that no agreement or acquisition under section 12, sub-section *(1)*, clause (c), or section 13, sub-section *(1),* clause *(a)* or clause (c), which has received the sanction of the Local Government, shall be so reviewed without a like sanction or after such agreement has been performed or after possession has been taken of the land so acquired.

Treatment of claim relating to practice of shifting cultivation,

10. *(1)* If the practice of shifting cultivation is permitted wholly or in part under section 8, sub-section (3), the Forest-settlement-officer may— ♦ •

(a) alter the limits of the forest proposed for reservation so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimants; or

(b) cause certain portions of the forest proposed for reservation to be separately demarcated, and give permission to the claimants to practise shifting cultivation under such rules; and conditions as he may prescribe.

(2) The practice of shifting cultivation shall be deemed a privilege' subject to control, restriction and abolition by the Local Government, without payment of compensation, and, unless otherwise expressly permitted in the notification issued under section 18, such cultivation: shall be practised only by the person to whom such permission is granted.

Order on claim to right-of-way, water-course or pasture or to forest-produce.

11. When a claim to—

(a) a right-of-way,

(b) a right to a water-course or to the use of water, or

(c) a right of pasture or to forest-produce

is admitted, wholly or in part under section 8, sub-section *(4),* if the right is for the beneficial enjoyment of any land or building, the Forest-settlement-officer shall, in addition to the particulars required by sub-section (5) of that section, record the designation, position and area of such land, or the designation and position of such building.

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[1] *See* **now the Code of Civil Procedure, 1908 (Act 5 of 1908), Genl. Acts, Vol. VI.**

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12. (7) "When the Forest-settlement-officer has admitted wholly or in part and recorded under sections 8 and 11 a claim to a right of pasture or to forest-produce, he shall— toforest- Provision for right of pasture m rodnce Idmitted.

(a) as far as possible provide for the exercise of such right by altering the limits of the forest proposed for reservation so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimant; or

(б) as far as possible provide for the exercise of such right by recording an order containing the particulars specified in sub-section *(2),* and continuing to the claimant a right of pasture or to forest-produce, (as the case may be), subject to the control of the Local Government; or

(c) subject to the sanction of the Local Government, commute such right by paying a sum of money in lieu thereof, or, with the consent of the claimant, by the grant of land or in such other manner as such officer thinks fit.

(2) An order passed under clause (6) of sub-section (*1*) shall record, as far as practicable,—

(i) in the case of a right of pasture, the number and description of the cattle which the claimant is from time to time entitled to graze, the local limits within which, and the seasons during which, such pasture is permitted, and such other particulars as may be required in order to define the extent of the right which is continued and the mode in which it may be exercised: and

(ii) in the case of a right to forest-produce, the quantity of such produce ■which the claimant is authorized to take or receive, and the local limits within which, the seasons during which, and the mode in which, the taking or receiving of such produce is permitted, and such other particulars as may be required in order to define the extent of the right which is continued and the mode in which it may be exercised.

13. *(1)* If a claim to a right in or over any land other than a right referred to in section 11 is admi[T]ted wholly or in part under section 8, ' sub-section *(4),* the Forest-settlement-officer may— Order on other claims

(a) come to an agreement with the claimant for the surrender of the right subject to the condition that such agreement shall not be performed unless and until the sanction of the Local Government has been obtained in that behalf; or

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(b) exclude the land from the limits of the forest proposed for reservation either by altering the external boundary of such forest or by demarcating the land within the external boundary; or

(c) proceed to acquire such land in the manner provided by the [1] Land Acquisition Act, 1894, as modified by sub-section *(2)* of this section. I of 1894.

(2) For the purpose of so acquiring such land—

(i) the Forest-settlement-officer shall be deemed to be a Collector proceeding under the [1] Land Acquisition Act, 1894; 1 of 1894.

(ii) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act;

(iii) the provisions of the preceding sections of that Act shall be deemed to have been complied with;

(iv) the Collector, with the consent of the claimant, may award compensation in land, or partly in land and partly in money; and

(v) possession of the land to be acquired shall not be taken on behalf of the Government, and no payment or transfer of land to the claimant shall be made, in pursuance of an award under this sub-section, unless and until the sanction of the Local Government has been obtained in that behalf.

Appeal from order passed under this Chapter.

14. Any person who has made a claim under this Chapter may, within three months from the date of any order passed on such claim by the Forest-settlement-officer, under section 8, section 10, section 11, section 12 or section 13, present an appeal from such order to such officer of the Revenue Department, of rank not lower than that of a Deputy Commissioner, as the Local Government may, by notification, [2] appoint to hear appeals from such orders.

Presentation and hearing of appeal».

15. *(1)* Every appeal under the last foregoing section shall be made by petition in writing, and may be delivered to the Forest-settlement-officer, who shall forward it without delay to the officer competent to hear the same.

(2) In Upper Burma including the Shan States the appeals shall be heard in the manner prescribed for the hearing of appeals under the [3]Upper Burma Land and Revenue Regulation, 1889, and in Lower Burma under the [3] Burma Land and Revenue Act, 1876; and such officer may, for the purpose of such appeal, exercise all the powers

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[1] **Genl. Acts, Vol. IV.**

[2] **For notification under section 14, appointing officers to hear appeals, *see* Burma Gazette, 1903, Pt. I, p. 880.**

[5] ***Ante*, p. 219, and 8, respectively.**

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.held by him under such Act or Regulation and the rules thereunder, and may, before the issue of the notification under section 18, likewise review any order passed by him on such appeal.

Revision by Local Government.

16. The Local Government may, before the issue of the notification under section 18, revise any order passed by a Eorest-settlement-officer •or an appellate officer under the preceding sections, and may remand the •case for further inquiry or pass any order which the Forest-settlement-officer could have passed :

Provided that no agreement or acquisition under section 12, sub-section (*1*), clause (c), or section 13, sub-section (*1*), clause *(a)* or ■clause (c), which has been sanctioned by the Local Government as required by such section shall be set aside after a part performance of such agreement or after possession of the land has been taken under such acquisition.

Power to Abandon Proposal.

Abandonment of proposal to reserve.

17. The Local Government may, at any time before the publication of a notification under section 18, withdraw from a proposal to constitute Jll any land a reserved forest. When such withdrawal is determined on, a proclamation shall be published by the Deputy Commissioner in the same places and in the same manner as the proclamation under section 6 was published, announcing that the proposed reservation has been abandoned.

On the publication of such proclamation, the provisions of section 7 shall cease to apply to such land.

■*Constitution of Reserved Forests and Powers, Rights and Duties therein.*

Notification declaring reserved,

18. **(***1***)** When the following events nave occurred, namely,—

(a) the period fixed under section 6 for preferring claims has elapsed, and all claims, if any, made within such period have been disposed of by the Forest-settlement-officer, and

(b) if such claims have been made, the period fixed by section 14 for appealing from the orders passed on such claims has elapsed, and all appeals, if any, presented within such period have been disposed of by the appellate officer, and

(c) all lands, if any, to be included in the forest proposed for reservation which the Forest-scttlement-officer has, under section 13, elected to acquire under the [1] Land Acquisition Act, 1891, have become vested in the Government under that Act,

I of 1804.

the Local Government may publish a notification specifying the limits of the forest which it is intended to reserve, declaring the same to be

[1] Genl. Acts, Vol. IV.

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reserved from a date fixed by such notification and mentioning the rights and privileges recognized and conceded in respect thereof.

(2) From the date so fixed such 'forest shall be deemed to be a reserved, forest and thereupon shall, together with all the produce thereof and animals or things found therein, be deemed to be the property of the Government, subject only to the rights and privileges mentioned in such notification.

Extinction of rights not i-laimed.

19. When the notification prescribed by section 18 has been issued,, rights in respect of which no claim has been preferred under section 6, and of the existence of which no knowledge has been acquired by inquiry under section 8, shall be extinguished from the date therein fixed unless, before the publication of such notification, the person claiming them has satisfied the Forest-settlement-officer that he had sufficient cause for not preferring such claim within the period fixed under section 6, in which case the Forest-settlement-officer shall inquire into the same and pass orders thereon in the same manner as if the claim had been presented in time; and, notwithstanding anything hereinbefore contained, any order so passed shall be subject to review, appeal and' revision in the manner and during the period hereinbefore allowed for an order passed prior to the issue of such notification.

Publication of translation of notification in neighbourhood of forest.

20. The Deputy Commissioner of the district in which the forest isv situate shall, before the date fixed by such notification, cause a translation thereof in the language of the country to be published in the manner prescribed for the proclamation under section 6.

Power of Local Government to revise arrangement made by Jforest-settlement-officer.

21. The Local Government may, within five years from the publication of any notification under section 18, revise any arrangement made under section 10, section 12 or section 15, and may rescind or modify any order made under this Chapter, and direct that a further inquiry be held by the Forest-settlement-officer or any other officer appointed for this purpose or that any one of the proceedings specified in section 12, sub-section *(1),* clauses *(a)* and (&), be taken in lieu of the other of such' proceedings or that a right admitted under section 8 be commuted in the manner mentioned in section 12, sub-section (7), clause (c).

Cancellation of right to practise shifting cultivation.

22. If any one of certain persons to whom permission has been granted to practise shifting cultivation under the provisions of section 10, sub-section *(1),* clause *(b),* omits for a continuous period exceeding five years to practise such cultivation, either himself or by some member of his family, and if such person has not during such period been engaged in the cultivation of *taungya* plantations in reserved forests on behalf of the Government, the Local Government, after such inquiry as it considers necessary, may, by notification, cancel the permission granted to such person and reduce the area demarcated under the said provisions in such manner as it thinks fit.

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23. Xo right of any description shall be acquired in or over a reserved forest, except by succession or under a grant or contract in writing made by or with the previous sanction of the Governor-General in Council, or by some person in whom such right, or the power to create such right, was vested when the notification tinder section 18 was published. **Acquisition of rig or over foresL**

24. *(1)* Notwithstanding anything herein contained, no right continued under section 12 shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of the Local Government : **Restrictions on right to forest-produce or pasturage continued under eection 12.**

Provided t'hat, when any such right is continued for the beneficial enjoyment of any land or building, it may be sold or otherwise alienated with such land or build'ng, without such sanction.

(2) If any person to whom a right has been continued under the provisions of section 12, sub-section *(1),* clause *(b),* ceases for a continuous period exceeding five years to exercise or practise such right, the Local Government, after such inquiry as it considers necessary, may, by notification, cancel the right.

25. Any Forest-officer may, from time to time, with the previous sanction of the Local Government, oi of a Forest-officer authorized in this behalf, stop any public or private way or water-course in a reserved forest : **power to stop way or water-course in reserved forest.**

Provided that for the way or water-course so stopped another way or water-course which, in the opinion of the Local Government, is equally convenient, already exists or has been provided or constructed Tiy the Forest-officer stopping the way or water-course.

26. Subject to the provisions of section 28, it shall not be law ful for any person to do any of the following acts in a reserved forest, namely :— **Acts prohibited in reserved forest.**

(a) to trespass, or pasture cattle, or permit cattle to trespass, or

(b) to fell, cut, girdle, maik, lop or tap any tree, or injure bv fire or otherwise any tree or timber, or

(c) to cause any damage by negligence in felhng any tree or cutting or dragging any timber, or

<<!: to kindle, keep or carry any fire except at such seasons and in such manner as a Forest-officer specially empowered in this behalf may from time to time notify, or

(• I to quarry stone, burn lime or charcoal, or collect, subject to any manufacturing process, or remove any forest-produce, or

(/) to clear or break up any land for cultivation or any other purpose, or

(g) to poison or dynamite water, or

{h) in contravention of any rules made by the Local Government, to hunt, shoot, fish or set traps or snares.

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Kindling of fires prohibited in or near a reserved forest.

27. Subject to the provisions of section 28, it shall not be lawful for any person to set fire to a reserved forest, or in contravention of any rules made by the Local Government, to kindle any fire, or leave any fire burning in such manner as to endanger such a forest.

Acts excepted from sections 26, 27, 54 tod 55.

28. Nothing in section 26, section *27,* section 54 or section 55 shall be deemed to prohibit—

(a) the exercise, in accordance with the orders, if any, pas=ed by the Local Government under section 12, of any right continued under that section; or

(б) any act done with the permission in writing of a Forest-officer specially empowered to grant such permission; or

(<?) any practice of shifting cultivation permitted under section? 10; or

(i*d*) the exercise of any right created by grant or contract in the-manner described in section 23.

Cessation of Reserve.

Power to declare forest no longer reserved.

29. (*1*) The Local Government, with the previous sanction of the Governor General in Council, may, by notification, direct that, from a date to be fixed by such notification, any forest, or any portion thereof,, reserved under this Act shall cease to be reserved.

(2) From the date so fixed such forest or portion thereof shall cease-to be reserved, but the rights, if any, which have been extinguished therein shall not revive in consequence of such cessation.

CHAPTER III.

General Protection, &c., OF Forests and Forest-produce.

Reserved trees in unsettled tracts.

30. (2) All standing teak trees wherever situated, except such as have been expressly alienated by grant or lease made by or on behalf of the British Government, s'hall be deemed to be the property of the-Government and shall be reserved trees.

(2) The Local Government may, by notification, declare that any other trees, or trees of any specified class, standing on any land at the-disposal of the Government shall, from a date to be fixed by such notification, be reserved trees.

Protection of reserved trees.

31. No person shall fell, cut, girdle, mark, lop or tap any reserved tree, or injure by fire or otherwise any reserved tree or the timber of any such tree, except in accordance with rules made by the Local Government in this behalf or as provided by the last section of this; Chapter.

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32. The Local Government may, by notification, declare that all Levy of manufactured catechu or any other kind of forest-produce specified in section 3, sub-section (<?), clause (b), whether obtained from land atedcatochu. the disposal of the Government or from other lands, shall be subject to the payment of [1] royalty at such rates as may be specified by the notification, and may also by notification declare certain areas irom ■which catechu shall be exempt from royalty.

royalty on manufactur- &c.

33. *(1)* Any person may use free of restriction the forest-produce Power to growing upon, or found on, public forest-land, other than reserved trees and their timber, except as prohibited or otherwise provided by tion of publ ic [2] rules made by the Local Government under this section, or by any other enactment or rules for the time being in force.

make rules for protec- iorC3t'_J<n'_

(2) The Local Government may, by rules in respect of public forest-land,—

(a) regulate or prohibit the kindling of fires, and prescribe the precautions to be taken to prevent the spreading of fires;

(b) [3] regulate or prohibit the felling, cutting, girdling, marking, lopping, tapping or injuring by fire or otherwise of any trees or timber, the sawing, conversion and removal of timber, and the collection and removal of other forest-produce ;

(c) regulate or prohibit the manufacture of catechu, or the burning of charcoal;

(d) [4] regulate or prohibit the cutting of grass and pasturing of cattle, and regulate the payments, if any, to be made for such cutting or pasturing;

(e) prohibit the poisoning or dynamiting of water, and regulate or prohibit hunting, shooting and fishing and the setting of traps or snares;

(f) regulate the sale or free grant of forest-produce; and

(g) prescribe the fees, royalties or other payments for forest-produce, and the manner in ·which such fees, royalties or other payments are to be levied, whether in transit, or partly in transit, or otherwise.

(3) The Local Government may, by a rule under this section, attach power to to the breach of any rule under this section any punishment not exceed- P"“*!. attach ty ing imprisonment for a term which may extend to six months, or fine ^ *f* *° ris- which may extend to five hundred rupees, or botii.

[1] For instances of notification fixing royalty on forest-produce, see *H* irma C»»»zette, 1903, Pt. I, p. 880; *ibid,* 1904, Pt. I, p. 178; *ibid,* 1907. Pt. I, pp. 246 and 932.

*F-ir instance of such rul«s, *see* Burma Gazette, 1907. Pt. I, p. 391.

* For notification under clause *(b),* jee Burma Gazette, 1907, Pt. I, p. 326.

* For rules under clbusb (cT), *see* Burma Gazette, 1907. Pt. I, p. 327.

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(4) The Local Government may exempt any person, or class of persons, or any local area from the operation of any rule under this section.

Nothing in this Chapter to prohibit acts done in certain cases.

34. Nothing in this Chapter, or in any rule nnder this Chapter, shall be deemed to prohibit any act done in the exercise of any right or with the permission in writing of a Forest-officer specially empowered to grant such permission.

CHAPTER IY.

Duty on Imported Forest-produce.

Power tc impose duty on forest-produco.

35. (*1)* The Local Government may, with the previous sanction of the Governor General in Council, levy a duty, in such manner, at such places and at such rates as it may prescribe by notification, on all forest produce, which is brought into the territories to which this Act extends from or through any place beyond those territories.

(2) In every case in which such duty is directed to be levied- *ad valorem,* the Local Government may, by notification, determine the manner in which the value is to be ascertained.

Duty on certain timber floated down the Ataran.

36. On all teak timber cut within the limits of the Ataran forest and floated down the Ataran River, duty shall be levied at the following rates, that is to say: —

	Rs. a p.	Per
On logs above 5 feet in girth	4 0 0	log.
On logs below 5 feet in girth	2 0 0	log.
On stem pieces	0 9 0	piece.
On ship crooks	0 4 0	crook.

These rates shall not apply to timber for which special rates have been fixed by any agreement entered into with the Government.

Power to exempt ' forest-produce from duty.

37. The Local Government may exempt any forest-produce from the duty to which it is liable under section 35 or section 36.

Provisions of Chapter not to limit purchase-money or royalty.

38. Nothing in this Chapter shall be deemed to limit the amount, if any, chargeable as purchase-money or royalty in respect of any forest-produce.

CHAPTER Y.

Control of Forest-produce in Transit, &c.

General Control of Forest-produce in Transit, ftc.

Power to ' make rules to regulate

39. (2) The control of all rivers and their banks as regards the floating of timber, as well as the control of all forest-produce in transit

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by land or water, is vested in the Local Government, and that Govern- transit of ment may make rules to regulate the transit of any forest-produce. prduce. forest-

(2) In particular and without prejudice to the generality of the .foregoing power, such rules may—

(a) prescribe the routes by which alone forest-produce may be imported into, exported from or moved within the territories to which this Act extends;

(i») prohibit the import, export, collection or moving of forest-produce without a pass from an officer authorized to issue the same, or otherwise than in accordance with the conditions of such pass;

(c) provide for the issue, production and return of such passes;

(d) lix the fees payable for such passes;

(e) in the case of timber formed into a raft or fastened to the shore, prohibit the loosening or the setting adrift of such timber by any person not the owner thereof or not acting on behalf of such ow ner or of the Government;

if) provide for the stoppage, reporting, examination and marking of forest-produce in transit in respect of which there is reason to believe that any money is payable to the Government, or to w'hich it is desirable, for the purposes of this Act, to affix a mark;

(g) establish revenue-stations to which forest-produce is to be taken by the persons in charge of it for examination, or for the realization of such money, or in order that such mark may be affixed to it, and prescribe the conditions under which forest-produce is to be brought to, stored at, and removed from, such revenue-stations;

(h) provide for the management and control of such revenue-stations, and for regulating the appointment and duties of persons employed thereat;

i(i) authorize the transport of timber, the property of the Government, across any land, and provide for the award and payment of compensation for any damage done by the transport of such timber;

{f) prohibit the closing up or obstruction of the channel or banks of any river used for the transit of forest-produce, and the throwing of forest-produce, grass, brushwood, branches or leaves into any such river, or any other act which tends to cause the obstruction of such channel;

(k) provide for the prevention and removal of any obstruction in the channel or on the banks of any such river, and for

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recovering the cost of such prevention or removal from the person causing such obstruction;

(I) [1] prohibit, absolutely or subject to conditions, within specified local limits, the establishment of sawmills or sawpits, the converting, cutting, burning, concealing, marking or super-marking of timber, the altering or effacing of any property-marks or classification-marks on the same, and the possession of marking-hammers or other implements used for marking timber;

(m) regulate the use of marks for timber and the registration of such marks, authorize the refusal or cancellation of the registration of such marks, prescribe the time for which the registration of such marks is to hold good, limit the number of such marks which may be registered by any one person, and provide for the levy of fees for such registration; and

(TI) provide for the issue of licenses to be in possession of marking-hammers and for the levy of fees for such licenses.

Power to attach penalty to rules.

(3) The Local Government may, by a rule under this section, attach to the breach of any rule under this section any punishment not exceeding imprisonment for a term which may extend to six months, or line which may extend to five hundred rupees, or both.

(4) The Local Government may direct that any rule made under this section shall not apply to any specified class of forest-produce or to any specified local area.

Collection of Drift, Stranded and Other Timber.

Certain kinds of timber to be deemed the property of the Government until title thereto proved.

40. (*1*) The Local Government may, by notification, prescribe or empower a Forest-officer to prescribe for any river rafting-stations, below which timber shall not be allowed to float except when joined together in rafts.

(2) Timber afloat on any river below a rafting-station, otherwise than in rafts under control, shall be deemed to be "adrift."

(3) Timber falling under any nf the following descriptions, namely,—

(a) timber, including timber in rafts not under control, found adrift, beached, stranded or sunk,

(b) timber bearing marks which have not been registered under rules made under section 39,

(c) timber which has been super-marked, or on whiiih marks hav# been obliterated, altered or defaced by fire or otherwise, and

[1] For rules under clause (Z), see Burma Gazette, 1909, Pt. I, p. 390-

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(d) in such areas as the Local Government by [1] notification directs, all unmarked timber,

shall be deemed to be the property of the Government unless and until any person establishes his right thereto as provided in this Chapter.

(4) Such timber may be collected by any Forest-officer or other person authorized by rule made under section 45 or by special order of a Forest-officer specially empowered in this behalf to collect the same, and may be brought to suc'h stations as the Conservator may from time to time notify as stations for the reception of drift-timber.

(5) The Local Government may, by notification, exempt any class of timber from the provisions of this section.

41. *(1)* Public notice shall from time to time, as occasion may require, be given by a Forest-officer specially empowered in this behalf of timber collected under the last foregoing section. Notice to claimants of timber collected under

(2) Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than one month from the date on which such notice is given, a written statement of such claim.

42. *(1)* When any such statement is presented as aforesaid, the Forest-officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the timber to the claimant. Pro.-dure on claim

(2) If such timber is claimed by more than one person, the Forest-officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the Civil Court and retain the timber pending the receipt of an order from such Court for its disposal.

(3) Any person whose claim has been rejected under this section may, within six months from the date of such rejection, institute a suit to recover possession of the timber claimed by him, but no person shall recover any compensation against the Government or against any Forest-officer on account of such rejection, or the detention or removal of any timber, or the delivery thereof to any other person under this section.

(4) No such timber shall be subject to the process of any Civil Court until it has been delivered or until a suit brought under this section has been decided.

(5) Every suit instituted under this section shall be subject to the provisions of section 424 of the [2] Code of Civil Procedure : XIV of 1882.

Provided that the notice required by the said provisions shall be given within three months from the date of the rejection, under sub-section *(1),* of the intending plaintiff's claim.

* For notification issued under this clause and sub-section (5), and in supersesion of all previous notificatiuns, *see* Burmn Gazette. 1903. Pt. I, p. 880.

[2] See now the Code of Civil Procedure, 1908 'Act 5 of 1908), Genl. Acts, Vol. VI.

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.Disposal of unclaimed timber.

43. Where no statement is presented in the manner and -within the period prescribed by notice issued under section 41,

or where such statement having been so presented and the claim rejected, the claimant omits to institute a suit to recover possession of such timber within the further period mentioned in section 42,

the ownership of such timber shall vest in the Government free from all incumbrances, or, when such timber has been delivered to another person under section 42, in such other person free from all incumbrances not created by him.

Payment to be made by claimant before delivery • of timber.

44. No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until such sum as may be due for salving, collecting, moving, storing and disposing of the timber has been paid by him to the Forest-officer or other person entitled to receive the same.

Power to ma ke rules as to salving, &c., of timber.

45. (2) The Local Government may make rules to regulate the following matters, namely : —

(a) the salving, collection and disposal of all timber mentioned in section 40;

(b) the use and registration of boats used in salving and collecting . timber;

(c) the amount to be paid for salving, collecting, moving, storing and disposing of such timber; and

(¿) the manner of publication of public notices under section 41.

Power to attach j>enalty to rules.

(2) The Local Government may, by a rule under this section, attach to the breach of any rule under this section any punishment not exceeding imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

CHAPTER VI.

Penalties and Procedure.

Poliee-powers, Sfc., and Protection and Seizure of Property.

Power to present commission of foreat-■ofience.

46. Every Forest-officer and every Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

Power to arrest without warrant.

47. (*1*) Any Forest-officer or Police-officer may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest-offence punishable with imprisonment for one month or upwards, if such person refuses to give his name and residence, or gives a name or residence which there is

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reason to believe to be false, or if there is reason to believe that he will abscond.

(2) Every officer making an arrest under sub-section (*1*) shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case or to the officer in charge of the nearest police-station.

48. *(1)* When there is reason to believe that a forest-offence has been committed in respect of any forest-produce, such produce, together with all tools, boats, carts and cattle used in the commission of such offence, may be seized by any Forest-officer or Police-officer. Seizure of forest-produce, tools, etc., liable to confiscation.

(2) Every officer seizing any property under this section shall place on such property, or the receptacle, if any, in which it is contained, a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that when the forest-produce with respect to which such offence is believed to have been committed, is the property of the Government and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

49. Cattle trespassing in a reserved forest shall be deemed to be cattle doing damage to a public plantation within the meaning of section 11 of the [1] Cattle-Trespass Act, 1871, and may be seized and impounded as such by any Forest-officer, or officer of police as defined in the said Act. Power to seize cattle trespassing in a reserved forest. I of 1871.

50. Every person who exercises any right in a reserved forest, or who is permitted to remove any forest-produce from, or to pasture cattle in, or practise shifting cultivation in such forest, and Duty of certain persons in a reserved forest to furnish information.

every person who is employed by such person in such forest, and every person in any village contiguous to such forest who is employed by the Government, or who receives emoluments from the Government for services to be performed to the community,

shall be bound to furnish, without unnecessary delay, to the nearest Forest-officer or Police-officer, any information which he may possess respecting the occurrence of a fire in or near such forest, or the commission of or intention to commit any forest-offence;

and shall assist any Forest-officer or Police-officer—

(a) in extinguishing any fire occurring in such forest; and

(*b*) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest;

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[1] Genl. Acts, Vol. II.

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and shall assist any Forest-officer or Police-officer demanding his aid—

(c) in preventing the commission in such forest of any forest-offence; and

(d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

all persons bound to assist in case of accident at revenue-station.

51. In case of any accident or emergency involving danger to any property at a revenue-station, every person employed at such revenue-station, whether by the Government or by any private person, shall render assistance to any Forest-officer or Police-officer demanding his aid in averting such danger and securing such property from damage or loss.

Special Rules of Evidence.

Presumption in favour of Government in proceedings relating to forest-produce.

52. When in any proceedings taken under this Act or in consequence of anything done under this Act, a question arises as to whether any forest-produce is the property of the Government, such produce shall be presumed to be the property of the Government until the contrary is proved.

Evidence recorded by Forest-officer admissible in criminal trial.

53. Any evidence recorded by a Forest-officer under clause *(d)* of section 51 shall be admissible in any subsequent inquiry or trial before a Magistrate or Court:

Provided that it has been taken in the presence of the accused person and recorded in the manner provided by section 355, section 356 or section 357 of the [1] Code of Criminal Procedure, 1898. V of 1893.

Penalties.

Penalty for trespass or damage in reserved forest.

54. Subject to the provisions of section 28, whoever in a reserved forest—

(a) trespasses, or pastures cattle, or permits cattle to trespass, or

(b) causes any damage by negligence in felling any tree or cutting or dragging any timber, or

(c) poisons or dynamites water, or

(d) in contravention of any rules made by the Local Government, hunts, shoots, fishes or sets traps or snares,

shall be punishable with fine which may extend to fifty rupees, or, when the damage resulting from his offence amounts to more than twenty-five rupees, to double the amount of such damage.

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* Genl. Acts, Vol. V.

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Penalty for other offences in reserv forest^

55. Subject to the provisions of section 28, whoever—

(a) makes any fresh clearing or does any other act in contravention of section 7, or

(b) sets fire to a reserved forest, or, in contravention of any rules made by the Local Government, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest, or

in a reserved forest—

(c) kindles, keeps or carries any fire except at such seasons and in such manner as a Forest-officer specially empowered in this behalf may from time to time notify, or

(d) fells, cuts, girdles, marks, lops or taps any tree, or injures by fire or otherwise any tree or timber, or

(e) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process or removes any forest-produce, or

(/) clears or breaks up any land for cultivation or any other purpose,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Additional punishment in the case of offence committed by person having rights in reserv forest.Cd

56. Whenever fire is caused wilfully or by gross negligence in a reserved forest by any person having rights in such forest or permission to practise shifting cultivation therein, or by any person in his employ- Uieill,

or whenever any person having rights in such forest contravenes the provisions of section 24,

the Local Government may, notwithstanding that a penalty has been inflicted under section 55 in respect of such fire, direct that in such forest or any specified portion thereof, the exercise of all or any of such rights shall be extinguished, or be suspended for such period as it thinks fit, and may withdraw any permission to practise shifting cultivation in such forest or portion thereof.

Power to alter fines gie J by Cattle-trespass Act. 1871.

57. The Local Government may, by Notification, direct that, in lieu of the fines fixed by section 12 of the [2]Cattle-trespass Act, 1871, I of 1871. there shall be levied for each head of cattle impounded under section 49

[1] For notification fixing fines and superseding Notification« Nos. 10 of January 10th, 1883, and 325 of August 19th, 1893, see Burma, Gazette, 1903, Pt. I, p. 881.

[3] Genl. Acts, VoL II.

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of this Act such fines as it thinks fit, but not exceeding the following, namely: —

	Re. a. p.
For each elephant	10 0 0
For each buffalo	200
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer	10 0
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid .	0 8 0

causing damage to a reserved tree.

Penalty for [1] 58. Whoever fells, cuts, girdles, marks, lops or taps any reserved tree or the timber of any such tree, except in accordance with rules made by the Local Government in that behalf or as permitted under the provisions of section 34, injuies by fire or otherwise any reserved tree or the timber of any such tree, except in accordance with rules made by the Local Government in that behalf or as permitted under the provisions of section 34, shall be punishable—

(a) if the offence has been committed in respect of a teak or any other reserved tree, or the timber of any such tree, standing or found on land at the disposal of Government, withi imprisonment which' may extend to six months or fine- which may extend to five hundred rupees or with both; or

(b) if the offence has been committed in respect of a teak tree or teak timber standing or found on land not at the disposal of Government, with fine which may extend to twenty rupees, or, when the damage resulting from his offence amounts to more than ten rupees, to double the amount of such damage.

Penalty for breach of certain rules under Act.

59. (*1*) Whoever—

(a) except as permitted by section 34, commits a breach of any rule, made by the Local Government under section 33, to which a penalty has been attached by a rule made under the provisions of that section; or

(b) commits a breach of any rule, made by the Local Government under section 39, to which a penalty has been attached by a rule made under the provisions of sub-section (3) of that section; or

(c) commits a breach of any rule, made by the Local Government under section 45, to which a penalty has been attached by a rule made under the provisions of that section,

shall be liable to the punishment prescribed therefor in such rule.

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[1] **Substituted by s. 2 of the Burma Forest Act (1902) Amendment Act, 1906 (Bur. Act 4' of 1906', *post.* The original section was as follows :—**

" Whoever fells, cuts, girdles, marks, lops or taps any reserved tree, or injures by fire or otherwise any reserved tree or the timber of any such tree, except in accordance with rules made by the Local Government in that behali or as permitted under the provisions of section 34, shall be punishable with fine- which may extend to twenty rupees, or, when the damage resulting from his offence amounts to more than ten rupees, to double the amount of such damage."

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(2) If an offence referred to in clause *(b)* of sub-section *(1)* is committed—

(i) after sunset and before sunrise, or

(it) after preparation for resistance to the execution of any law or any legal process, or .

(Hi) alter a previous conviction of the offender for a like offence,

the convicting Court may inflict double the penalty prescribed for such offence.

60. *(1)* Whoever, being a Forest-officer or Police-officer, vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with' both. **Penalty for wrongful seizure.**

(2) Any fine imposed under sub-section (7), or any portion thereof, shall, if the convicting Court so directs, be given as compensation to the person aggrieved by such seizure.

61. Whoever, with intent to cause damage or injury to the public or to any person or to cause wrongful gain as defined in the 'Indian Penal Code,— **Penalty for counterfeiting or defacing, or possessing implements for counterfeiting, marks on trees and timber and for alteris marks.**

XLV 0^1800.

(a) knowingly counterfeits upon any tree or timber, or has in his possession any implement for counterfeiting, a mark used by Forest-officers to indicate that such tree or timber is the property of the Government or of some person, or that it may lawfully be felled or removed by some person, or boundary![8]

(б) unlawfully affixes to any tree or timber a mark used by Forest-officers, or

(c) alters, defaces or obliterates any such mark placed on any tree or timber by or under the authority of a Forest-officer, or

(d) alters, moves, destroys or defaces any boundary-mark of any forest-1 and to which any provisions of this Act apply,

shall be punishable with imprisonment for a term which' may extend to two years, or with fine, or with both.

Compounding of, and Compensation for, Forest-offences.

62. (i) The Local Government may, by notification, empower a [s]Forest-officer of a rar.k not inferior to that of a Forest-ranger and in receipt of a monthly salary amounting to at least one hundred rupees,— **Power to compound forest-offences.**

(a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence,

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[1] Genl. Acts, y°l- I-

* For notification under s. 62 in conjunction with a. 3 IS) appointing certain di*'.ri'.t-officers to discharge, within the portion.' of the Kaehie Hill Tracts under their jurisdiction, the functions ot a Forest-officer for the purposes of this section, see Burma Gazette, 1907, Pt. 1, p bi2.

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other than an offence specified in section 60 or section 61, a sum of money not exceeding fifty rupees by way of compensation for the offence which such person is suspected to have committed, and

(fc) '«hen any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

(2) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the suspected person, if in custody, ehall be discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property.

Compensation for damage caused by commission of forest-offen ce.

63. (2) When any person is convicted of felling, cutting, girdling, marking, lopping or tapping trees or timber, or of injuring them by fire or otherwise, in contravention of this Act, the convicting Court may, in addition to any other punishment which it may award, order that person to pay to the Government such compensation, not exceeding ten rupees for each tree or log of timber with respect to which the offence was committed, as it deems just.

(2) If the person convicted of the offence committed it as the agent or servant of another person, the convicting Court may, unless after hearing that other person it is satisfied that the commission of the offence was not a consequence of his instigation or of any neglect or default on his part, order him, instead of the person who committed the offence, to pay the compensation referred to in sub-section (2).

(3) An appeal from any order under sub-section *(I)* or sub-section *(2)* shall lie to the Court to which orders made by the convicting Court are ordinarily appealable, and the order passed on such appeal shall be final.

Disposal of Property Seized.

Fcrest-produce, tools, ate., when liable to confiscation.

64. (*1*) When any person is convicted of a forest-offence, all forest-produce which is not the property of the Government and in respect of which such offence has been committed, and all tools, boats, carts and cattle used in the commission of such offence, shall be liable, by order of the convicting Court, to confiscation.

(2) Such confication may be in addition to any other penalty prescribed for such offence.

Disposal, on conclusion of trial for forest-offence, of produce in respect of which offence was committed.

65. When the trial of any forest-offence is concluded, any forest-produce in respect of which such offence has been committed, shall, if it is the property of the Government or has been confiscated, be taken possession of by a Forest-officer specially empowered in this behalf, and, in any other case, may be disposed of in such manner as the Court may order.

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66. (*1*) When the offender is not known or cannot be found, the Magistrate inquiring into the offence, if he finds that an offence has been committed, may, on application in this behalf, order the property in respect of which the offence has been committed, to be confiscated and taken possession of by a Forest-oificer specially empowered in this behalf, or to be made over to such Forest-officer or other person as the Magistrate considers entitled to the same: Procedure when offender is not known or cannot be found.

Provided that no such order shall be made till the expiration of one month from the date of the seizure of such property, or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which he may produce in support of his claim.

(2) The Magistrate shall either cause a notice of any application under sub-section *(1)* to be served upon any person whom he has reason to believe to be interested in the property seized, or publish such notice in any way which he thinks fit.

67. The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 48 and subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with such property, if it had not been sold. Procedure as to perishable property seized under section 48.

68. Any person claiming to be interested in property seized under section 48 may, within one month from the date of any order passed by a Magistrate under section 64, section 65 or section 66, present an appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final. Appeal from order under section 64, 65 or 66.

69. When an order for the confiscation of any property has been passed under section 64 or section 66 and the period limited by section 68 for presenting an appeal from such order has elapsed and no such appeal has been presented, or when, on such an appeal being presented, the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or portion, as the case may be, shall vest in the Government free from all incumbrances. Vesting of confiscated property in the Government.

70. Notwithstanding anything hereinbefore contained, any Forest-officer empowered in this behalf by the Local Government may direct at any time the immediate release of any property seized under section 48 which is not the property of the Government and the withdrawal of any charge made in respect of such property. Saving of power to release property seized.

Recovery of Money under Act.

71. All money, other than fines, payable to the "Government under "this Act or on account of the price of any forest-produce or of expenses incurred in the execution of this Act in respect of any forest-produce, Recovery of money due to the Government.

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may, if not paid when due, be recovered under the law for the time being in force as if it were an arrear of revenue.

Lien on forest-produce for money due to the Government.

72. (2) When any such money as is referred to in the last foregoing section is payable for, or in respect of, any forest-produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by a Forest-officer specially empowered in this behalf and may be retained by him until such amount has been paid.

(2) If the amount is not paid -«hen due, such Forest-officer may sell the produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

(3) The surplus, if any, if not claimed within two months from the date of the Sale by the person entitled thereto, shall be forfeited to the Government.

Recovery of penalty due under bond.

73. When any person, in compliance with any rule under this Act, binds himself by any instrument to perform any duty or act, or covenants by any instrument that he, or that he and his servants, and agents, will abstain from any act, the whole sum mentioned in such instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the [1] Indian Contract ix of 1872^ Act, 1872. þe recovered from him in case of such breach as if it were an arrear of revenue.

CHAPTER VII.

FOEEST-OFFICEBS .

Investiture of Forest-officers with certaiD po werB.

74. The Local Government may invest any Forest-officer with all or any of the following powers, to be exercised for the purposes of this Act, namely: —

(a) the powers of a Demarcation-officer under the [2]Burma Boun- y of lggfi^ daries Act, 1880;

(б) the powers of a Civil Court to compel the attendance of witnesses and production of documents;

(c) power to issue search-warrants under the [3]Code of Criminal y of 1898^ Procedure, 1898;

(d) power to hold inquiries into forest-offences, and in the course of such inquiries to' receive and record evidence;

(*e*) power to notify the seasons and manner in which fire may He kindled, kept or carried in a reserved forest;

(*f*) power to grant any permission referred to in sections 28 and

[1] Genl. Acts, Vol. II.
* *Ante,* p. 48.
* Genl. Acta, Vol. V.

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(g) power to notify stations for the reception of diift-timber ;

(h) power to give public notice of timber collected under section 40;

(i) power to take possession of property under this Act;

(j) power to direct the release of property or withdrawal of charges.

75. All Forest-officers shall be deemed to be public servants within the meaning of the [1] Indian Penal Code. **Forest-officers to be deemed public servants.**

76. No Forest-officer shall, as principal or agent, trade in any forest-produce, or be or become interested in any lease or mortgage of any forest or forest-produce or in any contract for working any forest, whether in British or foreign territory. **Prohibition of trade.**

CHAPTER VIII.

SUPPLEMENTAL PROVISIONS.

Rules.

77. *(1)* In addition to the powers hereinbefore conferred, the Local Government may make [2] rules to carry out the objects and purposes of this Act. **Additional power to make rules,**

(2) In particular and without prejudice to the generality of the aforegoing power, such rules may—

(a) declare by what Forest-officer or class of Forest-officers the powers or duties conferred or imposed by or under this Act on a Forest-officer are to be exercised or performed;

(b) regulate the procedure of Forest-settlement-officers ; and

(c) regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this Act or from the public treasury.

78. All rules made by the Local Government under this Act shall be published in the gazette, and shall thereupon have the same effect as if enacted by this Act, **Publication of rules.**

Limitation of Proceedings.

79. No suit or criminal prosecution shall lie against any public servant for anything done under this Act, or in good faith intended to be done under this Act. **Indemnity for acts done in good faith.**

[1] Genl. Acts, Vol. I.

[2] For rules under s. 77, in conjonction with ss. 26, 27, 30, 31. 33. 39 and 45, *see* Bur. Gazette, 1903, Pt. I, p. 137.

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The Government and its officers not liable for loss or damage in respect of certain forest-produce.

80. The Government shall not be responsible for any loss or damage which may occur in respect of any forest-produce while at a revenue-station, or while detained elsewhere for the purposes of this Act, or in respect of any timber collected under section 40; and no Forest-officer or Police-officer shall be responsible for any such loss or damage unless he causes the same negligently, maliciously or fraudulently.

Acquisition of Land.

Land required under this Act to be deemed to be needed for a public purpose.

81. Whenever it appears to the Local Government that any land is required for any of the purposes of this Act, such land shall be deemed to be needed for a public purpose within the meaning of section 4 of the *Land Acquisition Act, 1894. I of 1894.

Saving of Rights of Profit.

Saving of rights of profit from the Burma Land and Revenue Act, 1876.

82. Nothing in the [2]Burma Land and Revenue Act, 1876, shall be deemed to affect, or ever to have affected, any right by which one person is entitled to remove and appropriate, for his own profit, any part of the soil belonging to another person or to the Government, or anything growing in or attached to, or subsisting upon, the land of another person or of the Government. II of 1870.

SCHEDULE.

(See section 2.)

1	2	3	4
Year.	No.	Short title or subject.	Extent of repeal.
		Part I.—Acts of the Governor General in Council.	
1881	XIX	The Burma Forest Act, 1881 . .	So much as has not been repealed.
1890	V	The Forest Act, 1890 . . .	Sections 15 to 22 Inclusive.
1891	XII	The Repealing and Amending Act, 1891.	So much of the First and Second Schedules as refers to Act XIX of 1881.
1898	XIII	The Burma Laws Act, 1898 . .	So much of the Third Schedule as refers to Act XIX of 1881.
		Part II.—Regulations made under Statute 33 Vic., Chapter III.	
1898	V	The Upper Burma Forest Regulation, 1898.	The whole.

[1] Geni. Acts, Vol. IV.
[1] *Ante*, p. 8.

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^URMA ACT No. II OF 1903.

(APPLIES TO LOWER AND UPPER BURMA.)

[18th March, 1903; 23rd April, 1903.]

An Act to further amend the Burma Municipal Act, 189S.

Bur. Act [II Df 1S9R,

WnEEEAS it is expedient to further amend the Burma Municipal **Preamble.**
Act, 1898; It is hereby enacted aa follows : —

1. (2) This Act may be called the Burma Municipal Act Amend- **Short title**
ment Act, 1903; and and mcncZ^t.

(2) It shall come into force at onco

Bur. Act III of 1898.

2. In the Burma Municipal Act, 1898, after section 38, the following **Insertion of**
section shall be inserted, namely:— 384in[illegible]«

[Ante, pp. 352 and 353.1 **Burma** 4ct **III.** 1898.

BURMA ACT No. I OF 1904.

(APPLIES TO LOWER BURMA.)

[23rd January, 1904; 27th February, 1904.]

An Act further to amend the Eangoon Police Act, 1899.

Bur, Act IV of 1899.

WnEREAS it is expedient to amend the Rangoon Police Act, 1899; **Preamble.**
It is hereby enacted as follows:—

1. (7) This Act may be called the Rangoon Police Act Amendment **Short title**
Act, 1U04; „d SiaR.

(2) It shall come into force at once.

Bur. Act IV of 1899.

2. In the Rangoon Police Act, 1899, after section 31, the following **Insertion of**
section shall be inserted, namely:— 3lAin[illegible]

[Ante, p. 457.1 **Burma Act IV,** 1899.

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[3] BURMA ACT No. Ill OF 1904.

(APPLIES TO LOWER AND UPPER BURMA.)

[23rd January, 1904; 27th February, 1904.]

An Act to amend the law relating to Excise in Burma.

WHEREAS it is expedient to amend the law relating to excise in **Preamble.**
Burma; It is hereby enacted as follows: —

1. (7) This Act may be called tho Burma Excise Law Amendment **Short title, extent aad commence-ment.**
Act, 1901;

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[1] **For Statement of Objects and Reasons, *see* Burma Gazette, 1903, Pt. Ill, p. 4; and for Proceedings in Coun'il, *see ibid,* pp. 1 and 8.**

[5] **For Statement of Objects and Reason.», *see* Burma Gazette, 1903, Pt. Ill, p. 20; and for Proceedings in Council, *see ibid*, p. 24, and *ibid,* 1904, p. 2.**

["] **For Statement of Objects and Reasons, *see* Burma Gazette, 1903, Pt III, p. 14; and for Proceedings in Council, <«e *ihid,* p. 23, and *ibid,* 1904. p. 2.**

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(2) It extends in Burma; and

(3) It shall come into force at once.

2. [*Power to declare " intoxicating drugs " for purposes of Act XII of 1896.1* [Re V-> Act 7 °f 1906 •

Penalty on vendor of spirits, &c., selling during prohibited hours, or by or to prohibited persons.

8. Every person licensed to sell by retail spirit or fermented liquor or intoxicating drugs under the provisions of the said Act, who—

(a) keeps his premises open during prohibited hours, or

(b) employs any person he is prohibited from employing to assist him, or

(c) sells to any person to whom he is prohibited from selling,

shall be punished with fine which may extend to two hundred rupees.

Further power to make rules respecting excise licenses.

4. In addition to rules made under section 65 of the said Act and notwithstanding anything contained in the said Act, the Chief Revenue Authority may, in respect of .licenses under the said Act, make rules—

(i) as to the hours during which licensed premises may be kept open;

(ii) as to the persons who may be employed by a licensee to assist him in his business, 'whether in the sale of liquor or in any other capacity; and

(Hi) as to the persons to whom a licensee may sell.

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[1] BURMA ACT No. I OF 1905.

(APPLIES TO LOWER AND UPPER BURMA.)

\25th February, 1905; 24th March. 1905.1

An Act to amend the Burma Gambling Act, 1899.

Preamble.

WHEREAS it is expedient to amend the Burma Gambling Act, 1899; Bur. Act I of 1899.
It is hereby enacted as follows: —

Short title and commencement.

1. *(1)* This Act may be called the Burma Gambling Act Amendment Act, 1905; and

(2) It shall come into force at once.

Amendment of section 6 of Burma Act], 1899.

2. (1) In sub-section (2) of section 6 of the Burma Gambling Act, Bur. Act I of 1899, for the words "upon credible information, has reason to believe that any house, enclosure, room, vessel or place is used as a fcmmon gaming-house, he may, after recording in writing the substance of such

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[1] For Statement of Objects and Reasons, see Burma Gazette, 1904, Pt. Ill, p. 26; fot lie port of the Select Committee, *see ibid,* 1905, p. 7; and for Proceedings in Council, iff *ibid,* 1904, p. 81, and *ibid,* 1905, p. 2.

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information and the grounds of such belief" the following shall be substituted, namely: —

[Ante, p. 437.]

(2) In sub-section (*2*) of the said section the words " or District Superintendent of Police " shall be inserted after the word " Magistrate," and the word " or " shall be substituted for the word " and."

(3) For sub-section i(4) of the said section the following shall be substituted, namely:—

[Ante, p. 438.]

3. For section 8 of the said Act the following section shall be substituted, namely : — **Substitution of new section for section 8 of Burma Act I, 1899.**

[Ante, p. 438.]

4. In section 9 of the said Act for the words "who shall be examined as a witness" the following shall be substituted, namely:— **Amendment of section 9 of Burma Act I, 1899.**

"who shall be examined (under section 8 or otherwise) as a witness."

5. In section 12 of the said Act for the words " two hundred rupees " the words " five hundred rupees " shall be substituted ; and for the words "four hundred rupees" the words "one thousand rupees" shall be substituted. **Amendment of section 12 of Burma Act I, 1899.**

6. *(1)* In section 14 of the said Act for the words " No Magistrate shall take cognizance of" the following shall be substituted, namely:— **Amendment of section 14 of Burma Act I, 1899.**

" No Court **shall try."**

(2) In the said Section 14, for the words " to him," wherever the same occur in clauses (a) and *(b)* of the said section, the following shall be substituted, namely: —

' " to, or cognizance thereof has been taken by, a Magistrate."

THE BURMA CANAL ACT. 1905.

CONTENTS.

CHAPTER I.

PEELIMINAEY.

SECTIONS.

1. Short title, extent and commencement.
2. Repeal.
3. Definitions.
4. Application of Act to minor canals.
5. Power to appoint officers.
Power to invest any person with powers of Collector.

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CHAPTER II.

OF THE APPLICATION OF WATER FOR PUBLIC PURPOSES.

SECTIONS.

6. Notification to issue when water-supply is to be applied for a public purpose.
7. Powers of Canal-officer.
8. Notice as to claims for compensation.
9. Damage for which compensation shall not be awarded.
Matters in respect of which compensation may be awarded.
10. Limitation of claims.
11. Enquiry into claims and amount of compensation.

CHAPTER III.

OF THE CONSTRUCTION AND MAINTENANCE OF WORKS.

12. Sanction of Collector necessary before construction of irrigation-work in notified rivers, etc.
13. Power to enter and survey, etc.
Power to inspect and regulate water-supply.
14. Power to enter upon lands and construct water-courses.
15. Compensation for damage caused by entry under section 13 or 14..
Notice of intended entry into house, etc., under section 13 or 14.
16. Cost of water-courses constructed under section 14 and of water-courses constructed before Act comes into force.
17. Alteration of water-courses.
18. Power to enter for repairs and to prevent accidents.
Compensation for damage to land.
19. Power to occupy land adjacent to canal for depositing soil from canal and to excavate earth.
20. Special forms of compensation for land required under Act.
21. Application by persons desiring to use canal-water.
Contents of application.
Liability of applicants for cost of works.
Recovery of amount due.
22. Government to provide means of crossing canals.
23. Persons using water-course to construct works for passing water across roads, etc.
If they fail, Canal-officer may construct and recover cost.
24. Adjustment of claims between persons jointly using water-course.
Recovery of amount found due.
25. Supply of water through intervening water-course.
26. Application for construction of new water-course.

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SECTIONS.

27. Procedure of Canal-officer thereupon.
28. Application for transfer of existing water-course.
Procedure thereupon.
29. Objections to construction or transfer applied for.
30. When applicant may be placed in occupation.
31. Procedure when objection is held valid.
32. Procedure when Canal-officer disagrees with the Collector.
33. Expenses to be paid by applicant before receiving occupation.
Procedure in fixing compensation.
Recovery of compensation and expenses.
34. Conditions binding on applicant placed in occupation.
35. Procedure applicable to occupation for extensions and alterations*.
36. Cost of wilful damage to, or enlargement of, outlet.
37. Power to convert several water-courses running for a long distance side by ,«ide into one water-course ; provided it does not diminish the supply to any of the owners.

CHAPTER IY.

OF THE SUPPLY OF WATER.

38. In absence of written contract, water-supply to be subject to-rules.
39. Conditions as to—

(a) power to stop water-supply;
(б) claims to compensation in case of failure or stoppage of supply;
(c) claims on account of interruption from other causes ;
(d) durai ion of supply;
(e) sale or sub-letting of right to use canal-water;
transfer with land of contracts for water ;
(/) bar to accrual of rights by user.

CHAPTER V.

Of WATER-R\TES.

40. Liability in the case of the unauthorized use of the water of a canal.
41. Liability when person using water-course unauthorizedly cannot be identified.
42. Liability when water runs to waste.

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SECTIONS.

43. Charges recoverable in addition to penalties.
Decision of questions under section 40, 41 or 42.
44. Charge on occupier for water, how determined.

Recovery of charges.

45. Such charges recoverable as land-revenue.

CHAPTER YI.

MINOR CANALS.

46. Application of Chapter YI to minor canals only.
47. Record respecting minor canals.
48. Power to record statement in respect of a projected irrigation-work.
49. Power to make rules.
50. Application of other provisions of Act to minor canals.
51. Power of Local Government to assume control of minor canals.

CHAPTER VII.

OF Canal Navigation.

52. Tolls to be levied from vessels using the canal.
53. Power to detain vessels violating rules. Liability of owner of vessel causing damage.
54. Power to detain vessel on failure to pay tolls or charges.
55. Power to seize cargo or goods, if charges due thereon are not paid.
56. Power to sell property seized under section 54 or 55.
57. Procedure in respect of vessels abandoned and goods unclaimed.
Power to sell.
Disposal of proceeds of sale.
58. Power to effect earlier sale of perishable property.

CHAPTER VIII.

OF Drainage.

59. Power to prohibit obstructions or to order their removal.
60. Power to remove obstructions after prohibition.

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SECTIONS.

61. Preparation of schemes for worts of improvement.
62. Powers of persons employed on such schemes.
6:i. Rate on lands benefited by worts.
64. Recovery of rate.
65. Disposal of claims to compensation.
Limitation of such claims.

CHA'PTER IX.

Of OBTAINING LABOUR FOE CANALS AND DEAINAGE-WOBKS.

66. Power to prescribe number of labourers to be supplied by headmen of villages benefited by canal.
67. Procedure for obtaining labour and materials for worts urgently required.
68. Payment for labour impressed and materials taten.
69. Compensation for damage done in taking materials.
70. Power to apply provisions of Chapter to construction of water-courses.
71. Power to apply foregoing provisions to effect annual silt-cleai~ances.

CHAPTER X.

OF **Jxtbisdiction.**

72. Jurisdiction under this Act of Civil Courts.
73. Settlement of differences as to mutual rights and liabilities of. persons interested in water-course.
74. Power to summon and examine witnesses.

CHAPTER XI.

Of OFFENCES AND PENAITIES.

75. Penalty for offences under Act.
76. Compensation to person injured.
77. Recovery of fines for offences in navigating canal.
78. Power to arrest without warrant.

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CHAPTER XII.

SUPPLEMENTARY PROVISIONS.

SECTIONS.

79. Power to make rules.
Power to attach penalty.
Publication of rules.
80. Hecovery of sums as arrears of land-revenue.

THE SCHEDULE.

ENACTMENTS REPEALED.

[1] BURMA ACT No. II OF 1905.

[25th February, 1905; 28th March, 1905.]

An Act to regulate Irrigation, Navigation and Drainage in Burma.

iPreamble. WHEREAS, throughout the territories to which this Act extends, the Government is entitled to use and control for public purposes the water of all rivers and streams flowing in natural channels, and of all lakes and other natural collections of still water, and to assume the control and undertake in whole or in part the maintenance of any irrigation-work, upon such terms, if any, as to compensation as it deems just, whenever it appears to be necessary in the public interest to do so; and whereas it is expedient to amend the law relating to irrigation, navigation and drainage in the said territories; It is hereby enacted as follows : —

CHAPTER I„

PRELIMINARY.

'Short title, extent and ■commence-ment. 1. *(1)* This Act may be called the Burma Canal Act, 1905;

(2) It extends to the whole of Burma, including the Shan States; and

(3) It shall come into force at once.

Rep«al. 2. The enactments mentioned in the Schedule are repealed to the extent specified in the fourth column thereof.

Definitions. 3. In this Act, unless there is anything repugnant in the subject or context,—

" Canal." *(1)* "canal" includes—

(a) all canals, channels and reservoirs constructed, maintained or controlled by the Government for the supply or storage of water;

[1] For Statement of ObjectB and Reason!-, s»e Burma Gazette, 1904, Pt. Ill, p. 71; for Report of the Select Committee, *see ibid,* 1905, p. 16; and for Proceedings in Council, *see ibid,* 1904, p. 84, and *ibid,* 1905, pp, 3 and 59.

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(b) all works, embankments, structures, supply and escape-cbannels connected with such canals, channels or reservoirs;

(c) all lands occupied by the Government for the purposes of such canals, and all buildings, machinery, fences, gates and other erections, trees, crops, plantations or other produce occupied by or belonging to the Government, upon such lands;

d) all water-courses as defined in the third sub-section of this section;

(*e)* any part of a river, stream, lake or natural collection of water or natural drainage-channel, to which the Local Government has applied the provisions of Chapter II of this Act:

(2) " Minor canal " means a canal declared by a notification of the Local Government to be a minor canal, whether such canal has been or is constructed, maintained or controlled by Government or not: **" Minor canni."**

(3) " Water-course " means any channel which is supplied with water from a canal, but which is not maintained at the cost of Government, and aii subsidiary works belonging to any such channel: **" Water-course."**

(4) " drainage-work " includes escape-channels from a canal, dams, weirs, embankments, sluices, groins and other works for the protection of lands from flood or from erosion, formed or maintained by the Government under the provisions of Chapter VIII of this Act, but does not include works for the removal of sewage from towns: **" Drainage-work."**

(\$) "Vessel " includes boats, rafts, timber and other floating bodies: **" Vessel."**

(6) " Canal-officer " means an officer appointed by the Local Government to exercise control over a canal or any part thereof: **" Canal-officer."**

(7) "Superintending Canal-officer" means an officer exercising general control over a canal or part of a canal: **" Superintending Canal-officer."**

(5) " Divisional Canal-officer " means an officer exercising control over a division of a canal: **" Divisional Canal-officer."**

(5) " Sub divisional Canal-officer " means an officer exercising control over a sub-division of a canal: and **" Sub-divisional Canal-officer."**

(10) "District " means a district as fixed for revenue-purposes. **" District."**

4. The provisions of Chapters II to V and VII to XI shall apply to minor canals only in the manner and to the extent provided in Chapter VI. **Application of Act to minor canals.**

5. *(1)* The Local Government may from time to time declare, bj notification, the officers by whom, and the local limits within wh"-ch, all or any of the powers or duties hereinafter conferred or imposed shall be exercised or performed. **Pow pr to appoint officers.**

All officers mentioned in sec+ion 3, snb-Rections (5), (7^, (5) and *(9)* shall be, respectively, subject to *he orders of such officers as the Local "Government from time to time directs.

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Power to invest any person with puwers of Collector.

(2) The Local Government may, by notification, confer on any person all or any of the powers of a Collector under this Act and the rules thereunder.

CHATTER II.

Of the Application' of Water for Public Purposes.

Notification to issue \v hen water-supply is to be applied for a public purpose.

6. Whenever it appears expedient to the Local Government that the water of any river or stream flowing in a natural channel, or of any lake or other natural collection of still water, should be applied or used by the Government for the purpose of any existing or projected canal or drainage-work,

the Local Government may, by notification, .declare that the said water will be so applied or used after a day to be named in the said notification, not being earlier than three months from the date thereof.

Powers of Canal-officer.

7. At any time after the day so named, any Canal-officer, acting under the orders of the Local Government in this behalf, may enter on any land and remove any obstructions, and may close any channels and do any other thing necessary or proper for such application or use of the said water.

Notice as to claims for compensation.

8. is soon as is practicable after the issue of such notification, the. Collector shall cause public notice to be given at convenient places, stating that the Government intends to apply or use the said water as aforesaid, and that claims for compensation in respect of the matters-mentioned in section 9 may be made before him.

Damage for which compensation shall no* be awarded.

9. No compensation shall be awarded for any damage caused by—

(a) stoppage or diminution of percolation or floods;

(b) deterioration of climate or soil;

(c) stoppage of navigation or of the means of floating timber or watering cattle;

(d)' displacement of labour.

Matters in respect of which compensation may be awarded.

But compensation may be awarded in respect of any of the following-matters: —

(e) stoppage or diminution of supply of water through any natural channel to any defined artificial channel, whether above' or under ground, in use at the date of the said notification;

(/) stoppage or diminution of supply of water to any work erected for purposes of profit on any channel, whether natural or artificial, in use at the date of the said notification;

(g) stoppage or diminution of supply of water through any natural channel which has been used for purposes of irrigation within the five years next before the date of the said' notification;

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(*h*) damage done in respect of any right to a water-coarse or the use of any water to which any person is entitled under the [1] Indian Limitation Act, 1877, Part IV; XV of 1877.

(*i*) any other substantial damage to property, not falling under any of the above clauses (a), (6), (c) or (*d*), and caused by the exercise of the powers conferred by this Act, which is capable of being ascertained and estimated at the time of awarding such compensation.

In determining the amount of such compensation, regard shall be had to the diminution in the market-value, at the time of awarding compensation, of the property in respect of which compensation is claimed; and where such market-value is not ascertainable, the amount shall be reckoned at twelve times the amount of the diminution of the annual nett profits of such property caused by the exercise of the powers conferred by this Act.

Xo right to any such supply of water as is referred to in clause (e), (*f*) or (*d*) of this section in respect of a work or channel not in use at the date of the notification shall be, or be deemed to have been, acquired as against the Government except by grant or under the [1] Indian Limitation Act, 1877, Part IV. XV of 1877.

And no right to any of the advantages referred to in clauses (a), (b) and (c) of this section shall be acquired, as against the Government under the same Part.

10. Xo claim for compensation for any such stoppage, diminution or damage shall be entertained after the expiration of one year from such stoppage, diminution or damage, unless the Collector is satisfied that the claimant has sufficient cause for not making the claim within such period. Limitation of claims.

11. The Collector shall proceed to enquire into any such claim, and to determine the amount of compensation, if any, which should be given to the claimant; and sections nine to fourteen (inclusive), eighteen to twenty-two (inclusive), twenty-five to thirty-one (inclusive), thirty-four, forty-five, fifty-one to fifty-five (inclusive), of the [2] Land Acquisition Act, 1894, shall apply to such enquiries. I of 1894 Enquiry into amount of compensation.

CHAPTER III.

Op the Construction and Maintenance of Wobks.

12. On such parts of any river, stream, lake or natural collection of water as the Local Government may, by notification, declare to be within Sanction of Collector necessary

[1] *See* now the Indian Limitation Act, 1908 (1) of 1908), Genl. Acts, Vol. VI.
* Genl. Acts, Vol. IV.

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before construction of irrigation-work in notified rivers, etc.

the provisions of this section, no person shall construct any dam, weir, embankment, sluice, channel or other work for purposes of irrigation without the previous sanction of the Collector.

Power to enter and survey, etc.

13. Any Canal-officer, or other person acting under the general or special order of a Canal-officer, may enter upon any lands adjacent to" or in the neighbourhood of any canal or through which any canal is proposed to be made, and undertake surveys or levels thereon;

and dig and bore into the sub-soil; and make and set up suitable land-marks, level-marks and water-gauges;

and do all other acts necessary for the proper prosecution of any enquiry relating to any existing or projected canal under the charge of the said Canal-officer;

Power to inspect and regulate water-supply.

and may also enter upon any land, building or water-course on account of which any water-rate is chargeable, for the purpose of inspecting or regulating the use of the water supplied, or of measuring the lands irrigated thereby or chargeable with a water-rate, and of doing all things necessary for the proper regulation and management of such canal.

Power to enter upon lands and construct water-courses.

14. A Canal-officer appointed by the Divisional Canal-officer in this behalf may, at any time during the construction of a canal or after its completion, enter upon any lands in the neighbourhood of such canal and align and construct such water-courses thereon as he may deem necessary.

Compensation for damage caused by entry under section] 3 or H.

15. (*1*) In every case of entry under section 13 or section **14,** the Canal-officer or other person making such entry shall at the time of such entry tender compensation for any damage which may be occasioned by any proceeding under such section; and in case of dispute as to the sufficiency of the amount so tendered, he shall forthwith refer the same for decision by the Collector, and such decision shall be final :

Provided that no compensation other than that for damage to trees or standing crops shall be payable in respect of any land to be occupied by a water-course, if the land immediately adjacent thereto on either side will be entitled to irrigation from the said water-course and is also the property of the owner of the land to be so occupied.

Notice of intended entry into house, etc., under section 13 or 11.

(2) If any Canal-officer or other person, in exercise of powers conferred by section 13 or section 14, proposes to enter into any building or enclosed court or garden attached to a dwelling-house not supplied with water flowing from any canal, he shall previously give the occupier of such building, court or garden at least seven days' notice in writing of his intention to do so.

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16. The cost (including the amendment of compensation payable or that may have been paid) of any water-courses constructed under section 14 and of any water-courses constructed or in the course of being constructed before this Act comes into force, shall be chargeable to the owners or occupiers of lands to which water is supplied from such water-courses in such proportion according to the area of land so supplied and on such date or dates as the Divisional Canal-officer may determine.

Cost of water-courses constructed under section 14 and of water-courses constructed before Act

Any portion of such cost becoming due and not paid to the Divisional Canal-officer shall be recoverable as if it were an arrear of land-revenue.

Any order passed by a Divisional Canal-officer under this section shall be subject to appeal to the Superintending Canal-officer, whose decision shall be final:

Provided that this section shall apply to water-courses constructed or in the course of being constructed before this Act comes into force only if such water-couises might have been constructed under the provisions of section 14 if this Act had been in force.

17. No water-course to which the provisions of section 16 applies may be altered without the consent of the Divisional Canal-officer.

Alteration of water-courses.

18. In case of any accident happening or being apprehended to a canal, or in case of urgency when any new work is immediately required to prevent serious detriment to the efficiency of a canal, or whenever necessary for the proper maintenance of a canal,

Power to enter upon land to prevent accidents.

any Divisional Canal-officer or any person acting under his general or special orders in this behalf may enter upon any lands adjacent to, or in the neighbourhood of, such canal, and may execute all works which may be necessary for the purpose of repairing or preventing such accident or for constructing any new work in case of urgency or for the proper maintenance of the canal.

In every such case such Canal-officer or person shall tender compensation to the proprietors or occupiers of the said lands for all damage done to the same. If such tender is not accepted, the Canal-officer uhall refer the matter to the Collector, who shall proceed to award compensation for the damage as though the Local Government had directed the occupation of the land under section 35 of the [1] Land Acquisition Act, 1894.

Compensation for damage to land.

19. The Divisional Canal-officer, or any person acting under his general or special orders in this behalf, may, within such distance from the canal as the Local Government may by rule (made in accordance with the provisions of section 79) determine, enter upon land and—

Power to occupy land adjacent to canal and to dig and deposit earth.

(i) deposit upon it soil excavated from the canal; or

(ii) excavate from it earth for repairs to the banks of a canal.

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[1] Genl. Acts, Vol. IV.

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Compensation shall, in such- cases, be tendered or awarded in llie manner provided by section 18 :

Provided that no compensation shall be payable on account of the excavation of land to a depth of not more than one foot for the purpose of repairs to the bank of any canal, unless such excavation is made on the site of a previous excavation, or causes damage to crops or things attached to the land, or unfits the land, or renders it less fit, for the purpose to which it was applied before the excavation.

Special form of compensation for land required under Act.

20. (-?) When any land or the use thereof is required for canal purposes either temporarily or permanently, the officer assessing compensation therefor shall, in addition to any powers held by him under this Act or under the [1] Land Acquisition Act, 1894, have power, subject i of 1894. to the general or special sanction of the Local Government and the consent of the person entitled to compensation,—

(a) to direct that the rights to the land and the use thereof shall continue in such claimant, subject to a right of user, so long as it may be required, for the purposes of the canal or water-course on payment of the compensation awarded for sucli right of user only ;

(*b*) to confer on the claimant, in lieu of or as part of any compensation, a right to a supply of water from the canal.

(2) Subject to the conditions of any award or order made under sub-section (*1*), clause (a) or *(b),* the person entitled to the land, may, if the land has been occupied for canal purposes for a period exceeding three years, request the Collector to make a complete acquisition of the land under the *Land Acquisition Act, 1894, and the land shall be acquired I of 1894. accordingly.

Application by persons desiring to use canal-water.

21. Any persons desiring to use the water of any canal may apply in writing to the Divisional or Sub-divisional Canal-officer of the division or sub-division of the canal from which the water-course is to be supplied, requesting such officer to construct; or improve a water-course at the cost of the applicants.

Contents of application.

The application shall state the works to be undertaken, their approximate estimated cost, or the amount which the applicants are willing to pay for the same, or whether they engage to pay the actual cost as settled by the Divisional Canal-officer, and how the payment is to be made.

Liability of applicants for cost of works.

When the assent of the Superintending Canal-officer is given to such application, all the applicants shall be jointly and severally liable for the cost of such works to the extent mentioned therein, or if the applicants have engaged to pay the actual cost, for such actual cost.

[1] Genl. Acts, Vol. IV.

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Any amount so becoming due under the terms of such application Recovery ot
and not paid to the Divisional Canal-offieer, or the person authorized by a"0TM1 du°-
him to receive the same, on or before the date on which it becomes due
shall be recoverable as if it were an arrear of land-revenue.

22. There shall be provided, at the cost of Government, suitable Government
means ρf crossing canals constructed or maintained at the cost of Gov- t0 Provi^e means of
t-rnment at such places as the Local Government thinks necessary for crossing
the reasonable convenience of the inhabitants of the adjacent lands. canoi».

On receiving a statement in writing signed by not less than five of the owners of such lands to the effect that suitable crossings have not been provided on any canal, the Collector shall cause enquiry to be made into the circumstances of the case, and if he thinks that the statement is established, he shall report his opinion thereon for the consideration of the Local Government, and the Local Government shall cause such measures in reference thereto to be taken as it thinks proper.

23. The Divisional Canal-officer may issue an order to the persons **Persons**
o using anv water-course to construct suitable bridges, culverts or other U!!mg V**1" B course to
works for the passage of the water of such water-course across any public construct
road, canal or drainage-channel in use before the said water-course was **works for** passing
made, or to repair any such works. water across

Such order shall specify a reasonable period within which such con- road3>et0-
struction or repairs shall be completed;

and if, after the receipt of such order, the persons to whom it is ad- If they fail,
dressed do not, within the said period, construct or repair such works to **Canal-office** may con-
the satisfaction of the said Canal-officer, he may, with the previous ap- struct:
proval of the Superintending Canal-officer, himself construct or repair
ihe same;

and if the said person do not, when so required, pay the cost of such andrecovcr
construction or repairs as declared by the Divisional Canal-officer, the cost'
amount shall be recoverable from them as it it were an arrear of land-
revenue.

24. If any person, jointly responsible with others for the coustruc- Adjustment
tion or maintenance of a water-course, oi jointly making use of a water- **of claims between per-**
course with others, neglects or refuses to pay his share of the cost, of suns jointly **using water-course.**
such construction or maintenance, or to execute his share of any work
necessary for such construction or maintenance,

the Divisional or Sub-divisonal Canal-officer, on receiving an application in writing from any person injured by such neglect or refusal, shall serve notice on all parties concerned that, on the expiration of fifteen days from the service, he will investigate the case; and shall, on ihe expiration of that period, investigate, the case accordingly, and make such order thereon as to him seems fit.

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Such order shall he appealable to the Superintending Canal-officer, whose order thereon shall be final.

Recovery of amount found due.

Any sum directed by such order to be paid within a specified period may, if not paid within such period and if the order remains in force, be recovered from the person directed to pay the same, as if it were an arrear of land-revenue.

Supply of water through intervening water-course.

25. Whenever application is made to a Divisional Canal-officer for a supply of water from a canal and it appears to him expedient that such supply should be given and that it should be conveyed through some existing water-course, he shall give notice to the persons responsible for the maintenance of such water-course to show cause, on a day not less than fourteen days from the date of such notice, wrhy the said supply should not be so conveyed; and after making enquiry on such day, the Divisional Canal-officer shall determine whether and on what conditions the said supply shall be conveyed through such water-course.

When such officer determines that a supply of canal-water may be conveyed through any water-course as aforesaid, his decision shall, when confirmed or modified by the Superintending Canal-officer, be binding on the applicant and also on the persons responsible for the maintenance of the said water-course.

Such applicant shall not be entitled to use such water-course until he has paid the expense of any alteration of such water-course necessary in order to his being supplied through it, and also such share of the first cost of such water-course as The Divisional or Superintending Canal-officer may determine.

Such applicant shall also be liable for his share of the cost of the-maintenance of such water-course so long as he uses it.

Application for construction of new water course.

26. Any person desiring the construction of a new water-coarse may apply in writing to the Divisional Canal-officer, stating—

(i) that he has endeavoured unsuccessfully to acquire, from the owners of the land through which he desires such water-course to pass, a right to occupy so much of the land as will be needed for such water-course;

(it) that he desires the said Canal-officer, in his behalf ¿no at his cost, to do all things necessary for acquiring such right; and

(Hi) that he is able to defray all cost involved in acqxiiring such right and constructing such water-course.

Procedure of Canal-officer thereupon.

27. If the Divisional Canal-officer considers—

(i) that the construction of such water-course is expedient, and

(it) that the statements in the application are true,

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he shall call upon the applicant to make such deposit as the Divisional Canal-officer considers necessary to defray the cost of the prelimiasiry proceedings, and the amount of any compensation •which he considers likely to become due under section 33;

and, upon such deposit being made, he shall cause enquiry to be made into ilie most suitable alignment for the said water-course, and shall maik out the land which, in his opinion, it will be necessary to occupy for the construction thereof, arid shall forthwith publish a notice in every village through which the water-course is proposed to be taken that so much of such land as belongs to such village has been so marked out, and shall send a copy of such notice to the Collector of every district in which any part of such land is situate.

Application for transfer of water-course.

28. Any person desiring that an existing water-course should .be transferred from its present owner to himself may apply in writing to the Divisional Canal-officer, stating—

(i) that lie has endeavoured unsuccessfully to procure sucli transfer from the owner of such w ater-course;

(ii) that he desires the said Canal-officer, in his behalf and at his cost, to do all things necessary for procuring such transfer ;

(ĩn) that he is able to defray the cost of such transfer.

Proctdure thereupon.

If the Divisional Canal-officer considers—

(a) that the said transfer is necessary for the better managemenl of the irrigation from such water-course, and

(*b*) that the statements in the application are true,

he shall call upon the applicant to make such deposit as the Divisional Canal-officer considers necessary »to defray the cost of the preliminary proceedings, and the amount of any compensation that may become due under the provisions of section 33 in respect of such transfer;

and, upon such deposit being made, he shall publish a notice of tho application in every village, and shall send a copy of the notice to the Collector of every district through which such water-course passes.

objections to construction or transfer applied for.

29. Within thirty days from the publication of a notice under section 27 or section 28, as the case may be, any person interested in tlie land or v ater-course to which the notice refers may apply to the Collector by petition, stating his objection to the construction or transfer *t*<*. for vhich application has been made.

The Collector may either reject the petition or may proceed to enquire into the validity of the objection, giving previous notice to the Divisional Canal-officer of the place and time at which such enquiry will be held.

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The Collector shall record in writing all orders passed by him under this section and the grounds thereof.

When applicant may be placed in occupation.

30. If no such objection is made, or (where such objection is made) if the Collector overrules it, he shall give notice to the Divisional Canal-officer to that effect, and shall proceed forthwith to place the said applicant in occupation of the land marked out or of the water-course to be transferred, as the case may be.

Procedure when objection is held valid.

31. If the Collector considers any objection made as aforesaid to be valid, he shall inform the Divisional Canal-officer accordingly; and if such officer sees fit, he may, in the case of an application under section 26, alter the boundaries of the land so marked out, and may give fresh notice under section 27; and the procedure hereinbefore provided shall be applicable to such notice, and the Collector shall thereupon proceed as before provided.

Procedure when Canal-officer disagrees with the Collector.

32. If the Canal-officer disagrees with the Collector, the matter shall be referred for decision to the Commissioner.

Such decision shall be final, and the Collector, if he is so directed by such decision, shall, subject to the provisions of section 33, cause the said applicant to be placed in occupation of the land so marked out or the water-course to be transferred, as the case may be.

Expenses to be j&id by applicant before receiving occupation.

33. No such applicant shall be placed in occupation of such land or water-course until he has paid to the person named by the Collector such amount as the Collector determines to be due as compensation for the land or water-course so occupied or transferred, and for any damage caused by the marking out or occupation of such land, together .with all expenses incidental to such occupation or transfer.

Procedure in fixing compensation.

In determining the compensation to be made under this section, the Collector shall proceed under the provisions of the [1] Land Acquisition Act, 1894, but he may, if the person to be compensated so desire, award such compensation in the form of a rent-charge payable in respect oi the land or water-course occupied or transferred. I i] IBM,

Recovery of compensation and expenses.

If such compensation and expenses are not paid when demanded by the person entitled to receive the same, the amount may be recovered as if it were an arrear of land-revenue, and shall, when recovered, be paid to the person entitled to receive the same.

Conditions binding on applicant placed in occupation.

34. When any such applicant is placed in occupation of land or of a water-course as aforesaid, the following rules and conditions shall be binding on him and his representatives in interest: —

First.—All works necessary for the passage, across such water-course, of water-courses existing previous to its construction and of the drainage intercepted by it, and for affording

[1] Geni. Acts, Vol. IV.

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proper communications across it for the convenience of the neighbouring lands, shall be constructed by the applicant, and be maintained by him or his representative in interest to the satisfaction of the Divisional Canal-officer.

Second.—Land occupied for a water-course under the provisions of section 27 shall be used only for the purpose of such water-course.

Third.—The proposed water-course shall be completed to the satisfaction of the Divisional Canal-officer within one year after the applicant is placed in occupation of the land.

In cases in which land is occupied or a water-course is transferred on the terms of a rent-charge: —

Fourth.—The applicant or his representative in interest shall, so long as he occupies such land or water-course, pay rent for the same at such rate and on such days as are determined by the Collector when the applicant is placed in occupation.

Fifth.—If the right to occupy the land cease owing to a breach of any of these rules, the liability to pay the said rent shall continue until tlje applicant or his representative in interest has restored the land to its original conditiou, or until he has paid, by way of compensation for any injury done to the said land, such amount and to such person as the Collector determines.

Sixth.—The Collector may, on the application of the person entitled to receive such rent or compensation, determine the amount of rent due or assess the amount of such compensation; and, if any such rent or compensation be not paid by the applicant or his representative in interest, ihe amount, with interest thereon at the rate of six per cent, per annum from the date on which it became due, may be recovered as if it were an arrear of land-revenue, and the same, when recovered, shall be paid to the person to whom it is due.

If any of the rules and conditions prescribed by this section are not ■complied with, or if any water-course constructed or transferred under this Act is disused for three years continuously, the right of the applicant, or of his representative in interest, to occupy such land or water-course shall cease absolutely.

Procedure applicable to occupation for extensions And &lt€r&* tions.

35. The procedure hereinbefore provided for the occupation of land for the construction of a water-course shall be applicable to the occupation of the land for any extension or alteration of a water-course, and for the deposit of soil from water-course clearances.

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Cost of wiliul damage to or enlargement of outlet.

36. In case of wilful damage to or enlargement of an outlet, the cost of repairs may be recovered as an arrear of]and-revenue from the persons entitled to use the water-course, and the supply of water to the water-course may be stopped, as provided in section 39, clause *(a),* sub-division *(ii).*

Power to convert several water-courses running for a long distance side by side into one water-course, provided it does not diminish the supply to any of the owners.

37. In cases where there are numerous water-courses running for a long distance side by side and so close together that it is difficult or expensive for the owners to clear them owing to there being no room for the deposit of the silt,

the Divisional Canal-officer, if applied to for that purpose or on his own motion, may, with the sanction of the Superintending Canal-officer, after such notice as the Local Government may by rule made in accordance with section 79, direct, shut off the supplies of any or all such water-courses until the owners have made arrangements to his satisfaction to unite the water-courses or to substitute for them such system as may have been approved by the Superintending Canal-officer:

Provided that such conversion shall not be made, if it shall diminish the amount of water to which any owner of a water-course is entitled.

CHAPTER IY.

Of the Supply of Water.

In absence of written contract, water-supply to be subject to rules.

38. In the absence of a written contract, or so far as any such contract does not extend, every supply of canal-water shall be deemed to be given at the rates and subject to the conditions prescribed by the rules to be made by the Local Government in accordance -with the provisions of section 79 in respect thereof.

Conditions as to —

power to stop water-supply ;

39. The following provisions shall apply to every supply of canal water, namely: —

(a) The Divisional Canal-officer shall not stop the supply of water to any water-course, or to any person, except in the following cases : —

(i) whenever and so long as it is necessary to stop such supply for the purpose of executing any work ordered by competent authority, and with the previous sanction of the Local Government;

(ii) whenever and so long as any water-course is not maintained in such proper customary repair as to prevent the wasteful escape of water therefrom;

(iii) within periods fixed from time to time by the Divisional Canal-officer :

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(6) Government shall not be liable for loss caused by the failure claims to or stoppage of the water in a canal, by reason of any cause ?om pensation beyond the control of the Government, or of any repairs, failure .>i alterations or additions to the canal, or of any measures taken for regulating the proper flow of water therein, or for maintaining the established course of irrigation which the Divisional Canal-officer considers necessary; but the foregoing provisions shall not prevent the person suffering such loss from claiming such remission of the ordinary charges payable for the use of water as is authorized by the Local Government.

In case of stoppage of supply;

(c) If the supply of water to any land irrigated from a canai be claims on interrupted otherwise than in the manner described in the ?ccount o f last preceding clause, the Collector may award to the occupier or owner of such land reasonable compensation f0r the loss arising from such interruption :

interruption from other cause3:

(d) "When the water of a canal is supplied for the irrigation of a duration of single crop, the permission to use such water shall be held suPP1y> to continue only until that crop comes to maturity and to apply only to that crop; but if it be supplied for irrigating two or more crops to be raised on the same land within the year, such permission shall be held to continue for one year from the commencement of the irrigation, and to apply to such crops only as are matured within that year:

(e) Unless with the permission of the Superintending Canal-sale or sub-oflicer, no person entitled to use the water of any canal, <>r any work, building or land appertaining to any canal, shall sell or sub-let or otherwise transfer his right to use :

letting of iin1»g"t to use canal-water;

Provided that the former part of this clause shall not apply to the use by a cultivating tenant of water supplied to him by his landlord for the irrigation of the land held by such tenant:

But all contracts made between Government and the owner tran3fer or occupier of any immoveable property, as to the supply of with land of canal-water to such property, shall be transferable there- . with, and shall be presumed to have been so transferred whenever a transfer of such property takes place:

contracts for water,

(/) No right to the use of the water of a canal shall be, or be bar to deemed to have been, acquired under the [1]Indian Limita- »"irual of tion Act, 1877, Part IV, nor shall Government be bound ^e Jr' to supply any person with water, except in accordance with the terms of a contract in writing.

XV of 1877.

[1] *Set* now **the Indian Limitation Act, 1908 (9 of 1908),** Genl. Acts, Vol. VI.

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CHAPTER Y.

OF Wateb-bates.

Liability in the case of the unautho rized use of the wa ter of a canal.

40. II water is taken from a canal in an unauthorized manner, the person on whose land such water has flowed, if such land has derived benefit therefrom, shall be liable to the charges made for such use, unless and until the person by whose act or neglect the water has been so taken is ascertained.

Liability when person using water-course unauthorizedly cannot be identified.

41. If water supplied through a water-couise be used in an unauthorized manner, the person on whose land such water has flowed, if such land has derived benefit therefrom,

or if such person is not ascertained, or if such land has not derived benefit therefrom, all the persons chargeable in respect of the water supplied through such water-course,

shall be liable, or jointly liable, as the case may be, to the charges made for such use, unless and tmtil the person by whose act or neglect such use occurred is ascertained.

Liability when water runs to waste.

42. If water supplied through a water-course be suffered to run 'to waste, all the persons chargeable in respect of the water supplied through such water-course shall be jointly liable for the charges made in respect of the water so wasted, unless and until, after enquiry by the Divisional Canal-officer, the person through whose act or neglect such water was suffered to run to waste is ascertained.

Charges recoverable in addition to penalties.

43. All charges for the unauthorized use or for waste of water may be recovered in addition to any penalties incurred on account of such use or waste.

Decision of questions under section 40, 41 or 42.

All questions under section 40, 41 or 42 shall be decided by the Divisional Canal-officer, subject to an appeal to the Collector, or such other appeal as may be provided by rules framed under section 79, sub-section **(2)**.

Charge on occupier for water how determined.

44. The rates to be charged for canal-water supplied for purposes of irrigation to the occupiers of land shall be determined by the rules to be made by the Local Government in accordance with the provisions of section 79, and such occupiers as accept the water shall pay for it accordingly.

The rules hereinbefore referred to may prescribe and determine what persons or classes of persons are to be deemed to be occupiers for the purposes of this section, and may also determine the several liabilities in respect of the payment of the occupier's rate, of tenants and of persons to whom tenants may have sub-let their lands, or of proprietors and of persons to whom proprietors may have let the lands held by them in cultivating occupancy.

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Recovery of Charges.

45. Any sum lawfully due under this Chapter, which remains unpaid after the day on which it becomes due, shall be recoverable from the person liable for the same as if it were an arrear of land-revenue.

Bu«hcharges ^amT-reve- *»ue.

CHAPTER YI.

MIXOB CANALS.

46. This Chapter shall apply only to minor canals.

Application oi Chapter VI to minur canals only.

47. (i) With respect to every minor canal in each district, whether such cana] has hitherto been maintained by the Government or not, the Collector may ascertain and record in such form as the Local Government may direct—

Record respec minor canals.

(a) the nature of the canal and of all embankments, channels, weirs and other works subsidiary thereto ;

(*b*) the lands irrigable from the canal ;

(c) the water-rate, if any, chargeable on the lands irrigable from the canal;

(d) the customs relating to the raising of funds for the maintenance, repair and efficient working of the canal and the liabilities of villages or persons jointly or severally to contribute to those funds ;

(e) the obligations resting on villages or persons jointly or severally to labour or provide labourers or render any service in connection with the maintenance or repair of the canal or for the purpose of effecting annual silt-clearances necessary for ¡the efficient working of the canal;

(f) the privileges or exemptions enjoyed by the villages or persons on whom the liabilities and obligations referred to in clauses *(d)* and (e) rest; and

(g) any provisions agreed to by specified persons as binding on such persons and their representatives in interest.

(2) Every record prepared under the preceding sub-section shall be submitted for the consideration of the Local Government, and if the same is confirmed by the Local Government, the record as so confirmed ¡>hall be published in such manner as the Local Government may direct.

(3) A record prepared under this section may, from time to time, be corrected under the hand of the Collector, if such correction has been

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previously sanctioned by the Local Government, and such correction shall be published in such manner as the Local Government may direct.

Power to record statement in respect of a projected irrigation-work.

48. *(1)* In any case in which persons desire that the terms on which they have agreed amongst themselves to construct a projected irrigation-work, may be reduced to writing by the Collector for the purpose of having the same subsequently entered in a record under section 47, sub-section *(1),* clause *(g),*

the Collector may prepare a statement of such terms, specifying the persons on whom and whose representatives in interest such terms will be binding in the event of the same being subsequently embodied in a record under that section.

(2) In the event of such irrigation-work being notified as a minor canal under section 3, sub-section *(2),* the Collector may embody such statement in the record prepared under section 47, sub-section *(1).*

Power to make rules.

49. The Local Government may make rules in accordance with the provisions of section 79 for the enforcement of all or any of the customs, liabilities and obligations recorded in a record confirmed and published under section 47.

Application of other provisions of Act to minor canals.

50. When a record has been confirmed and published under section 47 in respect of any minor canal,

(i) such of the provisions of this Act as have been declared by any general order of the Local Government to be applicable to minor canals generally or to the minor canals in the local area in which such minor canal is situate, shall apply to such minor canal, but subject to such limitations, modifications and conditions as may have been expressed in the general order aforesaid, and only in so far as they are not inconsistent with the customs, privileges, liabilities and obligations set forth in the record :

(ii) such of the provisions of this Act as may have been declared by any special order of the Local Government to be applicable to such minor canal shall apply to it, notwithstanding any entries to the contrary in the record, but subject to such limitations, modifications and conditions as may be expressed in the special order aforesaid :

Provided that every such general or special order as aforesaid shall be made by notification in the Gazette.

Power of Local Government to assume control of minor canals.

51. The Local Government, whenever it appears to be necessary is the public interests, may, upon such terms (if any) as to compensation as it deems just, assume the control and undertake in whole or in part the maintenance of any minor canal, and shall thereupon be entitled to levy a water-rate on all lands irrigated from such canal.

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CHAPTER VII.

Of Canal Navigation.

Tolls to be levied from vessels using the canal.

52. Such tolls as the Local Government may, from time to time by notification, direct, shall be levied from all vessels entering or navigating any canal.

Power to detain vessels violating rules.

53. Any vessel entering or navigating any canal, contrary to the rules made in that behalf under the provisions of section 7!? l>v the Local Government, or so as to cause danger to the canal or to the other vessels therein, may be removed or detained by a Canal-officer, or by any other person duly authorised in this behalf.

Liability of owner of vessel causing damage.

The owner of any vessel causing damage to a canal, or removed or detained under this section, shall be liable to pay to the Government such sum as the Divisional Canal-officer, with the approval of the Superintending Canal-officer, determines to be necessary to defray the cost of repairing such damage, or of such removal or detention, as the case may be.

Power to detain vessel on failure to pay tolls or charges.

54. If any toll or charge due under this Act in respect of any vessel is not paid on demand to the person authorized to collect the same, the Divisional Canal-officer may seize and detain such vessel and the furniture thereof, until such toll or charge, together with all expenses arising from such seizure, and detention, is paid in full.

Power to seize cargo or goods if charges due.

55. If any charge due to the Government in respect of any cargo or goods carried in a Government vessel on a canal, or stored on or in lands or warehouses occupied for the purposes of a canal, is not paid on demand to the person authorised to collect the same, the Divisional Canal-officer may seize such cargo or goods, and detain it or them until the charge so due, together with all expenses arising from such seizure and detention, is paid in full.

Power to sell property seized under section 54 or section 55.

56. Within a reasonable time after any seizure under section 54 or section 55, the said Canal-officer shall give notice to the owner or person in charge of the property seized, that it, or such portion of it as may be necessary, will, on a day to be named in the notice but not sooner than fifteen days from the date of the notice, be sold in satisfaction of the claim on account of which such property was seized, unless the claim is discharged before the day so named;

and, if such claim be not so discharged, the said Canal-officer, may, on such day, sell the property seized, or such part thereof as may be necessary to yield the amount due, together with the expenses of such seizure and sale.

The residue (if any) of such property and of the proceeds of the sale shall be made over to the owner or person in charge of the property seized.

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Procedure in respect of vessels abandoned and goods unclaimed.

57. If any vessel be found abandoned in a canal, or any cargo or goods carried in a Government vessel on a canal, or stored on or in lands or -warehouses occupied for the purposes of a canal, be left unclaimed for a period of two months, the Divisional Canal-officer may take possession, of the same.

Power to sell.

The officer so taking possession shall publish a notice, in such manner as the Local Government may by rule made in accordance with the provisions of section 79 direct, that if such vessel and its contents, or such cargo or goods, is or are not claimed previously to a day to be named in the notice, not sooner than thirty days from the date of such notice, he will E-ell the same; and, if such vessel, contents, cargo or goods, is or are not so claimed he may, at any time after the day, named in the notice, proceed to sell the same.

Disposal of proceeds of sale.

The said vessel and its contents, and the said cargo or goods, if un-* sold, or, if a sale has taken place, the proceeds of the sale, after paying all tolls and charges due in respect of the vessel, cargo or goods and all expenses incurred by the Divisional Canal-officer on account of the taking-possession and sale, shall be made over to the owner of the same, when his; ownership is established to the satisfaction of the Divisional Canal-officer.

If the Divisional Canal-officer is doubtful to whom such property or proceeds should be made over, he may direct the property to be sold as aforesaid and the proceeds to be paid into the district-treasury, there to be held until the right thereto be decided by a Court of competent jurisdiction.

Power to effect earlier sale of perishable property.

58. If any goods which the Divisional Canal-officer has seized under-section 55 or taken possession of under section 57, are of so perishable a nature as, in the opinion of that officer, to render an early or immediate sale necessary or advisable, that officer may within such period as he thinks fit sell by public auction the said goods, in which event such notice-shall be given to the owner of the goods, (if known), as the urgency of the case will permit of, and the proceeds shall be applied in the manner-provided in section 56 or 57, as the case may be.

CHAPTER VIII.

Of Drainage.

Power to prohibit obstructionsor ^an<^ or to order their removal.

59. Whenever it appears to the Local Government that injury to any-the public health or public convenience has arisen or may arise from the obstruction of any river, stream or drainage-channel, such government may, by notification, prohibit, within limits to be defined in,

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such notification, the formation of any obstruction, or may, within such limits, order the removal or other modification of such obstruction.

Thereupon so much of the said river, stream or drainage-channel as is comprised within such limits shall be held to be a drainage-work.

Power to remove obstructions after prohibition.

60. The Divisional Canal-officer, or other person authorized by the Local Government in that behalf, may, after such notification, issue an order to the person causing or having control over any such obstruction to remove or modify the same within a time to be fixed in the order.

If, within the time so fixed, such person does not comply with the order, the said Canal-officer may himself remove or modify the obstruction ; and, if the person to -whom the order was issued does not, when called upon, pay the expenses involved in such removal or modification, sucb expenses shall be recoverable from him or his representative in interest as an arrear of land-revenue.

Preparation of schemes for WI[illegible] of improvement.

61. Whenever it appears to the Local Government that any drainage-works are necessary for the improvement of any lands, or for the proper cultivation or irrigation thereof,

or that protection from floods or other accumulations of water, or from erosion by a river, is required for any lands,

the Local Government may cause a scheme for such drainage-works to be drawn up and published, together with an estimate of its cost and a statement of the proportion of such cost which the Government proposes to defray, and a schedule of the lands which it is proposed to make chargeable in respect of the scheme.

Powers of persons employed on such schemes.

62. The persons authorized by the Local Government to draw up such scheme may exercise all or any of the powers conferred on a Canal-officer by section 13.

Rate on land benefited by works.

63. An annual rate, in respect of such scheme, may be charged according to rules to be made by the Local Government under the provisions of section 79, on the owners of all lands which shall, in the manner prescribed by such rules, be determined to be so chargeable.

Such rate shall be fixed as nearly as possible so as not to exceed either of the following limits : —

(i) six per cent, per annum on the first cost of the works, adding thereto the estimated yearly cost of the maintenance and supervision of the same, and deducting therefrom the estimated income, if any, derived from the works, excluding the said rate;

(ii) in the case of agricultural land, the sum which, under the Tules then in force for the assessment of land-revenue, might be assessed on such land on account of the increase of the annual value or produce thereof caused by the drainage-work.

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So far as any defect to be remedied is due to any canal, water-course, road or other work or obstruction, constructed or caused by the Local Government or by any person, a proportionate share of the cost of the drainage-works required for the remedy of the said defect shall be bucne by such Government or such person, as the case may be.

Recovery of rate.

64. Any such drainage-rate may be collected and recovered in manner provided by section 45 for the collection and recovery of water-rates.

Disposal of claims to compensation.

65. *(1)* Whenever, in pursuance of a notification made under section 59, any obstruction is removed or modified,

or whenever any drainage-work is carried out under section 61,

all claims for compensation on account of any loss consequent on the removal or modification of the said obstruction or the construction of such work may be made before the Collector, and he shall deal with the same in the manner provided in the [1] Land Acquisition Act, 1894. i $_0$f 1894*

Limitation of such claims.

(2) No such claim shall be entertained after the expiration of one year from the occurrence of the loss complained of, unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period.

CHAPTER IX.

Of obtaining Labour for Canals and Drain age-works.

Power to prescribe number of labourers to be supplied hv headmen of villages benefited by canal.

66. Iu any district in which a canal or drainage-work is constructed, maintained or projected by Government, the Local Government may, if it thinks fit, direct the Collector— ,

(a) to ascertain the villages whose lands are or will be, in the judgment of the Collector, benefited by such canal or drainage-work or, in the case of a navigation-canal, which are situate in the neighbourhood thereof; and

(b) to set down in a list, having due regard to local customs, the number of labourers w'hich the headman of each such village shall be liable to furnish for employment on any such canal or drainage-work when required as hereinafter provided.

The Collector may, from time to time, add to or alter such list or any parî thereof.

Procedure ior obtaining labour and materials for works urgently required.

67. Whenever it appears to a Divisional Canal-officer that, unless some work is immediately executed, such serious damage will happen to any canal or drainage-work as will cause sudden and extensive public injury,

[1] Genl. Acts, Vol. IV.

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and that the labourers or materials necessary for the proper execution of such work cannot be obtained in the ordinary manner within the time that can be allowed for the execution of such woik so as to prevent such damage,

such officer may, by an order under his hand, direct that the provisions of this section shall be put into operation for the execution of such work, and thereupon—

(aj the headman of any village named in the afore-mentioned list shall, if required so to do by such officer or by any person authorized by him in this behalf, be bound to furnish such number of labourers, not being in excess of the number mentioned in the said list, as such officer or person may require of him; and all labourers called upon by the headman of their village shall be bound to assist in the work by labouring thereon as such officer or person directs,

(b) such officer or any person authorized by him in this behalf may enter into and upon any immoveable property in the neighbourhood of any such canal or dramage-work, and take possession of, appropriate and remove any trees or bamboos, whether standing or not, and any timber, mats, ropes or other materials found in or upon such property, and use the same for the purposes of such work.

XLV of 186u. Every person authorized as mentioned in this section shall be deemed t(be a public servant within the meaning of the [1]Indian Penal Code.

Payment for pressed mate-rials taken.

68. All persons labouring or detained for the purpose of labouring in compliance with a requisition made under section 67 or whose materials may be taken under that section, shall, as soon as may be reasonably and practicable, be paid by the Divisional Canal-officer for their labour and detention, or for such materials (as the case may be), at a rate not being less than the highest maTket-rates for similar labour or materials for the time being prevailing in the neighbourhood.

Any dispute arising between the Canal-officer and any person as to the amount to be paid to such person under this section may be referred by either party to the Collector, whose decision thereon shall be final.

Compensation for damage done in taking materials.

69. Whenever, from the removal under section 67 of any trees, bamboos or other materials, any damage over and above the price payable for such materials results directly to any person, the Divisional Canal-officer shall pay to such person such sum as may be agreed upon as compensation for such damage. In case of dispute as to the amount so to be paid, either party may refer such dispute to the Collector, whoso decision thereon shall be final.

[1] GeiJ. Acto, Vol. I.

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Power to apply provisions of Chapter to construction of water-courses.

70. The Local Government may, by notification, declare that the provisions of the preceding sections of this Chapter shall apply to any district or part of a district for the purpose of constructing water-courses under the provisions of section 14.

Power to apply foregoing provisions to effect annual silt clearances.

71. The Local Government may direct that the provisions of this Chapter shall apply, either permanently or temporarily (as the case may be), to any district or part of a district for the purpose of effecting necessary annual silt-clearances, or to prevent the proper operation of a canal or drainage-work being stopped or so much interfered with as to stop the established course of irrigation or drainage :

Provided that, where annual sil't-clearances are effected or any work necessary for its efficient working is done on a water-course, no payment shall be made for labour or for materials supplied by villages which are supplied with water from the water-course.

CHAPTER X.

Of Jurisdiction.

Jurisdiction under this Act of Civil Courts.

72. Except where herein otherwise provided, all claims against Government in respect of anything done under this Act may be tried by the Civil Courts; but no such Court shall in any case pass an order as to the supply of canal-water to any crop sown or growing at the time of such order.

Settlement of differences a» to mutual rights and liabilities of persons interested in water-course.

73. Whenever a difference arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a water-course, any such person may apply in writing to the Divisional Canal-oificer stating the matter in dispute. Such officer shall thereupon give notice to the other persons interested that, on a day to be named in such notice, he will proceed to inquire into the said matter. And, after such inqxiiry, he shall pass his order thereon, unless he transfers (as he is hereby empowered to do) the matter to the Collector, who shall thereupon enquire into and pass his order on the said matter.

Such order shall be final as to the use or distribution of water for any crop sown or growing at the time when such order is made, and shall thereafter remain in force until set aside by the decree of a Civil Court.

Power to **summon »nd exami ne witnesses.**

74. Any officer empowered under this Act to conduct any inquiry may exercise all such powers connected with the summoning and examining of witnesses as are conferred on Civil Courts by the 'Code of Civil Procedure: and every such inquiry shall be deemed a judicial proceed- jjry of 1882. ing.

[1] *See* now the Code of Civil Procedure, 190b (Act 5 of 1908;, Genl. Acts, Vol. VI.

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CHAPTER XI.

Of Offences akd Penalties.

Penalty for offences under Act.

75. Whoever, without proper authority and voluntarily, does any of the following acts, that is to say :—

(1) damages, alters, enlarges or obstructs any canal or drainage-work ;

(2) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or undei any canal or drainage-work;

(3) interferes with or alters the flow of water in any river or stream, so as to endanger, damage or render less useful any canal or diainage-work;

(4) being responsible for the maintenance of a water-course, or using a w ater-course, neglects to take proper precautions for the prevention of waste of water therefrom, or interferes with the authorized distribution of water therefrom, or uses such water in an unauthorized manner;

(5) corrupts or fouls the water of any canal so as to render it less fit for the puiposes for which it is ordinarily used;

(6) causes any vessel to enter or navigate, or to remain at any place in, any canal contrary to the rules for the time being prescribed by the Local Government for entering, navigating or remaining in such canal;

(7) while navigating on any canal, neglects to take proper precautions for the safety of the canal and of vessels therein:

(5) being liable to furnish labourers under Chapter IX of this Act, fails, without reasonable.cause, to furnish or to assist in furnishing the labourers required of him;

(9) being a person iiable to labour under Chapter IX of this Act, refuses or neglects, without reasonable cause, so to labour;

(10) destroys or moves any level-mark or "water-gauge fixed by the authority of a public servant;

(11) passes or causes animals or vehicles to pass on or across auy of the works, banks or channels of a canal or drainage-work contrary to rules made in accordance with the provisions of section 79 after he has been desired to desist therefrom;

(12) pastures any animals on the banks of the canal, or allows aav animals belonging to him or under his charge to graze on such banks;

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(13) violates any rule made in accordance with the provisions of section 79 to which a penalty has been attached by a rule made under that section,

Penalty.

shall be liable, on conviction before a Magistrate, to a fine not exceeding fifty rupees, or to imprisonment for a term not exceeding one month, or to both.

Compensation to person injured.

76. Whenever any person is fined for an offence under this Act, the Magistrate may direct that the whole or any part of such fine may be paid by way of compensation to the person injured by such offence.

Recovery of fines for offences in navigating canal.

77. Any fine imposed under this Act upon the owner of any vessel, or the servant or agent of such owner, or any other person in charge of a vessel, for any offence in respect of the navigation of such vessel, may be recovered either in the manner prescribed by the [1]Code of Criminal Procedure, 1898, or, if the Magistrate imposing the fine so directs, as though it were a charge under this Act due in respect of such vessel. V of 1898.

Power to arrest without warrant.

78. Any person in charge of or employed upon any canal or drainage-work may remove from the lands or buildings belonging thereto, or may arrest without a warrant and take forthwith before a Magistrate or to the nearest police-station, to be dealt wilh according to law, any person who, within his view, commits any of the offences mentioned in sub-sections *(1), (2)* and (3) of section 75.

CHAPTER XII.

Supplementary Provisions.

Rules.

Power to make rules.

79. The Local Government may make [2] rules to regulate the following matters : —

(1) the proceedings of any officer who, under any provision of this Act, is required or empowered to take action in any matter ;

(2) the cases in which, and the officers to whom, and the conditions subject to which, orders and decisions given under any provision of this Act, and not expressly provided for as regards appeal, shall be appealable;

(3) the persons by whom, and the time, place or manner at or in which, anything for the doing of which provision is made in this Act shall be done ;

[1] General Acts, Vol. y.

[2] * For rule as to crossing animals, etc., across canal works, *see* Bur. Gazette, 190T, Pt I. p. 851.

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(4) the amount of any charge made under this Act; and
(5) generally to carry out the provisions of this Act.

The Local Government may, in making any rule under this Act, attach to the breach of it the penalty specified in section 75. **Power to attach penalty.** [10011]

All rules made by the Local Government under this Act shall be published in the Gazette, and shall thereupon have the same effect as if enacted by this Act. **Publication of rules.**

80. The Local Government may, by notification, prescribe by whose order and on whose application any sum recoverable under this Act as arrears of land-revenue may be recovered. **Recovery of [illegible] as land-revenue.**

THE SCHEDULE.

Enactments Repealed.

(See Section 2.)

1	2	3	4
Year.	No.	Short title or subject.	Extent of repeal
		Part I.—Ads of the Qovemur-Qentral in Council.	
1881	II	Pegu and Sittang ('anal Act, 1881	The whole.
1893	XIII	The Burma Laws Act, 1898 .	So much of the Third Schedule as refers to \ct II of 1881 s-nd «action 30 of Regulation III of 1889.
		Pari II.—Regulation made under Statute 33 Vic.. Chapter III.	
1889	III	The Upper Burma Lanl and Revenue Résiliation 1889.	Sections 34, 3" an! 3'i.

THE BURMA FISHERIES ACT, 1905.

CONTENTS.

Preliminary.

SECTIONS.

1. Short title, extent and commencement.
2. Repeal.
3. Definitions.

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SECTIONS.

4. Fishery to be under charge oi Deputy Commissioner of district unless otherwise provided for.
5. Power to exempt fishery from provisions of Act.

Rights in Fisheries.

6. Bar to rights to fish unless permitted under Act or expressly granted by Government.
7. Angling permitted free subject to certain restrictions.
8. Classification of fisheries.
9. Disposal of rights in fisheries by Deputy Commissioner.
10. Disposal of rights in fisheries by Local Government and by officers specially empowered.

Further Protection of Fisheries.

11. No fixed obstruction to be erected except when expressly permitted.
11A. The use of poisons and explosives, to facilitate the catching of fish, prohibited.
12. Prohibition of new canals or channels to certain fisheries.
13. Power to protect specified species of fish, and turtle and tortoise eggs.
14. Power to prohibit approach of persons or animals to turtle or tortoise banks.

Powers to Arrest, Search, etc.

15. Power to prevent commission of fishery-offence.
16. Power to arrest without warrant.
17. Power to inspect fishing implements and seize implements nnd fish, etc.
18. Power to search for poisons and preparations for illegally stupefying fish.
19. Qualification of Fishery-oflicer for purposes of section 17 or 18.
20. Police-officers to aid Fishery-officers.
21. Penalty for unlawfully fishing or erecting weir, etc., or poisoning, etc., fish or interfering with lawful use of waters.
22. Penalty for possession of materials for poisoning, etc., fish.
23. Penalty for making canal to fishery, or killing or taking protected fish or eggs, or trespassing, etc., on protected turtle bank.
24. Penalty for wrongful arrest, seizure or search.

Forfeiture of Property and Removal of Fixed Obstructions, etc.

25. Convicting Court may order forfeiture of fishing implements, etc.

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(***Preliminary.***)

SECTIONS.

26. Removal of fixed obstructions and closuie of canals at expense of person making same.

Recovery of moneys under Act and of Loans to Fishermen.

27. Recovery of fees, rents, etc.
28. Recovery of loans.
29. Liability of joint-borrowers as among themselves.

Procedure uf Revenue-officer s.

30. Procedure of land and revenue enactments to be followed in executive proceedings under Act.

Bar to Jurisdiction of Oivil Courts.

31. Civil Courts to refer certain questions to Deputy Commissioner.

Rules.

32. Power to make rules.
33. Exemption of fishery security bonds from provisions of the Indian Registration Act, 1908.

SCHEDULE.

• BURMA ACT No. Ill OF 1905.

[25th February, 1905; 29th March, 1905.]

An Act to declare and amend the law relating to Fisheries in Burma.

Preamble.

WHEREAS the exclusive right of fishing in Burma in such fisheries as are hereinafter mentioned belongs by the custom of the country to the Government;

And whereas it is expedient to declare and amend the law providing for the protection of this right, and for conceding the enjoyment of it to the public or to individuals, gratuitously or in consideration of fees or rent, and subject to suitable restrictions and conditions; It is hereby enacted as follows: —

Preliminary.

Short title, •xtrnt adA commence-ment.

1. *(1)* This Act may be called the Burma Fisheries Act, 1905; and
(2) It shall come into force at once.
(3) This section shall extend to Burma.

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[1] For Statement of Objevts and Reasons, *ttt* Burma Gazette, 1904, Pt. Ill, p. 19; for Report of the Select Committee, *utt ibid.* 1905. p. 7, and for Proceedings in Council, *set ibid,* 1904. p. 79, and *ibid,* 1905, p. 2.

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The rest of this Act shall extend in the first instance to Lower Burma ; and the Local Government may, by notification, extend it to any part of Upper Burma :

Provided that this Act shall not be so extended to any part of the Shan States except in accordance with the provisions of section 10 of the [1] Burma Laws Act, 1898. XIIIuf 189S.

Repeal. 2. (1) The enactments mentioned in the schedule are hereby repealed to the extent specified in the fourth column thereof.

[2] (*2*) [In any notification under sub-section *(3)* of section 1 extending sections 2 to 33 of this Act to any local area in Upper Burma, the Local Government may declare that section 32 and clause *(x)* of sub-section *12)* of section 53 of the Upper Burma Land and Revenue Régulation, ni of 1889-1889, shall cease to apply to such local area.]

Definitions. 3. In this Act, unless there is anything repugnant in the subject or context,—

" Fish." (1) "fish" includes, besides other fish, turtle, estuary tortoises, sea-slugs (bêche-de-mer), shell-fish and mother-of-pearl shells :

" Fishery." *(2)* "fishery" means any collection of water, (or any part thereof separately classified under section 8), running or still, tidal or non-tidal, which is of itself of a permanent nature or is or has recently been connected with any waters of a permanent nature, in which fish may be found ; and it includes the sea and the sand-banks on which turtle and estuary tortoises habitually lay their eggs :

"To fish." *(3)* the verb " to fish," -with its grammatical variations, includes the catching of turtle or estuary tortoises, the collecting of their eggs and the collecting of sea-slugs (bêche-de-mer), shell-fish or mother-of-pearl shells :

" Fishing implement." *(4)* " fishing implement " means any implement, weapon, engine or contrivance for catching or facilitating the catching of fish :

" Fishery officer." (-5) " Fishery-officer " means any person Appointed by or under the [4][orders of the Government, of the Financial Commissioner or of a Commissioner] to be an *Inkunwun* or a Superintendent or Inspector of Fisheries, or to discharge any function of a Fishery-oificer under this Act : and

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[1] *Ante.*

[1] **Sub-section** *(2)* **was substituted by s. 2 of the Burma Fisheries (Amendment) Act, 1909 iBur. Act 6 of 1909),** *post.*

The original sub-section was a» follows :—

" *(3)* From the date on which sections 2 to 32 of this Act may be extended *o any local area in Upper Burma by a notification under section 1, sub-section (<?), sections 32 and 33 of the Upper Burma Land and Revenue Regulation, 1889 shall cease to apply to such local area."

[3] **For notification appointing** *ex-officio,* **a fishery officer under ss. 15 to 18,** *see* **Burma Gazette, 1906, Pt. I, p. 869.**

[4] **The words in square brackets in rab-section** *15)* **were substituted for the words "orders of the Government " by s. 3 of Bur. Act 6 of 1909.**

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(6) the terms "leasable fishery," "reserved fishery," "open fish- "Leasable
ery" and " protected fishery " mean, respectively, a fishery for the time ferrule»
being classified under such denomination in accordance with the provi- ery," " >pen
s'ons of section 8. fishery," and
' ' protected
fishery."

4. (*1*) The '[Financial Commissioner] may, by notification, direct Fishery to
that any fishery shall, lor the purposes of this Act, be under the charge
of the Deputy Commissioner of any particular district.

(2) Every fishery not provided for by a notification under sub-section lioner of
(*l*) shall, for the purposes of this Act, be deemed to be under the charge distriot unless
of the Deputy Commissioner of the district in which such fishery is situate, otherwise
provided

5. The Local Government may, by Notification, exempt any fishery Power to ex-
from all or any of the provisions of this Act either generally or subject sions of Act.
to such restrictions as it thinks fit.

Rights in Fisheries.

6. No right to fish in any fishery shall be acquired, or be deemed B*r to rights
to have been acquired, by the public or by any person, except in one under Act or
of the modes hereinafter described : expressly
granted by
Provided that nothing contained in this Act shall prejudice or dero-
gate from any express grant of a right to fish made by the British Gov- Government,
ernment before the commencement of this Act.

7. (2) Except as provided in sub-section (2), nothing contained in Angling
this Act shall be held, nor shall the issue of any grant, lease or license
under this Act be held, to prevent any person from angling with ro3 to certain
and line only m any fishery: restrictions,

Provided that no one person shall use more than four rods and lines at
one time.

(2) The Deputy Commissioner may, by proclamation,—

(a) in respect of auy fishery under his charge, prohibit, absolutely or subject to conditions, angling for fish or for certain specified kinds of fish in such fishery, or in any part thereof, for such time as may be fixed by such proclamation; or

(б) in respect of any fishery under his charge artificially stocked with fish, direct that all fish, or all fish of a particular kind. ■which are under a certain size to be specified in the proclamation, shall, if captured therein, be returned alive to the water of such fishery.

[1] The worda in square brackets in s. 4 were substituted for the word» " Loi-al Government " by s. 4 of Bur. Act 6 of 1909.

[3] For notification exempting a fishery, *see* Bur. Gazette, 1909, Pt I, p. £54.

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Classification of fisheries.

8. ^Z) Every fishery may, from time to time, be placed in one or other oi the following classes, namely: —

(a) leasable fisheries;

(*b*) reserved fisheries;

(c) open fisheries;

(*d*) protected fisheries.

\ *2)* Subject to any special exception prescribed by rule or directed by the •[Financial Commissioner], so long as any fishery continues to be in any such class, no rights of fishery arising under any other class ¡shall be disposed of therein;

and subject as aforesaid, no fishery shall be transferred to another class until after the termination of all rights of fishery therein of the class in which it has been so placed.

Disposal of rights in fish-•eries by Deputy Commis-sioner.

9. The Deputy Commissioner may, in respect of any fishery under his charge, and subject to the rules for the time being in force in this behalf and the restrictions and conditions prescribed thereunder with respect to such class of fishery,—

(Z) if it is a leasable fishery, lease to any person the exclusive right to fish, or to fish with specified fishing implements or in a specified manner or for specified fish, in such fishery and, when so authorized by such rules, grant any other such leases or licenses which are not in any way inconsistent with, or in derogation of the rights (if any) previously conferred in respect of such fishery; or

(2) if it is a reserved fishery, dispose in the manner prescribed by rules made under section 32, of the more limited rights to fish to be permitted in such reserve; or

(3) if it is an open fishery,—

(a) grant licenses to any number of persons to use specified fishing implements in such fishery, and

(b) permit the public, or the inhabitants of any town or village, or any other class of persons to fish in such fishery, free of charge, with such specified fishing implements, or in such manner, or on such terms and subject to such restrictions, as may be defined in the order permitting the same; or

(4) if it is a protected fishery, permit all or any persons entitled, or authorized by the owner or occupier of the land, to enter thereon, to fish in such fishery, free of charge, with such

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[1] **The words in square brackets in s. 8 *(2)* were substituted ?nr the word- " Local Government " by s. 5 of the Burma. Fisheries (Amendment) Act, 1909 (6 of 1909), *post.***

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specified fishing implements or in such manner or on such terms and subject to such restrictions, as may be defined in the order permitting the same.

10. *(1)* The '[Financial Commissioner] may, by notification, grant permission to fish, free of charge,— Disposal of rights in fisheries by Government and by officers specially empowered.

(a) in any open fishery to all or any of the classes of persons mentioned in section 9, sub-section *(3),* clause *(b)*; and

(b) in any protected fishery, to all or any persons entitled, or authorised by the owner or occupier of the land, to enter thereon.

(2) The [2][Commissioner] may, by Notification, empower any Sub-divisional, Township or Fishery-officcr to exercise, subject to the control of the Deputy Commissioner, any of the powers conferred under section 9.

Further Protection of Fisheries.

11. No weir, bank or dam shall be erected, placed, maintained orxofixfd used in any fishery without a special permission under the hand of the Deputy Commissioner of the district or in contravention of the rules made under section 32, clauses (^) and *(h)*: Obstruction to be erected except when expressly permitted.

Provided that nothing contained in this section shall prohibit either—

(a) a lessee of a leasable fishery or a licensee of any right to fish in any fishery from erecting, placing, maintaining or using therein any fishing implement which he is permitted by his lease or license and by the rules for the time being in force to use in such fishery; or

(b) the owner or occupier of any land from erecting or maintaining *ny bank or dam of the kind ordinarily known as **a** *kazin* for the purpose of cultivation in any part of a protected fishery which is not a well-defined water-course.

[4]11A. *(1)* No person shall use any dynamite or other explosive sub-Thouseof stance in any fishery with intent thereby to destroy or facilitate the e^orivcs^to catching of fish. facilitate the

(2) No person shall with intent thereby to destroy or facilitate the ^'^ohibit- catching of fish except as permitted by an order under sub-section (3), ed- put, or knowingly permit to be put or cause, or knowingly permit to flow into any fishery lime, *bfinlonth',* poison, or other noxious material

* The words in square brackets in s. 10 (*1*) were substituted for the words " Local Government " by s. 6 (*1*) of the Burma Fisheries ^Amendment' Act, 1009 (6 of 1909), *post.*

[1] The woids in square brackets in s. 10 (2) were substituted for (he words " Local Governmeirt " by s. 6 *(2)* of the Buim.i Fisheries [1] Amendment) Act, 1909 (6 of 1909', *post.*

' For instance of such a notification, *see* Iiur Gazette, 1908, Pt. I, p. 271.

[4] Section 11A was inserted by s. 7 of Bur. Act 6 of 1909.

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which when put or permitted to flow into water, kills or stupefies fish or makes it difficult for fish to remain in or near that part of the water in which the same is put or caused or permitted to flow.

(3) In any district to which the Financial Commissioner may by Notification declare this sub-section to be applicable, the Deputy Commissioner may in respect of any fishery by an order in writing grant permission for the use of lime, *bonlonthi,* poison or other noxious material for the purpose of catching or facilitating the catching of fish.

Prohibition of new canals or channels to certain fisheries

12. No person shall, without the permission of the Deputy Commissioner of the district, make or cause to be made any canal or channel which may affect any leasable fishery or any reserved fishery either by reducing or increasing the quantity of water, or changing the quality of the water of such fishery, or by the introduction of silt reducing the flooded area in or in the neighbourhood of such fishery.

Power to protect specified species of fish, and turtle and tortoise eggs.

13. *(1)* The Local Government may, by notification, prohibit—

(a) the killing or capture or other interference with any species of fish specified in such notification; or

(b) the removal, opening or other interference with any nest of eggs laid by any species of turtle or tortoise specified in such notification.

(2) Any person residing near a fishery in which such species of fish or eggs may be found and any person who takes part in fishing operations in any such fishery, found in possession of any species of fish or eggs of which the capture or removal has been prohibited by a notification under sub-section *(1),* may be presumed to be the person who captured or removed the same unless he satisfactorily accounts for his possession of the same.

Power to prohibit approioh of persons or animals to tui tie or tortoise banks.

14. The Deputy Commissioner, having charge of any bank on which turtle or tortoises lay their eggs, may, by proclamation published in the villages near such bank, forbid all persons other than the lessee thereof and his servants, to enter upon or approach, or to suffer or permit any cattle or other animals under their control, or owned by them, to enter upon or approach such bank during such months and periods as he may think fit.

Powers to Arrest, Search, etc.

Power to prevent commission of fishery-ofTence.

15. Every Fishery-officer shall prevent and may interfere for the purpose of preventing any offence punishable under this Act or the rules thereunder.

Power to arrest without warrant.

16. *(1)* Any Fishery-officer may, without the orders of a Magistrate and without a warrant, arrest any person reasonably suspected of having

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been concerned in any offence punishable under this Act or the rules "thereunder with imprisonment for one month or upwards, if such person refuses to give his name and residence, or gives a name and residence which there is reason to believe to be false, or if there is reason to believe that he will abscond.

(2) Every Officer making an arrest under sub-section *(1)* shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case, or to the officer in charge of the nearest police-station.

Inspect fishing implement» md seize implements and eto.

17. *(1)* For the purpose of satisfying himself that the provisions of this Act and of the rules thereunder are b«ing complied with, any Fishery-officer qualified under section 19 may inspect any fishing implements, and any fish, and any turtle and tortoise eggs in the possession •ol or under the control of any person concerned in, or reasonably suspected to have been concerned in, fishing operations ;

and for that purpose may enter any house or premises owned or -occupied by any such person;

and may seize any fishing implements which are easily moveable, and any such fish and eggs, which he has reason to believe to have been used, caught or collected in contravention of this Act or of the rules thereunder, and shall, as soon as may be, report such seizure to the Magistrate having jurisdiction to try the offence on account of which such seizure was made, and, if the property seized is not perishable and is easily carried, shall at the same time send such property to such Magistrate.

(2) If any property seized under sub-section (i) is of a perishable nature, the Fishery-officer making the seizure shall sell it by auction in the nearest village in the presence of the headman, if any, and of two or more elders, and shall send the proceeds of such sale to such Magistrate, together with a report of the quantity and kind of fish so disposed ■of, signed by such elders and the headman, if any.

search for poisons and preparations for illegally stupefying

18. Any Fishery-nfficer qualified under section 19 who has reason to suspect that any person is committing an offence punishable under section 22, may search such person, and may enter and search any pie-- inises occupied by such person, and if he finds any explosive substance, lime, *bSnldnthi,* poison or noxious material, intended for the purpose of fish, killing, stupefying or otherwise affecting fish in the manner specified in section 22, may seize the same, and shall forthwith take or send it, with a complaint or police-report in respect of the offence believed to have been committed, before the nearest Magistrate having jurisdiction to try such offence.

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Qualification of Fishery-Officer for purposes of section 17 or 18.

19. Any Fishery-officer drawing a monthly salary of not less than thirty rupees or such other sum as the Local Government may notify in this behalf who is specially Appointed, by the Deputy Commissioner under whom he is ordinarily employed, to exercise the powers conferred by section 17 or section 18, shall be qualified to exercise the powers conferred by such sections.

Police-officers to aid Fishery-officers.

20. It shall be the duty of every Police-officer to aid any Fishery-officer in the due execution of this Act upon request made by such Fishery-officer.

Penalties.

Penalty for unlawfully fishing or erecting weir, etc., or poisoning, etc., fish or interfering with lawful use of waters.

21. Any person who—

(a) fishes in any fishery not having a right to fish therein or in a way in which he is not entitled to fish therein; or

(*b*) uses in any fishery any fishing implement which he is not entitled to use, or to use in such manner, therein; or

(c) except as permitted by the proviso to section 11, erects, places,. maintains or uses any weir, bank or dam in any fisherj without a special permission under the hand of the Deputy Commissioner of the district, or in contravention of the rules for the time being in force under section 32, clauses *(g)* and *(h)*; or

[2]*(d)* uses any dynamite or other explosive substance in any fishery with intent thereby to destroy or facilitate the catching of fish; or

[2]*(e)* except as permitted by an order under sub-section (*3*) of section 11A puts or knowingly permits to be put or causes,, or knowingly permits to flow into any fishery any lime,. *bonlonthi,* poison or other noxious material in contravention, of section 11A; or

[2](*f*) interferes with, or makes any demand in consideration of, the lawful use of the water of any fishery for purposes unconnected with the taking of fish,

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[1] For notification specially appointing a fishery officer under this section, *see* Bur. Gazette, 1906, Pt. I, p. 069.

[2] Clauses (d), (e) and (*f*) were substituted for els. (*d)* and (*«*) by s. 8 of the Burma Fisheries (Amendment) Act, 1909 (6 of 1909), *post.* The original clauses were as follows—

" *(d)* with intent to thereby destroy, or facilitate the catching of, any fish, uses any dynamite or other explosive substance in any fishery, or with like intent, puts or knowingly permits to be put, or causes or knowingly permits to flow, into any fishery any lime, *bdnlSnthi,* poison, or other noxious material which, when put or permitted to flow into water kills or stupefies fish or makes it difficult for fish to remain in or near that part of the water, in which the same is put or caused or permitted to flow; or

(e) interferes with, or makes any demand in consideration of, the lawful use cf the water of any fishery for purposes unconnected with the taking of fish."

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shall be punished, for a first offence, with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both,

and for a second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

22. *(1)* Any person who with intent to use or permit the use of the same [in contravention of s. 11A.], possesses any explosive substance or any lime, *bonlônthi,* poison or other noxious material which, when put or permitted to flow into water, kills or stupefies fish or makes it difficult for fish to remain in or near that part of the water in which the same is put or permitted to flow, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both. **Penalty for poisoning, etc., fish.**

(2) No person shall be prosecuted under this section without the previous sanction of the Deputy Commissioner of the district.

(3) In any prosecution under this section the Court may presume that any such explosive substance, lime, *bonlônthi,* poison or noxious material found in the possession or under the control of any person who—

(a) holds any lease or license entitling him to fish in any fishery; or

(b) is employed or works under any such lessee or licensee; or

(c) is in the habit of fishing or has made preparation for the purpose ot fishing; or

(d) resides under the same roof as any person specified in th > preceding clauses,

was kept by him with intent to use or permit the use of the same for the purpose of destroying or facilitating the catching of fish.

23. Any person who— **Penalty for canal to**

(a) without the permission of the Deputy Commissioner of the district, makes or causes to be made, any canal or channel which may affect any leasable fishery or any reserved fishery in any of the ways specified in section [1] ; or **or taking protected fish**

(b) in contravention of the provisions of a notification under section 13, sub-section *(1),* kills, captures or in any way interferes with any species of fish specified in such notification, or takes, opens or in any way interferes with a nest of eggs laid by any turtle or tortoise of a species specified in such notification; or **oreggs, or etc., or protected turtle-bank.**

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[1] The words in square brackets in s. 22 (7) were substituted for the words " for the purpose of destruying or facilitating the catching of any fish," by s. 9 of the Burma Fisheries (Amendment) Act, 1909 (6 of 1909), *post.*

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(c) in contravention of the provisions of a proclamation under section 14, enters upon or approaches or suffers or permits any cattle or other animal, under his charge or control or of which he is owner, to enter upon or approach any bank in which turtle or tortoises lay their eggs,

shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Penalty for wrongful arrest, seizure or search.

24. *(1)* Any Fishery-officer who—

(a) vexatiously and unnecessarily arrests any person or seizes any property on pretence of making such arrest, or of seizing property liable to seizure, under this Act; or

(b) without reasonable ground of suspicion, enters or searches any building, vessel or place, or searches any person, under pretence of making such entry or search under this Act,

shall be punished wiih imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) Any fine imposed under sub-section (7), clause (a), or any portion thereof, shall, if the convicting Magistrate so directs, be given as compensation to the person arrieved by such seizure.

Forfeiture of Property and "Removal of Fixed Obstructions, etc.

Convicting Court may order forfeiture'of fishing imple: ments, etc.

25. On the conviction of any person for an offence punishable under this Act or the rules thereunder, the convicting Court may, in addition to any other penalty prescribed for such offence, order the forfeiture of any fishing implement, weir or dam erected, placed, maintained or used in contravention of this Act or the rules thereunder, and of any fish obtained thereby, and of any fish or eggs caught or collected in contravention of this Act or the rules thereunder.

Reninval of fixed obstructions and closure of canils at expense of person making same.

26. The Deputy Commissioner in charge of a fishery may order the removal of any weir, bank, dam or fishing implement erected, placed, maintained or used therein in contravention of this Act or the rules thereunder, and may order the closure of any canal or channel made in contravention of the provisions of section 12 ;

and the expense, if any, of such removal or closure may be recovered from any person erecting, placing, maintaining, making or using sucb weir, bank, dam, fishing implement, canal or channel in contravention of this Act or the rules thereunder, as if it were an arrear of revenue, in addition to any penalty or forfeiture imposed under this Act.

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Recovery of Moneys under Act and of Loans to Fishermen.

Recovery of

27. All fees, rents and other moneys due to Government in respect of any license, lease or permission granted under this Act may he recovered as if it were an arrear of revenue.

Recovery of loans.

28. Every loan made in accordance wiih rules made under section 32, clause (i), all interest, if any, chargeable thereon, and costs, if any, incurred in making or recovering the same, shall, when they become due, be recoverable from the person to whom the loan was made, or from any person who has become surety for the repayment thereof, as if they were arrears of revenue or costs incurred in recovering the same due by th& person to whom the loan was made or his surety.

Liability of borrowers as among themselves.

29. When a loan is made under this Act to any person on such terms that all of them are "jointly and severally bound to the Government for the payment of the whole amount payable in respect thereof, and a statement showing the portion of that amount which, as among themselves, each is bound to contribute is entered upon the order granting the loan and is signed or marked by each of them or his agent duly authorized in this behalf and by the officer making the order,

that statement shall be conclusive evidence of the portion of that amount which, as among themselves, each of these personB is bound to contribute.

Procedure of Revenue-officers.

Procedure in land and revenue enactments to be followed in «atutiv« proce in underlet?*

II of 1876. in of 18S9.

30. The provisions of the [1] Burma Land and Revenue Act, 1876, or, in Upper Burma, of the [1] Upper Burma Land and Revenue Regulation, 1889, as amended by subsequent enactments for the time being in force, and the rules, notifications and directions thereunder—

(*a*) as to appeals, reviews and revisions;

(б) concerning the superintendence and control of Revenue-officers, and the distribution and withdrawal of business;

(c) concerning procedure, processes, notices and proclamations, and

(*d*) concerning the costs of proceedings and the recovery of money under such enactments,

shall, so far as may be, apply, *mutatis mutandis,* to and for the purpose of the proceedings of Revenue-officers under this Act.

[1] *Ante,* pp. 8 and 219, respectively.

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Bar to Jurisdiction of Civil Courts.

Civil Courts to refer certain questions to I[1]©*-puty Commissioner.

31. (i) If in any proceeding before a Civil Court any question arises—

(a) as to whether any fishery is a leasable fishery or a reserved fishery; or

(б) as to the boundaries of any leasable fishery or of any reserved fishery, or as to the boundaries of any such fishery as leased, or subject to any right disposed of, under section 9, sub-section (*1*), or sub-section *(2)*; or

(c) whether a lessee or licensee of any such leasable fishery or reserved fishery disposed of under section 9, sub-section *(1)* or sub-section *(2),* is working the fishery in accordance with the terms of his lease or license; or

(*d*) whether and to what extent any leasable fishery or any reserved fishery is affected by the making of any such canal or channel as is mentioned in section 12,

the Court shall refer such question to the Deputy Commissioner who has charge of such fishery.

(2) On any question being so referred to him, the Deputy Commissioner shall, without delay, make such enquiry as he may think necessary, and shall certify his decision to such Civil Court.

(*3)* The decision of the Deputy Commissioner under sub-section *(2)* shall be conclusive as to the question so referred:

Provided that, where any party desires to appeal from the decision, of the Deputy Commissioner on any questions so referred to any Revenue-officer of higher grade empowered to hear such appeal by the rules for the time being in force, the Court shall, on such conditions as to the furnishing of security or otherwise as it thinks fit, postpone its judgment so as to admit of such appeal being preferred, and in the event of a decision being given on appeal different from that given by the Deputy Commissioner, the decision of such appellate officer shall be conclusive as to the question so referred.

Rules.

Power to make rules.

32. (7) *[Subject to the control of the Local Government, the Financial Commissioner] may make [2]rules consistent with this Act,—

(a) for the survey and demarcation of the limits of leasable, reserved and open fisheries;

(b) for ascertaining or deciding in which of the classes mentioned in section 8 each fishery shall be placed;

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[1] **The words in square brackets in s. 32 (*1*) were substituted for the words " Local Government " by s. 10 of the Burma Fisheries (Amendment) Act, 1909 (6 of 1909), *post.***

[3] **For rules, *see* Bur. Gazette, 1907, Pt.** I, p. **712.**

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(c) for regulating the conditions and restrictions on and subject to which, and the procedure by 'which, rights to fish, or to fish with specified fishing implements or in a specified manner or for specified fish, in leasable fisheries may be disposed of by lease to individuals or by licenses under section 9, sub-section (i) ;

(d) for prohibiting all or any fishing operations in reserved fisheries, or regulating the conditions and restrictions on and subject to which, the mode in which, and the procedure by which, the rights to use certain specified fishing implements in reserved fisheries may be disposed of under section 9, sub-section *(2)* ;

(e) for fixing the rates at which, and regulating the conditions and restrictions on and subject to which, licenses to use fishing implements in open fisheries may be granted under section 9, sub-section *(3),* clause (a) ;

(f) for regulating the conditions and restrictions on and subject to which permission to fish or use fishing implements free of charge—

(i) in any open fishery may be granted to the public, or the inhabitants of any to^vn or village or any other classes of persons under section 9, sub-section (3), clause (*b)* ; or

(¡i) in any protected fishery may be granted to the persons entitled or authorized by the owner or occupier of the land, to enter thereon ;

■(*g*) for regulating the terms, conditions and restrictions on and subject to which permission may be granted, under section llj to erect, place, maintain or use weirs, banks and dams in any fishery ;

{*h)* for the construction and maintenance of free gaps in weirs;

(i) as to loans to be made to fishermen for the relief of distress, the purchase of boats, nets, salt and other fishing and curing implements, equipment and materials, and for other objects connected with their industry; and

(j) generally for carrying out the purj>oses of this Act, and prescribing the procedure and the practice thereunder.

(2) The Local Government may, by a rule under this section, attach to the breach of any rule made under this section any punishment not excecdins; imprisonment for a term which may extend to one month, or fine which may extend to two hundred rupees, or both.

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(5) All rules made under this section shall be published in the Gazette, and shall thereupon have the same effect as if enacted by this Act.

[1]*Exemption of Fishery Security Bonds from Registration.*

Exemption of fishery security bonds from provisions of the Indian Registration Act, 1908. XVI of 1908

33. *(1)* Notwithstanding the Indian Registration Act, 1908, nothing contained in that Act shall be deemed to require the registration of any bond, deed or other document purporting to be or to be evidence of any mortgage or assignment of property to the Government or to any officer of the Government for the purpose of securing the payment of any money due or to become due to Government under this Act or in connection with any fishery.

(2) A copy of such bond, deed or other document whereby immovable property is mortgaged shall be sent by the officer who grants the lease or license to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file a copy in his Book No. 1.

SCHEDULE.

[See section 2, sub-section (I)-]

1	2	3	4
Year.	No.	Short title or subject.	Extent of repeal.
		Acts of the Governor General in Council.	
1875	VII	The Burma Fisheries Act, 1875 .	The whole.
1898	XIII	The Burma Laws Act, 1898 . .	So much of the Third Schedule as relates to Act VII of 1875.

THE RANGOON PORT ACT, 1905.

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title and commencement.
2. Repeal.

[1] This heading and section 33 were inserted by s. 11 of the Bur. Fisheries (Amendment) Act, 1909 (6 of 1909), *post.*

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SECTIONS.

3. Commissioners to be successors of Commissioners appointed under Act XV of 1879.
4. Definitions.
6. Power to define and alter limits of Port.

CHAPTER II.

CONSTITUTION OF THE PORT COMMISSIONERS.

6. Constitution of Commissioners.
7. Number, and election and appointment of Commissioners.
8. Chairman and Vice-Chairman.
9. Remuneration of Commissioners.
10. Tenure of office.
11. Disqualification of Commissioners.
12. Appointments, etc., to be notified.

CHAPTER III.

CONDUCT OF BUSINESS BY THE COMMISSIONERS.

13. Meetings of Commissioners.
14. Special and ordinary meetings.
15. Chairman and Vice-Chairman to attend.
16. Conduct ot business at meetings.
17. Proceedings not invalidated by vacancy, defect of form, etc.
18. Bye-laws as to conduct of business, etc.
19. Chairman may carry out certain works.
20. Power of Commissioners to sanction works.
21. Plan and estimate of new work to be approved before commencement thereof.
22. Power to enter into contracts.
23. Form of contracts.
21. Power to compound.

CHAPTER IV.

OFFICEES IND SEEVANTS.

25. Schedules of officers and servants.
2G. Bye-laws relating to officers and servants.
27. Appointment of officers and servants.
28. Temporary establishment.

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CHAPTER V.

Property of the Commissioners.

Sections.

29. Power to acquire and dispose of property.
30. Property vested in Commissioners.
31. Restrictions respecting Government land vested in Commissioners.
32. Acquisition of land.
33. Property to be in trust.

CHAPTER VI.

Borrowing Powers.

34. Power to borrow.
35. Mode of raising money.
36. Forms and transferability of debentures.
Right to sue on debentures.
Like remedies in respect of loans from Government.
36A. Signature of coupons attached to debentures.
37. Loans to be a first charge on property and income of Commissioners.
38. Loans to be raised in India and in Indian currency.
39. Establishment of Sinking Fund.
Application and investment of Sinking Fund.
40. Annual examination of Sinking Fund.
41. Power to repay loans from Government before due date.
42. Saving of power to borrow under Act III of 1904.

CHAPTER VII.

Disposal of Funds.

43. Moneys to be kept in Bank.
44. Investment of balances and special funds.
45. Application of moneys.
46. Compensation to Municipal Committee.
47. Cost of Port Police.

CHAPTER VIII.

Annual Estimates and Accounts.

48. Annual estimate to be prepared, circulated and considered by Commissioners.
49. Submission of estimate to, and alteration thereof at request of, Local Government. Publication of estimate.

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SECTIONS.

50. Supplementary estimates.
51. Re-appropriation of amounts in estimate.
52. Prohibition of expenditure not provided for in estimate.
53. Report of expenditure incurred in cases of emergency and exceeding certain limits.
54. Capital expenditure.
55. Audit of accounts.
56. Submission of accounts to Local Government.

CHAPTER IX.

CONTROL OF GOVERNMENT.

57. Commissioners' acts subject to approval.
58. Annual, etc., reports to be submitted to the Local Government.
59. Commissioners to provide for fulfilment of liabilities.
GO. Local Government may require Commissioners to impose or increase rates, etc., and in case of non-compliance may impose or increase the same.
€1. Local Government may order survey.
62. Local Government may carry out neglected works.
63. Governor General in Council may revoke powers of Commissioners.

CHAPTER X.

GENERAL POWERS OF THE COMMISSIONERS.

Construction of T*Vorks, etc.* *

64. Works to be constructed, etc.

Port Bye-laws.

65. Power to make Port bye-laws.
Power to attach penalty to breach of bye-laws.
Procedure for making bye-laws.

Public Landing-places, etc.

66. Free public landing-places.
67. Removal of bathing and landing-places.

Use of Wharves, and Landing and Shipping of Goods.

68. Appliances for shipping, etc., for sea-going vessels.
<59. Declaration that wharves, etc., are ready.
Power to compel sea-going vessel to use wharves, etc.
70. If accommodation sufficient, all sea-going vessels compelled to use wharves, etc.

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SECTIONS.

71. Inland vessels compelled to use wharves, etc.
72. Previous publication of intended notification under section 69, 70 or 71.
73. Power to order removal of vessels from wharves, etc.
74. Power to exempt from obligation to use wharves, etc.
75. Discharge of liability on goods landed.
76. Accommodation for Customs Officers on wharves, etc.
77. Dues at Customs wharves, etc.

Private, etc., Wharves, etc.

78. Private wharves, etc., prohibited.
79. Power to permit erection of private wharves, etc., within the Port subject to conditions.
80. Wharves, etc., beyond Port limits.

Tolls, Charges, etc., and Liens and other Remedies.

81. Scale of tolls and charges to be framed.
82. Power to impose river-due and to raise rate thereof.
83. Commissioners' lien for tolls and charges.
84. Detention of goods on account of owner's lien for freight.
85. Discharge of shipowner's lien for freight.
86. Power to remove goods to warehouses.
Notice of removal, etc.
Charges for warehousing such goods.
Continuance of liens, etc.
87. llecovery of tolls and charges by sale of goods.
Public notice of sale.
Notice to owner of goods.
88. Application of proceeds of sale.
89. Itecovery of tolls and charges by distraint of vessel.
Sale of distrained vessel, etc.
90. Recovery of dues as arrears of revenue.
91. Port-clearance not to be granted until tolls, etc., are paid.

Compensation for Damage to Port Property.

92. Compensation for damage to property of Commissioners.
Issue of warrant.

CHAPTER XI.

PENALTIES.

93. Penal ty for officer or servant interested in contract, etc,
94. Penalty for Commissioner interested in contract, etc.

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SECTIONS.

95. Penalty for infringement of section 69, 70, 71, 74 or 79.
96. Infringement of section 78.
97. Penalty for infringement of Port bye-laws.
98. Prosecutions.

CHAPTER XII.

MISCELLANEOUS.

99. Commissioners not personally liable. ;
100. Commissioners liable for breach of trust.
101. Limitation of suits.
102. Responsibility of Commissioners for loss, destruction or deterioration of animals or goods.
103. Indemnity to Commissioners for acts of officer, harbour-master, etc.
104. Saving of previous Port regulations.
105. Place of business.
106. Commissioners are public servants.

THE FIRST SCHEDULE.—Enactments repealed.
THE SF.COVD SCHEDULE.—Property vested in the Port Commissioners.
THE THIRD SCHEDULE.—Form of debenture.
THE FOURTH SCHEDULE.—Form of receipt for goods landed.

WRMA ACT No. IY OF 1905.

[2-5th February, 190-5; 10th April, 1905.~

An Act to consolidate and amend the law relating to the Port of Rangoon.

WHEREAS it is expedient to consolidate and amend the law relating to the Port of Rangoon; It is hereby enacted as follows : — Preamble,

CHAPTER I.

PRELIMINARY.

1. *(1)* This Act may be called the Rangoon Port Act, 190r>; and j^d'com*[6] ort tit

(2) It shall come into force on such [2]date as the Local Government may, by notification, direct. m«ncement.

[1] For Statement of Objects and Reasons, *see* Burma Gazette, 1904. Pt. Ill, p. 50; for Report of the Select Committee, see *ibid.* 1905, p. 35; and for Proceedings in Council, *tee tbid,* 1^04, p- 82, and *ibid,* 1905. pp. 3 and 60.

[1] The Act was brought into force on the 15th July 1905, *see* Burma Gazette, 1905, Pt. I, f. 445.

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Repeal.

2. The enactments mentioned in the First Schedule are hereby repealed to the extent specified in the fourth column thereof.

Commissioners to be successors of Commissioners appointed under Act XV of 1879.

3. All debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Commissioners for the Port of Rangoon appointed under the [1] Rangoon Port Commissioners Act, 1879, shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Commissioners constituted by this Act; **XV of 1879.**

and all rates and sums of money due to the Commissioners, appointed under the [1] Rangoon Port Commissioners Act, 1879, shall be deemed to be due to the Commissioners constituted by this Act; **XV of 1879.**

and all suits and other legal proceedings, civil or criminal, instituted, or which might but for the passing of this Act have been instituted, by or against the Commissioners appointed under the [1] Rangoon Port Commissioners Act, 1879, may be continued or instituted by or against the Commissioners constituted by this Act. **XV of 1879.**

Definitions.

4. In this Act, unless there is anything repugnant in the subject or context,—

"Commissioners."

(1) "Commissioners" means the "Commissioners for the Port of Rangoon" hereinafter incorporated :

"Commissioner."

(2) "Commissioner" means a member of the said corporation:

"High-water-mark."

(3) "high-water-mark" means a line drawn through the highest points reached by ordinary spring-tides at any season of the year:

"Land."

(4) "land" includes the bed of the river below high-water-mark, and also things attached to the earth or permanently fastened to anything attached to the earth :

"Low water-mark."

(5) "low-water-mark" means the lowest point reached by ordinary ebb spring-tides at any season of the year:

"Master."

(6) "master," when used in relation to any vessel, means any person (except a pilot or harbour-master) having for the time being the charge or control of such vessel:

"Owner."

(7) "owner" includes also any agent to whom a vessel is consigned :

"Pilot."

(8) "pilot" means a person for the time being authorized by the Local Government to pilot vessels :

"Port."

(9) "port" means the Port of Rangoon as for the time being defined under the provisions of section 5 for the purposes of this Act: and

"Vessel."

(10) "vessel" includes ships, boats, rafts, timber and anything made for the conveyance by water of human beings or of property.

Power to define and alter limits of Port.

5. *(1)* The Local Government may, with the previous sanction of the Governor General in Council, by notification, define the limits of the Port for the purposes of this Act.

[1] **Repealed by this Act.**

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(2) Such limits may extend to any part of the navigable approaches to the Port, and may include any docks, -wharves, quays, stages, jetties, piers, tramways, warehouses, sheds and other works made on behalf oi the public for convenience of traffic, for safety of vessels, or for the improvement, maintenance and good government of the Port or river, whether within or without high-water-mark, and (subject to any rights of private property therein) any portion of the shore or bank within fifty yards of high-water-mark.

CHAPTER II.

Constitution of the Port Commissioners.

Constitution of Commissioners.

6. The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested °.£ 1 in a body of Commissioners, to be called "The Commissioners for the Port of Rangoon."

Such body shall be a body corporate, and have perpetual succession and a common seal, and may sue and be sued in its corporate name, and, in addition to the powers expressly conferred by this Act, shall have power, subject to the provisions of this Act, to do all other things necessary for the purposes of its constitution.

Number and election and appointment of Commissioners.

7. *(!)* There shall be thirteen Commissioners of whom four shall be elected by the Rangoon Chamber of Commerce, one shall be elected by the Rangoon Trades Association, and the others shall be such persons as the Local Government may appoint either by name or by virtue of an office, to be Commissioners r

Provided that not more than five Commissioners shall be persons holding salaried offices under Government.

(2) The elections under sub-section (i) by the Rangoon Chamber of Commerce and by the Rangoon Trades Association, respectively, shall be made in such manner as may be determined by those bodies subject to the approval of the Local Government.

Chairman and Vice-Chairman.

8. *(1)* The Local Government may appoint a Commissioner to be Chairman and another Commissioner to be Vice-Chairman, and may ¿^airman! cancel any such appointment.

(2) The Local Government may grant leave of absence to the Chairman, and appoint a person to act for him during his absence on leave;

and any person so appointed shall, while so acting, be deemed for the purposes of this Act to be the Chairman.

(3) Such remuneration as the Local Government may determine shall be paid as salary, leave-allowances and otherwise to the Chairman and to the person appointed under sub-section *(2)* to act for the Chairman during his absence on leave.

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Ttemuneration of Commissioners.

9. Each Commissioner, other than the Chairman, shall be entitled to receive such fee, as the Local Government may direct, for attendance at each meeting of the Commissioners at which a quorum shall be present and business shall be transacted.

Tenure of office.

10. (*1)* If a Commissioner be appointed by virtue of his office, the person for the time being holding the office shall be a Commissioner until the Local Government shall otherwise direct.

(2) The Chairman shall continue to hold office until the Local Government cancels the appoinment or appoints a successor.

(-3) Commissioners [1] [elected or] appointed by name, other than the Chairman, shall hold office for two years, and may thereafter be re-elected or re-appointed; but the Local Government may at any time accept the resignation of any such Commissioner.

Disqualification of Commissioners.

11. Every person who, at any time after his election or appointment as a Commissioner, shall be absent for three consecutive months from the meetings of the Commissioners without having the permission in that behalf of the Commissioners, or who, not being the Chairman, shall -with such permission, be absent from the meetings for a period exceeding one year,

and every person—

(a) who at any time after his election or appointment as a Commissioner shall accept or agree to accept any office or place of profit under this Act, except the office of Chairman ; or

(б) who shall, save with the sanction of the Local Government, participate or agree to participate in the profits of any work done by order of the Commissioners, or be concerned or participate in the profits of any contract entered into with the Commissioners; or

(c) who, in contravention of the provisions of the proviso to clause (e) of section 16, shall take part in the discussion of or iote on any matter in which he is pecuniarily interested,

shall thenceforth cease to be a Commissioner, and his office shall thereon become vacant :

Provided that no Commissioner shall vacate his office by reason only of his being a shareholder in or member or employé of any Company registered under the provisions of any Act for the registration of joint-stock companies, passed by any Indian Legislature or by the Parliament of the United Kingdom, or incorporated by Act of Parliament, Royal Charter or otherwise, with which the Commissioners may

[1] **The words " elected or " in s. 10** ***13)*** **were inserted by the Rangoon Port Act (1905) Amendment Act, 1905 (Bur. Act 1 of 190o),** ***post.***

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enter into any contract, or by reason of bis being interested in any loan of money to the Commissioners:

Provided also that no Commissioner shall vacate his office by reason of his being interested in any purchase or lease of land or premises, the sale or lease of which the Commissioners may determine on at a meeting under the provisions of thi.s Act; or of his being interested in any agreement under which facilities may be granted for the landing and shipment of goods in return for stipulated income guaranteed to the Commissioners in consideration of their undertaking to constiuct or provide such facilities.

12. Every election or appointment to office made and resignation accepted under the provisions of this Chapter shall be notified in the Gazette, and shall be valid and take effect from the date of such fi$_e$d. notification. Appointments, etc., to be notified.

CHAPTER III.

Conduct of Business by the Comhissionebs.

13. (*1*) The Commissioners shall meet for the transaction of business at least once in every month. Meetings of Commissioners.

(2) At least three days' notice shall be given of every meeting of the Commissioners, and the notice shall state the nature of the business to be transacted.

14. The Chairman, or in the event of his illness or absence from Rangoon, the Vice-Chairman, may, whenever he thinks fit, and shall ^getingL upon a requisition in writing signed by not less than three Commissioners convene a meeting of the Commissioners for the transaction of any special business. Special and ordinary

Meetings so convened are special meetings; all other meetings are ordinary meetings.

15. The Chairman and Vice-Chairman shall, unless prevented by sickness or other reasonable cause, attend all meetings of the Commissioners. Chairman and Vice-Chairman to attend.

16. At all meetings of the Commissioners the business shall be conducted in accordance wiih the following provisions, namely:— Conduct of business at meetings.

(a) the Chairman, or in his' absence, the Vice-Chairman, shall be President; if both be absent, the Commissioners may elect one of their number to be President;

(b) the President may. with the consent of the meeting, adjourn the meeting from time to time;

(c) at special meetings no business shall be transacted other than the special business for the consideration of which the

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meeting was specially called; at ordinary meetings any business may be transacted of which due notice has been given;

(i?) the quorum necessary for the transaction of business shall be such number, not less than five, as the Commissioners may, from time to time by bye-law, prescribe; but no Commissioner who is prohibited as hereinafter provided from voting or taking part in any proceedings shall be counted in the quorum so far as regards such proceedings;

(e) all questions which may come before the Commissioners at any meeting shall be decided by a majority of votes. Each Commissioner shall have one vote; and, in case of equality of votes, the President shall have a second or casting vote:

Provided that no Commissioner shall at any meeting take part in the discussion of or vote on any matter in which he has, directly or indirectly by himself or his partner, any share or interest such as is described in the provisoes to section .11 or in which he is interested either professionally on behalf of a client or as agent lor any person;

(/) minutes of the proceedings of the Commissioners shall be drawn up after each meeting and shall be signed by the President and at least one other Commissioner, who was present at such meeting; a copy of all such minutes shall, as soon as conveniently may be, be transmitted to the Secretary to the Local Government;

(g) another copy of such minutes, except such portions thereof as the Chairman may in any particular case direct, shall be open to the inspection of the public.

Proceedings not vacated by reason of vacancy, defect of form, etc.

17. No proceedings of the Commissioners at any special or ordinary meeting shall be deemed invalid by reason only of any vacancy in the number of the Commissioners or defect in the election or appointment of any of the Commissioners or defect of form.

Bye-laws as to conduct of business, etc.

18. The Commissioners may, from time to time, make bye-laws consistent with this Act for regulating the time and place of their meetings, the conduct of their business, the division of the duties among themselves, the guidance of persons employed by them, and for other similar matters.

Chairman may carry out certain works.

19. The Chairman may carry out—

(«) new works provided for in an estimate sanctioned under the provisions of Chapter VIII at the time in force, the estimated cost of which shall not in any one case exceed one-thousand rupees; and

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(i>) repairs, provided for in the said estimate, subject to such rules as the Commissioners may prescribe in regard to the preparation and sanction of detailed estimates therefor.

Power of m. ion.

20. Subject to the provisions of section 21, the Commissioners in meeting may sanction the execution of any works authorised by this ^^to^sanc- Act and provided for in an estimate sanctioned under the provisions of **tion works.** Chapter YIII at the time in force.

Plan and estimate of new work to ^ approved ore com- mencement thereof.

21. *(1)* INo new work shall be commenced and no contract in respect thereof shall be entered into, if the estimated cost of such work exceeds—

(i) two thousand rupees, until the plan and estimate therefor shall have been determined on and approved by the Commissioners in meeting; or

(«) fifty thousand rupees, until the plan and estimate therefor shall have been submitted to, and approved by, the Local Government.

(2) In case the estimated cost of such new work shall exceed two lakhs of rupees, the Local Government shall not sanction the same until such plan and estimate shall have been approved by the Governor-General in Council.

Power to enter mt0 contracts.

22. The Commissioners may enter into contracts authorised by this Act with any person for the execution or supply of any works, labour, materials, machinery, stores or for other matters necessary for carrying into effect the trusts and purposes of this Act.

Any such contract of which the value does not exceed five thousand rupees may be made by the Chairman in the case of any woik or matter which he is authorised to carry out by this Act or the bye-laws thereunder or which has b^en sanctioned by the Commissioners, but other contracts shall not be entered into except in accordance with u resolution passed by the Commissioners in meeting.

Form of oontraots.

23. *(1)* Any such contract -nhereof the value does not exceed five thousand rupees, made by the Chairman for and on behalf of the Commissioners, may be made in such manner and form as, according to the law for the time being administered in Rangoon, would bind him if such contract were on his own behalf.

(2) Every contract and agreement by or on behalf of the Commissioners, the value of which shall exceed the sum of five thousand rupees—

(a) shall, if made in Rangoon Town, be in writing signed by the Chairman and by two other Commissioners, and shall be sealed with the common seal of the Commissioners; or

(b) may, if made outside Rangoon Town, be made, in such manner and form as according to the law for the timo

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being would bind him if made on his own behalf, by an agent duly appointed, either generally or specially, in that behalf by the Commissioners under a power of attorney signed by the Chairman and by two other Commissioners and sealed with the common seal of the Commissioners.

(3) No contract or agreement in value exceeding the said sum, which is not executed in accordance with the provisions of this section, shall be binding upon the Commissioners.

Power to compound.

24. The Commissioners in meeting may abandon, compound or compromise any claim or demand on such terms as to them may seem fit.

CHAPTER IV.

Officers and Servants.

Schedules of officers a nd servants.

25. *(1)* The Commissioners shall from time to time prepare and in meeting sanction schedules of the staff of officers and servants whom they deem it necessary or proper to maintain for the purposes of this Act:

Provided that artisans, porters, labourers, and sirdars of porters and labourers shall not be deemed to be officers or servants within the meaning of this Chapter.

(2) Such schedules shall also set forth the amount and nature of the salaries, fees and allowances which the Commissioners in meeting may sanction for each such officer or servant.

(3) A copy of all such schedules as last sanctioned by the Commissioners shall be appended to the annual estimate prepared under section 48, and submitted for the approval of the Local Government under section 49.

Bye-laws relating to officers and servants.

26. The Commissioners in meeting may, from time to time, make bye-laws—

(a) for regulating the grant of leave to officers and servants of the Commissioners;

(b) for authorizing the payment of allowances to any such officers and servants whilst absent on leave;

(c) for determining the remuneration to be paid to the persons appointed to act for any such officers and servants during their absence on leave;

(d) for regulating the period and other terms of service of all such officers and servants;

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(e) for determining the conditions under which any such officers and servants shall, on retirement, receive pensions, gratuities or compassionate allowances, and the amount of such pensions, gratuities and compassionate allowances,

(f) for establishing and maintaining a provident or annuity fund and in respect thereto—

(i) compelling all or any of such officers or servants (other than Government officials) to subscribe to such fund, and, if necessary, providing for the deduction of such subscriptions out of the salaries or emoluments of such officers or servants;

(tt) fixing the conditions under which payments may be made out of such fund and under which such payments shall discharge the fund from further liability ;

(iii) providing for the settlement by arbitration or otherwise of disputes relating to such fund, or the payments or subscriptions thereto or claims thereon between the Commissioners and other persons or between persons claiming any share or interest therein; and

(iv) regulating generally other matters incidental to such fund and the investment thereof ; and [1]

(g) for providing for the payment, by the Commissioners out of other funds vested in the Commissioners, of contributions to any provident or annuity fund established by or with the approval of the Commissioners :

Provided that no bye-law framed under this section shall come into force until it has been conhimed by the Local Government.

27. Subject to the provisions of such bye-laws, the power of appointing, promoting, suspending, dismissing, fining, reducing, or granting leave to the officers and servants of the Commissioners required for the appointments sanctioned for the time being in the schedules framed under section 25, shall be exercised — **Appointment, etc., of officers and servants.**

(i) by the Chairman in the case of officers and servants whose monthly salary shall not exceed two hundred rupees, and

(it) in every other case, by the Commissioners iu meeting.

28. Subject to the provisions of section 52, the Chairman may appoint any temporary establishment of officers and servants that may be necessary for any period not exceeding three months at a time. **Temporary establishment,**

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CHAPTER Y.

Pk.opek.ty of the Commissioners.

Power to acquire and dispose of property.

29. The Commissioners may, for the purposes of this Act, acquire and hold moveable or immoveable property within or without the limits of the Port;

and may, in meeting, lease, mortgage, sell or exchange any moveable or immoveable property vested in or held by the Commissioners :

Provided that no sale of immoveable property and no lease or alienation thereof for a term exceeding ten years shall be valid unless such sale, lease or alienation shall have been made with the previous sanction of the Local Government.

Property vested in Commissioners.

30. The property specified in the Second Schedule shall be vested in the Commissioners and shall be held by them subject to the provisions of sections 29, 31 and 33.

Restrictions respecting Government land vested in Commit- ■ eioners.

31. (*1*) In the case of any property specified in Part I of the Second Schedule or which may, after the commencement of this Act, be transferred Irom His Majesty to the Commissioners otherwise than in exchange for its market-value, no buildings or other permanent structures shall be erected thereon except with the general or special sanction of the Local Government and no works for the reclamation or protection thereof shall be undertaken without the like sanction.

(2) If any portion of the property referred to in sub-section (*1*) is required by Government for a public purpose, the same may be resumed by Government without claim to compensation on the part of the Commissioners, except—

(a) for the amount of any consideration or other payment made in respect of the transfer to the Commissioners;

(h) for the cost of the reclamation and other works for the protection thereof effected by the Commissioners for the Port of Rangoon appointed under the [1] Rangoon Port Commis- XV of 1879. sioners Act, 1879, or effected with the previous sanction of the Local Government by the Commissioners; and

(c) for buildings or other permanent structures erected thereon with the sanction of the Local Government subsequently to the date on which such land became vested in or was transferred to the Commissioners for the Port of Rangoon appointed under the [1] Rangoon Port Commissioners Act, s7ofl879i 1879, or may, after the commencement of this Act, have been transferred from His Majesty to the Commissioners, as the case may be:

[1] Repealed by this Act.

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Provided that the compensation to be awarded under clause (*b*) shall not in any casé exceed the market-value of the land resumed at the time of such resumption, and the compensation to be awarded in respect of any building or permanent stiucture under clause *(c)* shall be either +he original cost of such building or permanent structure or the market-value of the same at the date of resumption, whichever is the less.

(3) If any question arises between the Commissioners and the Government as to the boundaries of any portion of the land referred to in sub-section *(1),* the Local Government may define and demarcate such boundaries, and the decision of the Local Government in respect thereto shall be final.

32. When any land is required for the purposes of this Act, the Local Government may, on the request of the Commissioners, proceed to acquire it under the provisions of the [1] Land Acquisition Act, 1894 ; and on payment by the Commissioners of the compensation awarded under that Act, the land shall vest in the Commissioners.

I of 1894.

38. All proparty vested in, or acquired or held by, and all moneys paid or payable to, the Commissioners, shall be held and applied by them in trust for the purposes of this Act.

Property to trust.

CHAPTER VI.

Borbowing Powers.

34. The Commissioners may, with the previous sanction of the Local Government and of the Governor General in Council and after due notification in the Gazette, raise money required for carrying out the purposes of this Act.

Power to

35. (*1*) All loans raised under this Act shall be raised on the security of—

Mode of raising

(a) the property now vested, or T?hich may hereafter become vested, in the Commissioners; and

(b) the tolls, dues, rates, rents and charges leviable under this Act, less any sums set apart by the Commissioners as a sinking fund for the purpose of paying off loans.

(2) Loans may be floated m ttie open market, or obtained from the Secretary of State for India in Council, but the terms of every loan shall be subject to the approval of the Governor General in Council.

> Genl Acts, Vol. IV.

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Forms and transferability of debentures.

36.[1] *(1)* All debentures issued under this Act shall be in such' form, as the Commissioners, with the previous consent of the Governor General in Council, shall from time to time determine.-

[1]*(2)* The holder of any debenture in any form duly authorized under this section may obtain in exchange therefor, upon such terms as the Commissioners shall from time to time determine, a debenture in any other form so authorized.

*(5) Every debenture issued by the Commissioners shall be transferable in such manner as shall be therein expressed.

Right to sue on debentures.

(4) The right to sue in respect of moneys secured by such debentures shall be exercisable by the holders thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

Like remedies in respect of loans from Government.

(5) The Secretary of State for India in Council shall have, in respect of all loans made by him to the Commissioners, the same remedies as debenture holders; but he shall not be deemed to possess any prior or greater rights in respect of such loans than debenture holders.

Signature of coupons attached to debentures.

[2] 36A. All coupons attached to debentures issued under the authority of this Act shall bear the signature of the Chairman, and such signature may be engraved, lithographed or impressed by any mechanical process.

Loan; to be a first charge on property and income of Commmissioners.

37. All loans repayable by the Commissioners, whether contracted prior to or after the commencement of this Act, shall be a first charge on the income of the Commissioners and on the property now vested, or which hereafter may become vested, in the Commissioners.

Loan.' to be raised in India and in Indian currency.

38. All loans contracted by the Commissioners shall be raised in India, and in Indian currency, unless the Local Government, with the previous sanction of the Governor General in Council, shall by notification otherwise direct.

Establishment of Sinking Fund.

39. *(1)* In respect of every loan raised by the Commissioners after the passing of this Act, for a term exceeding one year (except a loan taken from the Secretary of State for India in Council), the Commissioners shall provide a sinking fund. Payments shall be made half-yearly to such sinking fund, and such payments shall be of such amount as will be sufficient to liquidate the loan within a period which sball

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[1] **These sub-sections were substituted for sub-section *(1)* of s. 36 and sub-sections *(2)* and *(3)* renumbered *(1f)* and *(5)*, respectively, by s. 2 of the Rangoon Port (Amendment) Act, 1908 (Bur. Act 4 of 1908), *post.***

Sub-section *(1)* was as follows :—

" All debentures issued under this Act shall be in the form prescribed in the Third Schedule, or in such other form as may, from time to time, be approved by the Commissioners in meeting and the Local Government; and shall be transferable by endorsement."

[2] **S. 36A was inserted by s. 3 of the Rangoon Port (Amendment) Act, 1908 Bur. Act. 4 of 1908), *post.***

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not exceed thirty years or, with the previous sanction of the Governor General in Council, sixty years.

(2) The Commissioners may apply the whole or any part of the sums accumulated in the sinking fund in or towards the discharge of the moneys for the repayment of which the fund has been established, provided that they pay into the fund in each year, and accumulate until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been produced by the sinking fund, or the part of the sinking fund so applied. Application and investment of sinking fund.

The sums so set apart as a sinking fund shall be invested in securities of the Government of India or in the Commissioners' debentures, or in such other securities as the Local Government may approve in this behalf, and shall be held in trust for the purposes of this Act by two trustees, one being the Commissioners and the other a person appointed by the Local Government.

40. The sinking fund established for the liquidation of any loan shall be subject to annual examination by the Accountant-General, Burma, who shall ascertain whether the cash and the current value of the securities at the credit of the fund are actually equal to the amount which would have been accumulated, had investments been regularly made, and had the rate of interest as originally estimated been obtained thereon. Annual examination of sinking fund.

The Commissioners shall pay forthwith into the sinking fund any amount which the Accountant-General may certify to be deficient, unless the Governor General in Council specially sanctions a gradual re-adjustment.

41. The Commissioners may apply any sums, which can be so applied without prejudicing the security of the other debenture holders of the Commissioners, in repaying to the Secretary of State for India in Council any sum which may remain due to him in respect of the principal of any loan, although the time fixed for the repayment of the same may not have arrived : Powers to repay loans from Government before due date.

Provided that no such repayment shall be made of any sum less than ten thousand rupees; and that if such repayment is made, the amount of interest in each succeeding instalment shall be adjusted so as to represent exactly the interest due on the outstanding principal.

42. Nothing contained in this Act shall prevent the Commissioners from raising, with the sanction of the Governor General in Council, loans under [1] Act III of 1904. Saving of power to borrow under Act III of 1904.

[1] **Local Authorities Tjoan Act, 1904,** *ante,* **p 181.**

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CHAPTER VII.

Disposal of Funds.

Moneys to be kept in b>mk.

43. *(1)* Except as provided in section 44, all moneys raised by and paid to the Commissioners under this Act shall be kept in the Bank of Bengal in Ranguon:

Provided that any surplus moneys not immediately required for the purposes of this Act, but which may be so required after such a short period as would, in the opinion of the Commissioners, prevent an advantageous investment thereof under the provisions of section *44* may, from time to time, be deposited by the Commissioners on interest in any bank or banks in Rangoon selected for that purpose by the Commissioners.

(2) No portion of any funds kept or deposited in any bank under sub-section (*1*) shall be withdrawn from such bank except under the signature of the Chairman or Vice-Chairman.

Investment of balances and special funds.

44. The Commissioners may invest—

(ž) any balance remaining on the 31st March of each year to the credit of any account kept by them, after meeting all the charges properly debitable to such account; and

(ii) any moneys set aside for any special purpose or for the maintenance of any approved fund considered desirable by them,

in securities, of the Government of India or in such other securities as the Local Government may approve in this behalf;

and may, from time to time, sell the said securities, and invest the proceeds in other such securities, or credit the same to the account to which the moneys invested belonged for expenditure on any of the purposes to which moneys credited to such account may lawfully be applied :

Provided that the amount so invested by the Commissioners in respect of any account shall not exceed such amount, annually or in the aggregate, as may be prescribed by the Local Government.

Application of moneys.

45. The moneys belonging to the Commissioners shall be applied by them in payment of the following charges and, in the case of a deficiency of assets, such charges shall rank as against the funds of the Commissioners and be paid in the following order, namely: —

(2) the interest and instalments of capital due in respect of any loan that may have been raised by the Commissioners or for the repayment of which the Commissioners "day be liable;

(2) the salaries, fees, allowances, pensions, gratuities, compassionate allowances or other moneys due to the Chairman and to the Commissioners, and to the officers and serv ants appointed or maintained under this Act or lent to the C[n]m-

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missinners, and the contributions, if any, payable to the Local Government on account of the pension and leava allowance of any officer lent to the Commissioners by the Local Government, and the contributions, if any, duly authorized to be made to any provident or annuity fund by bye-laws made under the provisions of section 26, clause *(g)* ;

(3) any charges for which the Commissioners may be liable under section 61 or section 62 ;

(4) such sum as the Local Government may, from time to time, require under section 47 for the establishment and maintenance of police for the protection of the Port and the approaches thereto;

(5) if the Commissioners are appointed by a notification of the Local Government to exercise the powers and perform the duties specified in section 36, sub-section *(1),* of the [1]Indian Purts Act, 1889, any other payment or expenditure mentioned in sub-section (J) of that section which the Local Government may direct the Commissioners to make or incur ;

X of 1889.

(£) sums payable to the Municipal Committee of Rangoon under section 46 ;

(7) the cost of repairs and maintenance of the property vested in the Commissioners, and all charges upon the same and all working expenses ;

(8) the cost of the construction and carrying out of any of the works specified in section 64 ; and

(9) any other charg,[1], which may be specially sanctioned by the Local Government or for which the Commissioners may be legally liable.

Compensation to Municipal Committee.

46. The Commissioners shall pay to the Municipal Committee of Rangoon the annual sum of ten thousand rupees as and by way of compensation for loss of income from sources of revenue now vested in the Commissioners which were, prior to the commencement of the [2]Rangoon Port Commissioners Act, 1879, vested in the Municipal Committee of Rangoon.

IV of 1879.

Cost of Port Police.

4:1. The Commissioners shall provide such sums as the Local Government may from time to time require for the establishment and maintenance of police, to be called " Port Police," for the protection of the Port and the approaches to the Port.

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[1] *See* now the Indian Ports Act, 1908 (15 of 1908), Genl. Acts, Vol. VI.

[4] Repealed by this Act.

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CHAPTER VIII.

Annual Estimates and Accounts.

Annual estimate to be prepared, circulated and considered by Commissioners.

48. *(1)* The Chairman shall, at a special meeting to he held in the month of February in each year, lay before the Commissioners an estimate of the income and of the expenditure of the Commissioners for the year commencing on the first day of April then next ensiling, in such detail and form as the Commissioners may, from time to time, direct, subject to the approval of the Local Government.

To such estimate there shall be added—

firstly, an appendix containing particulars of all new works covered by the estimate and of the estimated cost of the same; and

secondly, the schedule of the officers and servants, sanctioned under the provisions of section 25.

(2) Such estimate shall be completed and printed, and a copy thereof sent by post or otherwise to each Commissioner at least ten clear days prior to the meeting before which the estimate is to be laid.

(3) The Commissioners shall consider the estimate so submitted to' them, and shall pass the same unaltered or subject to such alterations as they may think fit.

Submission of estimate to, and alteration thereof at request of, Local Government. Publication of estimate.

49. (*1)* A copy of the estimate as passed by the Commissioners shall be open to the inspection of the public at the office of the Commissioners-(luring office-hours on payment of one rupee for each inspection, and another copy thereof shall be submitted for approval to the Local Government which may, if it thinks fit, approve or disallow such estimate or any portion thereof, and return the same for amendment at any time within two months of the receipt thereof.

(2) The Commissioners shall, if the estimate is so returned by the Local Government, forthwith proceed to amend the same and shall re-submit the estimate so amended for approval to the Local Government.

(•3) A copy of such estimate as finally approved by the Local Government shall also be open to the inspection of the public at the office of the Comnjissioners during office-hours on payment of one rupee for each inspection.

Supplementary estimates.

50. *(1)* The Commissioners may at any time during the year, for which any such estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to them.

(2) Every such supplementary estimate passed by the Commissioners shall be submitted for approval to the Local Government in the same manner, and the provisions of section 49 shall apply to it, as if it were an original estimate.

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51. Subject to any directions which the Local Government may give in this behalf, any sum of money, or part thereof, of which the expenditure has been authorised in an estimate sanctioned under the foregoing provisions and which has not been so spent, may, at any time, be re-appropriated by the Commissioners to meet any excess in any other expenditure authorised in the said estimate: Re-appropriation of unexpended sum in estimate.

Provided that the total amount of expenditure sanctioned by such estimate as passed by the Commissioners and approved by the Local Government shall not be exceeded without the sanction of the Local Government.

52. Save in cases of pressing emergency, no sum shall be expended by or on behalf of the Commissioners, unless such expenditure is provided for in an estimate sanctioned under this Chapter and in time in force, or by a re-appropriation amending such estimate passed by a resolution of the Commissioners under section 51. Prohibition of expenditure not provided for in estimate.

53. If any sum exceeding a total in the year of five thousand rupees shall be so expended in cases of pressing emergency, the circumstances shall be so expended in cases of pressing emergency, the circumstances with an explanation of the way in which it is proposed by the Commissioners to cover such expenditure. Report of expenditure incurred in cases of emergency exceeding certain limits.

54. JSTo expenditure shall be charged by the Commissioners to capital except with the express sanction of the Local Government. Capital expenditure.

55. The accounts of the Commissioners shall be examined and audited in such manner as the Local Government may direct. Audit of accounts.

56. *(1)* The Commissioners shall annually, or oftener if directed by the Local Government so to do, submit statements of their receipts and disbursements in such form and at such time as the Local Government may direct. Submission of accounts to Local Government.

(2) A copy of all such statements shall be open to the inspection of the public at the office of the Commissioners during office-hours on payment of one rupee for each inspection.

CHAPTER IX.

Control of Government.

57. All acts and proceedings of the Commissioners shall be subject to the approval of the Local Government. Commissioners' acts subject to approval.

58. The Commissioners shall annually, or oftener if directed by the Local Government so to do, submit, in such form and at such time as Annual, etc., reports to be submitted to

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the local Government.

the Local Government may direct, reports of all works executed and proceedings taken by them under this Act.

-159 Commissioners to provide for fulfilment of liabilities.

59. It shall be incumbent upon the Commissioners to make ample provision year by year, either by retrenchment of expenditure or by increase of rates, for the due fulfilment of all their liabilities and for the efficient administration of this Act;

and, in the event of any deficiency being at any time anticipated in the income of the Commissioners, they shall forthwith take such measures as may seem most expedient for preventing such deficiency.

Local Government may require Commissioners to impose or increase rates, etc., and in case of non-compliance, may impose or increase the came.

60. (*1*) If at any time it appears to the Local Government that sufficient provision is not being made by the Commissioners to meet their liabilities, the Local Government may require the Commissioners, by an order in writing signed by a Secretary to Government, to make such provision in either or both of the following ways, namely: —

(a) to increase, subject to the sanction of the Local Government, to such extent and for such period as may appear necessary, the rates or any of the rates for the time being in force under section 81, or

(&) to exercise, subject to the like sanction, all or any of the powers conferred by section 82 with reference to all or any goods referred to in that section.

(2) If within fifteen days after receipt of an order under sub-section (*1*), clause ***(a),*** the Commissioners do not comply with the same, ihe Local Government may, by notification, increase the said rates or any of them, and such notification shall have the same force as if a new scale of rates to the same effect had been duly framed, sanctioned and published under section 81.

(3) If the Commissioners do not forthwith comply with an order under sub-section (i), clause (*b*), the Local Government may, by notification, impose or increase any river-due on all or any goods referred to in section 82, and such notification shall have the same force as if a river-due to the same extent had been duly imposed, sanctioned and published under section 82.

Local Government may order survey.

61. The Local Government may at any time order a survey and examination of any works of the Commissioners under this Act, or the site **thereof,** and the cost of such survey or examination shall be borne and paid by the Commissioners.

Local Govcmment may carry out neglected works.

62. If the Commissioners allow any work acquired or constructed by them under this Act to fall into disrepair, or do not complete any work commenced by them or duly estimated for and sanctioned,

and do not, after notice given by the Local Government in writing, proceed effectually to repair or complete such work,

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the Local Government may cause such work to be restored, completed or constructed, and the cost thereof shall be borne and paid by the Commissioners.

63. ***(1)*** If at any time the Governor General in Council is satisfied that the puiposes intended to be accomplished under this Act have not been and are not likely to be properly accomplished by the Commissioners, the Governor General in Council may, by notification in the ***Gazette of India,*** to be re-published in the Gazette, give notice that, unless within sis months the Commissioners take measures to the satisfaction of the Governor General in Council for properly accomplishing such purposes, the powers by this Act conferred on the Commissioners will, at the end of such period, be withdrawn and revoked.

Governor General in Council may revoke powers of Commissioners.

(2) On the expiration of the period aforesaid, the Governor General in Council may, if no such measures to his satisfaction have been taken by the Commissioners, declare such powers to be withdrawn or revoked, and may direct the Local Government to assume such powers;

and thereupon such powers shall be withdrawn and revoked accordingly, and all the powers, rights and authorities and all the property vested in or held by the Commissioners for the purposes of this Act shall thereupon vest in the Local Government.

CHAPTER X.

General Powehs of the Commissioners.

Construction of Works, etc.

64. The Commissioners may construct and carry out the following works:—

Works to be constructed, etc.

(a) docks,' wharves, quays, stages, jetties and piers, with all necessary and convenient drains, arches, landing-places, stairs, fences and approaches;

(b) tramways, warehouses, sheds, engines and other appliances for conveying, receiving and storing goods and merchandise landed or to be shipped;

(c) laying down moorings and the erection of cranes, scales and all other necessary appliances for loading and unloading vessels;

(d) reclaiming, enclosing and raising any part of the bank or bed of the river within the limits of the Port;

(e) the construction and employment of dredgers and other machines for cleaning, deepening and improving the bed of the river within the limits of the Port;

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(/) procuring and employing steam-vessels for towing vessels into, out of, in or upon, the river or the Port;

(g) such works without the limits of the Port as shall be necessary for the protection of works executed under this Act; and

(h) all such other works and appliances as may, in the opinion of the Commissioners, be necessary for carrying out the objects of this Act.

Port Bye-Laws.

Power to make Port bye-laws.

65. ***(1)*** The Commissioners may, from time to time, make bye-laws [1] consistent with this Act and with the [2] Indian Ports Act, 1889, for any X of 1889. uf the following purposes, (that is to say): —

(a) for regulating, declaring and defining the docks, wharves, quays, stages, jetties and piers on and from which goods shall be landed from and shipped in vessels within the Port;

(b) for the safe and convenient use of such docks, wharves, quays, stages, jetties and piers, and of landing-places, tramways, warehouses, sheds and other works in and adjoining the same;

(c) for regulating the reception and removal of goods within and from the premises of the Commissioners, and the procedure to be followed in taking charge of goods which may have been damaged before landing or may be alleged to be sb damaged;

(d) for regulating the mode of payment of tolls, charges, dues and rates levied under this Act;

(e) for providing water for ships and for licensing and regulating water-boats within the Port;

(f) for the removal of wrecks from the Port or the river, end keeping clean the Port, the river, the bank of the river and the works of the Commissioners, and for preventing filth or rubbish being thrown therein or thereon; and

(g) for otherwise carrying out the purposes of this Act.

Power to attach penalty to breach of bye-laws.

(2) The Commissioners may by such bye-laws attach to the infringement of any bye-law made under this section a punishment not exceeding a fine, which may extend to one hundred rupees, and, if the infringement be continuing, a further fine, which may extend to one

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[1] **For such bye-laws,** *see* **Burma Gazette, 1907, Pt. I, p. 256.**

[2] **See now the Indian Ports Act, 1908 (15 of 1908), Genl. Acts, Vol. VI.**

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hundred rupees for every day after notice of such infringement haa been given by the Commissioners.

Procedure for ki

(3) Before making any bye-law under this section, the Commissioners shall publish a draft of the proposed bye-law, together with a notice byeXws*[18] specifying a date on or after which the draft will be taken into consideration; and shall receive and consider any objection or suggestion -which may be made by any person with respect to the draft before the ■date so specified.

(4) No bye-law made under this section shall come into force until it has been confirmed by the Local Government. Every such bye-law shall, when so confirmed, be published in the Gazette, and shall thereupon have the same effect as if enacted by this Act. >

Public Landing-places, etc.

Free public landing-places.

66. The Commissioners shall make a sufficient number of landing- places within the Port from and upon which the public shall be permitted to embark and land free of charge.

Removal of bathing and landing-places.

67. The Commissioners may occupy or remove, or alter, or prohibit the public from resorting to or using any bathing-place or landing-_place within the Port:

Provided that the Commissioners shall provide for the use of the public such other bathing-places or landing-places (if any) as the Local Government may direct.

Use 'of Wharves, and Landing and Shipping of Goods.

Appliances for hir» 'i

68. For the expeditious and convenient shipment and landing of guuds in and from sea-going-vessels within the Port, and for the storing etc.[S]£or^e^.' of such goods, the Commissioners shall provide and maintain sufficient **going-** docks, wharves, quays, stages, jetties, piers, warehouses and sheds, and [vessela-] sufficient servants and appliances;

and shall by their servants land and ship all goods from aud in any such vessel coming to any such 'dock, wharf, quay, stage, jetty or pier, except where there is a lawful excuse for refusing to land or ship ;such goods, or such vessel is under any enactment for the time being in force not entitled to have her cargo shipped or discharged :

Provided that—

(a) the Commissioners shall not be bound to land, ship or move any single article or package exceeding twenty-five tons of twenty hundred-weight in weight, except at such special charge as may be agreed on in respect of such article or package;

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(b) the Commissioners may, hy special agreement with the masters of vessels or the owners of goods, permit goods to be landed and shipped by others than the servants of the Commissioners.

Declara tion that wharves, etc., are ready.

69. ***(1)*** When any dock, wharf, qnay, stage, jetty or pier has been made and completed, with sufficient warehouses, sheds and appliances for landing and shipping or for landing or for shipping goods from and in sea-going-vessels with reasonable rapidity,

the Commissioners may, after a previous publication in the manner provided in section 72 and with the previous sanction of the Local Government, declare by notification that such dock, wharf, quay, stage, jetty or pier is ready for receiving, landing and shipping, or for landing or for shipping, as the case may be, goods from and in sea-going-vessels.

Power to compel sea-going-vessel to use wharves, etc.

(2) From and after such notification the Commissioners may, from time to time, when there is room in or at such dock, wharf, quay, stage, jetty or pier, order to enter or come alongside of such dock, wharf, quay, stage, jetty or pier for the purpose of landing and shipping goods, or for landing or for shipping the same as the case may be, any sea-going-vessel within the Port which has not commenced to discharge cargo, or which, being about to take in cargo, has not commenced to take in cargo.

If accommodation sufficient, all sea-going-vessels compelled to use wharves, etc.

70. When a sufficient number of docks, wharves, quays, stages, jetties, piers, warehouses, sheds and appliances have been provided as aforesaid, the Commissioners may, after a previous publication in the manner provided in section 72 and with the previous sanction of the Local Government, direct by notification that no goods shall be landed or shipped from or in any sea-going-vessels within the Port, save at such docks, wharves, quays, stages, jetties and piers.

Inland vessels compelled to use. wharves, etc.

71. ***(1)*** When any dock, wharf, quay, stage, jetty or pier for receiving, landing or shipping goods from or in vessels, not being sea-going-vessels, has been made and completed by the Commissioner", with sufficient warehouses, sheds and appliances in that behalf,

the Commissioners may, after a previous publication in the manner provided in section 72 and with the previous sanction of the Local Government, declare by notification,—

(a) that such dock, wharf, quay, stage, jetty or pier is ready for receiving, landing and shipping goods from or in vessels, not being sea-going-vessels, and

(b) that, within certain prescribed limits within the Port to be specified in such notification, it shall not be lawful—

(i) to land or ship any goods from or in any vessel not being a sea-going-vessel of any class specified in

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such order, except at such dock, -wharf, quay, stage, jetty or pier; or

(ii) for any such vessel, while within such limits, to anchor, fasten or lie within fifty yards of low-water-mark without the consent of the Commissioners.

(2) If after the notification under sub-section (2), any such vessel, while within such limits, so anchors, fastens or lies, the Commissioners may cause the same to be removed out of the said limits.

72. Before issuing any notification under section 69, 70 or 71, the Commissioners shall publish a draft of the proposed notification, together w ith a notice specifying a date on or after which the draft will be notification taken into consideration; and shall receive and consider any objection o^71™ or suggestion which may be made by any person with respect to the ' draft before the date so specified. **Previous** publication of intended under s. ti 69 70

73. The Commissioners may, by notice in writing, order the master or owner of any vessel to remove such vessel from any dock, wharf, !^7vessebs" quay, stage, jetty or pier belonging to the Commissioners; **Power to** remov . fromwharv- es' et°'

and, unless such vessel is removed therefrom within twelve hours after service of such notice on the master or owner thereof, the Commissioners may charge in respect of such vessel such sum as they think fit not exceeding five hundred rupees for each day of twenty-four hours or portion of such day after the expiry of such twelve hours, during which such vessel remains in or at such dock, wharf, quay, stage, jetty or pier.

74. Notwithstanding anything contained in section 69, 70 or 71, the Local Government may, by notification, permit certain specified vessels or classes of vessels to discharge or ship cargo or certain specified cargo or classes of cargo, at such part of the Port, in such manner, during such period, subject to such payments and on such conditions, as the Local Government may think fit, and otherwise giant exemption from the provisions of such sections **Power to** exempt from obli tion to use wharves>etc.

75. (?) "Whenever any goods are landed by the Commissioners from any vessel, the Commissioners shall, if so required, give to the master of such vessel a receipt in the form or to the effect set forth in <he Fourth Schedule, and may in any such receipt include all goods landed from such vessel during one day. **Discharge** of liabil y on goodfianded.

(2) No master or owner of a vessel, from which the goods in respect of which a receipt is given under sub-section ***(1)*** may have been landed^ shall be liable for any loss or damage to such goods, which may occur after they have been so landed.

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Acoomm'.dation for Cuftomo officers on whai ves, etc.

76. When the Local Government appoints, under the provisions of any Act for the regulation of duties of Customs, any dock, wharf, quay, stage, jetty, pier, ■warehouse or shed, provided under this Act for the use of sea-going-vessels to he a dock or wharf for the landing or shipping or a warehouse for the storing of goods within the meaning of such Act,

the Commissioners shall set apart, maintain and secure on or in such dock, wharf, quay, stage, jetty, pier, warehouse or shed such portion thereof or place therein, or adjoining thereto, for the use of the officers of Customs as the Local Government approves of or appoints in that behalf.

Dues at Customs wharves, etc.

77. Notwithstanding that any dock, wharf, quay, stage, jetty, pier, ■warehouse or shed, or portion thereof, has, under the provisions of the last section, been set apart for the use of the officers of Customs, all dues, rates, tolls, charges and rents payable under this Act in respect thereof, or for the use thereof, or for the storage of goods therein, shall be paid and be payable to the Commissioners or to such persons as they may appoint to receive the same.

Private, etc., Wharves, etc.

Private wharves, etcjj prohibited.

78. (*1*) Save as hereinafter provided, no person except the Commissioners, shall, after the commencement of this Act, make, erect or fix below high-water-mark within the Port any dock, wharf, quay, stage jetty, pier, erection or mooring.

(2) Any matter or thing made, erected or fixed in contravention of the provisions of sub-section (1) of this section or of section 29 of the [1] Rangoon Port Commissioners Act, 1879, may be removed by the Commissioners, and the person by whom the same is or has been so made, erected or fixed, shall be liable to pay all expenses which may be incurred by the Commissioners in such removal. XV of 1879.

Power to permit erection of private wharves, etc., within the Port, subject to oonditions.

79. The Local Government may, by an order in writing, permit, with or without conditions, any person to make, erect, or fix below high-water-mark within the Port any dock, wharf, quay, stage, jetty, pier, erection or mooring, and may, at any time by like order, revoke, any such permission, and direct the removal of such dock, wharf, quay, stage, jetty, pier, erection or mooring.

Wharves, etc., beyond Port limits.

80. Any dock, wharf, quay, stage, jetty, pier, erection or mooring originally made, erected or fixed below high-water-mark without the limits for the time being of the Port, and thereafter included within the said limits, may be removed, filled up or destroyed by the Commissioners without payment of any compensation,

[1] Repealed by this Act.

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unless such dock, wharf, quay, stage, jetty, pier, erection or mooring was made, erected or fixed prior to the first day of January, 1880, or with the consent in writing of the Local Government.

Tolls, Charges, etc., and Liens and other Remedies.

81. *(1)* The Commissioners shall frame—

Scale of toll and charges

(a) a scale of tolls, dues, rates and charges for the landing and shipment of goods from and in sea-going-vessels and vessels not being sea-going-vessels, respectively, at the docks, wharves, quays, stages, jetties and piers, and for the use of such docks, wharves, quays, stages, jetties and piers by such vessels, and for the storing and keeping of any goods stored in any premises belonging to the Commissioners, and for the removal of goods, and for the use of any mooring;

(b) a scale of tolls for the use of the said docks, wharves, quays, moorings, stages, jetties and piers by any such vessels, in case the Commissioners permit the goods to be landed or shipped by others than their own servants; and

(c) a [1] scale of charges for any services to be performed by the Commissioners or their servants in respect of any vessels or goods, or for the use of any docks, works or appliances to be provided by the Commissioners.

(2) Such scales shall be submitted to the Local Government, and after approval or modification by the Local Government, shall be published by the Commissioners in the Gazette, and shall forthwith come into operation and remain in operation until altered or revoked by the Commissioners in meeting with the sanction of the Local Government, and such tolls, dues, rates and charges shall be forthwith leviable by, and due to, the Commissioners.

(3) Every such scale shall be printed in the English and Burmese languages and characters, and shall be hung up and kept hung up in some conspicuous place at the several docks, wharves, quays, stages, jetties, piers, warehouses and sheds.

Power to impose river-due and to fix rate thereof.

82. (*1*) The Commissioners may, with the previous sanction of the Local Government, by notification, impose a river-due on all goods landed from or shipped into any sea-going-vessel lying or being within the limits of the Port, whether such goods shall or shall not be so landed or shipped at any dock, wharf, quay, stage, jetty or pier belonging to the Commissioners.

[1] For scale of charges for the use of trucks for the conveyance of goods, see Burma Gazette, 1908, Pt. IV, p. 765.

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(2) The rate of the said due shall not exceed four annas nor be less than one anna for each ton of goods.

(J) Subject to the limits enacted by the foregoing sub-section, the Commissioners may, with the previous sanction of the Local Government, at any time or from time to time, by notification, raise or reduce the rate to be imposed, whether generally or on any particular goods or class of goods.

(4) At least three month's before issuing any notification under this section, Ihe Commissioners shall publish in the Gazette a draft of the proposed notification, together with a notice specifying a date on or after which the draft will be taken into consideration, and the Commissioners shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(5) The notification as finally sanctioned shall, when published by the Commissioners in the Gazette, forthwith come into operation and remain in operation until altered or revoked by the Commissioners in meeting with the sanction of the Local Government, and a river-due at such rate or rates shall be forthwith leviable by, and due to, the Commissioners;

and a copy of such notification, in the English and Burmese languages and characters, shall be hung up and kept hung up in some conspicuous place at the several docks, wharves, quays, stages, jetties, piers, warehouses and sheds.

Commissioners' lien for tolls ami charges.

83. ***(1)*** For the amount of all tolls, dues, rates and charges levied under this Act in respect of any goods, the Commissioners shall have a lien on such goods, and shall be entitled to seize and detain the same until such tolls, dues, rates and charges are fully paid.

(2) Tolls, dues, rates and charges in respect of goods to be landed shall become payable immediately on the landing of the goods, and, in respect of goods to be removed from the premises of the Commissioners or to be shipped for export, shall be payable before the goods are removed or shipped.

(3) The lien provided for in sub-section (***1***) for such tolls, dues, rates and charges shall have priority over all other liens and claims except—

(i) a lien for freight, primage or general average, where such lien has been preserved in the manner hereinafter provided, and

(ii) a lien for money payable to His Majesty or the Secretary of State for India in Council under any law for the time being in force.

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84. (*1*) If the master or owner of any vessel, at or before the time of landing from such vessel of any goods at any dock, wharf, quay, stage, jetty or pier, gives to the Commissioners notice in writing that such goods are to remain subject to a lien for freight, primage or general average of an amount to be mentioned in such notice, such goods shall continue liable after the landing thereof to such lien. **Detention of goods on account of owners' lien** for frelgllt'

(*2*) Such goods shall be retained either in the warehouses and sheds of the Commissioners, or, -with the consent of the Chief Officer of Customs, in the public warehouses, at the risk and expense of the owners of the said goods, until the lien is discharged as hereinafter mentioned.

85. Upon the production to any officer appointed by the Commissioners in that behalf of a document purporting to be a receipt for, or release from, the amount of such lien, executed by the person by or on whose behalf such notice has been given, the Commissioners may permit such goods to be removed without regard to such lien: **Discharge of shipowner's lien for freight,**

Provided they shall have used reasonable care in respect to the authenticity of such document.

86. (*1*) Whenever goods have, without any default on the part of the Commissioners, been left for any period beyond that fixed by bye-laws made under section 65 on or in any wharf or shed belonging to the Commissioners, the Commissioners may cause such goods to be removed either to any warehouse belonging to them, or, with the consent of the Chief Officer of Customs, to the public warehouses, **Power to remove goods to** warehouses,

and the removal to and detention in any such warehouse shall be at the risk and expense of the owners of the said goods.

(*2*) Whenever any goods are so removed, the Commissioners shall give notice to the consignee or owner of such goods of such removal, etc™**1, if his address be known, by letter sent by post to such address or left thereat; **Notice of** rep

and shall also publish in the Gazette and in two local newspapers notice of such removal, and shall specify therein the numbers, marks and descriptions of such goods so far as the same appear.

(*3*) The consignee or owner of such goods, in addition to the expenses of the removal of the samft, shall be liable,— **ihargea for warehousing «uih goods,**

(i) in case the goods are removed to any warehouse of the Commissioners, to a charge for warehousing for the time during which the goods shall remain in the said warehouse; or

{ff) in case the goods are removed to the public warehouses, to the charges for warehousing goods in such public warehouses.

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Continuance of liens, etc.

(4) If such goods are removed to the public warehouses, the said goods shall remain subject to all liens, to which' they would have been liable if they had remained in the possession of the Commissionem, and shall be subject to the power of sale hereinafter given.

Recovery of tolls and charges by eale of goods.

87. *(J.)* If the tolls, dues, rates and chaiges payable to the Commissioners in respect of any goods under this Act are not paid,

or if the lien for freight, primage or general average, where such notice as aforesaid has been given, is not discharged,

the Commissioners may, and in the latter event, if required by or cn behalf of the person claiming such lien for freight, primage or general average, shall, at the expiration of four months from the time when the goods were placed in their custody, or, if the goods are of a perishable nature, at such earlier period, being not less than twenty-four hours after the landing of the goods as they shall think fit,

sell by public auction the said goods, or so much thereof as may be necessary to satisfy the amounts to be paid out of the proceeds of such sale under the provisions of section 88, sub-section (2).

Public notice of sale.

(2) Before making such sale, ten days' notice of the same shall be given by publication thereof in the Gazette and in two local newspapers,

unless the goods are of so perishable a nature as, in the opinion of the officer appointed by the Commissioners in that behalf, to render an early or immediate sale necessary or advisable, in which event such notice, if any, shall be given to the owner of the goods as the urgency of the case admits of.

Notice to owner of goods.

(3) Subject to the provisions of the exception to sub-section (2), if the address of the owner of the goods has been stated on the manifest of the cargo or in any of the documents which have come into the hands of the Commissioners, or is otherwise known to the Commissioners, notice shall also be given to the owner of the goods by letter delivered at such address or sent by post;

but the title of a ***bona fide*** purchaser of such goods shall not be invalidated by reason of the omission to send such notice, nor shall any such purchaser be. bound to enquire whether such notice has been sent.

Application of proceeds of sOe.

88. (*1*) The proceeds of every such sals shall be applied as follows : —

(a) in payment, of the expenses of the sale;

(6) in payment, according to their respective priorities, of the liens and claims excepted in section 83, sub-section ***(3),*** from the priority of the lien of the Commissioners;

(c) in payment of the tolls, dues, rates and charges of landing, removing, storing or warehousing the same, and of all other chaiges due to the Commissioners in respect thereof,

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(2) The surplus, if any, shall be paid to the importer, owner or consignee of the goods, or to his agent, on his applying for the same:

Provided that such application be made within one year from the sale, or reason be shown to the satisfaction of the Commissioners why such application was not so made; .

and, in case such application shall not be so made, nor reason shown, such surplus shall be held by the Commissioners upon trust for the purposes of this Act.

89. If the master of any vessel in respect of which any tolls, dues, Recovery **Tates,** charges or penalties are payable under this Act, or any bye-laws of tolls and charges by -or orders made in pursuance thereof, refuses or neglects to pay the same **distraint of** or any part thereof on demand, the Commissioners may apply to ihe veS3el- Collector of Customs of the Port;

and such Collector shall distrain or arrest such vessel, and the tackle, «pparel and furniture belonging thereto, or any part thereof, and detain the same until the amount so due to the Commissioners is paid;

and, in case any part of the said tolls, dues, rates, charges or **gale of dis-** penalties, or of the costs of the distress or arrestment, or of the keeping **trained ves-** of the same, remains unpaid for the space of five days next after any ' such distress or arrestment has been so made, the Collector of Customs may cause the vessel or other thing so distrained or arrested to be sold, and, with the proceeds of such sale, shall satisfy such tolls, dues, rates, charges or penalties, and costs, including the costs of sale remaining unpaid, rendering the surplus (if any) to the master of such vessel nn demand.

sel, etc.

90. *(1)* All fees and strms due on account of property for the time Recovery being vested in the Commissioners, and all arrears of tolls, dues, rates of dues as and chaiges, imposed under this Act, may be recovered as if they were revenue, arrears of land-revenue, in addition to the other modes hereinbefore provided.

(2) The Local Government may, by notification, prescribe by whose «order and on whose application such arrears may be recovered.

91. If the Commissioners give to the officer of Government whose port-olear- -duty it is to grant the port-clearance of any vessel, a notice stating that an amount therein specified is due in respect of tolls, dues, rates, charges or penalties chargeable under this Act, or any bye-laws or orders made in pursuance thereof—

ance not to be granted **until** tolls, ete-> are **paid.**

(i) against such vessel, or

(ii) by the owner or master of such vessel in respect thereof, or

(iii) against or in respect of any goods on board such vessel,

such officer shall not grant such port-clearance until the amount so chargeable has been paid.

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Compensation for Damage to Port Property.

Compensation for damage to property of Com mission- tn.

92. (7) In case any dajnage or mischief is done to any docks, wharves quays, jetties, stages, piers or works constrncted or acquired by the Commissioners under this Act by any vessel, through the negligency of the master thereof or of any of the mariners or persons employed therein,

any Magistrate of Rangoon Town may, on the application of the Commissioners and on declaration by them that payment for such damage or mischief has been refused or has not been made on demand, issue a summons to the master or owner of such vessel, requiring him to attend on a day and at an hour named in the summons to answer touching such damage or mischief:

Provided that if, at the time of the damage or mischief, the vessel was under the orders of a duly authorised officer belonging to the Pilot Service or the Deputy Conservator's Department, the case shall not; be cognizable by the Magistrate under this section.

Issue of warrant.

(2) If, at the time appointed in the summons, and whether the person summoned appears or not, it is proved that the alleged damage was done through such negligence as aforesaid, and that the pecuniary amount of the same does not exceed two hundred rupees,

the Magistrate may issue his warrant under which a sufficient portion of the boats, masts, spars, ropes, cables, anchors or stores of the vessel may be seized and sold to cover the expenses of the execution of the warrant and the pecuniary amount of damage as aforesaid;

and such amount shall be paid to the Commissioners out of the proceeds.

CHAPTER XI.

PENALTIES.

Penalty for officer or servant interested in contract, etc.

93. Any officer or servant of the Commissioners who directly or indirectly—

(a) lends money to the Commissioners, or

(Z>) becomes pecuniarily interested in any contract made by or on behalf of the Commissioners, or

(c) participates or agrees to participate in any profits of any work done by order or on behalf of the Commissioners,

shall forfeit his office or employment, and shall thenceforward bo incapable of holding any office or employment under the Commissioners,

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and shall further be punishable with fine which may extend to five hundred rupees:

Provided that nothing in this section shall apply to any officer or servant of the Commissioners by reason only of his—

(z) being a shareholder in or member of an incorporated or registered company which may lend money to, or make contracts with, or do work for or on behalf of, the Commissioners; or

(h) holding one or more lebentures in any loan raised by the Commissioners in open market.

Penalty for Com... sioner er int... in contract, tic.

94. Except as permitted by the provisoes to section 11, any Commissioner who, without the previous sanction in writing of the Local Government, directly or indirectly—

(a) lends money to the Commissioners, or

(*b*) becomes pecuniarily interested in any contract made by or on behalf of the Commissioners, or

(c) participates or agrees to participate in any profits of any work done by order or on behalf of the Commissioners, and

any Commissioner, who votes or takes part in any proceediigs relating to any loan, contract or work, in which he is pecuniarily interested,

shall, in addition to the disqualification provided for under section 11, be punishable with fine which may extend to five hundred rupees.

Penalty for infringement of section 69, 70,71,74 or 79.

95. Whoever infringes any order issued under section 69, sub-section *(2),* or under section TO, or under section 71, sub-section (7), clause *(b),* or under section 79, or any condition prescribed under section 74 or 79, shall be punished with fine which may extend to one hundred rupees; and, if the infringement be continuing, with a further fine which may extend to one hundred rupees for every day such order is infringed.

infringement of section 7«.

96. Any person, who makes, erects or fixes any dock, wharf, quay, stage, jetty, pier, erection or mooring in contravention of the provisions of section 78, shall be punished with fine, which may extend to one thousand rupees, and with a further fine which may extend to one hundred rupees for every day, during which such dock, wharf, quay, stage, jetty, pier, erection or mooring remains so made, erected or fixed after notice to remove the same has been given to him.

Penalty for infringement of Port bye-laws.

97. Whoever infringes any bye-law made by the Commissioners under section G5 to which a penalty has been attached by a bye-law made under that section, shall be punishable with the penalty prescribed therefor by such bye-law.

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Prosecutions.

98. No Court shall take cognizance of any offence punishable under this Act or any bye-law thereunder except on the complaint of the Commissioners or of some person whom the Commissioners may have generally or specially authorised by name or by virtue of his office in this behalf.

CHAPTER XII.

MISCELLANEOUS.

Commissioners not personally liable.

99. No Commissioner shall be personally liable for any contract made or expense incurred by or on behalf of the Commissioners, but the funds from time to time in the hands of the Commissioners shall be Hable for, and chargeable with, all contracts made in manner hereinbefore provided.

Commissioners liable for breach of trust.

100. Every Commissioner shall be liable for any misapplication of money entrusted to the Commissioners, to which he has been a party, or which happens through, or is facilitated by, the neglect of his duty.

Limitation of auits.

101. *(1)* No suit shall be brought against the Commissioners, **or** against any Commissioner, **or** against any of the officers or servants of the Commissioners or any person acting under their direction, for anything purporting to be done under this Act, until the expiration of one month next after notice in writing has been delivered or left at the office of the Commissioners or at the place of abode of such person, stating the cause of suit and the name and place of abode of the intending plaintiff.

Unless such notice be proved, the Court shall dismiss the suit.

(2) Every such suit shall be commenced within six months next after the accrual of the right to sue and not afterwards.

(3) If any person to whom any such notice of suit is given tenders sufficient amends before suit is brought, such plaintiff shall not recover.

Responsibility of Commissioners for loss, destruction or deterioration of animals or goods.

102. The responsibility of the Commissioners for the loss, destruction or deterioration of animals or goods, during such time as the same remain in the possession or under the control of the Commissioners, shall, subject to the other provisions of this Act, be that of a bailee under sections 151, 152 and 161 of the [1] Indian Contract Act, 1872. IX of 187Z,

Indemnity to Cora rn ia- fiionera for acts of officer, harbour-master, etc.

103. Except as provided in the last preceding section, the Commissioners shall not be answerable—

(i) for any misfeasance, malfeasance or nonfeasance of any officer appointed under this Act, or of any Deputy Conservator or of any pilot, or of any deputy or assistant of any of the officers above-mentioned, or of any person acting

[1] **Genl. Acts, Vol. II.**

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under the authority or direction of any such officer or assistant; or

(ii) for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers or other things within the limits of the Port which may be used by such vessel:

Provided that nothing in this section shall protect the Commissioners from a suit in respect of any negligence or default on their part or of any act done by or under their express order or sanction.

Saving of V of 1879.

104. All acts done and proceedings taken by the Commissioners appointed under the [1] Rangoon Port Commissioners Act, 1879, and all orders, rules, regulations and bye-laws relating to the Port and to docks, wharves, quays, stages, jetties, piers, landing-places, tolls, charges, rates and dues within the Port made and issued before the commencement of this Act shall, whenever such acts, proceedings, orders, rules, regulations or bye-laws would have been lawful, if this Act had been in force, be deemed to have been respectively done, taken, made and issued under the provisions of this Act.

Place of business.

105. The Commissioners shall have an office, where they shall ordinarily meet for the transaction of business.

Commissioners are public servants.

106. Every Commissioner and the officers and servants of the Commissioners, other than artizans, porters, labourers, and sirdars of porters and labourers, shall be deemed to be public servants within the meaning of section 21 of the [2]Indian Penal Code.

XLV of 1860.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

(Referred to in section 2.)

1	2	3	4
Year.	No.	Short title or subject.	Extent of repeal.
		Acts of the Governor General in Council.	
1879	XV	The Rangoon Port Commissioners Act, 1879	The whole
1892	III	The Rangoon Port Commissioners Act, (1879; Amendment Act. 1892.	The whole.
1898	ym	The Burma Laws Act, 1893 . .	So much of the Third Sohedule as relates to Act XV of 1879.

[1] Repealed by this Act.
[2] Genl. Acts, Vol. I.

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THE SECOND SCHEDULE.

PROPERTY VESTED IN THE POET COMMISSIONEES.

(Referred to in sections 30 and 31.)

PART I.—*Immoveable Property transferred by Government to the Port Commissioners.*

(1) All the land which immediately before the 1st January 1880 belonged to Government (including subsequent accretions to the river-bank), between the river on the south and the Strand Road and the Monkey Point Battery Road on the north, but not including those roads from Monkey Point on the east to and including the Canal on the west except—

(a) the land occupied by the Municipal Committee of Rangoon, otherwise than as lessees or licensees under the Commissioners for the Port of Rangoon appointed under Act XV of 1879 ;

(b) the land occupied by the Military authorities as an approach to Godwin's -nharf and to an extent of one hundred feet on either side thereof ;

(c) the land occupied by the Military authorities for the defences at Monkey Point, as extended by the addition of the land resumed in the year 1884 to provide an Esplanade for the Battery ;

(d) the land assigned ft>r railway purposes, as extended by thé addition of the lands resumed at Latter Street, Keighley Street and Botataung and described in Notification No. 1, dated the 25th March 1902, of the Local Government, in the Public Works Department (Railway Branch);

(e) the land occupied on the east side of Judah Ezekiel Street by the Department of Public Works;

(/) the land occupied by the Customs Officer's quarters and by the Principal Port Officers' residence and compound;

(g) the land at Lammadaw, described in Notification No. 23, dated the 10th June 1903, of the Local Government, in the Marine and Commerce Department, as resumed for a salt godown ; and

(h) any other land which was, immediately before the commencement of this Act, vested in any person other than the Commissioners for the Port of Rangoon appointed under Act XV of 1879.

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(Second Schedule.—Property vested in the Port Commissioners.)

(2) Subject to any rights of private property therein all other land lying within the limits of the Port within a line drawn at fifty yards from high-water-mark, except—

(i) the land occupied by the saw-mill formerly known as the Gaol Saw-mill and subsequently worked by lessees under Government;

(*ii*) the land occupied as Government timber depots at Alon and Monkey Point;

(hi) the Dalla Dockyard and the lands attached thereto.

Part II.—***Moveable and immoveable Property acquired otherwise than by direct transfer fPom Government.***

(3) All the moveable property, buildings, erections and fixtures belonging, immediately before the commencement of this Act, to the Commissioners for the Port of Rangoon, appointed under Act XV of 1879.

(4) The land at Elephant Point acquired for the purposes of a 'Segregation Camp and described in the kwin map of the year 1901-1902 as fields numbered 405 and 422 of the Yebyaung kwin, Zepathwe circle, in the Kungyangon township.

(5) The land at King's Point, acquired for the purposes of a Segregation Camp, known as field numbered 414 of the Shwedawchaung Myauk kwin, Danok circle, of the Twante township, and bounded on the north by fields numbered 858, 812, 407, 411, 412 and 429, and on the west by fields numbered 428 and 427, all in holding No. 16 of 1900-1901 of ihe said kwin, on the east by the Rangoon River and on the south by the Shwedawchaung Taung kwin.

(6) The land at King's Point, acquired for the purposes of a semaphore station, known as field No. 382 of the Tadachaung kwin, Pyawbwè circle, of the Twante township, bounded on the north by fields numbered 375 and 386, on the south by field numbered 383, on the east by fields numbered 385 and 386 and on the west by field numbered 381, all in holding No. 3 of 1901-1902 of the said kwin.

(7) The land situated and known as first class lots numbered one and two and the southern half of first class lot numbered three, all in Block F, in the Town of Rangoon, and the buildings thereon in Phayre Street, Strand Road and Thirty-seventh Street.

(5) The land situated and known as first class lot numbered twelve in Block F, in the Town of Rangoon, and the buildings thereon in Thirty-seventh and Thirty-eighth Streets.

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(Third Schedule.—Form >of Debenture. Fourth Schedule.—Form <} Receipt for goods landed.)

THE THIRD SCHEDULE.

FORM OF DEBENTURE.

[Rep., s. 4, Rangoon Fort (Amendment) Act, 1908 (Bur. Act 4 of 2S0S).]

THE FOURTH SCHEDULE.

FORM OF RECEIPT FOR GOODS LANDED.

(Referred to in section 75.)

By the Commissioners for the Port of Rangoon.

Landed during the day of from the by the Commissioners for the Port of Rangoon, the noted in the margin; contents and state of the contents unknown.

Note.—If there be any apparent injury, this is to be stated.

For the Commissioners for the Port of Rangoon.
A.B.

RANGOON:
The day 19 . - ■

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[1] BURMA ACT No. I of 1906.

[22nd February, 1906; 17th March, 1906.]

An Act to amend the Rangoon Port Act, 1905.

Preamble. Whereas it is expedient to amend the [2] Rangoon Port-Act, 1905; Bur. Act IV of 1905.
It is hereby enacted as follows:—

Short title, and commencement. 1. *(1)* This Act may be called the Rangoon Port Act (1905) Amendment Act, 1906; and

(2) It shall come into force at once.

Amendment of Motion 10 Burma Act IV of 1906. 2. In sub-section *(3)* of section 10 of the [2] Rangoon Port Act, 1905, Bur. Act IV of *905, after the word " Commissioners" in the first line the words "elected °f or" shall be inserted.

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[1] For Statement of Objects a*d Reasons, *see* Burma Gazette, 1905, Pt. Ill, p. 117; and for Proceedings in Council, *see ibid,* p. 121, and *ibid,* 1906, p. 3.

[1] *Ante,* p. 555.

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[1] BURMA ACT No. II OE 1906.

[22nd February, 1906; 22nd March, 1906.]

An Act for regulating the use of Motor-vehicles in streets and public places in Burma.

WHEREAS it is expedient to provide for regulating the use of motor- Preamble, vehicles in streets and public places in Burma; It is hereby enacted as follows: —

1. *(1)* This Act may be called the Burma Motor-vehicle Act, 1906; **Short title,**

(2) It extends to Rangoon Town, and it shall come into force at r_D»»«nce>- once; and **extent and** ment.

(3) The Local Government may, by [2] notification, extend it to any other town or area in Burma.

2. " Motor-vehicle " shall mean a vehicle or other means of t on- **Definition** veyance propelled or which may be propelled by mechanical means on ordinary roads, other than such vehicle or class of vehicle as the Local Government may, by notification published in the Gazette, [3]exempt. **of motor-vehicle.**

3. (7) The Local Government may make [4] rules for regulating the Power of use of motor-vehicles in streets and public places in any area TO which this Act applies. **Local Government to make rules.**

(2) Without prejudice to the generality of the foregoing power, such iules may contain directions as to all or any of the following matters, namely: —

(a) prohibiting the use of motor-vehicles which are not so constructed as to admit of their being at all times under due control;

(b) prohibiting the use of motor-vehicles not provided with brakes of such character as may be required by the rules;

(c) prohibiting or restricting the use of motor-vehicles which are of such a nature or in such a condition as to be likely to cause annoyance, inconvenience or danger to the public;

(d) providing for the granting of licenses to drive motor-vehicles, the fees chargeable in respect of such licenses and the '

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[1] For Statement of Objects and Reasons, *set* Burma Gazette, 1905, Pt. Ill, p. 112; and for Proceedings in Council, *see ibid,* p. 120 and *ibid,* 1906, p. 2.

[3] For notification extending this Act to the whole of Burma, *see* Burma Gazette, 1907, Pt. I, p. 138.

[1] For notification exempting steam toad-rollers from the operation of this Act, *see* Buima Gazette, 1907, Pt. I, p: 82.

* For rules under this Act on for all streets an 3 public places in Burma, *see* Baima Gazette, 1907. Pt. I, p. 907. For Shan States, *see* Burma Gazette, 1908, Pt. I, p. 353.

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authority by which and the conditions upon which such licenses may be granted, suspended and revoked;

(e) prohibiting the driving of motor-vehicles by unlicensed persons;

(/) prohibiting the leaving of motor-vehicles unattended or in the charge of incompetent persons;

(g) the speed at which motor-vehicles may be driven;

(***h***) the carrying of a speed-iridicator on motor-vehicles;

(i) the registration of motor-vehicles, the fees chargeable in respect of such registration and the carrying of number or name plates on motor-vehicles;

(j) the rule of the road;

(A) prohibiting the driving of motor-vehicles on foot-ways, streets or other places, where their use may be attended with danger to the public;

(***I***) the carrying and use on motor-vehicles of a bell or other instrument for giving audible and sufficient warning of tbeir approach or position;

(m) the carrying of lights on motor-vehicles between sunset and sunrise, and the description of lights to be carried and the position in which they should be placed;

(w) the stoppage of motor-vehicles when required by the police for the regulation of traffic or for other reasonable purpose; and

(o) generally, the prevention of obstruction to traffic, and of annoyance, danger or injury.

(3) All rules made under this section shall be made after previous publication, and when made shall be finally published in the Gazette, and shall come into operation from the date of such final publication.

Penalties.

4. Any breach of any rule made under this Act may on convictioD be punished with fine which may extend to fifty rupees, or, in the case of a second or subsequent conviction, to two hundred rupees.

Arrest of offenders without wan int.

5. (2) Any police-officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his view a breach of any rule made under section 3, if the name and residence oi such person be unknown to such officer and cannot be ascertained by him then and there.

(***2***) When any such arrest has been made, the provisions of section 57, sub-sections ***(2)*** and (5) and sections 60 to 63 of the [1] Code of Criminal Procedure, 1898, shall apply. ■ V of 1898.

[1] Genl. Acts, Vol. V.

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6. Offences committed in contravention of this Act shall be triable by the District or Sub-divisional Magistrate or by any Magistrate of the first class within whose jurisdiction the offence may have been committed. **Offences by** liable

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[1] BURMA ACT Xo. Ill of 1906.

*[22nd February, **1906;** 24th March, **1906.]***

An Act further to amend the Burma Municipal Act, 1898.

Bur. Act of 1898. **Whereas** it is expedient further to amend the Burma Municipal Act, 1898 ; It is hereby enacted as follows : — **Preamble**

1. ***(1)*** This Act may be called the Burma Municipal Act (1898) Amendment Act, 1906 ; and **Short title.** melcement..

(2) It shall come into force at once.

Bm. iot III of 1898. 2. After section 111 of the Burma Municipal Act, 1898, the following sections shall be inserted, namely:— **Insertion of new sections 111 HlBin Burma Act III, 1898.**

_Antc, p, 386.

8. After section 114 of the said Act the following section shall be inserted, namely :— **insertion of new section 114Ain Burma Act III, 1898.**

[Ante, p. 387.]

4. (1) For clause (/) of section 142 of the said Act the following shall be substituted, namely:— **Amendment of section 142,clauses (f) and (o), of Burma Act III, 1898.**

[Ante, p. 396.]

(2) For clause (o) of the said section 142, the following shall be substituted, namely: —

£*Ante* p. 397.]

5. In section 147 of the said Act the word, figures and letter " section 114A " shall be inserted after the word and figures " section 114." **Amendment of section 147 of Burma Act III, 1898.**

6. In section 158 of the said Act the words, figures and letters " or section 111 A or section 111B" shall be inserted after the words and figures " or section 111 " ; and for the words " or animal " the following shall be substituted, namely: — **Amendment of sec tioo 158 of Burma Act III, 1898.**

> " animal, instrument for weighing, weight or measure, or in contravention of section 111A, sub-section ***(2),*** refuses to produce any instrument for weighing, weight or measure to which he has access."

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[1] **For Statement of Objects and Reasons, *see* Burma Gazette, 1905, Pt. Ill, p. 113; and for Proceedings in Council, *see ibid,* 1905. p. 120, and *ibid,* 1906, p. 2.**

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[1] BTJEMA ACT No. IV or 1906.

[*22nd February, 1906; 13th April, 1906.*]

An Act to amend the Burma Forest Act, 1902.

Pie^mble, WHEREAS it is expedient to amend the Burma Forest Act, 1902; It is hereby enacted as follows: — Bur. Act IV of 1902.

Short title, and commencement. 1. (2) This Act may be called the Burma Forest Act (1902) Amendment Act, 1906.

(2) It shall come into force at once.

Substitution of new section for section 58, Burma Act IV, 1602. 2. For section 58 of the said Act, the following section shall be substituted, namely: —

[Ante, p. 496.]

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[2] BURMA ACT No. I of 1907.

(APPLIES TO LOWER BuRHi.)

[6th March, 1907; 19th April, 1907.]

An Act to amend the (Lower) Burma Land and Revenue Act, 1876, and the Lower Burma Town and Village Lands Act, 1898.

Preamble. **Whereas** it is expedient to amend the (Lower) [3] Burma Land and Revenue Act, 1876, and the [3] Lower Burma Town and Village Lands Act, 1898; It is hereby enacted as follows :— II of 1876. Bur. Act IV of 1898.

Short title and commencement. 1. (-?) This Act may be called the Lower Burma Land and Revenue Law Amendment Act, 1907; and

(2) It shall come into force at once.

Substitution of words " Local Govt minent" for " Chict Commis- •ioner " in Act II of 1876. 2. In the (Lower) Biirma Land and Revenue Act, 1876, foi the words " Chief Commissioner " wherever they occur in the said Act, the words " Local Government " shall be substituted. Hof 1870.

Amend - merit of section 8 of Act II of 1876. 3. In section 8, clause *(b),* of the said Act for the words " with full liberty to work and search for the same, paying to the landholder only compensation for surface damage as estimated by the Revenue Officer " the following shall be substituted, namely : —

"with all the powers conferred by section 38A."

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[1] For Statement of Objects a-nd Reasons, *see* Burma Gazette, 1905, Pt. Ill, p. 115; and for Proceedings in Council, jee *ibid,* p. 121, and *ibid,* 1906, p. 3.

[1] For Statement of Objects and Reasons, *see* Burma Gazette, 1906, Pt. Ill, p. 11; and for Proceedings in Council, *see ibid,* p. 14, and *ibid,* 1907, p. 14.

* *Ante.*

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4. In Part II, after section ***22*** of the said Act, the following section **Insertion of new section 22A in Act II of 1876.**
shall be inserted, namely:—

[Ante, **p.** 16.]

5. For the heading which precedes section 39 of the said Act, the **Insertion of new heading F. in Part III of Act II of 1876.**
following heading shall be substituted, and after such heading and before section 39, the following section shall be inserted, namely:—

[Ante, **p.** 21.]

8. After section 54 of the said Act the following sections shall be **insertion of new sections 54A and 54B in Act II of 1876.**
inserted, namely : —

[Ante, **p.** 26.]

7. In section 4, sub-section ***(10),*** clause (***b***), of the Lower Burma Town and Village Lands Act, 1898, for the words "with full liberty to work and search for the same on payment to the landholder of compensation for damage to the surface of the land, and the produce and buildings thereon, as estimated by the Revenue Officer," the following shall be substituted, namely:— **Amendment of section *(10),* clause (*b*) of Burma Act IV of 1898.**

"with all the powers conferred by Chapter VIA."

8. After section 23 of the said Act the following Chapter shall be **inserted, namely[1] : —** **Insertion of new Chapter Burma Act IV of 1898.**

[Ante, **p.** 429.]

9. For section 38 of the said Act the following sections shall be substituted, namely:— **Substitution of new sections for section 38 of Burma Act, IV of 1898.**

[Ante, pp. 431 and 432.]

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[1] BURMA ACT No. II of 1907.

(APPLIES IN LOWER BURMA.)

[*2nd March, 1907; 19th April, 1907.*]

An Act further to amend the Rangoon Water-works Act, 1884.

XIX **of 1884. Whereas** it is expedient further to amend the Rangoon Water-works Act, 1884; It is hereby enacted as follows: — **Preamble.**

1. (2) This Act may be called the Rangoon Water-works Act Amendment Act, 1907; and **short title and commencement.**

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[1] **For Statement of Objects and Reasons,** see **Burma Gazette,** 1906, **Pt. III,** p. 12: **and for Proceedings in Council,** see *ibid,* p. 15, **and** *ibid,* 1907, p. 14.

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(2) It shall come into force at once.

Amendment of section 14 of Act XIX of 1884

2. For section 14 of the Rangoon Water-works Act, 1884, the following section shall be substituted, namely : — XIX of 1884.

[Ante, p. 87.]

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[1] THE BURMA TOWS'S ACT, 1907.

CONTENTS.

Preliminary.

SECTIONS.

1. Short title, extent and commencement.
2. Repeal.
3. Definitions.
4. Notification of towns for purposes of Act.
5. Wards and blocks, and appointment of headmen and elders.

General duties of Headmen and Elders.

6. Duty of headmen and elders to report certain matters.
7. General duties of headmen and elders.
8. Penalty for neglect of duty by headman or elder.

General duties of Residents.

9. Obligation on residents of ward to aid headman.
10. Notification of residence of strangers in certain towns in Upper Burma.

Pwes, Billiard Saloons, etc.

11. Penalty for holding, promoting or taking part in unlicensed *pice.*
11A. Licensing of Billiard Saloons and other public resort.

Supplemental.

12. Finality of orders.
13. Power to make rules.
14 Publication of rules.

THE SCHEDULE .

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[1] BURMA ACT Xo. Ill of 1907.

(APPLIES TO UPPER AND LOWER BURMA.)

_14th March, 1907; 25th April, 1907.]

An Act to consolidate and amend the law relating to the administration of Towns in Burma.

Whereas it is expedient to consolidate and amend the law relating to the administration of towns in Burma; It is hereby enacted as follows : — **Preamble.**

Preliminary.

1. *(1)* This Act may be called the Burma Towns Act, 1907; **Short title.**

(2) It extends to the whole of Burma; and **extent and commencement.**

(3) It shall come into force at once.

2. The enactments mentioned in the Schedule are hereby repealed to the extent mentioned in the fourth column thereof. **Repeal.**

3. In this Act unless there is something repugnant in the subject or context,— **Definitions.**

(1) "cattle" includes kine and buffaloes:

(2) "town" means a local area declared to be a town for the purposes of this Act by a notification under section 4.

4, The Local Government may, by notification, declare any local area to be a town for the purposes of this Act : **Notification of town for purposes of Act.**[1]

Provided that no such declaration shall be made with respect to any military cantonment, or part of a military cantonment, without the previous consent of the Governor General in Council.

5. *(1)* The Deputy Commissioner may, by order in writing, divide Wards and any town into wards and any ward into blocks. **block, appointment of headmen and elders.**

(2) The Deputy Commissioner may, by a like order, appoint any person, with the consent of such person, to be the headman of a ward or the elder of a block.

(3) The Deputy Commissioner may delegate to a Sub-divisional Officer by name the power of appointing any person to be the elder of a block.

General duties of Headmen and Elders.

6. (2) Every headman of a ward shall communicate forthwith to the officer in charge of the nearest police-station or to the nearest Magistrate any information which he may obtain respecting— **Duty of headmen and elders to report certain matters.**

(a) the permanent or temporary residence of any notorious receiver, or vendor of stolen property in his ward ;

[1] **For Statement of Objects and Iteaoi.ns, see Burma Gazette, 1909, Pt. Ill, D. 10; and for Proceedings in Council, *see ibid,* 1907, Pt. Ill, pp. 14 and 19.**

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(General duties of Headmen and Elders.)

(6) the resort to any place within, Or the passage through, his ward of any person whom he may know or reasonably suspect to be a dacoit, robber, house-breaker, escaped convict or proclaimed offender;

(c) the commission of, or attempt or intention to commit, within his ward, any of the following offences, namely,—

(i) murder ;

(ii) culpable homicide not amounting to murder;

(iii) dacoity;

(iv) robbery;

(v) offences against the [1] Indian Arms Act, 1878; and XI of 1878.

(vi) any other offence respecting which the Deputy Commissioner by general or special order, with the previous sanction of the Local Government, may direct him to communicate information ;

(3) the occurrence in his ward of any sudden or unnatural death, or of death under suspicious circumstances.

(2) Every elder of a block shall communicate forthwith to the headman oï his ward any information which he may obtain respecting any of the matters specified in sub-section (*1*), which may exist or occur in his block, and in the absence of the headman of his ward, he shall communicate the information forthwith to the officer in charge of the nearest police-station.

Général duties of headmen and elders.

7. (*1*) The headman of a ward shall be bound to perform the following public duties, namely : —

(a) to assist the police in the investigation of every offence respecting which he is required by the last foregoing section to communicate information ;

(*b*) to search for and use his utmost endeavours to arrest any person whom he may have reason to believe to have been concerned in the commission or attempted commission of any such offence, and to recover, if possible, any property taken by any such person;

(c) to arrest any person found lurking within the limits of the ward who cannot give a satisfactory account of himself;

(*d*) to forward, as soon as may be, to the nearest police-station, any person arrested by him or made over to his custody, together with any weapon or other article likely to be useful as evidence;

(e) to prevent to the best of his ability the commission of any offence regarding which he is required by section 6, sub-

[1] Genl. Acts, Vol. II.

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section (*1*), to communicate information, and to arrest the person designing to commit such offence if it appears to him that the commission of such offence cannot otherwise be prevented;

(*f*) to collect or aid in collecting, to the utmost of his ability, any revenue or other money due to the Government or to a municipal or town committee from residents of the ward or persons holding land therein;

(g) to report to such officer as may be appointed by the Deputy Commissioner in this behalf all trespass or encroachments upon, and injuries to, State land and public property which may occur within his ward, and of which he may reasonably and fairly be expected to have cognizance;

(h) if so ordered by the Deputy Commissioner, in accorannco with such rules as may be made in this behalf by the Local Government, to register all births and deaths which take place within the ward, and any other vital statistics which may be prescribed by such rules;

(i) to take such measures as may be prescribed in any rules made in this behalf by the Commissioner with the previous sanction of the Local Government,—

(firstly), for the prevention and extinction of fires ;

(secondly), for the prevention of public nuisances;

(thirdly), for the general sanitation of the ward and tae prevention of the spreading of any _ --'ous or infectious disease among human beings;

(fourthly), for the prevention of the spreading of any contagious or infectious disease among cattle;

(j) to report all cases of small-pox, plague, cholera and cattle-disease which occur within his ward and of which he may reasonably and fairly be expected to have cognizance, and to supply, to the best of his ability, any local information which any magistrate, officer of police or municipal officer may require;

(&) to collect and furnish, upon receipt of payment for the same in advance at such rates as the Deputy Commissioner, with the sanction of the Commissioner, may from time to time fix, guides, supplies of food, carriage, and means of transport for any troops or police posted in or near or marching through or near the town :

Provided that no headman shall be bound to collect supplies beyond the limits of the wal'd of which he is headman, or to furnish carriage

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or means of transport for more than twelve hours' journey from such town ;

Provided also that no headman shall requisition for personal service any resident of such ward who is not of the labouring class and accustomed to do such work as may be required; and [1]

(1) generally to assist all officers of the Government and Municipal officers in the execution of their public duties.

(2) The elder of a block shall be bound to assist the headman of his ward in the performance of the duties prescribed in sub-section (2).

(ö) The Local Government may, by notification, direct that pariicular clauses of sub-section (1) shall not apply to any town specified in ſuch notification.

Penalty for neglect of duty by headman or elder.

8. If any headman of a ward or elder of a block neglects, without reasonable excuse, to perform any of the public duties imposed upon him by this Act or any rule made thereunder, he shall be liable, on conviction by a Magistrate, to a fine which may extend to fifty rupee.*.

General duties of Residents.

Obligation on residents of ward to aid head mr. n.

9. (i) Every person residing in a ward shall, on the requisition of the headman, be bound to assist him in the execution of his public duties.

Explanation.—A requisition under this section may be either general or addressed to an individual.

(2) If any such person refuses or neglects to comply with any lawful requisition of the headman, he shall, in the abs" ace of reasonable excuse, the burden of proving which shall lie upon him, be liable, on conviction by a Magistrate, to a fine which may extend to fifty rupees.

.Notification ©f residonco of strangers in certe in towns in Upper "Burma.

10. (*1*) If in any town in Upper Burma which th< Local Government may by notification declare to be within the operaiion of this section, any person who is not a resident of such town comes into a ward thereof, he or the person (if any), in whose house he is living shall, within twelve hours of his coming into such ward, report to the headman his arrival, his name and occupation, and the name of the place where he last resided.

(2) The departure from such ward of a person reported under sub-section (i) shall also be reported by the person, if any, in whose house he has been Irving.

(3) Any person who contravenes the provisions of this section shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to fifteen days, or with both.

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[1] ***[Pwes, Billiard Saloons, etc.]***

11. *(1)* Whoever—

Penalty for holding, promoting or taking part in unlicensed pwe.

(a) holds a ***pwe*** in any town, without a license granted by the Deputy Commissioner or by an officer appointed by the Deputy Commissioner in this behalf, or

(b) promotes the holding of ***pwe*** held without such license, or

(c) takes part in or in any manner assists the race, performance or other entertainment (if any) constituting a ***pwe*** held without such license, or takes part in or in any manner assists the arrangement or management of a ***pwe*** held without such license, or

id) being present thereatj permits the holding of a ***pwe*** without such license on any land or premises under his control,

shall be punished, on conviction by a Magistrate, with imprisonment for a term which may extend to three momhs, or with fine which may extend to five hundred rupees, or with both.

(,***2***) No fee shall be paid on the application for, or on the issue of, -the license required by sub-section (2).

(3) For the purposes of this section " ***pwe*** " ordinarily means a puppet-show or other theatrical or dramatic performance, or a native cart, pony, boat or other like race, held for public entertainment whether on public or private property;

and, in respect of any local area, also includes public entertainments •or assemblies of any such class as the Local Government may, by [1] notification declare to be ***pwes*** for the purposes of this section when held in such local area.

Licensing of billiard saloons and other public resort.

[3] **11 A.** (***1***) ***No*** person shall keep a public billiard table, bagatelle board, ring throwing establishment or any place of public resort for any form of game or amusement which the Local Government may by notification declare to be ■within the provisions of this section, except under and in accordance with the conditions of a license granted by the Deputy Commissioner or by an officer appointed by the Deputy Commissioner in this behalf.

(2) The Local Government may by [4] rules prescribe the circumstances in which such licenses may be refused, the fees to be paid for

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[1] **This heading was substituted by s. 2 of the Burma Towns Act Amendment Act, 1908 (Bur. Act 3 of 1908), *post.***

[1] **For notification declaring certain entertainments or assemblies to be *pwis, see* Burma Gazette, 1908, Pt. I, p. 102.**

[3] **S. [1]1A was inserted by s. 3 of the Burma Towns Act Amendment Act, 1908 < Bur. Act 3 of 1908), *post.***

[4] **For rules regulating the grant, revocation and refusal of licenses to keen public billiard tables, bagatelle boards, ring-throwing establishments or places of public resort for any form of game or amusement under s. 11A and the fees for such licenses, *see* Burma Gazette, 1908, Pt. I, p. 637.**

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such licenses and the conditions on which such licenses may be granted or revoked.

(3) Any person who commits a breach of sub-section (2) or of any of the conditions of a license granted under this section shall be liable for a first offence to a fine which may extend to one hundred mpees and for a subsequent offence to imprisonment for a term -which may extend to one month or to fine which may extend to five hundred rupees or to both.

Supplemental.

Finality of orders.

12. (2) No appeal shall lie from any order made under this Act or any rule made thereunder.

(2) But the Deputy Commissioner may revise any such order made by anjr officer subordinate to him ;

the Commissioner may revise any such order made by the Deputy Commissioner;

and the Local Government may revise any order made by the Deputy Commissioner or Commissioner.

(3) Save as provided by this section, every order made under Ibis Act shall be final and shall not be liable to be contested by suit .or otherwise.

Power to make rules.

13. The Local Government may, subject to the control of the Governor General in Council, make rules consistent with the foregoing sections for carrying into effect the purposes of this Act.

Publication of rules,

14. All rules made under this Act by the L'Ocal Government or by a Commissioner shall be published in the Gazette, and, when so published,, shall have the same effect as if enacted by this Act.

THE SCHEDULE.

(See section 2.)

Enactments Repealed.

1	2	3	4
Tear.	Nn.	Sl.ort title or subject.	Extent of repeal.
		"Acl> of the Qowrror General in Council.	
1892	IX	The Lower Burma Towns Act, 1892 .	The whole.
1895	XVIII	The Lower Burma Villases and Towns Law Amendment Act, 1895.	So much as has not been repealed.
1898		The Burma Laws Act, 189S . .	So much of the Third and Fifth Schedules as relates to Regulation VI of U91.

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(The Schedule.')

1907 : Bur. Act IV.] ***Rangoon Police.***

1	2	3	4
Tear.	No.	Short title or subject.	Estent of repeal.
		Regulations made undtr the Government of h.dia Act, 1870 (33 *Viet., c. 3.)*	
1891	VI	The Upf er Burma Towns Begulation, 1891.	The whole.
1896	IV	The U pi er Burma, Villages, Towns and Land Revenue Law Amendment Begulation, 1896.	The healing "and the Upper Burma Towns Regulation, 1891," and section 5.
1899	II	The Upper Burma Towns Begulation, 1899.	The whole.
		Act" of the Lieutenant-Governor of Burma in Council.	
1901	III	The Burma Towns Law Amendment Act, 1901.	The whule.
1903	I	The Uppe- Burma Towns Begulation, Amendment Act, 1903.	The whole.
190-1	II	The Burma Towns and Village Laws Amendment Act, 19u4.	So much as has not been repealed.

[1] BURMA ACT No. IV of 1907.

(APPLIES TO LOWER BrRHA.)

[14th March, 1907; 25th April, 1907.]

An Act further to amend the Rangoon Police Act, 1899.

Bur. Act IV of 1899.

WHEREAS it is expedient further to amend the Rangoon Police Act, 1899; It is hereby enacted as follows : — **Preamble.**

1. (2) This Act may be called the Rangoon Police Act Amendment Act, 1907; and **Short title and commencement.**

(2) It shall come into force at once.

Bur. Act IV of 189y.

2. In section 8 of the Rangoon Police Act, 1899, the word " and " shall be omitted at the end of sub-section *(4),* and after sub-section (5) the following word and sub-section shall be added, namely:— **Amendment of section 8 of Burma ActIV, 1899.**

[Ante, p. 450.]

Bur. Act IV of 189a.

3. After section 8 of the Rangoon Police Act, 1899, the following section shall be inserted, namely:— **Insertion of new section sA^^ction Burma Act IV, 1899.**

[Ante, p. 450.]

Bui. Act IV of 1899.

4. After section 36 of the Rangoon Police Act, 1899, the follow-ng section shall be inserted, namely:— **Insertion of new section 36AinCtioa Burma Act IV, 1899.**

*[A*te,* p. 459.]

[1] For Statement of Objects and Beasuns, *see* Burma Gazette, 1907, Pt. Ill, p. 12; and for Proceedings in Council, *see ibid,* pp. 15 and 19.

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Repeal of part of sub-section *(15)* and of the whole of sub-section (15) of section 41 of Burma Act IV, 1899.

5. (*1*) In sub-section ***(15)*** of section 41 of the said Act, the words " or any offensive deformity or disease " are hereby repealed.

(2) Sub-section ***(16)*** of the said section is hereby repealed.

Insertion of new section 41A in Burma Act IV, 1899.

6. After section 41 of the said Act the following section shall be inserted, namely: —

[Ante, p. 462.]

Insertion of new section 431) in Burma Act IV, 1899.

7. After section 43C of the said Act the following section shall be inserted, namely: —

[Ante, p. 464.]

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[1] BU11MA ACT Xo. V OF 190T.

(APPLIES TO UPPER AXD LOWER BURMA.)

[14th March, 19^7; 4th May, 1907.]

An Ac. for the regulation of traffic and the preservation of the surface of public roads and places in Burma.

Preamble.

WHEREAS it is expedient to provide for the regulation of traffic and the preservation of the surface of public roads and places in Burma; It is hereby enacted as follows : —

Short title, extentand commence-ment.

1. ***(1)*** This Act may be called the Burma Highway Act, 1907.

(2) This section shall extend to the whole of Burma and shall come into force at once.

(3) The rest of this Act shall apply to such local areas and from such dates as the Local Government may by notification direct.

Ppwer to make ruloa.

2. ***(1)*** The Local Government may make [2] rules for the regulation of traffic on public roads and places and for the preservation of the surface of such roads and places.

(2) Without prejudice to the generality of the foregoing power, such rules may contain directions as to all or any of the following matters, namely: —

(a) prohibiting or restricting the use of vehicles of any particular class or description considered likely to cause damage or excessive wear to the surface of the roadway or to drop materials or obstructions thereon, and in particular, where

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[1] For Statement of Objects and lie.isons, *see.* Burma Gazette, 1907, Pt. Ill, p. 3; and for Proceedings in Council, see ***ibid,*** pn. 14 rnt] 18.

[2] For rule?, .>ee Burma Gazette, 1908, Pt. I, p. ¿191.

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a berm or side-track is provided, confining such vehicles to the berm or side-track during the dry season;

(6) prohibiting or restricting the use of vehicles not provided ■with brakes of such character as may be required by the iules;

(c) prohibiting or restricting the use of vehiclès or animals which are of such a nature or in such a condition as to be likely to cause annoyance, inconvenience or danger to the public ;

(d) providing for the granting of licenses to drive vehicles of any particular class ur description, the fees chargeable in respect of such licenses and the authority by which and the conditions upon which such licenses may be granted, suspended and revoked;

(e) prohibiting the driving of any such vehicles by unlicensed persons ;

(/) prohibiting the leaving of vehicles or animals unattended or in the charge of incompetent persons ;

(g) the speed at which vehicles or animals may be driven or ridden ;

(***h***) the rule of the road ;

(i) the registration of vehicles plying for hire, the fees chargeable- in respect of such registration and the carrying of number- or name plates on vehicles so registered ;

(j) prohibiting the driving or riding of vehicles or animals on foot- ways or other places where their use may be attended with, danger to the public ;

(i) prohibiting the halting of vehicles or animals at places other- than the proper camps or refuges ;

(Z) the carrying and use on vehicles and animals of a bell or other instrument for giving audible and sufficient warning of their approach or position ;

(m) the carrying of lights on vehicles between sunset and sunrise, and the description of lights to be carried and the position in w liich they should be placed ;

(TO) the stoppage of vehicles or animals when required by the Police ' for the regulation of traffic or for other reasonable purpose ;

(o) the maximum weight or the number of passengers to be carried on each description of vehicle or animal ;

(p) empowering specified officers to issue notices requiring owners or occupiers of land—

(i) to lop the branches of any trees growing on such land? and over-hanging the road so as to cause obstruction or danger, and

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(ů) to cut or trim any hedges or noxious vegetation, growing on such land, which may he considered . likely to intercept a view of approaching traffic on the road, or on any side road or other approach thereto, and

(Hi) to remove from the road any branches, trimmings and vegetation lopped or cut by such owners or occupiers;

(q) imposing on such owners or occupiers of land the duty to comply with such notices within a reasonable time, and authorising such officers to lop, cut or trim such trees, hedges and vegetation in a case of default;

(r) and generally the prevention of obstruction to traffic and of annoyance, danger or injury to the public.

(3) All rules made under this section shall be made after previous publication, and when made shall be finally published in the Gazette, and shall come into operation from the date of such final publication.

Pi'Ualties. 3. Any breach of any rule made under this Act may on conviction be punished with fine which may extend to fifty rupees, or, in the case of a second or subsequent conviction, to two hundred rupees.

Arre st of offenders without warrant. 4. ***(1)*** Any police-officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his view a breach of any rule made under section 2, if the name and residence of such person be unknown to such officer and cannot be ascertained by him then and there.

(2) When any such arrest has been made, the provisions of section 57, sub-sections ***(2)*** and ***(3),*** and sections 60 to 63 of the [1] Code of Criminal Procedure, 1898, shall apply. v of 1898

THE BURMA VILLAGE ACT, 1907.

CONTENTS.

Preliminary.

SECTIONS.

1. Short title, extent and commencement.
2. Repeal.

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[1] Genl. Acts, Vol. V.

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SECTIONS.

3. Effect of Act.
i. Definitions.
5. Determination of village-tracts and appointment of headmen and rural policemen.

Duties and Powers of Headmen and Rural Policemen.

6. Civil jurisdiction of headman.
7. Headman bound to report certain matters.
8. General duties of headman and rural policeman.
9. Disposal of petty criminal cases by headman.
10. Penalty for neglect of duty or abuse of authority by headman or rural policeman.

General Duties of Villagers.

11. General duties of persons residing in village-tracts.
12. Penalty on villagers for neglect of such duties or failure to assist **headman or Tural policeman.**
13. Fine on villagers accessory to crime.
14. Fine on villagers where homicide is committed or attempted.

.Provisions respecting Residence in Village-tracts and Erection of Houses.

15. Notification of residence of strangers in village-tracts.
16. Penalty for breach of section 15 and disposal by headman of such cases.
17. Prohibition of unauthorized settlement of strangers in village-tracts.
18. Prohibition of the establishment of new villages without permission and of the erection of houses outside villages.
19. Penalty for breach of orders under immediately preceding sections.
Procedure for evicting persons convicted under this section.
20. Power to require residents to remove.

Pwès.

21. Penalty for holding, promoting or taking part in an unlicensed ***pwè.***

Supplemental Provisions.

22. Mode of recovering fines.
U3. Finality of orders.
Ci. Delegation of powers of Deputy Commissioner to Assistant Commissioner, Extra Assistant Commissioner or Sub-divisional Officer.
25. Provisions with respect to emoluments of headmen and rural policemen.

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SECTIONS.

26. Bar to jurisdiction of Civil Courts in matters relal ing to appointment of headmen, etc.
27. Amendment of section 9 of Act II of 1880 to provide for remuneration of headman and maintenance of rural police.
28. Protection to headman or rural policeman in execution of hi» duty.
29. Power to make rules.

THE SCHEDULE.

ENACTMENTS REPEALED.

[1] BURMA ACT No. VI of 1907.

(APPLIES TO UPPER AND LOWER BURMA.)

[30th September, 1907; 6th November, 1907.]

An Act to consolidate and amend the law relating to the Village-system and Rural Police in. Burma.

Preamble. WHEREAS it is expedient to consolidate and amend the law relating[1] to the village-system and rural police in Burma; It is hereby enacted as follows: —

Preliminary.

Short title, extmt and commencement. 1. *(1)* This Act may he called the Burma Tillage Act, 1907.

(2) It extends to the whole of Burma; and

(3) It shall come into force on such [2] date as the Local Government may, by notification, appoint in this behalf.

Repeal. 2. The enactments mentioned in the Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

Effect of Act. 3. This Act shall take effect notwithstanding anything in any enactment for the time being in force.

pefinitions. 4. In this Act unless there is anything repugnant in the subject or context,—

" Headman." (1) " headman " means the person appointed to be the headman of a village-tract under section 5 :

" Rule." *(2)* " rule " means a rule made by the Local Government under this Act:

" Stolen property.' ' (3) "stolen property" has the meaning assigned to that term byXLVofl860_ section 410 of the [3] Indian Penal Code:

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[1] For Statement of Objects and Reasons, *see* Burma Gazette, Mr07, Pt. III. p. 45; for Report of the Select Committee, *see ibid,* p. 57; and for Proceedings in Conncil, *see ibid,* pp. 55 and 68.

[1] The Act was brought into force on the 1st Jannaiv, 1908, *see* Burma Gazette, 1907, Pt. I, p. 1015.

[3] Genl. Acts, Vol. I.

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(4) "Sub-divisional Officer" means the officer in charge of a sub-division of a district as constituted foi revenue and general purposes : cerT"1 "ffi" "Sub-dm-sic Officer."

(5) " Township Officer " means the officer in charge of a township as constituted for revenue and general purposes : "Township

(6) **"** town **"** means a local area declared to be a town for the purposes of the [1] Burma Towns Act, 1907 : "Town."

Bar. Act III of 1907.

(7) "village" means an area appropriated to dwelling-places not included within the limits of a town : and "ViU'Se-"

(5) " village-tract " means the local area under the jurisdiction of a headman, including a village or group of villages and adjacent lands. "Village-tract."

5. (*1*) The Deputy Commissioner may declare that any local area shall be a village-tract, and, when necessary, may determine the limits of any village-tract. Determination of village-tracts and appointment of headmen.

(2) The Deputy Commissioner shall appoint a headman for every village-tract, and in making such appointment shall have regard, so far as circumstances admit, to any established custom which may exist respecting the right of nomination or succession or otherwise, and to claims based thereon. men and roral pohce-

(3) The Deputy Commissioner, or a Sub-divisional or Township Officer, empowered by the Deputy Commissioner in this behalf, may appoint a rural policeman or more than one such policeman in any village-tract.

(4) Every local area constituting, immediately before the commencement of this Act, a village, as defined in the [2] Lower Burma Village Act, 1889, or in the [2] Upper Burma Village Regulation, 1887, shall be deemed to have been declared to be a village-tract for the purposes of this Act ; and all appointments, rules, orders and notifications made or issued under any enactment repealed by this Act and in force immediately before the commencement of this Act shall ***mutatis mittandis*** be deemed to have Vieen made or issued under this Act.

Ill of 18S9. XIV of 1887.

Duties and Powers of Headmen and Rural Policemen.

6. (*1*) The Commissioner may, by notification, invest any headman with the powers of a Civil Court for the trial of suits between persons of whom both or all, as the case may be, reside within his village-tract. and may, by general or special notification, specify the classes, and the value not exceeding twenty rupees, of the suits which such headman may try. t', Civil jurisdiction of headman

(2) In any suit tried in exercise of powers conferred under sub-section ***(1),*** the decision of the headman shall, subject to revision by such authority as the Local Government may appoint in this behalf, be final.

[1] *Ante,* p. 597.
* Now rep. bv this Act.

O K

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(3) Notwithstanding anything in the [1] Code of Civil Procedure, a person shall not be bound to institute a suit in the Court of a headman. XIV of 1882.

(4) A fee shall be paid on the institution of a suit in the Court of a headman at the following rate : —

	Ea. A.
If the value of the suit is Rs. 10 or less	10
If the value of the suit is more than Es. 10 and not more than Rs. 15	18
If the value of the suit if more than Rs. 15	2 0

No other fee shall be paid for the issue of processes or otherwise.

"lead man bound to report certain matters.

7. *(1)* Every headman shall forthwith communicate to the nearest Magistrate, or to the officer in charge of the nearest police-station, whichever is the nearer, any information which he may obtain respecting—

(a) the permanent or temporary residence of any notorious receiver or vendor of stolen property in his village-tract;

(б) the resort to any place within, or the passage through, his village-tract of any person whom he knows, or reasonably suspects, to be a dacoit, robber, escaped convict or proclaimed offender;

(c) the commission of, or attempt or intention to commit, any of the following offences within his village-tract, namely : —

(i) murder;

(ii) culpable homicide not amounting to murder;

(iii) dacoity;

(iv) robbery;

(-u) offence against the [2] Indian Arms Act, 1878; or xi of 1878

(vi) any other offence respecting which the Deputy Commissioner by general or special order, made with the previous sanction of the Commissioner, directs him to communicate information;

(d) the occurrence in his village-tract of any sudden or unnatural death, or of any death under suspicious circumstances.

(2) Section 4-5 of the [3] Code of Criminal Procedure, 1898, shall not apply to the areas in which this Act is in force. V of 1898.

General duties of headman, and rural policeman.

8. (2) Every headman shall he bound to perform the following public duties, namely: —

(a) to investigate every offence respecting which he is required by section 7 to communicate information;

(b) to search for and arrest any person whom he has reason to believe to have been concerned in the commission or

[1] *See* now the Code of Civil Procedure, 280a (Act 5 of 1908), Genl. Acts Vol. VI
[2] Genl. Acts, Vol. II.
[3] Genl. Acts, Vol. V.

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attempted commission of any such offence, and to recover, if possible, any property taKen by any such person;

(c) to arrest any person found lurking within the limits of the village-tract who cannot give a satisfactory account of himself ;

(d) to forward, as soon as may be, to the nearest police-station any person arrested'by him or made over to his custody, together with any weapon or other article likely to be useful as evidence ;

(e) to resist any unlawful attack made upon any village within the village-tract ;

(/) to take such measures and execute such works for the protection of the villages within his tract and for keeping open the communications between them and adjacent villages or towns as the Deputy Commissioner may direct ;

tjg) to collect and furnish, upon receipt of payment for the same in advance, at such rates as the Deputy Commissioner, with the sanction of the Commissioner, may from time to time fix, guides, supplies of food, carriage and means of transport for any troops or police posted in or near or marching through the village-tract or for any servant of the Government travelling on duty and, on the written order of tha Deputy Commissioner, for any traveller :

Provided that no headman shall be bound to collect supplies beyond the limits of the village-tract of which he is headman, or to furnish carriage or means of transport for more than twelve hours' journey from such village-tract:

Provided also that no headman shall requisition for personal service any resident of such village-tract who is not of the labouring class and accustomed to do such work as may be required ;

Explanation.—A servant of the Government proceeding on or returning from authorized leave shall be deemed to be on duty for the purposes of this clause ;

(***h***) on the requisition of any Magistrate not below the Tank of Myoolc, to furnish labourers for the making or repair of roads, embankments or other public works ;

(i) to collect or aid in collecting revenue and other money due to the Government from residents of the village-tract or persons holding land therein ;

(j) if so ordered, and in accordance with such rules as may be made in this behalf, to register all births and deaths which

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take place within the village-tract, and any other vital statistics which may be prescribed by such rules;

(k) to superintend and control and to take such measures as may be prescribed in any rules made in this behalf for—

firstly,—the prevention of public nuisances;

secondly,—the cure or prevention of the spreading of any contagious or infectious disease among human beings or domestic animals of any kind;

thirdly,—the prevention and extinction of fires;

fourthly,—^the general sanitation of the village-tract;

fifthly,—the regulation of the slaughter of horned cattle, sheep, goats and swine;

(l) to supply to the best of his ability any local information which any Magistrate or officer of police may require; and

(m) generally to assist all officers of the Government in the execution of their public duties.

(2) Every rural policeman shall be bound to perform such public duties similar to those imposed on a headman by sub-section (***1***) as may be imposed upon him by rules made in this behalf.

Disposal of petty criminal cases by headman.

9. (2) If any of the offences mentioned in the next following sub-section is committed in a village-tract, the headman may, on complaint made to him within eight days from the date of the commission of the offence, take cognizance of it and try any person accused thereof.

(2) The offences referred to in sub-section (2) are the following, namely: —

(a) assault;

(b) theft when the value of the property stolen does not exceed five rupees;

(c) mischief when the mischief causes damage to an amount not exceeding five rupees;

(d) criminal trespass;

(e) any other offence which the Local Government may, by notification, declare to be triable by a headman under sub-section (2).

(3) If the accused is convicted, he may be sentenced to fine not exceeding five rupees or, if the offence was theft or mischief, twice the value of the property stolen or twice the amount of the damage caused, as the case may be, or to confinement for a term not exceeding twenty-four hours in such place as the Deputy Commissioner may appoint in this behalf, or to both.

(4) A headman specially empowered by the Commissioner in this behalf may, on complaint, try any person accused of theft or mischief

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when the value of the property stolen or the amount of the damage caused does not exceed fifty rupees, and may, in any case so triable by him, sentence the accused, on conviction, to fine not exceeding fifty rupees, or to confinement for a term not exceeding fifteen days in such place as the Deputy Commissioner may appoint in this behalf, or to both.

(5) Proceedings under this section shall be held in the presence of the complainant and the accused.

(6) The offence out of which the proceedings have arisen may be compounded at any time before the headman pronounces his decision.

(7) The proceedings need not be reduced to writing, but such record shall be kept of the cases decided as the Deputy Commissioner directs.

(5) The whole or any part of any fine imposed for an offence referred to in this section may be awarded as compensation to any person injured by the offence.

(9) A fee of one rupee may be levied on a complaint under sub-section *(1)* and of two rupees on a complaint under sub-section *(4),* but no other fees shall be leviable in any case under this section.

(10) If the accused is convicted, the amount of any fee paid in respect of the complaint shall be recovered from him as if it were a fine imposed under this Act and be repaid to the complainant..

(11) Nothing contained in this section shall enable a headman to try any person who is accused of an offence punishable under Chapter XII or Chapter XVII of the [1] Indian Pennl Code with imprisonment for a term of three years or upwards and who has been previously convicted of any offence punishable under either of those Chapters with imprisonment for a term of three years or upwards.

XLVof I860.

10. If a headman or rural policeman neglects to perform any of the public duties imposed upon him by this Act or any rule thereunder, or *rf.* ^ ^ r of abuses any of the powers conferred upon him by this Act or any such rule, he shall be liable, by order of the Deputy Commissioner, to pay t headman fine not exceeding fifty rupees.

Penalty for ...ct ...

abuse of ...athority by rural police- mao.

or

General Duties of Villagers.

11. Every person residing in a village-tract shall be bound to perform the following public duties, namely:—

General duties of persons residing in village-tracts.

(a) to communicate forthwith to the headman any information which he may obtain respecting the commission of, or attempt or intention to commit, within the village-tract, any offence with respect to which the headman is required by section 7 to communicate information;

[1] Genl. Acts, Vol. I.

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(b) to resist any unlawful attack made upon any village within the village-tract ;

(c) to take such measures as may be prescribed in any rules made in this behalf for—

(i) the registration of births, deaths and vital statistics ;

(it) the prevention of public nuisances ;

(in) the cure or prevention of the spreading of an) contagious or infectious disease among human beings or domestic animals of any kind ;

(iv) the prevention and extinction of fires ;

(v) the general sanitation of the village-tract ; and

(vi) the regulation of the slaughter of horned cattle, sheep, goats and swine;

(d) on the requisition of the headman or of a rural policeman to assist him in the execution of his public duties.

Explanation.—A requisition under clause ***(d)*** may be either general or addressed to an individual.

Pnnilty on villagers for neglect of each duties or failure to assist headman or rural policeman.

12. If any person residing in a village-tract refuses or neglects to perform any of the public duties imposed upon him by this Act or by any rule thereunder, he shall, in the absence of reasonable excuse, the burden of proving which shall lie upon him, be liable—

(i) by order of the headman, to fine not exceeding five rupees, or to confinement for a term not exceeding twenty-four hours in such place as the Deputy Commissioner may appoint in this behalf, or to both, or

(it) on conviction by a Magistrate, to fine not exceeding fifty rupees or to imprisonment for a term not exceeding one month, or to both.

Fine on villagers accès* si iry to crime.

13. The Deputy Commissioner may, with the sanction of the Commissioner, impose fines on all or any residents of a village-tract if after enquiry he has found—

(a) that they have colluded with or harboured or failed to take all reasonable means to prevent the escape of any criminal ;

(b) that they have suppressed or combined to suppress evidence in any criminal case;

(c) that stolen property having been tracked to their village-tract, they have failed or neglected to restore the property or to take on the track beyond the limits of their village-tract ;

and may, with the like sanction, order the whole or any part of the fines recovered to be applied in compensation for the injury caused by the offence of which the criminal is accused or to which the criminal case relates, or in compensation to the owner of the stolen property.

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(General Duties of Villagers.—Provisions respecting Residence in Village-tracts and Erection of Houses.)

14. When within any village-traet a person is dangerously or fatally wounded by unlawful attack, or the body is found of a person believed to have been unlawfully killed, the residents of the village-tract shall be deemed to have committed an offence under the last foregoing section, unless they can show that they—i

Fine on villagers where homicide is committed or attempted.

(a) had not an opportunity of preventing the offence or arresting the offender ; or

(*b*) have used all reasonable means to bring the offender to justice.

Provisions respecting Residence in Village-tracts and Erection of Houses.

15. (2) If any person comes into a village-tract of which Jtie is not a resident, he or the person, if any, in whose house he is living shall, within °f twelve hours of his arrival, report to the headman his arrival, his name and occupation, and the name of the place where he last resided.

Notification of residence in village-tracts.

(2) The departure from a village-tract of a person whose arrival has teen reported under sub-section (*1*) shall also be reported by the person, if any, in whose house he has been living.

16. *(JL)* Whoever contravenes the provisions of section 15 shall be punishable, on conviction by a Magistrate, with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to fifteen days, Or with both.

Penalty for breach of section 15 by headman of such village.

(2) Where no prosecution has been instituted before a Magistrate for the offence under sub-section (*1*), the headman of a village-tract in which a person contravenes the provisions of section 15 may, within eight days from the date of the commission of such offence, take cognizance of the same upon information received from any person or upon his own knowledge or suspicion that such offence has been committed, and may himself try such accused,

and shall, if he convicts the accused for such offence, sentence him to fine not exceeding five rupees, or to confinement for a term not exceeding twenty-four hours in such place as the Deputy Commissioner may appoint in this behalf, or to both.

(3) Proceedings before a headman under sub-section (*2*) shall be held in the presence of **The** accused. Such proceedings need not be reduced to writing, biit such record shall be kept of the cases decided as the Deputy Commissioner directs.

17. A person who is not a resident of a village-tract shall not build any house, hut or enclosure, or take up his residence, in the village-tract without the permission of the headman.

Prohibition of unauthorized establishment of strangers in village-tracts.

18. *(1)* No person shall, without the permission of the Deputy Commissioner, establish a new village or group of houses ;

Prohibition to establishment of

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now villages without permission a ad of the erection of houses outside villages.

and 110 person shall build or occupy a house on land which is not within a village at the commencement of this Act, until it has been appropriated to dwelling-places with the permission of the Deputy Commissioner.

(2) Nothing contained in this section shall be deemed to require a cultivator or fisherman, or other person whose vocation during a season of the year is carried on at a distance from a village, to obtain the permission of the Deputy Commissioner to build a house on the locality where his vocation is carried on, or to occupy it for any season of the year, during which, having regard to the custom of his vocation, it is necessary that lie should reside in such locality.

Penalty lor brea rh of orders under immediately preceding sections. Procedure lor evicting persons convicted under this beet ion.

19. (*1)* Whoever contravenes the provisions of section 17 or section 18 shall be punishable, on conviction by a Magistrate, with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to fifteen days or with both.

(2) When a person has been convicted under this section, the Deputy Commissioner may issue an order requiring him and any other person (if any) occupying the,houses and land in respect of -which he was convicted to quit the same, and to remove therefrom all property other than Government property within a specified time.

A copy of such order shall be posted up in some conspicuous position on the land or upon a building thereon.

(3) If after the time specified in the order any person remains upon or in occupation of the land, the Deputy Commissioner may, by warrant under his hand, cause such person to be arrested and may commit him to imprisonment in the Civil Jail for such period, not exceeding thirty 'Jays, as he may consider necessary for the purpose of preventing resistance or obstruction to his order.

(4) If any property other than Government property remains on the land after the time specified in the order, the Deputy Commissioner may cause the same to be removed and sold for the purpose of defraying the cost of its removal, custody and sale; and thereupon the surplus proceeds of the sale (if any) shall be paid to the owner of the property.

(5) Nothing shall be deemed to be Government property within the meaning of this section merely by reason of its having been put into or affixed to the soil.

Power to require resi, denta to remove.

20. ***(1)*** When the Deputy Commissioner has reason to believe, on the report of a headman or otherwise, that a person residing in any place is harbouring, aiding or abetting dacoits, robbers or cattle thieves, or ha» taken up his residence in that place for the purpose of such harbouring* aiding or abetting,

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he may require that person to leave that place and to reside in such other place as the Deputy Commissioner may direct.

(*2*) Whoever disobeys a requisition under sub-section (2) shall be punishable, on conviction by a Magistrate, with fine which may extend io five hundred rupees, or with imprisonment for a term which may extend to sis months or with both.

Pvoks.

21. (2) Whoever—.

(a) holds a ***pice*** in any village-tract, without a license granted by the Deputy Commissioner or by an officer appointed by the Deputy Commissioner in this behalf, or **Penalty** for holding [illegible] taking part in an unlicensed jwi

(б) promotes the holding of a ***pwe*** held without such license, or

(c) takes part in or in any manner assists the race, performance or other entertainment (if any) constituting a ***pwe*** held without such license, or takes part in or in any manner assists the arrangement or management of a ***pwe*** held without such license, or

(d) being present thereat, permits the holding of a ***pwe*** without such license, on any land or premises under his control,

shall be punishable, on conviction by a Magistrate, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(2) No fee shall be paid on the application for, or on the issue of, the license required by sub-section (2).

(3) For the purposes of this section " ***pwe*** " ordinarily means a pup-pet-show or other theatrical or dramatic performance, or a native cart, pony, boat or other like race, held for public entertainment, whether on public or private property;

and, in respect of any local area, also includes public entertainments or assemblies of any such class as the Local Government may by notification declare to be ***pwis*** for the purposes of this section when held in such local area.

Supplemental Provisions.

22. (2) A fine imposed under this Act may be recovered as if it were an arrear of land-revenue. **Mode of recovering** [illegible] lines.

(2) A fine imposed under section 13 may, with the previous sanction of the Local Government, be commuted into an annual addition to the capi^ation-tax or ***thathameda-tax*** payable by the residents of the village-tract, or to the land-revenue payable in respect of the lands in the village-tract, or, in the case of revenue-free lands, to an annual assessment at such rates and for such term of years as the Local Government may direct.

23. (2) An appeal shall not lie from any order made under this Act. **Finality of orders.**

(2) But the Deputy Commissioner may revise any such order made

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by any officer subordinate to him; the Commissioner may revise any such order made by the Deputy Commissioner; and the Local Government may revise any order made by the Deputy Commissioner or Commissioner.

(3) Save as provided hy this section, an order made under this Act shall be final, and shall not be liable to be contested by suit or otherwise.

(4) The word " order " in this section does not include a decision of a headman in a suit tried in exercise of powers conferred under section 6, sub-section (***1***).

Delegation of powers of Deputy Commissioner to Assistant Commissioner, Extra Assistant Commissioner or Sub-iivisiora] Officer.

24. The Local Government may authorize any Assistant Commissioner, Extra Assistant Commmissioner or [1] Sub-divisional Officer to exercise in any district or part of a district all or any of the powers of the Deputy Commissioner under this Act.

Provisions with respect to emoluments of headmen and rurs 1 policemen.

25. ***(1)*** The emoluments of a headman or rural policeman shall not be liable to attachment in execution of a decree or order of any Civil Court.

(2) An assignment of or charge on, or an agreement to assign or charge, any such emoluments shall be void.

(3) Where the emoluments of a headman consist wholly or in part of a grant of land, the title to the grant shall pass with the office of headman, and the Deputy Commissioner may, upon such terms, if any, as to compensation for improvements or otherwise as he thinks fit, enforce the surrender of the land to the person for the time being holding that office.

(4) In enforcing a surrender under sub-section (3) the Deputy Commissioner may proceed in the manner provided in sub-sections ***(2)*** to ***(5)*** of section 19.

Bar to jurisdiction of Civil Courts in matters relating to appointment of headman, etc.

26. A Civil Court shall not have jurisdiction over any claim to the office of headman or other village-officer, or in respect of any injury caused by exclusion from such office, or power to compel the performance of the duties, or a division of the emoluments, thereof.

Amendment of section 9 of Act II of 1880 to provide for remunnration of headman ind maintenance of rural police.

27. For clause (a) of section 9 of the [2] Burma District Cesses and Rural Police Act, 1880, the following shall be substituted, namely: — **II of 1880.**

" ***(a)*** the remuneration of the headmen and the maintenance of the rural police appointed under the Burma Village Act,, 1907."

[1] **For notification empowering all Sub-divisional Officers in the Upper Chindwin district to exercise the powers of a Deputy Commissioner under s. 5 *(2),* in regard to the appointment of persons to officiate as headmen in any case where the headman has been granted leave for a period not exceeding six months, *see* Burma Gazette, 1909, Pt. I, p. 644.**

[2] ***Ante,* p. 42.**

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28. No complaint against a headman or rural policeman of any act or omission punishable under this Act shall be entertained by any Court unless the prosecution is instituted by order of, or under authority from, the Deputy Commissioner. Protection to headman or rural .«¡liceman in ex tice of hi^uty!

29. ***(1)*** Subject to the control of the Governor General in Council, the Local Government may, by notification, make rules consistent with this Act— Power to inakeru,es_

[1] ***(a)*** conferring on headmen or on rural policemen any powers or privileges, which may be exercised or are enjoyed by police-officers under any enactment for the time being in force;

[1] (***b***) prescribing the duties to be performed by rural policemen, including any duties imposed upon police-officers by any enactment for the time being in force;

[1] (c) regulating the exercise, enjoyment and performance of those powers, privileges and duties by rural policemen;

[2] (***d***) prescribing the duties to be performed by the headman and residents of a village-tract in respect of the matters mentioned in section 8, sub-section (*1*), clauses (***j***) and (***Jc***), and in section 11, clause (c);

(e) regulating the emoluments of headmen and rural policemen;

(/) prescribing the procedure to be observed by a headman trying a suit in exercise of powers conferred under section 6, sub-section (2), the record which he is to make of the suit, and the mode in which that record is to be disposed of, the powers which he may exercise as regards the costs of the suit and of any proceeding arising thereout, the manner in which a decree or order made by him may be executed by himself, and the manner, circumstances and conditions in and on which such a decree or order may be sent for execution to, and be executed by, another headman or a Civil Court;

(g) for the disposal of fees levied under section 6, sub-section ***(4),*** and section 9, sub-section ***(9)***; and

(h) generally, for carrying into effect the purposes of this Act.

(2) All such rules shall, svhen published in the Gazette, have the same effect as if enacted by this Act.

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[1] **For rules under clauses (a), (&) and (c), see Burma Gazette, 1908. Pt. I, p. 824.**

[3] **For rules under clause *(d)* for the regulation of the slaughter of cattle, see Burma Gazette, 1908, Pt. I, p. 82, and under the s&.me clause, for the prevention of fires in certain divisions, *see ibid,* p. B29; for the registration of births, *see ibid,* p. B30; for the cure and prevention of contagious or infectious diseases, see ibid, p. 834: for the registration of deaths of cattle in village-traits, see ibid, p. f36; and for rules for the prevention of the spread of leprosy in certain village-tracts, see Burma Gazette, 1909, Pt. I, p. 572; and *ibid,* 1910, Pt. I, p. 478.**

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THE SCHEDULE.

{See section 2.)

Enactments Repealed.

1	2	3	*i*
Tear.	No.	Short title or subject.	Extent of repeal.
		Acts of the Governor General in Council.	
1880	II	The Burma District Cesses and Bural Police Act, 18SO.	Sections 12 to 21 (both inclusivei in so far as they may not already have been repealed.
1S89	III	The Lower Burma Village Act, 1889 .	The whole.
1894	XI	The Lower Burma Village Act (1889) Amendment Act, 1894.	The whole.
1895	XVIII	The Lmver Banna Villages and Towns Law Amendment Act, 1895.	The heading "Lower Burma Village Act, 1889," and sections 1, 2 and 3.
1898	XIII	The Burma Laws Act, 1893 . .	So much of the Third Schedule as relates to Act III of 1889 and Kᵉgulation XIV of 1887-
		Regulations made under the Government of India Act, 1870 {33 Viet., C. 3.)	
1887	XIV	The Upper Burma Village Begulation, 1887.	The whole.
1891	I	The Upper Burma Village Begulatiou (1887) Amendment Begulation, 1891.	So much as has not been repealed.
1894	IV	The Upper Burma Village Begulation (1887'Amendment Begulation, 1891.	The whole.
1896	IV	The Upper Burma Villages, Towns and Land-Bevenue Law Amendment Begulation, 1896.	The heading " Upper Burma Village Begulation, 1887," and sections 1, 2 and 3.
		Acts of the Lieutenant-Governor of Burma in Council.	
1902	I	The Burma Village Law Amendment Act, 1902. *	The whole.
1904	II	The Burma Towus and Village Laws Amendment Act, 1901.	Sections 2 and 4.

[1] BURMA ACT No. VII of 1907.

(APPLIES TO LOWER BURMA.)

[30th September, 1907; 30th November, 1907.]

An Act further to amend the Lower Burma Courts Act, 1900.

Preamble. Whereas it is expedient to amend the Lower Burma Courts Act, 1900; vi of 1900. Tt is hereby enacted as follows: —

Short titlo and com- mon«tmaat. 1. (*1*) This Act may be called the Lower Burma Courts Act (1900) Amendment Act, 1907; and

[1] For Statement of Objects and Reasons, *see* Burma Gazette, 1907, Pt. Ill, p. 51; and for Proceedings in Council, *see ibid,* pp. 54 and 68.

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(2) It shall come into force on [1] such date as the Local Government may, by notification, appoint in this behalf.

VI of 1900. 2. For section *27* of the Lower Burma Courts Act, 1900, the following section shall be substituted, namely:— **Substitution of new section for section 27 of Act VI, 1900.**

r.l*ute*, p. 165-1 J

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[2] BURMA ACT No. VIII of 1907.

(APPLIES TO UPPER BURMA.)

[30th September, 1907; 7th December, 1907.]

An Act to provide for the regulation of traffic in certain narrow and dangerous waters in Upper Burma.

Whereas it is expedient to provide for the regulation of traffic in p$_{ream}$bi$_{0}$. certain narrow and dangerous waters in Upper Burma; It is hereby enacted as follows: —

1. (7) This Act may be called the Burma Defile Traffic Act, 1907. **Short title, extent and commencement.**

(2) It extends to the defile and waters of the Irrawaddy River between the village of Sinbo in the Myitkyina District and the town of Bhamo in the Bhamo District; and

(3) It shall come into force at once.

2. In this Act unless there is anything repugnant in the subject or context— **Definitions.**

(1) "defile" means the defile and waters of the Irrawaddy River between the village of Sinbo in the Myitkyina District and the town of Bhamo in the Bhamo District:

(2) "steam-vessel" includes a motor-launch or other vessel propelled by mechanical means : and

(3) "vessel" includes a steam-vessel, boat, raft or timber.

3. *(1)* The Local Government may make [3] rules regulating the navi- p$_{owe}$r to gation and traffic in the defile. **make rules.**

(2) Without prejudice to the generality of the foregoing power, such rules may contain directions as to all or any of the following matters, namely: —

(a) prohibiting vessels or specified classes of vessels from entering the defile when the water is high or likely to rise or in other cases of special danger;

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[1] **The Act was declared to come into force on 1st February, 1908, *see* Burma Gazette, 1908, Pt. I, p. 48.**

[3] **For Statement of Objects and Reasons, *see* Burma Gazette, 1907, Pt. Ill, p. 50; and for Proceedings in Council, see *ibid,* pp. 53 and 67.**

*** For rules under this section, see Burma Gazette, 1908, Pt. I, p. 155.**

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(*b*) prohibiting or authorizing specified officers to prohibit specified classes of vessels from entering the defile or specified parts of the defile during specified periods or during a specified number of days in each month or except on such days and between such hours as may be fixed in that behalf by an officer appointed for the purpose;

(c) prescribing the earliest and latest hours at which steam-vessels inaj enter the defile, or any specified part of the defile, from above or below;

(*d*) prohibiting steam-vessels from entering the defile, or from passing specified places therein, without permission, and prescribing by what officer and on what conditions such permission may be given;

(e) providing for the stoppage, or the stoppage and reporting of the arrival or departure, of vessels or of specified classes of vessels at specified places in the defile or above or below the defile;

(/) restricting or prohibiting the stoppage of vessels or of specified classes of vessels in the defile or in specified parts thereof;

(*g*) prescribing the special precautions to be taken by vessels or specified classes of vessels when disabled or not under control or when 'compelled to moor or anchor in the defile, or when meeting or likely to meet other vessels or when navigating specified parts of the defile;

(i*h*) prohibiting the passage of rafts through the defile or any specified part thereof without a pass, and prescribing the officer by whom and the conditions subject to which such passes may be issued;

(i) requiring persons in charge of rafts to report the arrival of the rafts at specified places to officers appointed by the Deputy Commissioner of the District, and to produce such passes (if any) for inspection and signature, and to deliver up the passes on arrival at Bhamo;

(;) providing for the production of raft passes to village-headmen and police-officers on demand of such officers and for the inspection of such passes by them; and

(£) authorizing the detention of vessels in respect of which any breach of rules may have been committed or may be contemplated.

(3) All rules made under this section shall be made after previous publication and, when made, shall be finally published in the Gazette and shall come into operation from the date of such publication.

P«naHy for breach of rules.

4. Any breach of any rule made under this Act may, on conviction, be punished v>-ith fine which may extend to one thousand rupees.

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VI of 18M. Bur. Act IV of 1002.,

5. Nothing in this Act shall affect the operation of the [1] Inland Steam- vessels Act, 1884, the [2] Burma Forest Act, 1902, or any other enactment relating to vessels. Saving of Acts.

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[3] BURMA ACT No. I of 1908.

(APPEALS TO LOWER BURMA.)

[26th February, 1908; 25th March, 1908.]

An Act tu provide for the vesting and management of the Victoria Memorial Park at Rangoon.

Whereas the Victoria Memorial Park and Zoological Gardens have been established at Rangoon as a Memorial of the Life and Reign ol Her late Majesty Victoria of the United Kingdom of Great Britain and Ireland, Queen, Empress of India, and for this purpose sums of money have been subscribed by the people of Burma ; **preamble,**

And Whereas at a meeting of subscribers held in Rangoon certain persons were appointed a Provisional Executive. Committee for the administration of the Memorial;

And Whereas it is expedient to make provision for the vesting, maintenance and management of the Memorial and for the appointment of a permanent body of Trustees ;

It is hereby enacted as follows : —

1. (2) This Act may he called the Rangoon Victoria Memorial Act, 1908 ; and **Short title** and commencement.

(2) It shall come into force at once.

2. (2) The Trustees of the Victoria Memorial at Eangoon (hereinafter called the Trustees) shall be the following, namely :— **Trustees,**

(a) The Chief Judge of the Chief Court, Lower Burma.

(b) The President of the Municipal Committee, Rangoon.

(c) The Chairman of the Commissioners for the Port of Rangoon.

(d) The Chairman of the Burma Chamber of Commerce.

(e) The Chairman of the Trades Association, Rangoon.

(/) The Commissioner of Police, Rangoon.

(g) Such and so many persons as shall from time to time be nominated by the Trustees with the approval of the Local Government to represent the general body of subscribers.

(2) The Trustees shall be a body corporate with perpetual succession by the name of the "Trustees of the Rangoon Victoria Memorial" and a

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[1] Genl. Acts, Vol. Ill

[2] *Ante, .p-175*

* For Statement of Objects and Reasons, *see* Burma Gazette, 1907. Pt. Ill, p. 81 ; and for Proceedings in Council, *tee ibid,* 1908, pp. 2 and 6.

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common seal, and in that name shall sue and he sued and shall have power to acquire and hold property, to enter into contracts and to do all acts necessary for and consistent with the purposes of this Act.

(3) All acts done by a majority of those present and voting at a meeting of the Trustees shall be deemed to be acts of the Trustees.

(*4*) No act of the Trustees shall be deemed to be invalid merely by reason of any vacancy in or defect in the constitution of the body of the Trustees.

(5) In the case of ***ex-officio*** Trustees the person for the time biing performing the duties of any of the offices mentioned in sub-clause (2) siiall act as a Trustee.

(6) The Trustees may appoint a person to act as their Secretary.

(7) Orders for the payment of money on behalf of the Trustees shall be deemed to be sufficiently authenticated if signed by two Trustees and countersigned by the Secretary.

Proper'y vented in Trustees.

3. All sums of money now in the custody of the said Provisional Executive Committee and all other property, whether movable or immovable, which have been or may hereafter be given, bequeathed or otherwise transferred for the purposes of the said Memorial or acquired for the said purposes by the said Provisional Executive Committee or by the Trustees shall vest in the Trustees.

Officers and •servant» to be public servants.

4. All officers and servants employed by the Trustees shall be deemed to be public servants within the meaning of the [1] Indian Penal Code: XLVof i86o,

Provided that this section shall not apply to persons in the service of any contractor employed by the Trustees.

Eu les.

5. (2) The Local Government may make [2] rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide: —

(a) for the manner in which Trustees other than ***ex-officio*** Trustees, shall be appointed and for the periods of time for which such Trustees shall hold office ;

(***b***) for the manner in which the meetings of the Trustees shall be convened, the quorum necessary for the transaction of business and the procedure at such meetings ;

(c) for the appointment of Cc mmittees of the Trustees and the powers of expenditure aid control which may be delegated to such Committees;

(***d***) for the laying out, improvement, maintenance and management of the Park and Zoological Gardens, the care and custody of the animals, birds, reptiles and other objects and things placed or deposited therein ;

[1] Genl. Acts, Vol. I.

[1] For rules, *see* Burma Gazette, 1909, Pt. I, p. 939.

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(e) for the form of accounts to be kept by the Trustees and for the audit and publication of such accounts;

(/) for the application to the officers and servants employed by the Trustees of the rules ^hich apply to the civil servants of the Crown or to any class of such civil servants;

(g) as to the conditions under which the public shall have access to the Park and Zoological Gardens or particular parts thereof, and the regulation of the traffic of vehicles or animals and the conduct of persons entering the Park or Gardens ; and

(h) for the preservation and prevention of injury to or interference with any property vested in the Trustees, and for the prevention of persons from trespassing or permitting animals to trespass or pasture in such Park or Gardens or particular parts thereof.

(3) The Local Government may by rule under this section attach to the breach of any rule made under clauses ***(g)*** and ***(h) oi*** sub-section ***(2),*** a punishment not exceeding a fine which may extend to one hundred rupees.

(4) All rules made under this section shall be made after previous publication, and when made shall be finally published in the Gazette, and shall come into operation from the date of such final publication.

Validation past of proceedmgs.

6. All expenditure incurred and all acts and things done by the Provisional Executive Committee before the commencement of this Act shall be as valid as if the same had been incurred and done by the Trustees after the commencement of this Act.

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[1] BURMA ACT No. II of 1908.

(APPLIES TO LOWER AJSD UPPER BURMA.)

[26th March, 1908; 18th April, 1908.']

An Act further to amend the Burma Municipal Act, 1898.

Bur. Act III oi !898.

Whereas it is expedient further to amend the Burma Municipal Act, 1898; It is hereby enacted as follows : — **Preamble.**

Short title and commen—.

1. (*1)* This Act may be called the Burma Municipal Act Amendment Act, 1908; and

(2) It shall come into force at once.

Bor. Act III ol IS**.

Substitution of new section for section 38 of Burmi Ill, p. 77; Act III of IsOS.

2. For section 38 of the Burma Municipal Act, 1898, the following section shall be substituted, namely :—

[Ante, p. 352.]

[1] **For Statement of Objects and Reasons, see Bi'rm; Gazette, 1907, Pt. and for Proceedings in Council, *see ibid,* 1908, pp. 1, 5 and 7.**

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Amendment of section 38A of Burma Act III of 1898.

3. In section 38A, sub-section (7) of the Burma Municipal Act, 1898, as amended by Burma Act II of 1903, after the words " the Rangoon Municipal Committee " the following shall be inserted, namely : — **Bur. Act HI** of 1898*

" and the Committee of any other municipality to which the Local Government may by notification declare this section to apply."

Insertion of new section 38B in Burma Act III of 1898.

4. After section 38A of the said Act as so amended the following section shall be inserted, namely: —

[Ante, p. 353.]

Amendment of section 55 of Burma Act III of 1898.

5. In section 55 of the said Act the following shall be added to sub-section (2), namely: —

" Such rules may also authorize the Committee to dispose in accordance with such rules, by way of lease or otherwise, of the right to collect any tolls leviable under section 46, sub-section (*1*), Division (A), clause *(h)."*

Amendment of section 03 of Burma Act III of 1898.

6. (2) In clause *(a)* of section 63, sub-section *(2)* of the said Act, for the words " within fourteen days from the date of the sub-committee's decision" the following shall be substituted, namely: —

"within thirty days from the date of the communication to the appellant of the sub-committee's decision."

(2) In clause (*b*) of the same sub-section for the words " date of the sub-committee's decision" the following shall be substituted, namely: —

"date of the communication to the appellant of the sub-committee's decision."

Amendment of section 72 *(1)* (6) of Burma Act III of 1893.

7. In clause *(b)* of section *72,* sub-section (2) of the said Act, for the words and figures—" including such subscriptions and contributions as are referred to in sections 37 and 38 " the following shall be substituted, namely:—■

" including such subscriptions, payments, and contributions as are referred to in sections 37, 38, 38A, and 38B."

Amondmcnt of section 94 of Burma Act III of 1898.

8. (2) In section 94, sub-section (2) of the said Act, the words "so as to form part thereof" shall be inserted after the words "or in front thereof."

(2) In the same sub-section the following paragraph shall be inserted after the first paragraph, namely : —

[Ante, p. 380.]

(3) In the same sub-section the following shall be added to the first proviso, namely: —

" but no compensation shall be payable in respect of any other alteration or removal effected or requisitioned under this sub-section."

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9. In section 117 of the said Act the following proviso shall be added to sub-section *(1),* namely:— Amendment of section 117 of Burma Act III of 1898.

[Ante, **p. 388.]**

10. For section 213 of the said Act the following section shall be substituted, namely:— Substitution of new section for section 213 of Burma Act III of 1898.

[Ante, p. 417.]

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[1] **BURMA ACT No. III OF 1908.**

(APPLIES TO UPPER AND LOWER BURMA.)

[13th April, 1908; 16th May, 1908.]

An Act to amend the Burma Towns Act, 1907.

Bur. Act III of 1907.

WHEREAS it is expedient to amend the Burma Towns Act, 1907; It is hereby enacted as follows : — Preamble.

1. (1) This Act may be called the Burma Towns Act Amendment Act, 1908; and Short title and commencement.

***(2)* It shall come into force at once.**

Bur. Act III of 1907.

2. For the heading "*Pwes*" which precedes section 11 in the Burma Towns Act, 1907, the following heading shall be substituted, namely:— Addition to heading which precedes section 11 of Burma Act III of 1907.

"Pices, Billard-saloons, etc."

3. After section 11 of the said Act the following section shall be inserted, namely:— insertion of new section 11A in Bur. Act III of 1907.

***[Ante,* p. 601.]**

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[2] **BURMA ACT No. IV OF 1908.**

(APPLIES TO LOWER BTTRMA.)

[29th August, 1908; 11th September, 1908.]

An Act further to amend the Eangoon Port Act, 1905.

Bur. Act IV of 1905.

WHEREAS it is expedient to amend the Rangoon Port Act, 1905; It is hereby enacted as follows : — Preamble.

1. *(1)* This Act may be called the Rangoon Port (Amendment) Act, 1908; and Short title and commencement.

***(2)* It shall come into force at once.**

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[1] For Statement of Objects ana Reasons, *see* Burma Gazette, 1908, Pt. Ill, p. 4 ; and for Proceedings in Council, see *ibid,* pp. 8 and 11.

[3] For Statement of Objects and Reasons, see Burma Gazette, 1908, Pt. Ill, p. 36; . and for Proceedings in Council, *see ibid,* p. 61.

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Amendment ol section 36 of Burma Act IV of *1905.*

2. For sub-section *(1)* of section 36 of the Rangoon Port Act, 1D05, Bur. Aot IV of 1935. the following shall be substituted :—■

[Ante, p. 566.]

Insertion of new section after section 36 cl Burma Act IV of 1905. Rel eah

3. After section 36 of the Rangoon Port Act the following shall be inserted: —

[Ante, p. 566.]

4. The Third Schedule to the Rangoon Port Act, 1905, is hereby repealed.

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[1] BURMA ACT *No.* V *of* 1908.

(APPLIES TO LOWER BURMA.)

[21st October, 1908; 27th November, 1908.J

An Act to amend the [2]British Burma Pilots Act, 1883.

Preamble.

WHEREAS it is expedient to amend the [2] British Burma Pilots Act, XII of 1883. 1883; It is hereby enacted as follows: —

Short title, and commencement.

1. (*1*) This Act may be called the British Burma Pilots Act Amendment Act, 1908; and

(2) It shall come into force at once.

Substitution of the words " Local Government" for ' ' Chief Commissioner ** in Act XII of 1883.

2. In the British Burma Pilots Act, 1883, for the words " Chief Com- of !883- XII missioner " wherever they occur in any section of the said Act other than section 18, the words " Local Government " shall be substituted.

Amendment of section 6 of Act XII of 1883.

3. *(1)* In section 6, sub-section (1) of the said Act, for the words " he may direct" the words "Local Government may direct" shall be substituted, and for the words " in his opinion " the words " in the opinion of the Local Government" shall be substituted.

(2) In sub-section *(2)* of the same section, for the word " he " wherever it occurs, the word " it" shall be substituted.

Substitution of new section for seotion 9 of Act XII of 1883.

4. For section 9 of the said Act, the following section shall be substituted, namely: —

[Ante, p. 76.}

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[1] For Statement of Objects and Reasons, see Burma Gazetto, 1908, Pt. Ill, p. *12;* und for Proceedings in Council, see *ibid,* pp. 60 and 110. ■

* *Ante.*

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5. In section 10, sub-section (2) of the said Act, for the words " the assessor who is the master of a sea-going vessel" the words "the first assessor " shall be substituted. **Amendment of section 10 of Act XIX of 1883.**

6. After section 10 of the said Act, the following section shall be inserted, namely : — **Insertion of new sec. 8.**

[Ante, p. 77.]

7. In section 18 of the said Act, for the words ' ' the Chief Commissioner may suspend his license until the trial is concluded or the report of the investigation is submitted or transmitted to the Chief Commissioner, as the case may be," the following shall be substituted, namely: — **Amendment of section 18 of Act XII of 1883.**

[Ante, p. 79.]

8. In section 19 of the said Act, for the word " his " the word " its " shall be substituted, and for the word "he" the word "it" shall be substituted. **Amendment of section 19 of Act XII of 1883.**

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[1] BURMA ACT No. VI of 1908.

(APPLIES TO LOWER AND UPPER BTRHA.)

[21st October, 1908; 27th November, 1908.]

An Act to provide for the prohibition of inoculation and the licensing of vaccinators in Burma.

Whereas it is expedient to prohibit the practice of inoculation in local areas where due facilities for vaccination have been provided, and to provide for the licensing of vaccinators in Burma ; It is hereby enacted as follows : — **Preamble.**

1. (2) This Act may be called the Burma Prohibition of Inoculation and Licensing of Vaccinators Act, 1908; **Short title, extent and commencement.**

(2) It extends to the whole of Burma ; and

(3) It shall come into force on such [2] date as the Local Government may, by notification, direct.

2. In this Act unless there is anything repugnant in the subject or context, "inoculation" has the meaning assigned to that term by the [3] Vaccination Act, 1880. **Definition of "inoculation."**

XIII of 1880.

3. (2) In any local area to which the Local Government may by notification extend this section, inoculation shall be prohibited. **Power to prohibit inoculation in certain areas.**

(2) Any person who in such local area performs or undergoes inoculation shall be punishable with imprisonment which may extend to three **Penalty for breach of such prohibition.**

[1] **For Statement of Objects and Reasons, *see* Burma Gazette, 1908, Pt. Ill, p. 10; and for Proceedings in Council, *see ibid,* pp. 61 and 110.**

[3] **The Act came into force on 1st October 1909, *see* Burma Gazette, 1909, Pt. I, p. 491.**

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months, or with fine which may extend to two hundred rupees, or with both.

Prohibition of unlicensed vaccinators.

4. (2) No person shall perform vaccination unless he—

(a) holds such medical [1] qualifications as the Local Government may by notification specify in this behalf, or

(b) has been appointed a vaccinator under this Act or under the **XIII of 1880.** [1] Vaccination Act, 1880, or

(c) holds a license as a vaccinator under section 8 of the [2] Vaccina^ tion Act, 1880, or under this Act. XIII of 188C><

(2) The Civil Surgeon of the district, the Health Officer of a Municipality or Port, or any officer specially authorized by the Local Government in this behalf may appoint any person to be a vaccinator or may, by written license, authorize any person as a private vaccinator to practise vaccination in any local area under the charge of the officer issuing the license, and may suspend or cancel any such license.

(3) Any person prohibited by sub-section (1) from performing vaccination, who performs vaccination, or who, being licensed as a private vaccinator performs vaccination in a local area to which his license does not extend shall be punishable with imprisonment which may extend to one month or with fine which may extend to fifty rupees, or with both.

Definition of Vaccinator and Superintendent of Vaccination for purposes of v.iriuus enactments.

5. Notwithstanding anything contained in the [2] Vaccination Act, xni°f 1880, or in the [1] Burma Vaccination Law Amendment Act, 1900, the following terms shall, when used in either of the said Acts or in this Act, have the following meanings, respectively : — 1880. **Bur. Act Hof 1900.**

" Vaccinator" means any vaccinator appointed under the [2] Vaccina- XIII °f 1880. tion Act, 1880, or under this Act to perform the operation of vaccination, or any medical practitioner permitted or person licensed under that Act or under this Act to perform the same operation and includes a Superintendent of Vaccination.

" Superintendent of Vaccination " means a person appointed to be a Superintendent of Vaccination under the [2] Vaccination Act, 1880, or **XIII of 1880.** under this Act.

6. *(I)* The Local Government may make [3] rules regulating the appointment and licensing, respectively, of vaccinators under section 4, sub-section (*2*), the suspension and cancellation of licenses issued under that section, the suspension and dismissal of vaccinators appointed under that section, the procedure of vaccinators, and generally for carrying out the purposes of the Act.

(2) Such rules shall be published in the Gazette, and shall thereupon have the same effect as if enacted in this Act.

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[1] For notification specifying such qualifications, see Burma Gazette, 1909, Pt. I p. 6Q6u
' *Ante.*

*** For rules, see Burma Gazette, 1909, Pt. I, p. 606.**

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[1] BURMA ACT No. I of 1909.

(APPLIES TO LOWER AND UPPER BURMA.)

[*12th March, 1909; 30th March, 1909.*]

An Act to make further provision for Compulsory Vaccination in Burma.

WHEREAS it is expedient to make further provision for compulsory vaccination in Burma ; It is hereby enacted as follows : — Preamble.

1. (*1*) This Act may be called the Burma Vaccination Law Amendment Act, 1909 ; Short title, extent and commencement.

(*2*) It extends to the whole of Burma ; and

(3) It shall come into force on such [2] date as the Local Government may, by notification, appoint in this behalf.

Bur. Act II of 1900 repealed. 2. The Burma Vaccination Law Amendment Act, 1900, is hereby repealed. Repeal of Burma Act II of 1900.

3. In this Act, unless there is anything repugnant in the subject or context,— Definitions,

(*a*) "inoculation" and "vaccinator" have the meanings assigned to them respectively by the [3] Vaccination Act, 1880, and

"Superintendent of Vaccination" means a Superintendent of Vaccination appointed under that Act;

(b) "unprotected person" means a person who has attained the age of fourteen years and who has not been protected from small-pox by having had that disease either naturally or by inoculation, or by having been successfully vaccinated, and who has not been certified, under the [a] Vaccination Act, 1880, or this Act, to be insusceptible to vaccination ;

(c) "Factory" has the meaning assigned to it by the Indian Factories Act, 1881 ; and

(*d*) "port" means a port as denned for the purposes of the Indian Ports Act, 1889.

4 (*1*) In the municipality of Rangoon, and in any other municipality to which the provisions of this section may be extended in manner hereinafter provided, the Health Officer of the municipality or any other officer specially appointed by the Local Government in this behalf may direct the vaccination of any child under six months of age when it is or has been exposed to infection in consequence of residence in a house infected by small pox. Power to direct vaccination of young child exposed to infection.

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[1] For Statement of Objects and Reasons, *see* Burma Gazette, 1908, Pt. Ill, p. 20; for Report of Select Committee, *see* ***ibid,*** 1909, Pt. Ill, p. 13, and for Proceedings in Council, *tee* ***ibid,*** 1909, Pt. III., pp. 2 and 32.

[1] 24th May, 1909, *see* Burma Gazette, 1909, Pt. I, p. 371.

* *Antf.*

* Genl. Acts, Vol. III.

* *See* now the Indian Ports Act, 1908 (15 of 1908), Genl. Acts, Vol. VI.

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and the parent or guardian of such child shall permit such child to be forthwith vaccinated by any vaccinator who attends at the place where the child is or if no vaccinator is sent for the purpose, shall take it or cause it to be taken to a vaccinator to be vaccinated, or send for a vaccinator to vaccinate it.

(2) The provisions of the second paragraph of section 9 and of sections 10 to 22 of the Vaccination Act, 1880, shall apply in the case of any xm of 1880. child whose vaccination is directed under this section, as if this section were a part of section 9 of that Act.

Occupier of house, Etc., to **allow access.**

5. *(1)* In the municipality and port of Rangoon and in any other municipality or port to which the Local Government may by notification extend this section, every person occupying any, or part of any, house, enclosure, vessel or other place shall allow a Superintendent of Vaccination or a vaccinator authorized by a Superintendent of Vaccination in this behalf such access thereto between sunrise and sunset as may be necessary for the purpose of ascertaining whether the inmates are protected or not,

and every inmate of such house, enclosure, vessel or other place shall be bound to answer truly any inquiries touching the question whether or not he is an unprotected person and shall be bound to show on demand the marks of any previous vaccination alleged by him to have been performed.

(2) Every person failing to answer questions or to show marks in compliance with the provisions of sub-section (2) shall be deemed to be an unprotected person.

(3) Whenever it is necessary to ascertain whether a woman is protected or not, the investigation shall be conducted by a woman with strict regard to the customs of the class to which the person examined belongs.

Power to require unprotected persons to be vaccinated after notice.

6. In the municipality of Rangoon and in any other municipality to which the provisions of this section may be extended in manner hereinafter provided, a Superintendent of Vaccination may, if he deems it advisable, by notice in writing in the form set forth in the schedule or in some similar form, require any unprotected person to submit himself within seven days after the service of the same to a vaccinator to be vaccinated;

and every such person so served with a notice shall within the said period submit himself for vaccination as aforesaid.

Power to vaccina to initiates of lodging-house or factory forthwith.

7. In the municipality of Rangoon and in any other municipality to which the provisions of this section may be extended in manner hereinafter provided, a Superintendent of Vaccination may, if he deems it advisable, require any unprotected person being an inmate of a building or part of a building which is let in lodgings or occupied by members of more than one family, or any unprotected person employed in a factory, to submit himself forthwith to a vaccinator to be vaccinated;

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[1] *Ante.*

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and every person so required shall thereupon submit himself for vaccination as aforesaid.

Extension of 8. The Local Government may, by notification, extend to any municipality in which the [1] Vaccination Act, 1880, is for the time being in force, the provisions of sections 4, 6 and 7 or any of them.

XIII of 1880. **provisions to municipalities other than that of Rangoon.**

Power to 9. *(1)* When a vessel arrives in the Port of Rangoon, or in any other port to which the Local Government may by notification extend this section, the Health Officer of the port, or any other officer specially authorized by the Local Government in this behalf, may, if he thinks fit, require any person who has travelled on board the vessel for the purpose of coming to Burma to work as a labourer to be inspected and if on inspection he is found to be unprotected to be vaccinated ;

protected person arriving by vessel to certain ports to submit to vaccination.

and every such person shall, if so required by any such officer, forthwith proceed to such place as may be specified in this behalf by such officer for the purpose of inspection and vaccination and shall remain there until he is permitted to leave, and shall, if unprotected, before leaving such place submit himself to a vaccinator for vaccination :

Provided that this section shall not apply to any vessel belonging to or in the service of His Majesty or the Government of India, or to any vessel belonging to any foreign Prince or State.

(2) For the purpose of sub-section (2) every person who when so requested fails to show by documentary or other evidence that he is not a labourer shall be deemed to have travelled on board the vessel for the purpose of coming to Burma to work as a labourer.

Power to arrest person committing breach of section 7 or 9.

10. (7) The Health Officer of a port, a Superintendent of Vaccination or other officer specially authorized by the Local Government in this behalf or, on the request of any such officer, any Police-officer may arrest without a warrant any person who commits a breach of section 7 or section 9, if the name and address of such person cannot be readily ascertained and then and there or if, in the opinion of the arresting officer, there is any likelihood of a failure to secure the attendance of such person before a Magistrate on the issue of a summons.

If such arrest is made by a person other than a Police-officer, the person so arrested may be detained until he can be delivered into the custody of a Police-officer for the purposes of sub-section *(2)*.

(2) Immediately after such arrest or, if other persons are at the time being required to submit to vaccination, immediately after the completion of the proceedings under section 7 or section 9 In respect of the persons found in the building, factory or vessel, as the case may be, the Police-officer making the arrest or being in charge of the persons arrested shall, as soon as is reasonably possible, take or send all persons arrested

[1] *Ante.*

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under sub-section *(1)* before a Magistrate together with a report of the reasons for such arrest:

Provided that if any person so arrested is prepared to give bail, the provisions of section 496 of the [1] Code of Criminal Procedure shall be complied with. V of 1898.

Provisions as to inspection of person vaccinated under Act or before arrival of vessel, and for further vaccination if necessary;

11. *(1)* When a person has been vaccinated under section 6 or 7 the vaccinator shall deliver to such person a memorandum stating the date on which the vaccination has been performed and the date on which and the place in which such person is to be inspected in order to ascertain the result of the operation.

(2) Every person vaccinated under section 6 or 7 shall attend before a vaccinator for inspection on the date and at the place specified therefor in such memorandum.

If it is ascertained on such inspection that the vaccination has been successful, a certificate to that effect shall be given by the vaccinator to such person.

But if it is ascertained that the vaccination has been unsuccessful, the person shall, if so requested by such vaccinator, forthwith submit himself to a vaccinator to be again vaccinated:

Provided that if a Superintendent of Vaccination is of opinion that a person who has been three times unsuccessfully vaccinated is insusceptible of a successful vaccination, he shall deliver to such person a certificate to that effect, and such person shall not thereafter be required to submit to vaccination.

Application oi provisions of Act XIII of 1880 as to lymph, vaccination fees a nd rules.

12. *(1)* The provisions of sections 15 and 16 of the [2]Vaccination Act, 1880, shall apply to every vaccination under this Act. xillof 1880.

(2) The provisions of sections 19 and 21 of the same Act shall apply with necessary alterations for the purposes of sections 6 and 7, read with the other sections of this Act.

For the purposes of section 9, read with the other provisions of this Act, similar powers may be exercised and rules may be made by the Local Government generally for carrying out the provisions of the Act.

Penalty for breach of foregoing pi o vis ions.

13. *(1)* Whoever, in contravention of any of the provisions of this Act, refuses or neglects to be vaccinated or after vaccination to be inspected, or refuses to allow access to any place, or refuses to answer any question or to show marks of alleged vaccination, or fails truly to answer any questipn, shall be punishable with imprisonment which may extend to eight days or with fine which may extend to fifty rupees or with both.

(2) Any person who, in contravention of the provisions of section 9, fails or neglects to proceed to a place to which he has been requested to proceed for the purpose of being inspected or vaccinated or departs from such place without permission, shall be punishable with imprisonment

[1] Genl. Acts, Vol. V.
[1] *Ante.*

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which may extend to eight days or with fine which may extend to fifty rupees or with both.

Penalty for ve iatl0U8 . entry,

14. Whoever, being a vaccinator, unnecessarily and vexatiously enters any house, enclosure, vessel or other place on pretence of ascertaining: whether any inmate thereof is unprotected, shall be punishable with imprisonment which may extend to eight days or with fine which may extend to fifty rupees or with both.

3LLV o(i860. Imprison. ment for non-pay- ment of . where ^stantive sentence of fine only haæ been passed for certain offences.

15. Notwithstanding anything contained in section 65 of the [1] Indian Penal Code, any person sentenced to fine only as a substantive sentence for any offence under this Act may be imprisoned in default of payment of such fine for any period not exceeding the maximum term of imprisonment fixed for such offence.

Sanction re- (Ulred for <* prosecution nderAct.

16. No Magistrate shall take cognizance of any complaint under section 13 or section 14 unless the prosecution is instituted by order, or with the sanction of a Superintendent of Vaccination or the President of the Municipal Committee.

THE SCHEDULE.

(See section 6.)

To.....

Take notice that you are hereby required, under the provisions of the Burma Vaccination Law Amendment Act, 1909 (Burma Act I of 1909), to submit yourself to a vaccinator within seven days from the service of this notice for vaccination, and that, in default of so doing, you will be liable to imprisonment which may extend to eight days or fine which may amount to fifty rupees or both.

The public vaccine-station nearest your house is at.....
.....

The days and hours for vaccination at that station are as follows : —

(Here insert the days and hours when the vaccinator is in attendance.)

On your attending before a vaccinator at the said station within the said hours on any of the said days, or at any other public vaccine-station in the town on the days and within the hours prescribed for public vaccination at such station, you will be vaccinated free of charge.

If you wish to be vaccinated at your own house, the vaccinator will attend there upon payment of a fee of.....

***Dated*.....**

Superintendent of Vaccination.

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[1] Genl. Acts, Vol. I.

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[1] BURMA ACT No. II of 1909.

[*12th March, 1909; 12th April, 1909.*]

An Act further to amend the Burma Municipal Act, 1898.

Preamble;

Wiiekeas it is expedient further to amend the Burma Municipal Act, Bur. Act 1898; It is hereby enacted as iollows : — 1 1 1 0 1 1898.

Short title, and commencement.

1. *(1)* This Act may be called the Burma Municipal (Amendment) Act, 1909; and

(2) It shall come into force at once.

Insertion of new clause in section *H2* of Burma Act III of 1898.

2. In section 142 of the said Act after clause (r) the following clause Bur. Act shall be inserted, namely : — 111 of 1898,

[Ante, p. 397.]

and the present clause (i) shall be re-lettered and known as clause (i).

Insertion of new section 195 A After section 195 of Burma Act III of 1893.

3. After section 195 of the said Act the following section shall be Bur. Act inserted, namely : — 111 of 1898[3]

[Ante, p. 412.]

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[2] BURMA ACT No. Ill of 1909.

THE BURMA BOUNDARIES AMENDMENT ACT, 1909.

[30th October, 1909; 10th December, 1909.]

An Act to amend the Burma Boundaries Act, 1880.

Preamble.

Whebeas it is expedient to amend the Burma Boundaries Act, 1880; Vof 1880. It is hereby enacted as follows: —

Short title, and commencement.

1. *(1)* This Act may be called the Burma Boundaries Act (1880) Amendment Act, 1909; and

(2) It shall come into force at once.

Insertion of now section 2A in Act V «(1880.

2. In the "Burma Boundaries Act, 1880, after section 2 the following v of 1880. section shall be inserted, namely : —

[Ante, p. 49.]

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[1] For Statement of Objects and Reasons, see Burma Gazette, 1908, Pt. Ill, p. Ill; for Report of Select Committee, *see ibid,* 1909, Pt. Ill, p. 18; and for Proceedings ia Council, *see ibid,* 1909, Pt. Ill, pp. 4 and 33.

[2] For Statement of Objects and Reasons, *see* Burma Gazette, 1909, Pt. Ill, p. 46 ; and for Proceedings in Council, *see ibid,* 19l>9, Pt. Ill, pp. 73 and 102.

[3] *Supra,* p. 46.

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3. To section 17 of the said Act the following shall be added, name- **Addition to section 17 of Act V of 1880.**

[Ante, p. 53.]

4. To section 18 of the said Act the following shall be added, name- **Addition to section 18 of Act V of 18SO.**

ly ; —

[Ante, p. 53.]

5. Section 19 of the said Act is hereby repealed. **Repeal of section 19 of Act V of 1880.**

6. For section 20 of the said Act the following section shall be substituted, namely : — **Substitution of new section for section 20 of Act V of 1880.**

[Ante, p. 53.]

7. For section 21 of the said Act the following section shall be substituted, namely:— **Substitution of new section for section 21 of Act V of 1880.**

[Ante, p. 53.]

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[1]BUEMA ACT No. IV of 1909.

THE BURMA EMBANKMENT ACT, 1909.

[30th October, 1909; 10th December, 1909.]

An Act to provide for the execution of works urgently required in connection with embankments in Burma.

WHEREAS it is expedient to provide for the execution of works urgently required in connection with embankments in Burma; It is hereby enacted as follows: — Preamble.

1. (*1*) This Act may be called the Burma Embankment Act, 1909; Short title, extent and commencement.

(*2*) It extends to the whole of Burma ; and

(3) It shall come into force on such date as the Local Government may specify by notification in the Gazette.

2. The enactments mentioned in the Schedule are hereby repealed to the extent mentioned in the fourth column thereof. Repeal.

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1 For Statement of Objects and Reasons, *see* Burma Gazette, 1909, Pt. Ill, p. 38 ; for Report of Select Committee, *see ib d,* 1909, Pt. Ill, p. 88; and for Pri-ceedings in Council, *see ibid,* 1909, Pt. Ill, pp. 74 and 103.

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Definitions.

3. In this Act, unless there is anything repugnant in the subject or contest,—

"Embankment."

(1) " embankment " means any embankment constructed for the purpose of excluding, regulating or retaining water, and includes all earthen walls, dams, canals, drains, piers, groins, sluices, buildings, water-gauges, bench-marks and other works subsidiary to any such embankment;

"Kazin."

(2) " *kazin* " means any small bank or ridge surrounding or dividing a field.

"Embankmont-offii er.[1]"

(5) "Embankment-officer" means any officer appointed by a notification of the Local Government to be an Embankment-officer in respect of any embankment; and

"Cattle."

(4) " cattle " includes also elephants, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats, and kids.

List o£ villages in neighbourhood oi embankment of which the residents are liable to labour on embankment when so required.

4. The Deputy Commissioner of any district in which the whole or any part of an embankment is situated shall cause to be prepared,—

(a) a list of the village-tracts in the neighbourhood of the embankment of each of which the headman shall be liable to furnish able-bodied persons for employment on such embankment when so required under section 5, clause *(a).*

(*b*) a list or lists setting down the maximum number of such able-bodied persons which each headman shall be liable to furnish.

The Deputy Comiaissioner may, from time to time, add to or alter such lists.

Circumstances under which this Act may be put in operation.

5. Whenever it appears to the Embankment-officer that, unless some work is quickly executed in connection with an embankment, loss of life or extensive damage to property will ensue, and that the labourers or materials required for the execution of such work cannot be obtained in the ordinary course in time to enable him to execute such work with the expedition necessary in order to avert such loss, or damage, he may, by order under his hand, direct that the provisions of this section shall be put into operation for the execution of such work; and thereupon—

Power to impress labour.

(a) the headman of any village-tract named in the aforementioned list shall, if required so to do by such officer or by any person authorized by him in this behalf, be bound to furnish such number of able-bodied persons, not being in excess of the total number set down in the list prepared under section 4, clause (i>), as such officer or person may require; and all able-bodied persons called upon by the headman of their village-tract shall be bound to assist in the work by labouring thereon as such officer or person directs;

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(6) every owner or occupier of immoveable property situated in the neighbourhood of such embankment (whether such O'rcner or occupier resides in the neighbourhood of such embankment or not) shall if required so to do by such officer or by any person authorized by such officer in this behalf, be bound to assist in the work by labouring thereon himself as such officer or person so authorized directs, or by furnishing a labourer as his substitute so to labour thereon;

(c) all persons so assisting or called on to assist in the work shall be subject to the orders of the Embankment-officer in respect of such work;

(*id*) the Embankinent-officer or any person authorized by him in this behalf may enter into and upon any immoveable property in the neighbourhood of such embankment, and take possession of, appropriate and remove any trees or bamboos, whether standing or not, and any timber, mats, ropes, soil or other materials found in or upon such property and any boats, carts and oxen found on or about the same, and use the same for the purposes of such work. **Power to**

6. All persona labouring, or detained for the purpose of labouring, in compliance with a requisition made under section 5, or whose materials may be taken or means of transport used under that section, shall, as soon as may be reasonably practicable, be paid by the Embankment-officer for their labour and detention, or for such materials or for the hire of such means of transport (as the case may be), at a rate not being less than the highest market-rates for similar labour, materials or hire of means of transport for the time being prevailing in the neighbourhood. **Payment for labour, materials taken.**

Any dispute arising between an Embankment-officer and any person as to the amount to be paid to such person under this section may be referred by either party to the Deputy Commissioner, whose decision thereon shall be final.

7. Whenever, from the removal of any trees, bamboos or other materials, or from the use of any means of transport under section 5, any damage, above the price or hire payable under section 6 for such materials or means of transport, results directly to any person, the Embankment-officer shall pay to such person such sum as may be agreed upon as compensation for such damage. In case of dispute as to the amount so to be paid, either party may refer such dispute to the Deputy Commissioner, whose decision thereon shall be final. **Compensation for damage in taking materials.**

8. Any person who—

(*a*) being a headman liable to furnish labourers under section 5 fails, without reasonable cause, to furnish or assist in furnishing the labourers required of him, or **Penalty for failure to furnish labourers or**

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to labour when so requested.

(b) being a person liable to assist in any work under section 5, clause (a), refuses or neglects, without reasonable cause, so to assist, or

(c) being an owner or occupier of immoveable property liable under section 5, clause *(b),* to assist or furnish a hired labourer as his substitute, refuses or neglects, without reasonable cause, to assist or furnish a hired labourer as his substitute,

shall be liable, on conviction before a Magistrate, to a fine not exceeding fifty rupees or to imprisonment for a term not exceeding one month or to both.

Penalties for trespass on embankment, etc.

9. Where an Embankment-officer has been appointed for any embankment, any person who, without the permission of such officer,—

(a) grazes any cattle or allows any cattle under his charge (or of which he is the owner) to trespass on such embankment, or

(b) cuts or roots out any trees, shrubs or grass growing on such embankment, or

(c) obstructs any drain or sluice connected with such embankment,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, ox with both.

Penalties for constructing, maintaining, etc., of dyke, embankment or bund.

10. (2) Any person who, without the permission of the Deputy Commissioner constructs, maintains, repairs or adds to any dyke, embankment or bund (other than a *Jcazin*) within the limits of any local area to which this sub-section may from time to time be applied by public notic.3 by the Local Government shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

(2) The Local Government may by rule prescribe the manner in which public notices under sub-section *(1)* shall be published.

(3) If any question arises whether a specified erection is a *hazin,* the decision of the Deputy Commissioner shall be final.

Notice for removal of dyke, embtinkm^nt or bund, and penalties for neglect of such removal.

11. (*1*) The Deputy Commissioner may by notice require any person who constructs, maintains, repairs or adds to a dyke, embankment or bund in contravention of the provisions of section 10, subjection (2), to remove the same within a time to be specified in the notice.

(*2*) If any dyke, embankment or bund of which the removal has been required by notice under sub-section (2) is not removed within the time specified in the notice, the Deputy Commissioner may cause the same **to.** be removed.

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(3) The cost of the al of
under fT "7dyke> emfia^nt or bund removed
under the provzsmn of sub-sectjon *(2)* shall be recoverable as an arrear
of revenue f th person Wll° ccmst™ct<'d, maintained, repaired
nr i 61+?Cr, r^m *I*
or added to the dyke embankment or bund, or from the owner or occupier of the land on which it was situated, or jointly and severally from both such persons as the Deputy Commissioner may determine.

12. Every Embankment-officer every person ^0^ by an Certain per-
Embankment-officer to act under section 5 shall be deemed to be sonsdeemed
XLVnf isfin « 11 ImbllC Servant " within the meaning of the [1] Indian Penal Code. to be public servants.

13. he
mattes T— LOCal G°Vernment wa^ maie rules t0 regulate the following Power to ma ke rules.

(a) the proceedings of any officer who, under any provision of this Act, is required or empowered to take action in any matter;

(i*b*) the construction and maintenance of *kazins;* and

(c) generally to carry out the provisions of this Act.

14. All rules made by the Local Government under this Act shall be -D W *• publication published in the Gazette, and shall thereupon have the same letas i f of rules. enacted by this Act.

SCHEDULE.

(«See *Section 2.)*

ENACTMENTS REPEALED.

1	2	3	*i*
Year.	No.	Short title or subject.	Extent of repeal.
Acts of the Governor General in Council.			
1877	XIII	The Burma Embankrr*ent Act. 1877.	The whole.
1898	XIII	The Burma Laws Act, 1898 .	So much of the Third Schedule as relates to Act XIII of 1877,

[1] Genl. Acta, VoL I.

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[1] BURMA ACT No. Y OF 1909.

THE BURMA REPEALING ACT, 1909.

[30th October, 1909; 10th December, 1909.]

An Act to repeal the Rangoon Tramways Act, 1883, and the Upper Burma Municipal Regulation, 1887.

Whereas it is expedient to repeal the enactments specified in the Schedule to this Act; It is hereby enacted as follows: —

Short title. 1. This Act may be called the Burma Repealing Act, 1909,

Repeal. 2. The enactments specified in the Schedule are hereby repealed.

SCHEDULE.

Nnmbei and year.	Subject or title.	Extent of repeal.
Act of the Governor General in Council.		
XXII uf 1883 . .	The Rangoon Tramways Act .	The whole.
Regulation made under the Government of India Act, 1870 (33 Viet., c. 3).		
V of 1887 . .	The Upper Burma Municipal Regulation .	Th# whole.

1 For Statement of Obje-ts and Reasons, *see* Burma Gazette, 1909, Pt. Ill, p. 57 ; and for Proceedings in Council, *see ibid,* 1909, Pt. Ill, pp. 75 and 102.

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[1] BURMA ACT No. VI of 1909.

THE BURMA FISHERIES (AMENDMENT) ACT, 1909.

[*30th October, 1909; 10th December, 1909.*]

An Act to amend the Burma Fisheries Act, 1905.

Whereas it is expedient to amend the Burma Fisheries Act. 1905; Preamble
It is hereby enacted as follows : —

1. (*l*) This Act may be called the Burma Fisheries (Amendment) Act, 1909: and **Short title and commencement.**

(2) It shall come into force at once.

Burma Act ill of 1905<

2. For sub-section *(2)* of section 2 of the Burma Fisheries Act, 1905, Amendment of section 2 of Burma Act III of 1905.
the following shall be substituted, namely:—

[Ante, p. 538.]

3. In section 3, sub-section (J) of the said Act for the words " orders Amendment of section 3
of the Government" the following shall be substituted, namely:— of Burma Act
[Ante, p. 538.] III of 1905.

4. In section 4, sub-section (7) of the said Act for the words " Local Amendment of section 4
Government" the words "Financial Commissioner" shall be substi- Burma Act of
luted. . III of 1905.

5. In section 8, sub-section (*2*) of the said Act for the \iords " Local Amendment of section 8
Government" the words "Financial Commissioner" shall be substi- of Burma Act
tuted. III of 1905.

6. *(1)* In section 10, sub-section (*1*) of the said Act for the words Amendment of section 10
" Local Government" the words "Financial Commissioner" shall be Burma Act
substituted. III of 1905.

(2) In sub-section *(2)* of the same section for the -words "Local Gov-
ernment " the word " Commissioner " shall be substituted.

7. After section 11 of the said Act the following section shall be Insertion of
inserted, namely:- *UHTBZ*

[Ante, p. 541.] ma Act III of 1905.

8. For clauses (*d*) and (e) of section 21 of Ihe said Act, the following Amendment of section 21
clauses shall be substituted, namely:— of Burma Act
III of 1905.

[Ante, p. 544.]

[1] For Statement of Objects and Reasons, see Burma Gazette, 1909, Pt. Ill, p. 72; and for Procee lings in Council, *see ibid,* 1909, Pt. Ill, pp. 76 and 103.

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Amendment of section 22 of Burma Act III of 1905.

9. In section 22, sub-section (*1*) of the said Act for the words " for the purpose of destroying or facilitating the catching of any fish" the following shall be substituted, namely: —

" in coutravention of section 11A."

Amendment of section 32 (!) of Burma Act III of 1905.

10. In section 32, sub-section (*1*) of the said Act for the words " The subsection[2] Loeal Government " the words " Subject to the control of the Local Government the Financial Commissioner" shall be substituted.

Insertion of section Act t III of 1905.

11. After section 32 of the said Act the following heading and section shall be inserted, namely: —

[*Ante*, p. 550.]

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[1] BURMA ACT No. YII of 1909.

THE BURMA OPIUM LAW AMENDMENT ACT, 1909.

[*30th October, 1909; 13th December, 1909.1{*

An Act to amend the law relating to opium in Burma.

Preimble.

Whereas it is expedient to amend the law relating to opium in Burma; It is hereby enacted as follows: —

Short title, extent and commencement.

1. (2) This Act may be called " The Burma Opium Law Amendment Act, 1909 " ;

(2) It extends to the whole of Burma; and

(.3) It shall come into force at once.

Definition of opium.

2. In this Act "Opium" includes also poppy-heads, preparations or admixtures of opium and intoxicating drugs prepared from the poppy.

Powers of a District Magistrate, Sub-divisional Magistrate, or officer specially empowered by Local Government

3. Whenever a District Magistrate, a Sub-divisional Magistrate, or, when he is specially empowered in this behalf by the Local Government, a Magistrate of the first class, receives information that any person within the local limits of his jurisdiction earns a livelihood wholly or in part—

(a) by the unlawful manufacture, transport, importation, exportation, sale, or purchase of opium in contravention of the [2]Opium Act, 1878, or of rules made thereunder; or I ot 1878-

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[1] For Statement of Objects and Reasons, *see* Burma Gazette, 1909, Pt. Ill, p. 64 ; for Report of the Select Committee, *see ibid,* 1909, Pt. Ill, p. 77 ; and for Proceedings in Council, *see ibid.* 1909, Pt. Ill, pp. 75 and 102.

2 Genl. Acts, Vol. II.

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(6) by abetting such unlawful manufacture, transport, importation, exportation, sale or purchase of opium ;

he may deal with such person as nearly as may be as if the information received about him were of the description mentioned in section 110 of the [1] Code of Criminal Procedure, 1898; and for the purposes of any proceeding under this section the fact that a person earns his livelihood as aforesaid may be proved by evidence of genexal repute or otherwise.

Power to enter and eeareii vessels or convoyant ci, to • I:« |Wrsons and \o seize opiuci.

4. (2) Whenever an officer of one of the departments oî Excise, Police; Customs, Salt, Opium or Revenue, not inferior in rank to a Sub-Inspector of Police, or holding such analogous appointment in respect of the other departments mentioned as may be notified by the Local Government in this behalf, has reason to believe that opium liable *o confiscation under the Opium Law for the time being in force is being kept, concealed or transported on any vessel or conveyance, and that a warrant cannot be obtained under section 19 of the [2]Opium Act, 1878, without affording the offender an opportunity of escape, or of concealing or destroying evidence of the existence of the opium, he may at any time by day or night—

(a) enter upon or in case of resistance break open and search any such vessel or conveyance ;

(b) seize any such opium and any other thingh which he has reason to believe to be liable to confiscation under the Opium Law; and

(c) detain and search and if he think proper arrest any person whom he has reason to believe to be guilty of any offence under the Opium Law.

^earcht« of »«»Il « • ornptcri froit. Be tinn 103 : ! Ciï-'inal Procedure Code .

(2) Searches of vessels made under this section shall be specially exempted from the provisions of section 103 of the [1] Code of Criminal Procedure, the provisions whereof regarding searches shall otherwise apply thereto.

Disposal of *pot arm* tr-r«ud or things seized.

(2) Searches of vessels made under this section shall be specially be forwarded without delay to the officer in charge of the nearest poline-station, who shall with all convenient despatch, take such measures as may be necessary for the disposal according to law of such person oi thing.

Report of arrests wnd soiiurm.

(4) Whenever any officer makes any arrest or seizure under this Act, he shall, within forty-eight hours next after such arrest or seizure, make a full report of all the particulars of such arrest or seizure to his immediate official superior.

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1 Genl. Acts, Vol. V.
2 Genl. Acts, Vol. II.

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PAKT Y.

THE SHAN STATES, KACHIN HILLS AND CHIN HILLS.

A.—Notifications affecting the Shan States—

(1) Notifications declaring what constitutes the Shan States.
(2) Notifications extending enactments to the Shan States.

B.—Notifications extending enactments to the Kachin Hills.

C.—Notifications extending enactments to the Chin Hills.

THE SHAN STATES.

(1) NOTIFICATIONS DECLARING WHAT CONSTITUTE THE SHAN STATES.

Notification rectifying the Boundaries of the Sta⁺e of M->meik.

No. 11, dated the 1st October, 18S9.—**In exercise of the powers conferred by section 3, clause (a), and section 8, sub-section *(3),* of the 'Upper Burma Laws Act, 1886, the Chief' Commissioner, with the previous sanction of the Governor General in Council, is pleased to direct that the circles or kayaings of Twinnge and Daungb&ngnywa, comprising the local' area included in the boundaries specified below, shall, with effect from the date of this notification, cease to be a part of the territories constituting the Shan State of Momeik, and shall be added to, and form a part of, the Euby Mines District :—**

Boundaries.

***North.*—The Shwelaungchaung, from its mouth to a point about ten miles eastward.**
***South.*—The Udaungchaung, from its mouth to the Yegyotaungdan, approximately fifteen miles from the Irrawaddy River.**
***East.*—From the Shwelaungchaung, a line running southward along the ridges known as Lethadaung and Yegyotaungdam, to the eastern limit of the southern boundary on the Udaungchaung.**
***West.*—The Irrawaddy River.**

[Burma Gazette, 1889, Pt. I, p. 430.]

Declaration as to what are the Shan States.

Notification No. 10, dated the 11th July, 1895.—**In exercise of the power conferred by section 8, sub-section *(3)* of the 'Upper Burma Laws Act (XX of 1886), and with the previous sanction of the Governor General in Council, and in supersession of all previous notifications on the subject, the Chief Commissioner is pleased to declare that, for the purposes of the said Act, the territories mentioned below constitute the Shan States :—**

(1) THE NORTHERN SHAN STATES ***(under the supervision of the Superintendent, Northern-Shan States).***

Tawng Peng (Taungbaing).
North Hsinwi (Themni).
South Hsinwi (Theinni).
Hsipaw (Thibaw) with its dependencies, Mong Long (Mainglong), Hsum Hsai (Thonze) and Mong Tung (Maingtonj.
East and West Mang Lun (Maing Lun) with their dependencies, including Mawhpa, Hoklap, Mot Hai, Ngekting, Manghseng and Mangpat.
All territories east of the Salween river, not mentioned elsewhere in this notification, which on the 27th November, 1885, owed allegiance directly or indirectly to the King of Burma, and which still form' part of Upper Burma.

[1] *Set* now s. 10 *(3)* of the Burma La'.vs Act, 1S98 (13 of 1898), *ante,* p. 182.

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(1; NOTIFICATIONS DECLARING WHAT CONSTITUTE THE SHAN STATES —*continued.*

(2) The SOUTHERN SHAN STATES ***(under the supervision of the Superintendent and Political Officer, Southern Shan States).***

Mflng Nawng (Ma^gnanng).
Kehsi Mi5cs5m (Kyithi-Bansan).
MSngNai (Mon^) with Its dependency Keng Tawng {Kyalngtanng],
Mongsit (Mahigseii O.
Mflng Pan (Ma ngpan) with ita trans-Salween dependencies Monghta (Mangta), Mong HSng (Mainghan), Mflng Kyawt (Mamgsut), and Mongtnn (Ma'ngtun).
Hsahtfing (Thatfln) including Tam Hpak (Tabet], and MSnglSn {Letma'ng).
WSnyin (Banyin).
Nawng Wawn (Naungninn].
Lawk Sawk (Yatsauk) including M6ng Ping (Maingpyin).
Samka (Saga) with ita dependency PingmQ.
Sako. (Sagwe).
Yawrg Hwe (Nyanngywe) with Its dependencies Lai Hsak (Letthet), Angleywa (Inleywa), Kyawkhtap (Kyanktat), and Haikip (Thigyit).
Loi Lfing (Lw^lOn).
Mfing Kiing (Maingkaing).
Lai Hka (L^gya).
llflng Pawn (Maingpnn).
KenghkSm (Kyaingkan).
Mawkmai (Mankm^) with ita trans-Salween dependencies M^hsakun (Mesakfln] and MCng Mail (Maingmaw).
Hopning (Hop^n) including Hai Long (Helfln).
Jiam HkSk (Nankak).
Mfing Pai (Mobyi).
Mong Hsn (Mainjphu).
E8ngI6n (Kyainglun).
KEngtflng (Kyaingtdn) and its dependencies, indnding Mongpn (Maingpu), Mongahat <Mamg That), Hsin, Mawng (Thlnhanng), Hsin Yawt (Thinyut).
[Kcngcheng (Kyalngchaing).][1]

(3) The Myelat ***(under the supervision of the Superintendent and Political Officer, Southern Shan States).***

Ye Ngan (Ywangan),
Pwela (Pwehlaj.
Mawsdn (Bawzalng).
[2] * * * * *
Pangml (Prnhmi).
Laimaw (Iwimaw). clud ng
Namtok (NantAkJ. (Lw^an) Tawngla (Taunghla) and
MawnSng (Bawnin).
[4][Kya\vkku (Kyankku).]
Pangtara (pindaya).
Kyong (Kydn).
Hsa Mong HkSm (Thamakan) in-Makwe (Magwe), Loi An
Meeghti (Myinmati).
Loi Ai (Lw6-e).
Ka$_m$ Hkai (Nank6),
Maw (Haw).

(4) States under the supervision of the Commissioner, Northern [***Mandalay***] Division,

Wong Mit [Momeik with ita dependency Mong Lang (Mohlaing).]
Hk&mti long (Kantigyi).

(5] States under the supervision of the Commissigner, Central [***Sagaing***] Division.

HsawnghsQp (Thaongtfiut).
j Singkaling Hkamti (Zingalein Kanti)«

[Burma Gazette, 1895, Pt. I, p. 262.]

Eastern boundary of the Shan State of Kentung.

Notification No. 13, dated the 21st May, 1896.—In exercise of the power conferred by section 8, sub-section ***(3),*** of the "Upper Burma Laws Act, XX of 1886, and with the previous sanction of the Governor General in Council, the Chief Commissioner is pleased, in continuation of Notification No. 10, dated the 11th July, 1895, and in supersession of so much thereof as refers to Kengeheng (Kyaingchaing), to declare that the Thalweg of the Mekong river from the mouth of the Nam Huok northwards as far as the Chinese frontier shall constitute the eastern boundary of the Shan State of Kengtung for the purpose of the said Act, and that all lands and territories situate within Her Majesty's possessions between the Thalweg of the Mekong river as abovementioned and the existing frontier of the said Shan State of Kengtung shall henceforward form part of that State.

[Burma Gazette, 1896, Pt. I, p. 244.]

Mong Sang included in Mong Hsu,

Notification No. dated the 17th April, 1902.—Whereas it is desirable that the territory hitherto known as Mong Sang (Maingsin) should cease to be a State and that it should be included in the territories for the time being constituting the State of Mong Hsu (Mainghsu);

And whereas the Lieutenant-Governor of Burma has been pleased to recognize the Chief of Mong Sang (Mainghsu) as the Chief of the said territories to be henceforth known as the State of Mong Hsu (Mainghsu) :

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[1] Omitted as the State of " Mongsang -f {Maingsin) is now merged in the State of Mong Hsu (Mainghsu), *tee* Notification No. 4, dated the I?th April, 1902, *post.*
[2] Superseded so far as this State is concerned, hy Notification No. 12, dated 21st May, 1890, *post.*
[3] Nam Hkfim (Nankin) omitted, *see* Notification No. 8, dated the lat October, 1900, *post.*
[4] Si'batit'^ed for Kyawfckn Hsiwan (Kyakknleywa), *tee* Notification No. 8, dated 1st October 1900, *pott.*
[8] «See now s. 10 (3) of the Burma Laws Act, 1898 (13 of 1898), *ante*, p. 132.

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(1) NOTIFICATIONS DECLARING WHAT CONSTITUTE THE SHAN STATES —*concluded.*

In exercise of the power conferred by section 10, sub-section ($), of the Burma Laws Act, 1898 iXIII of 1898), and with the previous san,~tion of the Governor Gneral in Council, the said Lieutenant-Governor is pleased to modify Notification No. 10 of the 11th July, 1895, as subsequently amended, to the extent set forth below, namely :—

In sub head (2) omit Mong Sang (Maingsin).

[Buima Gazette, 1902, Pt. I, p. 280.]

Omission of Sam Hkom from list of States in Myelat and alteration in name of Kyawkku State.

***Notification No. 8, dated the 1st October, 1900.*—Whereas the territory hitherto known as Nam Hkom (Nan Koh) has ceased to be a State and has been and is now included in the territories for the time being administered by the Chief of Kyawkku Hsiwan;**

And whereas the Lieutenant-Governor of Burma has been pleased to recognise the said Chief as the Chief of the said territories to be henceforth known as the State of Kyawkku :

In exercise of the power conferred by section 10, sub-section (3), of the Burma Laws Act, 189d (XIII of 1898), and with the previous sanction of the Governor General in Council, the said Lieutenant-Governor is pleased to modify Notification No. 10 of the 11th July, 1895, as subsequently amended, to the extent set forth below, namely :—

In sub head *(3)* omit Nam Hkom (Nankon), and for Kyawkku Hsiwan (Kyakkuleywa) substitute Kyawkku (Kyaukku).

[Burma Gazette, 1900, Pt. I, p. 691.]

(2) NOTIFICATIONS EXTENDING ENACTMENTS TO THE SHAN STATES.

iShan States Laws and Criminal Justice Order, 1895.

***Notification No. 11, dated the 11th July, 1895.*—In exercise of the powers conferred by section 8, sub-section (2), of the "Upper Burma Laws Act (XX of 1886), and sections 4 and 5 of the [s]Shan States Act (XV of 1888), and with the previous sanction of the Governor General in Council, the Chief Commissioner of Burma is pleased to make the following orders with respect to the extension of laws to, and the administration of criminal justice in, the Shan States :—**

Preliminary.

Short title, application and commencement.

1. *(1)* These orders may be called the -'[Shan States Laws and Criminal Justice Order, 18951.

***[(£) It shall apply to all the Shan States except the State of Hkamti Long and the State of Mong Mit, with its dependency Mong Lang, and, except so far as section 4 and the second schedule are concerned, the Shan States situated east of the Salween river.]**

(3) It shall come into force at once.

Snperaession of previous notifications-

2. *(/)* The notifications of the Chief Commissioner of Burma, specified in the first schedule hereto annexed, are hereby superseded;

***(2)* But all notifications published, proclamations issued, powers conferred, forms prescribed, local limits defined, sentences passed, and orders, rules and appointments made under the enactments extended by any of the said notifications, shall, so far as may be practicable, be deemed to have been respectively publish-rd, issued, conferred, prescribed, defined, passed and made under those enactments as extended by this Order.**

Definitions.

3. In this order—

(1) " Shan States " has the meaning defined for it by section 2 of the Shan States Act, 1888 :

(2) " Northern Shan States," " Southern Shan States " and " the Myelat " mean the States specified under these descriptions respectively in the notification of the Chief Commissioner of Burma in the 'Political Department, No. 10 of this date :

(S) " Superintendent " means—

(a) for the Southern Shan States, the Superintendent and Political Officer for the time being, Southern Shan States;

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[1] For the Shan Static Cirll Ju9tire Order, 1900 and the Shan States Civil Justice (Subsldiarv) Order, l'WC, i« Bur^a9 Gazette, 1900, Pt. I, P. 372 and *ibid,* 90'S. ^t. I, **p.** 835, respective^' anl a? untended, *see* ihe Shan Stat09 Manual. The e orders do not extend any enact 'ent* and are not therefore reproduced here.

[2] *See* nows. 10 *(1)* of the Burma Laws Act, 1898 (13 of 1898), printed, *$".pra,* p. 132.

[3] Se- n..w os. 10 *(/)* an 112 of Act 13 of 1898.

[4] Subst'tnted for *'ie original words, by Notification No. 17,-lated 7th August, 1895 *post,* p. C'3.

* Sub-s. (2) was substituted for the original sub-section, by Notification No. 42, .lafed 11th December, 1895, *r Oat,* p. 654.

[•] *Ante,* p. B46.

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■(2) NOTIFICATIONS EXTENDING ENACTMENTS TO THE SHAN STATES —*continued.*

Shan States Laws and Criminal Justice Order, 1805 - *contd.*

(&) for the Northern Shan States, the Superintendent for the time being, Northern Shan States;

(c) for the Myelat, the Superintendent and Political Officer for the time being, Southern Shan States;

(¿) for the States of Hsawnghsup and Singkaling Hkamti, the Deputy Commissioner for the time being, Upper Chimin in District; and

(4) **" Assistant Superintendent " means any officer appointed to be an Assistant Superintendent, and includes any person whom the '[Lieutenant-Governor] may appoint to discharge for any local area all or any of the functions of an Assistant Superintendent.**

Laws.

4. The enactments specified in the second Schedule hereto annexed ate hereby extended to the Shan States to the extent specified in the third column of the said Schedule. [1] **" '** Extension of

Criminal Justice.

'5. For the purposes of the administration of criminal justice in all cases exclusively triable by a Magistrate or Judge appointed by the Local Government, the Indian Penal Code (Act XLV of I860,, the Whipping Act, 186} (VI of 1864), the Prisoners Act, 1871 [1u* ®]' (V of 1871), the Indian Oaths Act, 1873 (X of 1873), and the Code of Criminal Procedure, 189tJ (Act V of 1898J, are hereby extended to the Shan States, subject, in the case of the Whipping Act, 1864, to the modification referred to in section 4, sub-section (3), clause (6j, of the Burma Laws Act, 1898 (XIII of 1898), and, in that of the Cade of Criminal Procedure, 1698 (hereinafter referred to as " the Code "), to the modifications specified in the third Schedule hereto annexed. Administration of criminal

The following classes of cases shall be exclusively triable by Magistrates or Judges appointed by the Local Government :—

(a) [3][in the Myelat and in the notified areas of Taunggyi and Lashio as defined under Chapter X of the Burma Municipal Act, 1898, from time to time, and in the Civil Stations of Loilem and Loimwe as constituted from time to time for purposes of general administration]—all cases;

(б) '[in the other Shan States (excluding the notified areas and civil stations above named)]—all cases in which an European or American or any servant of the Govern'ner.t is concerned either as complainant or accused; cases under the Indian Penal Code in which a British subject who is not a native of any Shan State is concerned either as complainant or accused; and cases triable under any other Act or Regulation for the time being in force in the Shan States or any portion thereof, unless the contrary is expressly provided.

6. The period of limitation for criminal appeals shall be as follows :— Limitation of criminal

To the '[Lieutenant-Governor] from a sentence of death passed by a ¡Superintendent.	**Seven days from the date of the sentence.** appeal3‹
To the '[Lieutenant-Governor] from any other sentence or from a judgment of acquittal.	**Sixty days from the date of the sentence or judgment appealed against.**
To any Court other than the '[Lieutenant-Governor] from any sentence ¡.gainst which an appeal lies.	**Thirty days from the date of the sentence or or3er appealed against.**

General.

7. For the purpose of facilitating the application of the enactment hereby extended any Magistrate or Court may construe any provision therein with such alterations not =* -na-tment alfecting the substance as may be necessary or proper to adapt it to the matter before the Magistrate or Court. Construction extended.

W [1] The w»ir4s ** Lien+pnan^-ODViTnor " were substituted *or the words " Chief Commissioner '* Jn aub-s. (4) of s. 3 an i 8. 5 was substitutea for the original section, by Notification No. 29, dated 19th December, 1»9b *j. ott*, p. 651.

[1] As amended by Notiflcat'on No. 3, dated the 22ni January, 1907, *po8*, p. ^76.

* The v oris " Ll en+enant-Govern'T " were substituted for the w^ria 4' Ch*ei Commissioner/* by Not.flca-■tlon No. 29, dated 19th December, 1898, *po.it,* p. 654.

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(2) NOTIFICATIONS extending ENACTMENTS TO THE SHAN STATES; —*continued.*

Shan States Laws and Criminal Justice Order, 1895— *contd.*

THE FIRST SCHEDULE.

NOTIFICATIONS SUPERSEDED.

Foreign Department Notification No. 1, dated the 4th March, 1889.
Foreign Department Notification No. 4, dated the 30th May, 18d9.
Foreign Department Notification No. 6, dated the 1st August, 1889.
Foreign Department Notification No. 13, dated the 28th November, 1889.
Foreign Department Notification No. 14, dated the 28th November, 18b9.
Foreign Department Notification No. 16, dated the 28th November, 1889.
Foreign Department Notification No. 2, dated the 26th February, 1891.
General Department Notification No. 159, dated the 27th May, 1889.
Political Department Notification No. 3, dated the 5th May, 1892.
Political Department Notification No. 8, dated the 14th July, 1892.
Political Department Notification No. 9, dated the 14th July, 1892.
Political Department Notification No. 10, dated the 14th July, lo92.
Revenue Department Notification No. 163, dated the 3rd December, 1888.
Revenue Department Notification No. 177, dated the 23rd October, 1890.
General Department Notification No. 267, dated the 5th November, 1890.
Judicial Department Notification No. 182, dated the 5th May, 1891.

THE SECOND SCHEDDLE.

FIRST PART.

Enactments extended to the Shan States generally.

Number and year.	Subject.	Extent to which enactments are extended.
	BENGAL REGULATION.	
III of 1818	State Prisoners	So much as is in force in any part ol Upper Buima at this date.
	Acts of the Governor General is Council.	
XVIII of 1850 .	Protection of Judicial Officers .	So much as is in force in any part of Upper Burma at this date.
XXXIV of 1850 .	State Prisoners .	Ditto ditto.
Ill of 1858	State Prisoners	Ditto ditto.
V of 1861	Police	Ditto ditto.
V of 1869 (as amended by Act XII of 1894).	Articles of War .	Ditto ditto.
II of 1874 (as amended by Acts I of 1879, IX of 1881 and II of 1890).	Administrator-General , . .	Ditto ditto.
V of 1875	Unattested Sepoys ...	Ditto ditto.
j * * * *	* * *	* * * «
XV of 1887	Military Police	The whole, except sub-sections (2) and (3) of section 1 and section 2.
XII of 1891 .	Repealing and Amending Act. .	So far aa it may be applicable.
i * * * .	* * *	* * *
	Regulation under 33 Vict., Cap, 3.	
[s] VI of 18S7 (as amended by Foresta [1] [Regulation] VIII of 1890). *		So much as is In force in any part of Upper Burma at this date.

[s] Tlir MitlDg to the Foreign Jurisdiction Acts, 1879 and 1«96, were repealed hy Notification No. 22, aaieu 1Ttn July, 1»U7, pos*. p. 679.

[1] ActVonwri ment now in ,orceln Upper Burma relating to Forests is the Burma Forests Act, 1902 (Bar. p 053* @«8ulat*on " waa substituted lor " Act," by Notification Xo. 17, dated 7th August, 1895, printed, *post.*

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(2) Notifications extending enactments to the Shan States —*continued.*

Shan **States Lavs** and **Criminal Justice Order, 1865**—*ccnid.*

SECOND PART.

Enactment extended to the Shan States, except those on the West of the Irrawaddy River.

Number and year.	Subject.	Extent to which enactment ig extended.
ACT OP THE GOVEP.S-OR GENERAL IS CODSCII.		
XV of 1872 (as amended by Act VI of 1886).	I Indian Christian Marriage. . .	The whole (except Part VI).

THE THIRD SCHEDULE.

MODIFICATIONS SUBJECT TO WHICH THE CODE IS TO EXTEND TO THE SHAN STATES.

I.—Except in reference to proceedings against European British subjects or persons jointly charged with European British subjects, the expression " Hi$_0$'h Court " shall mean section 4 the'[Lieutenant-Governor] of Burma.[1]

II.—*(1)* (1) The Northern Shan States, (2) the Southern Shan States, (3) the Myelat, and 4) the States ot Hsawnghsup and Singkaling Hkamti, shall each be a district and a sessions division.

(2) The Superintendent shall be the District Magistrate; the Court of the District Magistrate shall be the Court of Session for the sessions division; and the District Magistrate shail be the Judge of that Court.

(5) As Judge of the Court of Session, the District Magistrate may take cognizance or any offence as a Court of original jurisdiction without the accused person being committed to him by a Magistrate; and when so taking cognizance of an offence shall, subject to the provisions of this notification, follow the procedure prescribed for the trial of warrant cases by Magistrates.

***(//)* A trial before a Court of Session shall be without jury or aid of assessors.**

III.—Every Assistant Superintendent shall be a Magistrate of the first class with power to try such offences and to pass such sentences as a District Magistrate may be empowered to try, ajid, when so empowered, may pass under sections 30 >.nd 34 respectively of the Code.

Powers of Assistant superintendents (sections 12, 30 1111(34).

IV.—Notwithstanding anything in Act V of 1861, or in any other enactment for the time being in force, the Local Government may confer on any police-officer, not below the rank of Inspector, all or any of the powers conferred or conferable by or under the Code on any Magistrate in regard to particular cases, or to a particular class or particular classes of cases, or to cases generally.

Conferment of Magisterial powers on poiice-offlcers (section 14).

V.—With reference to sections 16 and 47 of the Lower Burma Courts Act, 1889, every Assistant Superintendent being a European British subject shall be a Justice of the Peace within and for the Shan States.

p^^s'ecUon 22).

VI.—(2) A Magistrate of any class may pass a sentence of whipping.

Wlii(tion82)nB ^ec

(2) A Magistrate of the b-cond class may pass a sentence of whipping without being specially empowered in that behalf by the Local Government.

***(3)* A Magistrate of the third ' lass shall not pass a sentence of whipping unless he is specially empowered in that behalf by the Local Government.**

[1] The word« " Tientenant-Governor " were substituted for the words " Chief Commissioner/' hy Notification No. 29, dated the 19th Dccember, 189«, p. 654.

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(2) NOTIFICATIONS EXTENDING ENACTMENTS TO THE Shan STATES —*continued.*

Shan State3 Laws and Criminal Justice Order, 1895—***contd.***

Powers of Magistrates *i* sections 30 and 37).

VII.—(i) Magistrates described in the first column of the following table shall have thd powers severally specified against them in the second column thereof without being further empowered in that behalf :—

Magistrate.	Powers,
J	:
Magistrates of the first class	To require security for good behaviour, section 110. To make orders as to local nuisances, section 133.
Magistrates of the first or second class	To make orders prohibiting repetition of nuisances, section 143. To make orders under section 144, To entertain complaints, section [1][190] (a). To receive police-reports, section [1][i90] (6). To entertain cases without complaint, section '[190] (e).
Magistrates of the first class who are also Assistant Superintendents.	To hear appeals from Magistrates of the second or third class, section 407. To call for records, section 435,

(2) Every Assistant Superintendent shall have all the ordinary powers of a Bub-Divisional Magistrate within such area as the Local Government may fix.

Powers to -certain police-officers to act under section 55.

VIII.—In any police-station any police-officer may exercise the powers conferred bj section 55 on an officer in charge of a police-station.

Detention at certain police-stations (sections 57 and 61),

IX.— (2) Notwithstanding anything in section 57 or section 61, an officer in charge of any police-station may detain a person arrested without warrant so long as under all the circumstances of the case is reasonable.

(2) But when the ofho©r of his own authority detains any such person in custody for a longer period than twenty-four hours, exclusive of the time neeessary for the journey from the place of arrest to the Magistrate e Court, he shall state in the re^rt prescribed in section 62 his reasons for prolonging u.e detention of the person, and, wuere the detention extends beyond three days, shall suonnt further reports of the reasons therefor at such intervals as the Magistrate to whom the report under section 62 was submitted may by general or special order direct.

Tender of pardon (section 337).

X.—A Superintendent or Assistant Superintendent tendering a pardon to an accomplice under section 337 may, notwithstanding anything in that section, try the case himself.

Recording of «vidcnce in ■cases tried by JragiBtrates ■of the second and third clauses (Chapter XXV).

XI.—Notwithstanding anything in the Code, the Local Government may from time to time, make rules with respect to the record to be made in cases tried by Magistrates of the second or third class and as to the disposal of the record.

-Appeal (Chapter IXXXI) .

XII.—***(1)*** **Subject to the provisions of clause XIII of this schedule, an appeal shall lie—**

(a) from a judgment or order of a second or third class Magistrate in the Myelat, to the Assistant Superintendent for the Myelat;

(б) from a judgment or order of any Assistant Superintendent or any Magistrate (other than of the class , a tendent- nd[on6] SeC©nd 01 third ,n the M_volat)> to the Superin-

(c) from a judgment or order of any Snperintendent, to the "[Lieutenant-Governor].

[1] The figures "190 figures 1898, pr nted, *post*, p ;re Bubstituted ?p! .h' "«V'by Notification No. 13, dated the 29th Jun-,

[2] These words were su for December, 1895, *post*, p. 6M?3titUt©d th<! '.'ord3 " Chi©' Commissioner " by Notification No. 29, dated 19th

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(2) NOTIFICATIONS EXTENDING ENACTMENTS TO THE Shan States —*continued.*

Shan States Laws and Criminal Justice Order, 1895—*concli.*

(2) Any person convicted by an Assistant Superintendent, -when the sentence is subject to confirmation by the Superintendent, may appeal to the '[Lieutenant-Governor]; but the appeal shall not be presented until the case has been disposed of by the Superintendent.

XIII.—Notwithstanding anything in this schedule or in the Code, an appeal shall not lie in any case in which a Superintendent or Ass'stant Superintendent passes a sentence of imprisonment for a term not exceeding six months, or of fine not exceeding Rs. 500 or of whipping, or of all or any of those punishments combined. Restrictions on «PPeal, (sections 411 and 414).

XIV. —The Superintendent is hereby appointed to be the officer to whom the Appellate Court shall c^use notice to be given of the time and place at which such appeal will be heard. '•»«• «*•** Xoticeof appeal

XV.—In any case in which an appeal lies, the Appellate Court may enhance any punishment which has been awarded :

Provided that, if the appeal is from the sentence of a Magistrate of any class, the Appellate Court shall not inflict a greater punishment than might have been inflicted by a Magistrate of the first class. Enhancement of punishment on appeal (section 423). SEC l0n ''

XVI.—The Superintendent may. in any case in which he has himself called for, or an Assistant Superintendent has forwarded to him, the record of a proceeding before a Magistrate of the second or of the third class, pass such order in the case as lip thinks fit ;

Provided that he shall not pass a severer sentence for the offence which in his opinion the accused has committed than might have been passed for such offence by the Magistrate who tried the case, and that no order shall be made to the prejudice of the accused unless he has had an opportunity of showing cause against it. Reviskin teec-tion3 435—438).

XVII.—Notwithstanding anything in sei tion 495, a Court may allow any police-officer to conduct a prosecution. Conduct of prosecutions (section 495).

XVIII.—Any Superintendent may withdraw from *ny Magistrate subordinate to him such classes of cases as he may think proper. Twithdraw* ones (suction 528).

XIX.—Notwithstanding anything in the Code, a lindir.g, sentence or order shall not be reversed or altered on appeal or revision on account of any irregularity of procedure unless the irregularity has occasioned a failure of justice. Orlmnot reversible on trobical grounds alone (sect n 537).

XX.—Rules under section [5]554,] clause (c), may regulate the following amo^g othei matters, namely :—

{a) the fees to be paid for processes; and

(6) the fees to be paid for copies and inspection of records. Fees Tor processes, copies a"[1] inspection tion 554)'[13eC"

XXI.—Nothing in this notification with respect to procedure in inquiries or trials, w with respect of senten.es or appeals therefrom, or the enhancement or execution thereof, shall be construed to affect the Code in its application to European British subjects. Siiying of provisions rdatmg to European British subjects.

[Burma Gazette, 1895, Pt. I, p. 262.]

Amendments in the Shan States Laws and Criminal Justice Order, 1895.

***No. 17 (Errata), dated the 7th August, 1895.*—In Political Department Notification No. 11, dated the 11th July, 1895, *for* th» word» and figures " Shan States Laws and Criminal Justice Order, 1894," *read* " Shan States Laws and Crimira] Justice Order, 1895."**

In the second schedule annexed to the Shan States Laws and Criminal Justice Order, 1895, *for* the words and figures " Act VIII of 1890 " *read* " Regulation VIII of 1890."

In Political Denaitment Notification No. 12, dated the 11th July, 1895, *JOT* the figures *" 1694 " *read* " 1895."

[Burma Gazette, 1895, Pt. I, p. 345.]

***No. 1)2, dated the. 11th December, 1895.*—In. exercise of the powers conferred by section 8, sub-section *(1),* of the Upper Burma Laws Act (XX of 1886) and sections 4 and 5 of the "Shan States Act (XV of 188b), and with the previous sanction of the Governor**

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[1] These words were substituted for the words "Chief Commissioner " by Notification Jio. 29) dated 19fch December, 1?9^ *pott,* p. 654.

[J] The figures "554 " were substituted for the figures " 553/* by Notification No. 13, dated the 29th June, 1898, *post,* p. 654.

* Conferring certain powers on <'erta'n offl^n. *tee* flurma Gazette, 1895, Pfc. I, p. 267.

* *See* now s, 10 of the Burma Laws Act, 1898 (13 of 1898), printed, *supra,* p. 132*

[5] *ScenOTt* sa. 10(J) and 12 of Act *U* of 1898.

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(2) Notifications extending enactments to the Shan States —*continued*.

Amendments in the Shdn States Laws and Criminal Justice Order, 1885

—*conta.*

General in Council, the Chief Commissioner of Burma is pleased to make the following orders in modification of the Shan States Laws and Criminal Justice Order, 1895.

For sub-section *(2)* of section 1 of the said Order, the following shall be substituted, namely :—

[Incorporated in Notification No. 11, dated the 11th July, 1895, *ante.,* p. 648.]

[Burma Gazette, 1895, Pt. I, p. 542.]

No. IS, dated 29th June, 1898.—In exercise of the powers conferred by section 8, sub-section (2), of the 'Upper Burma Laws Act, 1886 (XX of 1bU6), and of sections 4 and 5 of the JShan States Act, 1888 (XV of I8d8j, the Lieutenant-Governor of Burma is pleased, with the previous sanction of the Governor General in Council, to make the following amendments on, and with effect from, the first day of July, 1898, in the Shan States Laws and Criminal Justice Order, 1895, published under Notification No. 11, dated the 11th July 1895, at page 262 of the Burma Gazette, 1895, Pt. I :—

[s](2) *In the second sentence of clause (b) of section 5, for the words " Code of Criminal Procedure (Act X of 1882) " the words " Code of Criminal Procedure, 1898 (Act V of 1898)," shall be substituted.*

(2) In the Third Schedule, paragraph 7, in the second column of the Statement, in clause 1, for the figures " 191 " wherever they occur, the figures " 190 " shall be substituted.

(*S*) In the same schedule, paragraph 20, for the figures " 553 " the figures " 554 " shall be substituted.

[Burma Gazette, 1898, Pt. I, p. 305.]

No. 29, dated 19th December, 1898.—In exercise of the powers conferred by sections 10 and 12 of the Burma Laws Act, 1898 (XIII of 1898), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor of Burma is pleased to make the following amendments in the Shan States Laws and Criminal Justice Order, 1895, as published under Notification No. 11, dated the 11th July, 1895, and amended by subsequent Notifications :—

(1) In sub-section *(4)* of section 3, section 6 and the Third Schedule, for the words " Chief Commissioner " wherever they occur, the words " Lieutenant-Governor " shall be -substituted.

(2) For section 5 the following shall be substituted, namely :—

(Ante, p. 649.)

[Burma Gazette, 1898, Pt. I, p. 585.]

Extension of the Kachin Hill Tribes Regulation, 1885 (I of 1805). to the Northern Shan States.

+ *No. 34, dated the 8 sub i (1) the Upper Burma Laws* ^ *VIII Nov.emher' 1895.*—In exercise of the powers conferred bv sec-
‘Xan’stato 1888),cTiXv^f^ (XX of 1886)’ and Section 5 the
in cSnnHl thp Pli-f and, with the Previous sanction of the Governor General
in Oounoil the Chief Commissioner is pleased to extend to the Northern Shan States ias
de- i, this D fParfcm,eTnt “Notification No. 10, dated the 11th July, 1895). the ‘Kachin
tt-Vt’t? -?, Regulation (I of 1895), subject to the following modifications —’
. The Superintendent, Northern Shan States, shall be deemed to be the Deputy Commit
¿'^Procedure[6] - ** 00mmissioner the High Court, for the pnrpo.e/of the Scrim:

[Burma Gazette, 1895, Pt. I, p! 508.]

; mzz. s. 10 (1) of the Burma Laws Act, 1898 (13 of£ i89s>_printea_ p-i82t
* tono w (" 1 1) of Act 13 of 1898 a new section 5 has dDCe b6en added *° the °rder’ *SCe* P- 649 *anU*■
[5] *Ante,* p. 646.
[6] *Ante,* p, 253.

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(2) NOTIFICATIONS EXTENDING ENACTMENTS TO THE SHAN STATES —*continued.*

Extension of Kachin Hill Tribes Regulation, 1895 (I of 1895), to Hill Tribes in North Hsiawi.

No. 35, dated the 20th November, 1895.—In exercise of the rowers conferred by section 1, sub-section *(3)* of the 'Kachin Hill Tribes Regulation (I of 1895), and with the previous sanction of the Governor General in Council, the Chief Commissioner is pleased to direct that the said Regulation—

(i) shall extend to all the hill tracts in the State of North H»inwi;
(ii) and shall apply to the hill-tribe in those tracts known as the Kachins.

[Burma Gazette, 1895. Pt. I, p. 509.]

.Extension of the Kichin Hill Tribes Regulation, 1895 (I of 1895), to the Hill Tracts of the State of Mong Mit..

No. 38, dated the 22nd November, 1S95.—In exercise of the power conferred by section 1, sub-section *(3)* of the 'Kachin Hill Tribes Regulation (I of 1895), and with the previous sanction of the Governor General in Council, the Chief Commissioner is pleased to direct ¿hat the said Regulation—

(i) shall extend to all the hill tracts in the State of Mong Mit with its dependency Mong Lang; and
(ii) shall apply to the undermentioned hill-tribes in those tracts :— Kaihins and Palaungs.

[Burma Gazette, 1895, Pt. I, p. 518.]

Extension of certain Acts to the Station of Taunggyi in the State of Yawng Hwe.

No. ¡¡3, dated the 16th December, 1895, as modified by [3]*Political Department Notification No. IS, dated 28th May, 1896.*—In exercise of the powers conferred by section 8, sub-section *(1),* of the "Upper Burma Laws Act (XX of 1886), and section 5 of the 'Shan States Act (XV of 1888), and with the previous sanction of the Governor General in Council, the Chief Commissioner of Burma is pleased to extend so much of "Act III of 1867 *(an Act to provide for the punishment of public gambling and the ketp'ng of common gaming-houses),* rhe Cattle-trespass Act (I of 1871), the Excise Act (XII of 18961, and the Burma Gaming Act (XVI of 1884), as respectively amended by subsequent enactments as is in force in any part of Upper Burma at the date of this Notification, to the Civil Station of Taunggyi in the State of Yawng Hwe.

[Burma Gazette, 1895, Pt. I, p. 550.]

Extension of parts of Upper Burma Land and Revenue Regulation, 1889 (HI of 1889 >, to the S'ian States.

No. 3, dated the 28th January, 1897.—In exïrcise of the powers conferred by section 8, sub-section *(1),* of the [3]Uppei Burma Laws Act (XX of 1886) and section 5 of the 'Shan States Act (XV of 1888), and with the previojs sanction of the Governor General in Council, the Chief Commissioner is pleased to extend to *he Shan States (as defined in this Department "Notification No. 10, dated the 11th July, 1895), section 26 of the Upper Burma Land and Revenue Regulation (III of 1889) subject to the following modifications, namely :—

(?) " State land " shall mean land wholly or partly at the disposal of the Chief of the State : Provided that—

(a) in case of dispute the Superintendent shall decide whether any particular land is State land or not; and
(6) land in the possession or occupation of any individual shall be presumed not to be State land until it has been proved to the satisfaction of the Supei intendent to be State land.

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i .Ini-, p. 253.
* Burma Gazette, 1806, Pt. I. p. 252.
* *See* now s. 10 (f) *ot* the Bcrm i laws Act, 1898 (13 of 1898), *ante,* p. 132.
[4] *See* now «. 10 (*1*) oi Act 13 of 1898, *ants,* p. 132.
[1] The Gambling Act has been repealed in Upper Burma (except the Shaa States) tay the Burma Gsmblin; *Af* 1.1SJ9 (I ot 1899), ant;, p. 135.
[1] *Ante,* p. 848.

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(2) NOTIFICATIONS EXTENDING ENACTMENTS TO THE SHAN STATES —*continued.*

(2) The powers conferred on the Financial Commissioner shall he exercised by the Chief Commissioner.

(3) " Revenue-officer " shall mean any person appointed by the Chief Commissioner to be a Revenue-officer.

[Burma Gazette, 1897, Pt. I, p. 46.]

Laws in force in Mong Mit.

Notification No. 2, dated th<>. 25th January, 1898.—In exercise of the powers conferred by section 8, sub-section (7), of the 'Upper Burn'a Laws Act (XX of 1886), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor of Burma is pleased, in supersession of the Notification in the Political Department No. 15, d<>ted the 28th May, 1896, to extend to the Shan State of Mong Mit, with its dependency Mong Lang, all the enactments now in force in Upper Burma.

[Burma Gazette, 1898, Pt. I, p. 54.]

Extension of part of the Upper Burma Land and Revenue Regulation, 1££9 (III of 1889), to the Civil Station of Taunggyi.

No. 22, dated the 3rd October, 1898.— In exercise of the powers conferred by section 8, sub-section (*1*), of the 'Upper Burma Laws Act, 1886 (XX of 1886), and section 5 of the •Shan States Act, 1888 (XV of 1888), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor is pleased to extend to the Civil Station of Taunggyi, in the Shan State of Yawnghwe, the provisions of section 22 and Chapter IV (with the exception of section 43) of the Upper Burma Land and Revenue Regulation, 1889 (III of 1889), and to declare their extension to be subject to the following modifications :—

Modifications.

(a) For the words " Financial Commissioner," wherever they occur, the words " Local Government " shall be substituted.

(b) The Civil station of Taunggyi shall be deemed to be a district, the Superintendent of the Southern Shan States shall be deemed to be a Collector, ana all Assistant Superintendents in the Southern Shan States to be Assistant Collectors, and all these officers shall be deemed to be Revenue-officers for the purposes of the Regulation.

[Burma Gazette, 1898, Pt. I, p. 462.]

Extension of certain Acts to the Civil Station of Lanhio.

No. 27. dated the 19th December, 1898.—In exercise of the powers conferred by section 10 of the Burma Laws Act, 1898 (XIII of 1898), and with the previeus sanction of the Governor General in Council, the Lieutenant-Governor of Burma is pleased to extend the [2]Public Gambling Act, 1867 (III of 1867), the Cattle-trespass Act, 1871 (I of 1871), the [2]B'irm» Gaming Act, 1884 (XVI of 1884), and the Excise Act, 1896 (XII of 18961, to the "[notified area of Lashio as defined under Chapter X of the Burma Municipal Act., 1898, from time to time].

[Burma Gazette, 1898, Pt. I, p. 584.]

Extension of the Upper Burma Forest Regulation, 1898 (V of 1898), to certain Shan States.

No. 35 (Forests), dated the Sjrd January, 1899.—In exercise of the powers conferred by section 10, sub-section *(1),* of the Burma Laws Act (XIII of 1898), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor extends the

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[1] *See* now s. 10 (2) of the Burma Laws Act, 1898(13 of 1898), printed, *supra,* p. 132.

[2] These Acts are now repealed in Burma, by the Burma Gambling Act, 1«99 (Bur. Act I of 1S99), *ante* p. 43*.

* These words w<re substituted by Political Department Notification No. 12, dated 5th Oetober, 1905, *tee*-Burma Garettc, dated 7th October, 1905, Pt. I, p. 632.

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(2) Notiiications extending enactments to tiie SHAN Stvtes

—continued.

'Upper Burma Forest Regulation, Y of 1898, to all the Shan States except those portions of the Northern Shan States which lie east of the Salween river.

[Burma Gazette, 1899, Pt. I, p. 59.]

Extension of the Opium Act, 1878 (I of 1878!, to the Myelat.

Notification No. S5, dated the 21st June, 1900.—In * tercise of the power conferred by section 10, sub-section (*1*), of the Buima Laws Act, XIII oi 1898, and with the previous sanction of the Governor General in Council, the Lieutenant-Governor is pleased to extend to the Myelat ias defined in Political Department Notification [3]No. 10, dated the 11th July, 1895 >, the following sections of the Opium Act, I of 1878 :—

Section 3.—Interpretation-clause, subject to the following modifications, namely—

For the definitions of " opium " and " Magistrate," respectively, the following shall be substituted :—

" Opium " includes also poppy-heads, preparations or admixture.» of opium, and intoxicating drugs prepared from the poppy; but excludes all or any of these articles when possessed, transported, imported, exported, or sold by or on behalf of the Government.

" Magistrate " mean? a Magistrate of the first or Becond class.

Section 4.—Prohibition of poppy cultivation and possession, &c., of opium.
Section 5.—Power to make rules to permit such matters.
Section 9.—Penalty for illegal cultivation of poppy, &c.
Section 10.—Presumption in prosecutions under section 9.
Section 11.—Confiscation of opium.
Section 12.—Order of confiscation by whom to be made.
Section IS.—Power to make rules regarding disposal of things confiscated and awards.
Section Ilf.—Power to enter, arrest and seizo on information that opium is unlawfully kept in any enclosed place, subject to the following modification, namely—

After the words " authorised by the Local Government in this behalf " shall be inserted the words " or any village or circle headman who may be appointed by the Chief of a State."

Section 15.—Power to seize opium in open places.
Section 16.—Searches how made.

[Burma Gazette, 1900, Pt. I, p. 477.]

Extension of the Opium Act (I of 1878), to Lashio.

Notification No. 66, dated the 30th November, 1900.—In exercise of the power conferred by section 10, sub-section (7), of the Burma Laws Act XIII of 1898, and with the previous sanction of the Governor General in Council, the Lieutenant Governor is pleased to direct that the Opium Act, I of 1878, shall extend to the "[notified area of Lashio as defined under Chaptei X of the Burma Municipal Act, 1898, from time to time], with the exception of sections 2 (repealed), 6, 7, 8, 22, 23, 24 and 25, and subject to the following modification, namely, —

For the definition of " opium " in section 3 the following shall be substituted—

" Opium " includes also poppy-heads, preparations or admixtures of opium, and intoxicating drugs prepared from the poppy; but excludes all or any of these articles when possessed, transported, imported, exported or sold by or on behalf of the Government.

The Act, as so extended, shall come into force on the 1st day of January, 1901.

[Burma Gazette, 1900, Pt. I, p. 799.]

Extension of the Burma Municipal Act, 1898 (IH of 1898).

Notification No. SO, dated the 11th December, 1901.—In exercise of the powers conferred by section 10, sub-section (*1*), of the Burma Laws Act, 1898 (XIII of 18981, ant.

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[1] Rep. In Burma by the Burma Forest Act, 19u2 (Burma Act 4 of 1902), *ante,* p. 475.
* *Anlt,* p. 04ö.
[1] These words were substituted by Political Department Notification No. 12, dated 5th October, 1905—*tee* Burma (iazette, dated 7th Octobcr, 1905, Pt. I, p. 032.

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(2) Notifications extending enactments to the Shan States —*continued.*

with the previous sanction of the Governor Genera] in Council, the Lieutenant-Governor of Burma is pleased to extend the Burma Municipal Act, 1898 (Burm> Act III of 1898), to the Shan States, and to declare its extension to be subject to the following modification :—

Modification.

In Chapter X, section 211, sub-section (2), clause (tv), for the word " Commissioner " the words " Superintendent and Political Officer, Southern Shan States, or Superintendent, Northern Shan States, according as the notified area is in the Southern Shan States or the Northern Shan States " shall be substituted.

[Burma Gazette, 1901, Pt. I, p. 765.]

Extension of the Elepha nts Preservation Act, 1879 (VI of 1879), to Mong Mit (Momeik).

Notification No. SOS, dated the 8th December, 190S.—In exercise of the power conferred by section 10 of the Burma Laws Act, 1898 (XIII of 1898), and nith the previous .sanction -if the Governor General in Council, the Lieutenant-Governor of Bunn» is pleased to extend the Elephants Preservation Act, 1879 (VI nf 1879), to the Shan State of Mong Mit (Momeik) with its dependency Mong Long (Mohlaing).

[Burma Gazette, la03, Pt. I, p. 889.]

Extension of the Burma Municipal Aot Amendment Act, 1902 (Burma Act III of 1902).

Notification No. 5, dated the 16th March, 190If.—In exercise of the powers conferred by section 10, i-ub-section (*1*), of the Burma Laws Act, 1898 (XIII of 1398), and wi^h the previous sanction of the Governor General in Council, the Lieutenant-Governor of Burma is Dieased to extend the Burma Municipal Act Amendment Act, 1902 (Burma Aet III of 1902), to the Shan States, and to declare its extension to be subject to the following modification :—

Modification.

In section 211, sub-section *(1),* clause (»'), of ^he Burina Municipal Act, 1898, as substituted by section 8 of Burma Act III nf 1902. for the word " Commissioner " the woids " Superintendent and Political Officer, Southern Shan States, or Superintendent, Northern Shan States, according as the notified area is in the Southern Shan States or Northern Shan States," shall be substituted.

[Burma Gazette, 1904, Pt. I. p. 206.]

MBng Mit Administration Order,11906,

Notifiration No. ^ dated the 21st March, 1906—In exercise of the powers conferred hy sections 10 and 12 of the Burma Laws Art. 1898, and with the previous sanction of the Governor General in Council, the Lieutenant-Governor of Burma is pleased to make the following orders with respect to the extension of laws to, and the administration of Civil and Criminal Justice and the collection of revenue in, the Shan State of Mong Mit and its dependency Mong Lang :—

THE M6NO MIT ADMINISTRATION ORPER, 1906.

Extension of Laws to, and the Administration of Civil and Criminal Justice and Collection of Revenue in, Mong Mit.

PABT I.

LAWS, CRIMINAL JUSTICE AND GENERAL PROVISIONS.

Preliminary and General Provisions.

1. (7) This Order may be called the Mong Mit Administration Order, 1906:

short title, and

it) I[1] B M[1] extend to the State of Mong Mit and its dependen.-y Mong Lang

(3) It shall come into force on the 1st April, 1906.

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(2) Notifications extending enactments to the SnAN States —*continued.*

M□:n; Mit Administration Order, 1906—*eontd.*

2. |2) The notifications, specified in the first ached ulo hereto annexed, are hereby Snp.r«»« -superseded to the extent spei-itied in the second column thereof; DoUficaUons.

(t) But ¿11 notifications published, proclamations issued- powei* conferred, forms prescribed, local limit* defined, sentences passed, a'.d orders, rules and appointments made ■under the Kathir Hill-Tribeo Regulation. 1895, with express reference to Mong Mit cr ai.y part thereof or to the Shan Stater generally, under the enactments extended h> any of the said notifications .«hall, so far a? may bn practicable, consistently with thf provision! ■of this Order, be deemed to have been respectively published, issued, conferred, prescribed, defined, passed and made under those enactments as extended by this Order.

3. In this Order, unless there is anything repugnant in the subject or context,— Definition*.

(7) " Assistant Superintendent " mean* uny officer appointed by the Lieutenant-Governor to be an Assistant Superintendent, and includes any person whom the Lieutenant-Governor may appoint to discharge all or any of the functions of an Assistant Superintendent,:

(i) " Chief " means the person f(* the time being recognized by the Local Government as the Chief of the State of Mdng Mit :

IS) " Commissioner " means the Commissioner for the time being of the Mandalay Division :

(f) ·[" Headman " means the person appointed to be the headman of a village tra<-t under section 5 of the Burma Village Act, 1907 : ind]

(5) " Mong Mit " means the Shun State of Mong Mit with its dependency Mong I.*ng :

(tf) " Superintendent " means the Deputy Commissioner for the time being of th« Ruby Mines District : and

(7) V' Village " ar.d " village tract " have the meaning assigned to them in the Bunn village Act, 1907],

4. *(1)* All cases pending in »ny Court of original jurisdiction immediately before the p_{cn}din| *ur+* conunnncement of this Order shall b« transferred to. and heard ar.d decided by, the Court ^{In0}"$T^{uo}L_{v>}$· which would ordinarily have jurisdiction if such cases were instituted after the com- Son'tob^ulrf mencement of this Ordei : bvCoor*-

Provided *hat the Superintendent or any Court- or Officer may. in respect of any »uch case, exercise any powers conferred on the Superintendent or such Court or officer, as the case may be. by or nnder this Order. h«>iigJni**-dieUonund« Order.

(l) Notwithstanding anything contained in <his Order, appeals and second appeals fas >$_{tV}$!ng"f r.ght me >ase may be) from decrees and ordera passed or made previously to the commencement *ni* ipp.il »t- of '.his Order, thall lie to, and bn heard and decided by, the Cour* which would have had beoio quired jurisdiction to hear such appeals if this Order had not been passed. Order.

Extintion and Aypliration of Enaetmintt.

5. The enactment* specified in the second «chcdulo hereto annexed, at amended hy ExtnKtonot -subsequent enactments in force in any part of Upper Burma at the commencement of this enseunwu. Order, are hereby extended to Mong Mit to the extent specified in the third column of the said schedule and Mibjc>t to the modifications set forth in the fourth column thereof or, in the case of the Code of Criminal Pro>-edure, <n the third schedule hereto annexed.

C. *(1)* Any jurisdiction, power nr duty incident to *he operation ir? the State of M5ng Powers ot "Mit of the enactment* specified in the first column of the fourth schedule hereto annex<d offletn onder which, under the provisions of tho said enactments respectively or of any rule, order or cn*ct'- notification mnde thereunder, is to be exercised or performed by the authority specified in the second column of the said schedule, shall, in and for the said State of Mong Mit, be exercised and performed by the authority mentioned in the third column of the said schedule.

(fl For the purposes of the application to Mong Mit of ar.y enactment not mentioned ■in the fourth schedule,—

ifll the Commissioner sh»l] be deemed to be the Commissioner of the Division and the Divisional Judge;

(6) the Superintendent shall be deemed io be a Collector, Deputy Commissioner, District^ Judge, Sessions Judge and District Magistrate ; and

(c) every Assis'ant Superintendent shfH be deemed to be an Assistant Collector, Assistant Commissioner, Sub divisional Judge and Sub-divisional Magistrate.

» *irlt* P. 25 I.

* Sut titutel by i, l of Dorm Xotlflcstlon No. 2, dttcd the 18th Jsnusry, 1909, *ui* Bums **Gtiette, 1909. Yt.** I, p. l(>0

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(2) Notifications extending enactments to the Shan States —*continued.*

Mong Mit Administration Order, 1008—*contd.*

Cons'.rnction ci «aaotmcnia extended.

7 • For the purpose of facilitating the application of the enactments hereby extended,. any Revenue Officer, Magistrate or Court may construe any provision therein with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Revenue Officer, Magistrate or Court.

Criminal Justice.

Administration of criminal Jnstice.

8. All criminal cases shall be exclusively triable by Magistrates or Judges appointed by the Local Government. [1]

Limitati in of criminal appeals.

9. The period of limitation for criminal appeals shall be as follows :—

To the Commissioner from a sentence of death passed by the Superintendent	Seven days from the date of the sentence.
To the Commissioner from any other sentence or from a judgment of acquittal	Sixty days from the date of the sentence or judgment appealed against.
To any Court other than the Commissioner's from any sentence against which an appeal lies . . .	Thirty days from the date of the sentence or order appealed against.

PART II.

CIVIL JUSTICE.

Appointment of Officers by the Lieutenant-Governor.

Appoin* ment *ol* officerà hy the Lieutenant-Governor,

10. *IT*\ The Superintendent is hereby appointed to exercise a general control over the administration of civil justice and to exercise the full powers conferred upon him by this Order.

(2) All officers from time to time appointed by the Lieutenant-Governor as Assistant Superintendents, if any, of Mong Mit or to discharge for any local area any of the functions of an Assistant Superintendent are hereby appointed to takn part in the administration of civil justice for the purpose of disposing of cases under clause (/) of Rule 27, and, if in charge of a hill-tract, under Rule 32, and of exercising, when specially empowered in that, behalf, the powers referred to in Rule 28.

Powers and Procedure of the Chief and his Courts.

Jurisdiction of Subordinate Courts.

11. The Subordinate Courts shall have jurisdiction to hear and determine any suit of a value not exceeding one hundred rupees.

Jurisdiction ol the Chief's Court.

12. Th> Court of the Chief shall have juiisdiction to hear and determine any suit without restriction as regards its value.

Chief to appoint Judges.

13. Civil cases instituted in a Subordinate Court shall be tried by the '[headman] cr such other Subordinate Judge as may bn appointed by the Chief for the tiial of petty civil suits in the area in question. Cases instituted in the Court of the Chief shall V,e tried by the Chief himself, or by such officers as he may appoint to try such cases. Such appointments shall be made in writing :

But in the Sachin hill-tracts, suits shall be tried and decrees executed by the Superintendent or Assistant Superintendent or under section 7 ol the KeguLation.

Provided that m the Kachin hill-tracts (as defined in the 'Kuchin Hill-Tribes Regulation, 1895), all suits shall be tried and decrees shall be executed by the Superintendent or the Assistant Superintendent in charge of such hill tracts, oi, if a member of a hill-tribe is a party to the suit, by either of such officers or by the headman appointed under the said Regulation :

And provided that the piocedure prescribed in Part'll of this Order shall not apply to the trial in any such hill-tract of a civil suit in which a member of any such hill-tribe is a party except in so far as it may be expressly declared by the Local Government to be so applicable under section 11 of the said regulation.

Courts in wnich suits to »Instituted, Salts relating to 1m oveabie property to ho Instituted where property la »Ituate.

14. Every suit shall be instituted in the Court of the lowest grade competent to tiy it.

I 5. Suifs i elating in any way to immoveable property shall be instituted in the Court within the local limits of whose jurisdiction the property is situate.

[1] Substituted by Xotlflcatlon Vc*. 2, dated the 18th January, 1609, *iet* Burma Gazette, 1000, Pt. I, p. 100.

[9] *A.nU,* p. 253.

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{2) NOTIFICATIONS EXTENDING ENACTMENTS TO TJIE SIIAN STATES

—continued.

Mong Mit Administration Order, 1906—*eonld.*

16. Ml other suito shall bo instituted in a Court within the local limits of whose Placed In- jurisdiction— Institution of other suits.

(a) the cause of action arises; or

(b) all the defendant», at the time of 'he commencement of the suit, actually and voluntarily reside, or carry on business or personally work foi gain: or

(c) any uf the defendants, at the time of <he commencement of the suit, actually and voluntarily resides, or carries on business or personally works foi gain :

Provided that either the leave of the Court is given, or the defendants whc do not reside, or cariy on business oi personally work for gain, as aforesaid, acquiesce in such institution.

17. If) Every suit shall be instituted by presenting a plaint to the Court. Institution oi

(f) If the plaint shows no substantial cause of action: or «mu.

i£ the institution of a suit in respect of immoveable property, or for a sh.ue of an inhcritan.'e or of joint family property, has been delayed without any sufficient reason for a period of twelve years: or

if *he institution of a suit of any other description has been delayed without ar.y sufficient reason for a period ot three yeais: oi

if the institution of the suit in such Court infringes the provisions of Rule 14. 15 or 16, the Court may reject the plaint or return it for amendment or for presentation to the proper Court.

(3) If the plaint sets forth good cause of action and has not been rejected or returned for any of the reasons specified in the preceding sub-rule, the Court shall summon the defendant to appear and answer before the Court on a certain day.

18. If neither party appears or if the defendant only appears, the suit i-hall be Procedure on dismissed. If the plaintiff appears and the defendant, having been duly summoned, does non-appearance uot appear, the Court may proceed *ex-partt.* of either p*rty.

19. On the appearance of the parties, the evidence of the parties and of their wit- Parties ul nesses shall be taken on oath or solemn affirmation by the Court. Ea<h party shall be w*l1oc<va.1<J be pcimi'ie'd to examine the opposite party and all witnesses. exam ine.

20. When the puities and witnesses have been heard and the do<ument> produced by Jidgncntu to cither party have been perused, the Court shall deliver judgment. The judgment shall dciivcri'd be afl taK contain the decisions of the Court upon the points at issue and the grounds of the deci- ev,7cnce!n8 sions, ar.d shall conclude with n decree clearly stating the relief granted or othci determination 'f the suit.

21. The Court may pass such order us it thinks fit with regard to the payment by Goar nay -either party of the expenses incurred by the other party under the provisions of Rule 25. avara«costa.

2 2. *(a)* In cases tried by a Subordinato Court the Court shall record — Court to rccord cerlala facta.

(7) the nature of the plaint;

(5] the date of presentation of the plaint:

(3) the name and resident« of the plaintiff;

(4) tho name and residence of the defendant;

f5\ the decrce or order» passed.

(¿1 tn all other cases the record shall contain in addition to tho above particular? —

(G) the names of all witnesses examined ;

(?) the deposition of all witnesses examined:

(Si a brief description of all documents produced in evidence;

(9) a brief statement of tha points in issue and the decisions thereon and of the reasons therefor;

(10) a brief record of the orders pasted ut> to the costs of the suit; and

(11) the date of the decrea or final older.

23. On application being made by the ded-eoholder ii. writing, the Court of the Execution ot •Chief shall cxecute any dccreo passed by itself or by nny Suboidinate Court under its decro». jurisdiction or *by* the Superintendent or a^v Assistant Superintendent or by any Court exercising jurisdiction in Mong Mit before the commencement of this Order or ihereafter under Rule 4 of this Order, or any decree sent to it for execution under the provisions of '[Part II and Order XXI of the First Schedule of tho Code of Civil Procedure, 1908], in the following manner, namely :—

(1) If tho decree is for delivery of property in tho possession of a judgment debtor, --by giving possession of the property to the decree holder.

' 3 bull 'ted for the worn and r«„r»» ' Section! 221 an 1 224 of liia Cod» *ot* Civil Procedure, lbSI, *l-y* N'otifiliation No. 10, 4at«d thr &th J - ul)Q inc ei*etc, 1009. Pt. I p. 530.

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(2) NOTIFICATIONS EXTENDING ENACTMENTS to THE SHAN STATES —*continued.*

M>ing Mit Administration Order, 1908—*contd.*

(2) If the decree is for a sum of money,—by attaching the property of the judgment-debtor and selling it by auction.

Appeal to the Chief in certain pasfls.

24. ***(1)*** **A decree or order made in a suit of value not exceeding twenty-five rupees by a Subordinate Court shall, subject to any order which may be passed under the provisions of Rule 27, be final.**

(2) **(*a*) From any other decree or order of a Subordinate Court an appeal shall lie to the Court of the Chief :**

Provided that no such appeal shall be admitted after a period of sixty days has. elapsed from the date of the judgment of the Subordinate Court unless the appellant satisfies the Appellate Court that he had sufficient cause for not presenting the appeal within such period.

Procedure on appeal.

(6) If the Court admits the appeal, it shall cause a notice to be served on the other party to appear and answer before the Court on a certain day, and shall likewise infoim the appellant of the day fixed and shall give both parties an opportunity of being heard in support of their respective cases before deciding the appeal. The Court may alsu order either party to pay the expenses incurred by the other party on such appeal under the provisions of Rule 25.

Court may levy fees not exceeding a fixed scale.

25. (2) Court-fees and the reasonable expenses of witnesses may be charged or levied by the Court trying any case or issuing execution :

Provided that no demands shall be made except of the kinds specified in the following list, and the total amount recoverable under each clause in the list, whether paid by one party or divided between both parties, shall not exceed the following scale, namely :—

		Rs.	A.	p.
(a)	**Judges' and State fees in a case tried under Rules 11 to 20, per Rs. 100 of the amount claimed**	6	0	0
(6)	**Fees for clerks, servants, and contingencies in a case tried under Rules 11 to 20. per Rs. 100 of the amount claimed**	4	0	0
(e)	**Fixed fee on an application for execution of a decree or order under Rule 23**	2	0	0
(rf)	**Fees chargeable on an appeal under Rule 24, per Rs. 100 of value of relief claimed on such appeal . . . .**	5	0	0
(e)	**Witness-fee for each witness for each day of attendance and for each day spent in travelling to and from the Court .**	0	4	0
(/)	**Fee chargeable for a copy of the judgment, decree, etc. (to be paid by the party applying for the same), per 100 words**	080		

(2) **For suits which have no fixed money value, the court-fees are to be the same as in a juit for Rs. 100**

(3) **All fees shall be paid in cash. In the case of Subordinate Courts the Judge shalU be entitled to retain the fees levied under clauses *(a),* (Zi), (c) and (*/*) of sub-rule (*1*). In. the case of the Court of the Chief all fees shall be credited to the State.**

Agents.

26. In Subordinate Courts parties shall appear, act and plead in person. In the Court of the Chief, permission may, at the discretion of the Judge, be granted to parties, to appear or act by agent.

Powers and Procedure of the Superintendent and Assistant Superintendents.

Powers of Superintendent.

27. The Superintendent may, on the application of either party—

(a, himself admit any plaint which would ordinarily be presented in the Court of the Chief or in any Subordinate Court, and try the case;

(*b*) call for the record of any case which is pending before any such Court and proceed to hear and decide the case himself, or send it back to such Court with such directions as he may think fit;

(c) himself admit a memorandum of appeal from any judgment or order of a Subordinate Court which would ordinarily be presented to the Court of the Chief or from any judgment or order of the Court of the Chief, or of the Court of" an Assistant Superintendent exercising jurisdiction in a Kachin hill-tract., under Rule 32, sub-rule (7), and try such appeal '

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(2) NOTIFICATIONS EXTENDING ENACTMENTS TO THE SHAN STATES —*continued.*

M-'ing Kit Administration Order, 1906—*contd.*

Provided that no such appeal ¡hall be admitted altar the lapse of sixty **days from tha date of the judgment appealed against unless the appellant satisfies the Court that he had sufficient cause for not presenting the appeal within such period :**

(d) **call for the record of any case which has been disposed of or in which any order has been passed in any such Court and may—**

(t) confirm any such order, or ...

(ti | modify or cancel any order passed by any such Court which is not in accordance with justice, equity and good conscience and, if necessary, re-hear such case himself; and

(e) may, in £-ny proceedings under this Rule, pass an order staying finally or until further order any or all further proceedings in connection with such case or the subject-matter thereof in any such Court; and

(f) **may, in any case in whi^h he has admitted a pljint or memorandum of appeal, or called for a record under the provisions of this rule, transfer the case to any Assistant Superintendent for disposal, and such Assistant Superintendent shall have all the powers of the Superintendent under the preceding sub-rules for the further disposal and decision of such case :**

But any decree or order passed by the Assistant Superintendent in such case shall be subject to revision by the Superintendent.

28. An Assistant Superintendent specially empowered in this behalf by the Local Government may exercise all or any of the powers conferred by Part II of thi* Older on 1," the Superintendent :

j^^ant Rnper- empowered^ to exercise the p>wers of Superintendents.

Provided that—

(a) an Assistant Superintendent so empowered shall not transfer any case to another Assistant Superintendent; and

(б) any decree or order passed by an Assistant Superintendent, in exercise of the powers of a Superintendent, shall be liable to revision by the Superintendent.

29. (A) **In exercising the powers conferred by Rules 27 and 28, the said officers Procelor- >nd shall observe, as far as possible, the procedure prescribed for Courts in Upper Burma by** any enactment for the time being in force.

mention oi decrecs oi

(b) **A Court-fee, amounting to ten per pent, of the value of the suit, shall be levied on Superintend} any application presented under Rule 27, ai-d shall be paid into the treasury in cash.**

(c) Any decree or order passed under Rule 27, shall be executed in the Kachin hill-tracts, by the Assistant Superintendent, and elsewhere, by the Court of the Chief, according to the customary law in force in the State, as modified by Rule 23.

30. ***(a)*** **Where in any suit or other civil proceeding, it is necessary to decide any qnestion regarding succession, inheritance, marriage or caste, or any religious usage or institution,—**

Law to be ªPP'ied*

(.") the Buddhist law in rases where the parties are Buddhists,

(iẗ) the Mahomedan 'aw in cases where the parties are Mahomedans, and

(tit) the Hindu law in cases where the parties are Hindus,

thall form the rule of decision, except in so far as such law has by legislative enactment been altered or abolished, or is opposed to any custom having the for-e of law in Mong Mit."

(b) **In cases not provided for by the preceding sub-rule or by any enactment for Ihe time being in force, the Court shall act according to justice, equity and good conscience.**

(c) In any matter of procedure or practice not provided for by this Order, a judicial officer acting under it may (subject to the directions, if any, of the Superintendent) make such orders as the circumstances of the case may require.

31. Any suit in which any question regarding succession, inheritance, marriage or caste, or any religious usage or institution is involved, may be heard with the aid of assessors selected by the Court. certain case».

Trial with' ' assessors permissible ie

Thu Judge sh;.11 record the opinion of each of the assessors upon such questions before giving judgment, but shall not be bound to conform to the opinion of the assessors in giving judgment or passing any order or decree.

3 2. (2) In any hill-tract notified »• such under the 'Kashin Hill-Tribes Regulation, Sn'ts InKochln 1895, suita in which no member of a hill-tribe is a party shall be tried, and decrees hiil-traas. therein shall be executed, by the Assistant Superintendent in charge of such hill-tract or,

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L * *4tiU,* p. 253.

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(2) NOTIFICATIONS EXTENDING ENACTMENTS TO THE Siian STATES —*continued.*

Mong Mit Administration Order, 1906— *contd.*

if he thinks fit, by the Superintendent, and for that purpose, such officer may exercise any powers conferred on any Court by Part II of this Order.

In any such suit such officer shall, as far as possible, observe the procedure prescribed for Courts in Upper Burma by any enactment for the time being in force. A Court-fee, amounting to ten per cent, of the value of the suit, shall be levied and paid in cash at the time of institution of the suit.

***(2)* In such hill-tracts suits and decrees to which a member of a hill-tribe is a party shall be tried and executed in accordance with the provisions of the 'Kachin Hill-Tribes Regulation, 1895.**

PART III.

LAND AND REVENUE ADMINISTRATION.

CHAPTER I.

GENERAL PROVISIONS.

Officers.

General control o! land aad revenue administration.

33. *(1)* Subject to the general control of the Superintendent, the Chief shall be responsible for the land and revenue administration.

(2) The Local Government may appoint an officer to be called the " Akunwun " to assist the Chief in such administration.

(S) So long as any person holds office as *Akunwun* under this Order, all orders of the Chief in connection with the land and revenue administration shall be issued through the *Akunwun.*

Chief to act on advice of *Ahunwun,* or refer question to Superintendent or Assistant. Superinten* dent.

3 4. If any such order which the Chief proposes to issue appears to the *Akunwun* to conflict with any law or rule having the force of law or to be otherwise inexpedient, the *Akunwun* may represent the matter to the Chief in order that he may modify or withhold the order. If the Chief disagrees with the *Akunwun*, the Chief shall refer the question to the Superintendent or to the Assistant Superintendent, if any, residing at Mong Mit. The Chief shall be guided by the advice of the Superintendent or Assistant Superintendent in disposing of the matter.

rower of *Akunwun* during absence Or illness of Chief.

3 5. Whenever the Chief is unable to transact business frQm illness or is absent from the State, his powers and duties in respect of the land and revenue administration may, with the Superintendent's approval, be exercised and performed by the *Akunwun,* and for that purpose any reference to " the Chief " in this Order or in any lules applicable to Mong Mit shall apply to the *Akunwun,* when so exercising and performing the powers and duties of the Chief.

Appointment of K evenu e-officera by Chief and distribution of work.

3 6. *(1)* The Chief may, with the Superintendent's approval, appoint Revenue-officers to assist in carrying out the objects of Part III of this Order, throughout the whole State or in any specified area. An Assistant Superintendent may exercise the powers of a Revenue-officer under this order.

***(2)* The distribution of work among the *Akunwun* and Revenue-offirers shall be regulated by orders issued by the Chief and approved by the Superintendent.**

Tower of Chief and Superintendent to revise orders.

3 7. Any order passed by a Revenue-officer appointed by the Chief may be revised by the Chief and by the Superintendent, and any order passed by the Chief or the *Akunwun* or by any Revenue-officer may be revised by the Superintendent.

Recovery of Revenue.

Definition of " revenue," " arrear,*' and " defaulter."

38. In this Part, unless where there is anything repugnant in the subject or context—

***{1)* " revenue " includes :—**

(*a*) *thathameda-tax*;
(*b*) land-revenue payable in respect of State and othei lands;
(c) revenue payable on account of precious stones, mines, minerals and ferries;
(*d*) excise in respect of spirit, fermented liquor and opium; and
(e) every other sum payable to the State or to the Government under any law or contract or in accordance with local usage :

***(2)* " arrear " means any revenue remaining unpaid on a date fixed by or in pur suance of this Order, and certified by a Revenue-officer to be an arrear : and**

Ante, p. 253.

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(2) NOTIFICATIONS EXTENDING ENACTMENTS TO THE SHAN STATES —*continued.*

Mong Mit Administration Order, 1906—*contd.*

(3) " defaulter " means a person from whom an arrear is due. Saving of hiil-

\j) Nothing contained in Part III of this Order shall apply to any land or revenue ti.br« ,u Kachin •matter in a Kachin hill-tract in which a member of a hill-tribe (as defined in the 'Kachin hill-tracts. Hill-Tribes Regulation, 1895', is concerned.

3 9. The revenue payable on any land shall be the first charge on the rents, profits. gcvenue«. ind produce of the land. charge on produce of land.

40. An arrear may be recovered by any one or more of the following methods, namely :— Modes of recovery of ,

(a) by service of a notice on the defaulter requiring him to pay the amount of the ·t',c"ue- arrear;

(б) by attachment and sale by auction of the defaulter's property,

(c) by arrest of the defaulter and his imprisonment for a period not exceeding one month.

41. If any defaulter denies that an arrear is due by him, a Revenue-officer shill *Ymceiunit* enquire into the matter and adjudicate upon it. Pending the result of the enquiry, the defaulterdis- proceedings against the defaulter shall be suspended, if he furnishes security for the putes his liabi- amount of the arrear. lity for arl__ai_

4 2. Any Revenue-officer may enforce any of the processes specified in Rule 40 : officers by

Provided that a -warrant of arrest under Rule 40 shall not be issued by any person whon ; -,-^*ess* other than the Chief. maj be emorued.

43. Notices shall be served through the [5][headman], and the duplicate in each case s r £ shall be returned with a report of service or non-service to the officer who issued it, notices.[6]

44. Ordinarily, a notice shall be served before any other process is enforced. But if ordinarily a the officer issuing the notice thinks fit, any of the other processes may be enforced in notice to oe addition to or in lieu of notice. first issued.

4 **5.** (*1*) Orders for the attachment of a defaulter's property shall be issued to the Attachment of headman, who shall proceed to attach the property and make arrangements for its safe deisnlter's j>ro- custodj. and he shall then report to the officer who issued the process the list of property perty, proced- atta^hed and the arrangements made for its safe custody. and*«»■>*"?uro-

(8) If the amount of the arrear, including costs, is not paid within fifteen days of the perty. -date of attachment, the officer who issued the order of the attachment may order the sale of the property by public auction, and thus satisfy the arrear due and the cost of the processes.

46. (*1*) A warrant of arrest may be addressed either to the headman or to a Police- procure by officer not below the grade of sergeant, and shall require him t'- bring the defaulter befor< arr·,st .>f de- the Chief unless the defaulter shall pay the amount of arrear, including the costs, to the faulter. arresting officer before he reaches the office of the Chief.

(2) If a headman requires assistance in making an arrest, he shall apply to the officer in charge of the nearest police-station. Such officer shall give the headman all assistance nei essary to enable him to execute the warrant.

(3) When the defaulter is brought before the Chief, the Chief shall examine the defaulter as to his reason for not having paid the amount of the arrear, and may either release him or order his commitment to custody for such period not exceeding one month, as he may deem fit.

4 **7.** State land is not liable to attachment and sale. When land-revenue in respect of pro^iir„in "State land is in arrear and the defaulter fails after due notice to pay the amount of the casnj oi arr ar arrear, he may be summarily ejected, and a Revenue-officer may allot the land to any oi Iand-revtnue other cultivator, preference being given to one who is a resident of the *[village tract], and * ° respect of »who pays the amount of the arrear due by the defaulter. g

Process Fees and Costs.

48. *(1)* The scale of fees for processes shall be as follows :— Fees for processes.

Notice or summons	8 annas.
Warrant of attachment or arrest	1 rupee.

(S) All fees sh»ll be paid in cash and shall be credited to the State.

49. No fee shall be charged for a notice calling for objections to the allotment or y_0 fee for grant of land, and no fee shall be charged on orders merely calling for reports. certa.n notices and order».

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* *Ante*, p. 259.

[1] Substituted by Notification No. 2, dated tho 18th January, 1909. a« Burma Gazette, 1009, Pt. I, p. 100.

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(2) NOTIFICATIONS EXTENDING ENACTMENTS TO THE SHAN STATES —*continued.*

Mong MIt Administration Order, 1906—*contd.*

Recovery of fee for process for an ear of revenue.

50. If the process is issued for the recovery of revenue at the instance of a '[headmanl or other officer of the State, the fee shall be recovered in the same way as the arrear of revenue in respect of which the process is issued.

Expenses of witnesses, etc.

51. The expenses of witnesses and others required to attend enquiries in land and revenue matters may be allowed at the rate prescribed in Rule 25.

Award to parties of costs, and recovery of same.

5 2. A Revenue-officer holding an enquiry may award and apportion the costs of any proceedings before him among the parties thereto in such manner as he deems just, and costs so awarded shall be recoverable as if they were arrears of revenue.

Headman's Commission and Security.

Ratea of commission to headmen.

5 3. '[Headman] shall be paid commission at such rates as the Chief may, from* time to time, direct with the Superintendent's approval. Until further orders, the rates of such commission shall be ten per cent, on all revenue collections made by a headman up to Rs. 6,000, and five per cent, on all collections so made over that amount.

Time for payment of commission.

5 4-. No i-ommission shall be paid until the '[headman] has paid into the treasury the full amount of the assessment of his '[village tract],

Security for headmen.

5 5 • Every headman shall furnish security for the honest dis> harge of his duties. The security shall, ordinarily, be that of co-villagers, or two or more headmen may execute a mutual security bond.

CHAPTER II.

THATHAMEDA AUD LAND-REVENUE.

Thathameda.

Rate of *thathanif.da.*

5 6. *Thatham"da-i&s.* shall be levied at such average rate per household or family as the Local Government may direct. Until further orders, the average rate shall be ten rupees per family or household.

Joint and several liability of villagers for *thatkameda-* \A x.

57. The inhabitants of each '[village tract] or, if the Chief with the sanction of the Superintendent so directs, of any part of a village shall be jointly and severally liable for tie whole of the *thathameda*-tax leviable therein.

Exemption from *thathameda-* tax.

58. Households of which the heads belong to the following classes of persons shalli be exempt from the *thathameda*-tax :—

- **(a) Government servants and officials of the State who are in the service of the Government or of the State on regular salaries and who do not engage in trade;**
- **(*b*) ministers, priests, members of religious or monastic orders, and schoolmasters who do not engage in any business or trade and who have no property or worldly gains;**
- **(c) '[headmen];**
- **(¿) village writers, provided that only one writer shall be allowed for each '[headman];**
- **(e) village criers in '[village tract] which contain one hundred or more houses;**
- **(/) *ywagaungs* of villages which contain twenty or more houses and in which no' headman resides;**
- **(*g*) persons incapacitated from earning their livelihood by old age, or physical or mental defect and who have no,property or means of paying;**
- **(A) subjects of foreign countries visiting Mong Mit without the intention of settling and not engaged in any trade or occupation in Mong Mit;**
- **(i) government pensioners;**
- **(j) newly married couples for one year after marriage;**
- **(£) the Chief and any near relatives of the Chief who may, with the Superintendent'^ sanction, be exempted by the Chief; and**
- ***(I)* any person specially exempted on account of public services or for any other sufficient reason by the Chief with the sanction of the Superrntendent.**

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[1] Substituted by Notification Ko. Z, dated the 18th January, 1909, *tn* Burn a Gazette, 1909, Pt. I, p. 100.

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(2) NOTIFICATIONS EXTENDING ENACTMENTS TO THE SHAN STATES —*continued.*

M>ng Mit Administration Order, 1906— *contd.*

59. For determining the total demand in any '[village tract] or part of a '[village tract], the number of revenue-paying households shall be multiplied by the rates prescribed by oi under the provisions of Rule 56. The product shall be the total demand. Mode oi calcn- latlng total demand for a village or part thereof.

BO. (J) The headman shall submit to the Chief, on or before the 15th November in each ye^r, a census-roll of all the households in his '[village tract] with number, names and occupation of all adult members of each of those households. ,Ulli Llt-

(2) All heads of households belonging to the classes mentioned in Rule 58 shall E.lso be entered by the headman in the census-roll and the ¿rounds for exempting them shall be given.

(5) The Chief or a Revenue-officer shall personally examine the census-roll of every '[village tra^t] in order to test its accuracy, spetial attention being given to the exceptions entered under Rule 58.

61. (i'i The Chief shall then direct the headman, in consultation with the assessors whom the Chief shall cause to be appointed, to distribute the total demand fixed undei Rule 59, over the households of the '[village tract] according to their circumstances and ability to pay, and to publish in the '[village tract] a list of the persons assessed snd of the amount payable by each person. No other notice of demand shall be necessary. Distribution of total iemand and ass—smt of individual liability,

(2) The assessors shall be responsible for the just assessment of each household.

6 2. *(1)* Objections to the *thathameda*-tax must be made to a Revenue-officer at hi3 headquarters within ten days after the publication of the list under Rule 61. **Ohjectioa»to-** assessment.

(2) The officer receiving the objection shall hear the objector and shall hear t-he assessors in support of the demand, and shall either reject the objection or direct that proper relief be granted and re-adjust the assessment, but not so as to reduce the total demand from the '[village tract]. The Revenue-officer shall send his proceedings to the Chief for sanction, if he re-adjusts the assessment.

6 3. (!) If the Chief is of opinion that any person assessed to the *thathameda*-tax is unable to pay the amount assessed on him by reason of any misfortune occurring after the assessment has been made by the assessors, he may remit such assessment in part or in whole and reduce the total demand upon the '[village tract] or part thereof accordingly : Chi-r may remit In caeRi'a"

Provided that if the remission he proposes to grant in i>ny '[village tract] exceeds onp-tenth of the total demand in that '[village tract], he shall submit his proceedings and recommendations for the orders of the Superintendent.

(2) If any head of a household di,es leaving no property, the Chief may remit the amount assessed upon him and reduce the demand upon the '[village tract] or part of a '[village tract], accordingly.

(S) Application for remission shall be made orally or in writing to the Chief or to a Revenue-officer before the date fixed under Rule 60 for the submission of the census-roll in the year for which the demand is due. Application [or remission,

64. (2) *Thathameda*-tax shall be payable in one instalment '[before the 15th February' and shall be paid to the '[headman]. Dat" of payment* and receipt there-

1*2)* On payment in full of the sum due by each person, such person shall be furnished icr. by the headman with a receipt. The amount of money paid shall be expressed both in words and in figures in the receipt.

6 5. The headman »hall keep an account of the amount due from each person, the amount paid ar.d date of payment. In all cases of default when proceedings are taken for the recovery of arrears of the *thathamida-i&x,* this account shall be produced in evidence of the amount of the arrear. Amount to be- ¡¿KJSfa*4- produced as evidence oi arrear.

Land-reven-ue.

6 6. Land-revenue shill be payable by occupiers -if State land and by the owners and occupiers of non-State land at such rates as the Chief may, from time to time, fix with Bates of land-revenue> the sanction of the Local Government. Until further orders, the rate shall not exceed in

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> Substituted by Notlfl ation No. *2,* dated 18th January, 19* 9, *tee* Burn a Gazette. 1Bm9 11. I, p. 100.
* substituted by Kotlilcati d No. 7, datel 17th >1 arch 1910, *tee* Burma uazette, 191U, PI. I, p. 229.

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(2) NOTIFICATIONS EXTENDING ENACTMENTS TO THE SHAN STATES —*continued.*

Mong "Mat´Administration Order, 1903—***contd.***

the case of State land fifteen per cent., and in the case of non-State land ten per cent., of the actual gross produce of the land.

^Provided that, in the case of land irrigated at the expense of t***he*** State the rates mnv amount to twenty ***per cent,*** in the case of State land and to fifteen ***percent,*** in the case of non-State land.] ■

Land-revenue payable In rcspeet of each crop.

67. Land-revenue shall be payable separately in respect of each crop and shall be paid in cash, the value of the fixed proportion of the produce being calculated at rates fixed by the Chief with reference to the market rates of the locality during the preceding three years.

Rate of *taungya-t&'S*..

68. ***Taungya*** cultivators shall pay a ***taungya-t&x*** at the rate of two rupees eight) annas for each family or household.

Dates for payment o£ land-revenue and ***to ungya-*** tax.

6 9. Land-revenue and ***taungya***-tax shall be payable to the [2][headman] on or before the dates fixed by the Chief from time to time with the sanction of the Superintendent.

Until further orders, the dates shall be as follows :—

May in	30th June.
Kauksaw and ***Kauksaw taungya-t&x***	15th September.
Kaukgyi and ***Kaukgyi taungya-t&x***	1st February.

Preparation and contents of assessment) ffOll.

7 0. For each kind of revenue mentioned in Rule 69, the [2]£headman] shall in the case of each crop prepare an assessment-roll showing the name of each person assessed and the amount of the assessment in cash, and shall submit it to the Chief fifteen days before the date mentioned in that Rule. Separate rolls shall be prepared for State lands and non-State land. In the case of ***mayin***, ***kauksaw*** and ***kaukgyi*** the roll shall also show, for each owner or occupier, the gross produce, the share due to the State and the sanctioned commutation rate.

Aseessment-roll to he checked and signed, an 1 -on receipt of same headmen shall collect revenue.

71. The Chief or a Kevenue-officer shall visit each "[village tract] and shall make careful enquiry as to the actual gross produce of each cultivator. He shall then check the roll and make such amendments as may be necessary.

The roll shall then be signed by the ***Akunwun*** and the Chief, and one copy shall be sent to the headman, who shall at once proceed to collect the amounts due.

Receipt for revenue • collected.

7 2 ■ A receipt in writing shall be given to each cultivator on payment of the amount due by him, and in the li^ceipt the amount shall be stated in words and figures.

Remission of revenue on destruction of crops, etc.

7 3. If the entire or nearly the entire crop of any cultivator has been destroyed by drought, inundation, blight, ravages of insects or other cause not ordinarily preventible, the whole of the land-revenue may be remitted by the Chief. The names of persons who are recommended by the "[headman] for remission and the amount of their actual gross produce shall be shown in the roll.

THE FIRST SCHEDULE.

[S.ee ***Buie 2, sub-rule*** (/).]

Notifications superseded.

1	2
Notifications.	Extent of supersession.
Political Department Notification No. 5, dated 19th May, 1892 .	The whole.
Political Department Notification No. 6, dated 19th May, 1892 .	The whole.
Political Department Notification No. 2, dated 25th January, 1898 .	The whole.
Political Department Notification No. 3, dated 28th January, 1897 .	The whole so far as the same applies to Mdng Mit.

[1] Added b [r] Notifient «>n No. 9, [4]ate i the flth Juh[T], 1910, *se** B rma Gazette, 1910, Pt. I, p. fllo.
[3] Substitute!by Notification No. 2, dat»d the 19th January, 1909, *see* Burmu Gazette, I9[n]§. Pt. I, p. 100.

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(2) NOTIFICATIONS EXTENDING ENACTMENTS TO THE SHAN STATES

—continued.

Miing Mit Administration Order, 1008—*cnntd.*

THE SECOND SCHEDULE.

[See *Buie* **5.]**

Enactments extended to the State of Mvng Mit, as amended by subsequent enactments in force in any part of Upper Burma at the commencement of this Order.

1	2	3	4
Number and year-	Short title.	Extent of application.	Modifications,
	Bengal Regidation.		
III of 1818 . .	The Bengal State Pri* son era Begulation, 1818	So much aa is in force in any part of Upper Burma at the commencement of this Order.	
	Acts oi the Governor General in Council.		
V of 1843 * .	The Indian Slavery Act, 1843.	So much as is in force in any part of Upper But ma at the commencement of this Order.	
XVIII of 1850 .	The Judicial Officers Protection Act, 1850.	Ditto.	
XXXIV oi 1850 .	The State Prisoners Act, 1850.	Ditto.	
XI of 1857 . .	The State Offences Act, 1857.	Ditto.	
Ill of 1858 « *	The State Prisoners Act, 1858.	Section 5.	
XL Y of 1860 . .	The Indian Penal Code .	So much as la in force in any part of Upper Burma at the commencement of this Order,	
V of 1861 • .	The Police Act, 1861	Ditto.	
VI of 1864 . .	The Whipping Act, 1864	■ Ditto.	
V of I860 . .	The Indian Articles of War.	Ditto.	
I of 1871 . .	The Cattle Trespass Act, 1871.	Ditto.	
I of 1872 . .	The Indian Evidence Act, 1872.	Ditto.	
IX of 1872 - ¹ .	The Indian Contract Act, 1872,	Ditto.	
XV of 1872 . „	The Indian Cliristian Marriage Act, 1872.	Ditto (except Part VI).	
X of 1873 *	The Indian Oaths Act, 1873.	So much as is In force in any part of Upper Burma at the commencement of this Order.	
II of 1874 . .	The Admlniatrator-Gencral's Act, 1874.	Ditto.	

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(2) NOTIFICATIONS EXTENDING ENACTMENTS TO THE SHAN STATES —*continued.*

Mong Mit Administration Order, 1906—*c-mid.*

Enactments extended to the State of Möng Mit, as amended by subsequent enactments in force in any part of Upper Burma at the commencement of this Order—continued.

1	2	3	4
Number and year.	Short title.	Extent of application.	Modifications.
	Acts of the Governor General in Council—concici.		
V of 1875	The Un attested Sepoys Act 1875.	So much as Is in force in any part of Upper Burma at the commencement of thie Order	
*>1 of 1878	The Opium Act, 1878 .	The whole.	
XI of 1878	The Indian Arms Act, 1878,	So much as Is In force in any part of Upper Burma at the commencement of this Order.	
"VI of 1879	The Elephants Preservation Act, 1879.	The whole.	
-3 * *			
II of 1S86	The Indian Income-tax Act, 1886.	The whole.	
JXV of 1887«	The Burma Military Police Act, 1887.	The whole.	
XII of I860	The Excise Act, 1896 .	Section 3. Sections 5, 9, 12, 18 to 24 inclusive, 30, 33 to 45 inclusive, 47 to 53 inclusive, 59 to 61 inclusive, and 64 to 60 inclusive.	Subject to the proviso that any village headman may exercise the powers conferred by sections 35 to 38, inclusive, and shall perform the duties imposed by section 41. In section 12, sub-section (1), the words " except under and in accordance with a license grantei by such officer as 'he local Government may from time to time appoint in this behalf "'shall be deleted,
■X of 1897	The General Clauses Act, 1807.	So fiir as may be applicable.	
y of 1898	The Code of Criminal Procedure, 1898.	So much as is in force in any part of Upper Burma at the commencement of this Order.	*As set forth in the third schedule of this Order.*
XV of 1903	The Indian Extradition Act, 1903.	Chapters I and III.	
	Regulationt under 33 Viet., Cap. 3.		
IX of 1887	The Upper Burma Frontier Crossine *nd Disturhed Districts Régulation, 1887.	The whole.	

¡ As amended by No"fleat ion **No. 14,** dated the 12th August, 1009. *see* Burma Gazette]90O. Pt. I. p. 643.
. A't 14 of If 82. The entry relating to Sections 223 ah 224 of the Cois of cWil Procèdi re 1889., Is p. 683. . ing : 5 of 1908,

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(2) Notifications extending enactments to the Siian States —*continued.*

M<3ng **Hit Administration Order, 1906** —*contd.*

Enactments extended to the State of Moñg Mit, as amended by subsequent enactments in force in any fart of Upper Burma at the commencement of this Order—continued.

1	2	3	4
Number and year.	Short title.	Extent of application.	Modifications.
	Regulation» under & 3 Viet., Cap 3—contd.		
XH of 1887	The Upper Burma Ruby Regulation, 1887.	The whole.	
1	. . . .	. . .	
III Of 1889	The Upper Burma Land and Revenue Regulation, 1889.J	Section 25 . . .	For the terms " Government" or " British Government," wherever they occur In section 25 the words "State oi Sldaj? Mlt " shall he substituted, and far the word 11 Collector " the words " Chiei of the State"* shall be substituted.
		Section 26 . . ,	(1) 11 State lflnd '* shall mean land wholly or partly at the disposal of the State :
			Provided that in the case of dispute the Superintendent shall decide whether any particular land Is Stole lon-I or not:
			And provided that land which Is in the possession or occupation of any person and which was not Immediately before the commencement of this Order treated as State land shall be presumed to be non-State land until the contrary la proved.
			(2) The powers oonferred by section 2fl on the Financial'Commissioner shall be exercised by the Local Government.
			(3) " Revenue-officer " shall Include the Superintendent, and Assistant Superintendent, the Chi*! of the State, the *Aiun-tffun* and any officer appointed by the Chief with the approval of the Superintendent to be a Revenue-offlcer.
		Section 31, sub-sections (J)and (2).	
		^Section 31 (4).	

' Iteiralatlon 1* o[1887 ifl repealed by Notification No. 2, dated the 18th January, 1908, *ta* Bunn* Gazette, 1909, Pt. I. p. 100.

Added by Notification No. 37, dated the 14th October, 1907, *tee* Burma Gaiette, 1907, Pt. I, p. 82o. '

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(2) NOTIFICATIONS EXTENDING ENACTMENTS TO THE Shan States —*continued.*

M»ng Mit Administration Order, 1900—*contd.*

Enactments extended to the State of Mông Mit, «5 amended by subsequent enactments in force in any 'part of Upper Tiurma at the commencement of this Order concluded.

1	2	3	4
Number and year.	Short title.	Extent of application-	Modifications.
	Reguhtiona und&t 33rid., Cap. 3—cncld.		
I of 1895 .	The, Kachin Hill-Tribea Regulation, 1895. j	The whole . .	Section 3 and the Schedule of the Regulation and the enactments applied thereby or thereunder to the members of a hi 11-tribe in a h!ll*tract. shall, in such application, be construed as subject to the followino provisions and modification» naii.ely :— " (a) Subject to any special provisions of, or modification effected by, the Kachin Hill-* Tribes Regulition, 1895, or any notificatirn thereunder, all enactments *pp*ica*)le to the menbecs of a hill-tribe in a bill-tract in W6 lg Mit shall. In such application and so far as it is psftcticable. be enrstrued as modified by and subject to the provisions of part ? in<l the schedules of the MSng Mit Administration Order, 1905. "(&) Regulation V oi 1892 shall not apply to the members of a hill-tribe in a hill t'act In Mong Mit, until "t is expressly extended t3 Mo is Wit by a notification under the Burma Laws Act, 1898."
	***Acts** of **the Lieutenant-**Governor of Burma Council.*		
II of 1308 . .	The Burma Ferries Act, 1S98.	The whol2*	
I oi 1899 . .	The Burma Gambling Act, 1899.	The whole.	
1 VI oi 1907 . .	The Burma Village Act, 1907.	The whole.	

THE THIRD SCHEDULE.

Modification.*[1] *subject to which the Code of Criminal Procedure, 189S,* us *to extend 'to MSng Mit.

[See *Rule 5 and reference to Act V of 1898 in the Second Schedule.*]

" High Court '* (Section 4, clause (j7)J.

I.—Except in reference to proceedings against European British subjects or persons jointly charged with European British subjects, the expression " High Court " shall mean the Commissioner of the Mandalay Division.

Court of session (sections 7, 9, and 193, and Chapter XXIII).

II.—(*1*) The State of Mong Mit shall be a district and a sessions division.

(2) **The Superintendent shall be the District Magistrate; the Court of the District Magistrate shall be the Court of Session for the sessions division; and the District Magistrate shall be the Judge of that Court.**

[1] Added by Notification No. 2, dated the 18th January, 1909, *s*e* Bvima Gazette, 1909, Pt. I, p. luO.

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(2) NOTIFICATIONS EXTENDING ENACTMENTS TO the Shan States —*continued.*

Moqk Hit Administration Order, 1906—*contd.*

(3) As Judge of the Court of Session, the District Magistrate may ti-ke cognizance of any offence as a Court of original jurisdiction without the accused person being committed to him by a Magistrate, and when so taking cognizance of an offence shall, subject to the provisions of this Order, follow the procedure prescribed for the trial of warrant cases by Mai^strates.

***(1)* A trial before a Court of Sessions shall be without jury or aid of assessors.**

III.—Every Assistant Superintendent shall be a Magistrate of the first class. Powers of AssiflLant Superintendent« 'sections 12, 30 Mid 34*,

IV.—Notwithstanding anything in Act V of 1861, or in any other enactment for the conferment of time being in force, the Local Government may confer on any Police-offirer, not below the magisterial rank of Inspector, all or any of the powers conferred or eonferable by or under the Code poiice^JScets on any Magistrate in regaid to particular cases or to a particular class of cases or to cases ¡section 14). generally. Powers c

V.—With reference to section 8 of the Lower Burm. Courts Act, 1900, every Assistant Superintendent being a European British subject, shall be a Justice of the Peace within and for the State of Mong Mit. justice of the Peace [section 22).

VI.—(*1*) A Magistrate of any « lass may pass a sentence of whipping : Provided that whipping a Magistrate of the third class shall not pass a sentence of whipping unless he is specially empowered in that by the Local Government. (section 32).

(2) A Magistrate of the second class m<iy pa-ss a sentence of whipping without being specially empowered in that behalf by the Local Government.

\TI.—(*1*) Magistrates described in the first column of the following table shall, in addition to the other ordinary powers of such Magistrates, have the powers severally specified against them in the second column thereof without being further empowered in that behalf :— Powers of Magistrates (sections 9 to 37).

1	2
Magistrate.	**Powers.**
Magistrate of the first dass	**To require security for good behaviour, section 110.** **To make orders as to local nuisances, tection 133.**
Magistrate of the first or second class . .	**To make orders prohibiting repetition of nuisances, section 143.** **To make orders under section 144.** **To take cognizance of offences on complaint, section 190 (a).** **To lake cognizance of offences on police reports, section 190 (6).** **To take cognizance of offences without complaint, or police report, section 190 (c). .**
Magistrates of the first class who are also Assistant Superintendents.	**To hear appeals from Magistrate of the second nr third class, section 407.** **To call for records, section 435.**

***(2)* Every Assistant Superintendent shall have all the ordinary powers of a Sub-divisional Magistrate throughout the State.**

VIII.—In any police-station any police officer may exercise the powers conferred by F'-wer« to section 55 on an officer in charge of a police-station. certain Police-offloerst» act tion 55).

IX.—(Z) Notwithstanding anything in section 57 or section 61, an officer in 'harge of und.ir any police-station may detain a person arrested without warrant so long as under all the iff? circumstan es of the rase is reasnnable. lection 5! Detention at police-station* '.«ectwns 67 and oU.

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f-2) NOTIFICATIONS EXTKXMXI; ENACTMENTS TO THE Siian STATES —*continued.*

Mong Mit Administration Order, 1806—*contd.*

(2) **But when the officer of his own authority detains any such person in custody for a longer period than twenty-four hours, exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court, he shall state in the report prescribed in section 62 his reasons for prolonging the detention of the person, and where the detention extends beyond three days, shall submit further reports of the reasons therefor at such intervals as the Magistrate to whom the report under section 62 was submitted may by general or special order direct.**

Tench* [ot pardon [(section 3371,

S.—A Superintendent or Assistant Superintendent tendering a pardon to an accomplice under settion 337 may, notwithstanding anything in that section, try the case himself.

Recording of evidence in eas's tried by MaciBtrates of ihe second and third classes (Chapter XXV).

XI.—Notwithstanding anything in the Code, the Local Government may, from time to. time, make rules with respect to the record to be made in cases tried by Magistrates of the second or third class and to the disposal of the record.

Appeal *(chapter* XXXI).

XII.—Subject to the provisions of clause XIII of this schedule an appeal shall lie—

(a) **from a judgment or order of any Assistant Superintendent or any Magistrate to the Superintendent; and**

(6) from a judgment or order of the Superintendent, to the Commissioner, Mandalay Division.

Restrictions on appeals (sections 415 and 414).

XIII.—Notwithstanding anything in this schedule or in the Code, an appeal shall not lie in any case in which the Superintendent passes a sentence of imprisonment for a term not exceeding six months, or of fine not exceeding five hundred rupees, or of whipping, or of all or any of those punishments combined.

Eotlce of appeal (section 422).

XIV.—The Superintendent is hereby appointed to be the officer to whom the Appellate Court shall cause notice to be given of the time and place at which such appeal will be heard.

Enhancement of punishment on appeal (section 2:)).

XV.—In any case in which an appeal lies* the Appellate Court may enhance any punishment which has been awarded ;

Provided that if the appeal is from the sentence of a Magistrate of any class, the Appellate Court shall not inflict a greater punishment than might have been inflicted by a Magistrate of the first class.

Revisiii (sections 435-138).

XVI.—The Superintendent may, in any case in which he has himself called for, or an Assistant Superintendent has forwarded to him, the record of a proceeding before a Magis- , irate of the second or of the third class, pass such order in the case as he thinks fit ;

Provided that he shall not pass a severer sentence for the offence which in his opinion the accused has committed than might have been passed for such offence by the Magistrate who tried the case, and that no order shall be made to the prejudice of the accused unless he has had an opportunity of showing cause against it.

Conduct of present Ions (section 495).

XVII.—Notwithstanding anything in section 495> a Court may allow any police-officer to conduct a prosecution.

^up'Tintendent may withdraw Cases (section 52)■

XVin.—The Superintendent may withdraw from any Magistrate subordinate to him such classes of cases as he may think proper.

Orders not reversible on technical grounds alone (section 5 J7).

XIX.—Notwithstanding anything in the Code, a finding, sentence, or order shall not be reversed or altered on appeal or revision on account of any irregularity of procedure unless the irregularity has occasioned a failure of justice.

Fees for proc~s*cs, copies and insp'ctionof records (scction B 54] .

XX.—Pi-ules under section 554, clause (c), may regulate the following among other matters, namely :—

(a) the fees to be paid for processes; and

f***b***) the fees to be paid for copies and inspection of records.

Savinr of Provisions relating to European British ' subjects.

XXI.—Nothing in this notification with respect to procedure in inquiries or trials, or ■j.ith rcspect to sentences or appeals therefrom, or the enhancement or execution thereof, shall be construed to nffect the Code in its application to European British subjects.

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'(2) Notifications extending enactments to the Shan States —*continued.*

Msng Mit Administration Order, 1908—*concld.*

THE FOURTH SCHEDULE.

Powets of Officers under Certain Enactments.

[See *Rule* á.]

1	2	8
Short title of enactment.	Ordinary authority.	Authority In the case of M5ng Mit
	Actj of the Governor General %n Council.	
The Police Act, 1801 * . .	District Magistrate . . . . District Superintendent . .	The Superintendent- Suh-diviaional Police Officer, ilflng Mit.
The Cattle Trespass Act, 1871 .	District Magistrate	Chief of the State.
/The Indian Chr.atian Marriage Act, 1872.	Marriage Registrar . . .	The Superintendent.
	District Judge for the purposes of sections 45, 46, 48 and 49, and the competent Court referred to in section 72.	Commissioner, Mandalay Dirlilcn.
[1] The Opium Act, 1878 . .	Financial Commissioner . . Commissioner of Division . . Deputy Commissioner or Collector of District.	Commissioner, Mandalay Division. The Superintendent. Chief oi the State.
The Excise Act, 1826 *, .	Chief Revenue Authority . . Collector . . . . . Commissioner of Revenue . .	Lieutenant-Governor of Burma. Chief of the State. Commissioner, Mandalay Division,
	Regulation under 33 Yict., Cap. 3.	
.The Frontier Crossing and Disturbed Dutri tJ Regulation, 1887.	Commissioner of the Division . .	The Superintendent.
[2] * * *	• • • • •	• • • •
	Acts of the Lieutenant-Governor of Burma in C *Ouncil.*	
The Burma Ferries Act, 1898 .	Commissioner . . . . Deputy Commissioner . . .	The Superintendent. Chief of the State.
[3] The Burma Village Act, 1907 .	Commissioner of the Division . . Deputy Commissioner . . .	The Superintendent. Cliief of the State.

[See Burma Gazette, 1906, Pt. I, p. 169.]

Extension of the Upper Burma Frontier Crossing and Disturbed Districts Regulation, 1887 (IX of 1837).

No. 10, dated the 11th July, 19»6.—**In exercise of the powers conferred by section 10, sub-section (7) of the Buinia Laws Act, ld98 (XIII of 1898;, and, with tha previous sanction of the Governor General in Council, the Lieutenant-Governor is pleased, in supersession of Political Department Notification No. 2, dated the 20th January, 1896, to extend the Upper Burma Frontier Crossing and Disturbed Districts Regulation, 1887 (IX of 1887), to the Shan States (other than the State of Mong Mit and its dependency Jong Lang), subject to the following modifications :—**

(1) To clause *la)* of sub section (*1)* of section 2 of the said Regulation add the following words : —

" across the frontier of any of the States mentioned in that sub-section into any Foreign territory or into the territory of the Karenni States: or "

(2) After the word " districts " where it first occurs in sub-section (2) of section 2 of the said Regulation, insert the words " and States," and at the end of that s-ub-scction acjd the words " and the States of Mongpai, Sakoi, Hsahtung, Mawkmai, Mongpnn, Kcngtung, North Hsenwi, Manglun, and the Wa States."

(5) For the purposes of the Regulation hereby extended the Superintendent oi the Northern Shan States and the Superintendent of the Southern Shan States

* Added by Notification No. 1 *i,* date! 12tl. Uitjust, 1909, *m* Burma Gai«tte, 100», Pt. I, **p.** («43.

[1] The Unp'r B r"ia Vll ag' R* i„l<u : on, 1837, I* repented hj Notification No. 2, dated 18th January, 1909, *ate* Burma Uazotto, 1009, Pt. I, p 10).

[2] AddoJ Dy Notiflcitnn N i. 2, dited lste Jam«/, 1109. O*i

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(2) NOTIFICATIONS EXTENDING ENACTMENTS TO THE Shan STATES —*continued.*

shall each within the local limits of his jurisdiction be deemed to be T-ha- Commissioner of the division and everj Assistant Superintendent of the Snan StateB shall within the, like limits be deemed to be the Magistrate of the- District.

[See Burma Gazette, 1906, Pt. I, p. 464.]

Extending the Burma Gambling Act, 1890 (Burma A ot I of 1899) to the Myelat.

No. IS, dated the ISth August, 190S.—In ex<»r'ise of the powers conferred by section. 10, sub-section *(1),* of the Burma Laws Act, 1898 (XIII of 1898), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor is pleased to extend, to the Myelat ias defined in Political Department Notification No. 10, dated the 11th July, 1895), as amended by Notification No. 8, dated the 1st October, 1900, the Burma Gambling: Act, 1809 (Burma Act I of 1899), with the following restrictions and modifications, namely :—

I.—On such days as the Chief of the State may, by proclamation expressed to be- made under this clause, declare to be festivals in such State or in any specified, local area thereof, no entry, Bearch or arrest shall be made under the Act within such State or local area except by, or under the ordeis and in the presence of, an officer specially empowered, by either the Superintendent, an Assistant Superintendent or the Chief of the State, to enforce the Act on such days.

II.—No prosecution or proceedings instituted under the Act, in respect of anything alleged to have been done on a day specified in a proclamation under the preceding, clause within the State or locai area specified in such proclamation, shall be tried without the sanction in writing of the Superintendent or of the Chief of the State, (and until such sanction has been obtained no process shall be issued in such prosecution or proceeding).

III.—The jurisdiction, powers and duties conferred or imposed by the Act on the District Magistrate shall be exercised and performed by the Assistant Superintendent of the Myelat.

IV.—The powers and duties conferred or imposed by the Act on police officers shall' also be exercised and performed by such persuns as the Superintendent or the- Chief of Ihe State may authorize in this behalf.

V.—The Chief of the State, whether a Magistrate of the first or second :lass, tmay exercise the powers of *a* Sub-divisional Magistrate under sections 6 and 17 of: the Act.

[See Burma Gazette, 1906, Pt. I, p. 556.]

Amendment of the Shan States Laws and Criminal Justioe Order, 1895.

No. 3, dated the Sind January, 1907.—In exercise- .if the powers conferred by section' 10, sub- section (7), of the Biirma Laws Act, 1898 (XIII of 1898), and with the previous »anction of the Governor General in Council, the Lieutenant-Governor is pleased to> amend Rule 6 of the Shan States Ijiwe and Criminal Justice Order, 1895, as amended by Political Department Notification No. 29, dated the 19th December, 18138, as follows :—

(i) For the first twelve words of clause **(a)** of Rule 5, the following shall be substituted, namely :—

" **(a)** in the M>>-lat mi in the notified areas of Taunggyi and Lashio as defined under Chapter X of the Burma Municipal Act, 1890, from time to time, and in the Civil Stations of Loilem and Loimwe as constituted from time to time for purposes of general administration."

(I'O For the fir^t eleven words of clause (6) of Rule 6, the following shall be substituted, namely :—

" In the other Shan State« (excluding the notified areas and civil stations, above named)."

In ex«rcise of the like power and with the like sanction so much of this Department Notification No. 12, dated the 5th October, 19U5, a_a relates to the said Order, i= hereby »«perseded.

[Jtee Burma Gazette, 1907, Pt. I, p. 60,]

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' (2) NOTIFICATIONS EXTENDING ENACTMENTS TO THE Shan States —*continued.*

Extension of Acts to notified areas of Taunggyi and Lashio.

No. 5, dated the 22nd January, 1907.—**In** exerciEQ **of the powers conferred by section 10, sub-section (.?), of the Burma Laws Act, 1898 (XIII of 1868), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor of Burma is pleased to extend to the local areas in the Shan States specified in the first column of the First Schedule hereto annexed so much of the enactments specified in the second column thereof as is in force in any part of Upper Burma at the date of this notification, subject to the modifications expressed in the third column thereof.**

The notifications specified in the first column of the second schedule hereto annexed are, in exercise of the like powers and with the like sanction, hereby superseded to the extent-noted in the second column thereof.

FIRST SCHEDULE.

EXTENSION OF ENACTMENTS.

1	2	3 »
Local areas to which the extension is made.	Enactments extended-	Modifl cationi.
	Part I.	
	Adt of the Governor General in *Council.*	
	The Cattle Trespass Act, 1871 (I ol 3871].	
	The Opium Act, 1878 (I of 1878), with the exception of sections 6, 7, 8, 22. 23. 24 and 25.	For the definition of opium In section 3 the following shall be substituted :— " ¹ Opium ' includes also poppy heads, preparations of admixtures of opium and intoxicating drugs prepared from the poppy, hut excludesalior any of these articles when poasessed, transported, imported, exported or sold by or on behalf of the Government-",
The noti fled areas oí Taunggyi in the State oí Yawnghwe and lashio In the State of North Hsenwi, as defined nnder Chapter *X* of the Burma Municipal Act, 1898. from time to time and the Civil Station oí Loilem in the State oí La I hka.		
	The Excise Act, 1890 (XII of 1890).	
	Act of the Lieutenant-Governor of Burma in **Council.**	
The notified area* of Taunggyi In the Stateof Yawrghweand Lashio in the State of North Hsenwi as defined under Chapter X of the Burma Municipal Act, 1898, from time to time and the Civil Station of Lollcm In the State of Laihka.	The Burma Gambling Act, 189fl (Burma Act I of 1809].	
	PART II.	
	Regulation of the Governor General **in** *Council.*	
The notified area of Taunggyi in the State of Yawnghwe, as defined under Chapter X of the Burma Municipal Act, 1898, from time to time and the Civil Station of Loilem In the State of Laihka.	The Upper Burma Land and Revenue Regulation, 1889 (Regulation III of 1889), section 22 and Chapter IV.	

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(2) NOTIFICATIONS EXTENDING ENACTMENTS TO THE Shan States—*—continued.*

SECOND SCHEDULE.

SUPERSESSION OF NOTIFICATIONS.

1	2
Notifications superseded.	**Extent of supersession.**
Chief Commissioner of Burma, Political Department No. 43, dated the 16th December, 1895. Chief Commissioner of Burma, Political Department No. 13, dated the 28th May, 1896. Government of Burma, Political Department No. 22, dated the 3rd October, 1898. Government of Burma, Political Department No. 27, dated the 19th December, 1898. Government of Burma, Financial Department No. 37, dated the 21st June, 1900. Government of Burma, Financial Department No. 66, dated the 30th November, 1900 Government of Burma, Political Department No. 10, dated the 20th April, 1901.	The whole.
Government of Burma, Political Department No. 12, dated the 5th October, 1905.	So much as relates to Political Department Notification No. 27, dated the 19th December, 1898. and to Financial Department Notification No. 66, dated the 30th November, 1900.

[See Burma Gazette, 1907. Pt. I, p. 61.]

Cancellation of Notification extending section 26 of the Upper Burma Land and Revenue Regulation, 1880 (III of 1889) to Notified Areas.

No. IS, dated the 11th April, 1907.—In exercise of the power conferred by section 10, cub-section (*1*) of the Burma Laws Act, 1898, and with the previous sanction of tha Governor General in Council, the Lieutenant-Governor cancels, with effect from the 11th April, 1907, the extension of section 26 of the Upper Burma Land and Revenue Regulation, 1889, as modified by Political Department Notification No. 3, dated the 28th January, 1897, to the undermentioned local areas in the Shan States :—

(*1*\ The notified area of Taunggyi in the State of Yawnghwe as constituted from time to time under Chapter X of the Burma Municipal Act, 1898.

(2) The notified area of Lashio in the State of Nortlr Hsenwi as constituted from-time to time under Chapter X of the Burma Municipal Act, 1898.

(S) The Civil Station of Loimwe in the State of Iientung.

(4) The Civil Station of Loilem in the State of Laihka.

[See Burma Gazette, 1907, Pt. I, p. 261.]

Extension of section 26 of the Upper Burma Land and Revenue Regulation, 1889 (III of 1889) to Taunggyi.

No. H, dated the 11th April, 1907.—In exercise of the powers conferred by section 10, sub-section (i), and section 12, sub-section (i), clause (c), of the Burma Laws Act, 1898 (XIII of 1898,, and with the previous sanction of the Governor General in Council, the Lieutenant-Governor is pleased—

Firstly, to extend section 26 of the Upper Burma Land and Revenue Regulation, 1889 (Regulation III of 1889), subject to the modifications mentioned below. *to* notified area of Taunggyi (in the Shan State of Yawnghwe) as constituted under Chapter X of the Burma Municipal Act, 1898 (Burma Act III of 1893)» from time to time, and

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(2; XOTIKICAIIOX'S EXTE>1)IX(; EXACTMEXTS TO THE SHAX STATES

—continued.

Secondly, to direct that any jurisdiction, powers or duties incident to the operation of the said Regulation -which under the said Regulation are to be exercised or performed by the authority mentioned in the first column of the following table shall, in the said notified area of Taunggyi as so constituted, be exercised or performed by the authority mentioned in the second column of the iollowing table.

MODIFICATIONS.

State land shall mean land wholly or paitly at the disposal of Government :
Provided that—

la) in case of dispute the Superintendent shall decide whether any particulai land is State land or not;

(b} all iai.d shall be deemed to be State land till it has been proved to the satisfaction of the Superintendent to be non-State land ; and

(c) no land shall be deemed to be State land which ha» been in the uninterrupted occupation of any individual or of his predecessors in title for a period of twelve yeais immediately preceding the date of this notification unless such Derson holds only a temporary right to the land under a permit issued by or under the authority of the Superintendent and Political Officer of the Southern Shan States.

TABLE.

Authority mentioned in Regulation.	Authority by which corresponding jurisdiction, powers and duties are to be exercised or pei formed in the notified area of Taunggyi.
Financial Commissioner . . .	Lieutenant-Governor.
Revenue Officer	Superintendent and Political Officer, Southern Shan States, Assistant Superintendent and any officer tppointed to be a Revenue Officer by the Local Government.

[See Burma Gazette, 1907, Pt. I, p. 261.]

Application of the Kuchin Hill Tri'*!"* Regulation, 18")5 (I of 1895), to tha . Lishaw Tribe in the vi eng Mit Hills.

Notification No. IS, dated the 19th June, 1907.—In exercise of the power conferred by section 1, sub-section (3), of the Kaehin Hill Tribes Regulation, 1895 (I of 1895). and »-ith the previous sanction of the Governor General in Council, the Lieutenant-Governor is pleased to direct that the said Regulation shall apply to the Lishaw or Yawyin tribe in the Hill Tracts of the State of Mong Mit.

[See Burma Gazette, 1907, Pt. I, p. 433.]

Extension of the Indian Electricity Act, 1903 (III of 1903V

No. 19, dated the 21st June, 1907.—In exercise of the powers conferred by section 10. sub-section (/), and by section 12, sub-section *(1),* clause *(c),* of th« Burma Laws Act, 1898 (XIII of 1898), and with th» previous sanction of the Governor General in Council, tho Lieutenant Governor is pleased to extend the Indian Electricity Act, 1903 (III of 1903', to all the Shan States, and to direct that any jurisdiction, power or duty which under that Act is to be exercised or performed by the District Magistrate may in a Shan State be exercised or performed by a Superintendent or, when specially appointed in this behalf by the Local Government, by an Assistant Superintendent.

[See Burma Gazette, 1907, Pt. I, p. 458.]

Extension of the Indian Extradition Act, 1903 (XV of 1903'.

No. 22, dated the 17th July, 1907.—In exercise of tho powers conferred by section 10, »un-section (2), and section 12, sub section (*1),* clause (c), of the Burma Lawn Act, 189U (XIII of 1898), and with the previous sanction of the Governor General in Council, tha Lieutenant-Governor is pleased to extend to all the Shan States the Indian Extradition

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(2) Notifications extending enactments to the Shan States —*continued.*

Act, 1903 (XV of 1903*, ; and to direct that any jurisdiction, powers and duties which may be exercised or performed by a Magistrate under the said Act shall be exercised and performed :—

(c) in the Northern Shan States, by the Superintendent or any Assistant Superintendent for the time being of the Northern Shar. States:

(6) in the Southern Shan States and in the Myelat, by the Superintendent and Political Officer or any Assistant Superintendent for the time being of the Southern Shan States ;

(c) in the States of Hsawnghsup and Singkaling Hkamti, by the Deputy Commissioner for the time being of the Upper Chindwin District.

In this notification " Northern Shan States," " Southern Shan States " and the " Myelat " mean the States specified under these descriptions respectively in the notification of the Chief Commissioner of Burma in the Political Department, No. 10, dated the 11th July, 1895.

So much of this Department Notification No. 13, dated the 11th July, 1895, and of the second schedule to this Department Notification No. 11, dated the 11th July, 1895, as amended by this Department Notification No. 20, dated the 20th August, 1898, as relates to Acts XXI of 1879 and V of lü96 is hereby cancelled.

[See Burma Gazette, 1907, Pt. I, p. 574.]

Extension of the Upper Burma and Arakan Hills Frontier Crossing and Disturbed Districts Regulation, 10OV (I of 1907;.

No. 30, dated ihe Sis' August, 1907.—In exercise of the powers conferred by section 10, sub-section *(1),* and section 12, sub-section (2), clause (c), of the Burma Laws Act, 1b98 (XIII of 1898), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor is pleased to extend to all the Sht.n States the Upper Burma and Arakan Hills Frontier Crossing and Disturbed Districts Regulation, 1907 (I of 1907), and to direct that any jurisdiction, power or duty, which under the said enactment is to be exercised or performed by an officer mentioned in the first column of the following table, shall in the Shan States be exercised or performed by the officer mentioned in the second column within the local limits of his jurisdiction, namely :—

Officer mentioned in the Regulation (I of 1907).	Officer by whom the jurisdiction, power or duty rs to be exercised or performed in the Shan States.
Commissioner of the Division . . .	Superintendent and Political Officer, Southern Shan States, in the Southern Shan States and the Myelat.
	Superintendent, Northern Shan States, in the Northern Shan States.
	Commissioner, Mandalay Division, in the Sthte of Hkamti Long, Mong Mit and its dependency Mong Lang.
	Commissioner, Sagaing Division, in the States of Sinkaling. Hkamti and Hsawnghsup.
Deputy Commissioner of the District . .	Every Assistant Superintendent in the Shan States.
	Deputy Commissioner of Myitkyina. in the State of Hkamti Long.
	Deputy Commissioner of the Ruby Mines District in the State of Mong Mit and its dependency Mong Lang.
	Deputy Commissioner of the Upper Chindwin District in the States of Singkaling, Hkamti and Hsawnghsup.

[S«« Burma Gazette, 1907, Pt. II, p. 708.]

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(2) NOTIFICATIONS EXTENDING ENACTMENTS TO THE SHAN STATES —*continued.*

Application of section 2 (3) of Regulation I of 1007

No. 3!f, dated the 31st August, 1907.—**In supersession of this Department Notification No. 3, dated the 17th February, 1896. the Lieutenant-Governor is pleased to apply to all the Shan States clause (c) of section 2 of the Upper Burma and Arakan Hills Frontier Crossing and Disturbed Districts Regulation, 1907 (I of 1907'., as extended to the Shan States by this Department Notification No. 30, dated the 31st August, 1907.**

[.See Burma Gazette, 1907, Pt. I, p. 709.]

Extension of the Epidenic Diseases Act, 1887 (XXX of 1897;.

Notification No. 39, dated the 21fth October, 1907.—**In exerrise of the powers conferred by section 10, sub-section (2), of the Burma Laws Act, 1898 (XIII of 1890), and with the previuus sanction of the Governor General in Council, the Lieutenant-Governor is pleased to extend the Epidemic Diseases Act, 1897 (III of 1897), to all the Shan States, subject to the modification that the following shall be substituted for section 3 of the Act, namely :—**

" 3. Any person disobeying any regulation or order made under this Act shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both."

[<See Burma Gazette, 1907, Pt. I, p. 855.]

Extension of section 26 of the Upper Burma Land and Revenue Regulation, 1888 (III of 1888), to Lashio.

Notification No. 44ated the 12th December, 1907.—**In exercise of the powers conferred by section 10, sub-section (*1*), and section 12. sub-section (7), clause (c), of the Burma Lavs Act, 1898 (XIII of 1898j, and with the previous sanction of the Governor ■General in Council, the Lieutenant-Governor is pleased—**

***Firstly,* to extend section 26 of the Upper Burma Land ana Revenue Regulation, 1889 (Regulation III of 1889), subject to the modifications mentioned below, to the notified area of Lashio (in the Shan State of North Hsenwi) as constituted under Chapter X of the Burma Municipal Act, 189« (Burma Act III of 1898), from time to time; and**

***Secondly,* to direct that any jurisdiction, powers or duties incident to the operation of the said Regulation which under the said Regulation are to be exercised or performed by the authority mentioned in the first column of the following table shall, in the said notified area of Lashio as so constituted, be exercised or performed by the authority mentioned in the second column of the following table.**

MODIFICATIONS.

State land shall mean land wholly or partly at the disposal of Government :
^Provided that :—

(a) in case of dispute the Superintendent shall decide whether any particular land is State land or not;

(б) all land shall be deemed to be State land till it has been proved to the satisfaction of the Superintendent to be non-State land; and

(c) no land shall be deemed k be State land which has been in the uninterrupted occupation of any individual or of his predecessors in title for a period of twelve years immediately preceding the date of this notification unless such person holds only a temporary ri<'ht to the land under a permit issued by or under the authority of the Superintendent of the Northern Shan States.

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(2) Notifications extending enactments to the **Shan States** —*con tinned.*

TABLE.

Authority mentioned in Regulation.	Authority by which corresponding jurisdiction, powers and duties are to be exercised or performed in the notified area of Lashio.
Financial Commissioner	Lieutenant-Governor.
Revenue Officer.....	Superintendent, Northern Shan States, Assistant Superintendent aid any officer appointed to be a Revenue Officer by the Local Government.

[See Burma Gazette, 1907, Pt. I, p. 1012.]

Extension of the Burma Motor Vehicles Act, 1906 (Burma Act II of 1906).

Notification No. $, dated the. 9th January, 1908.—In exercise of the powers conferred by section 10, sub-section *(1).* and by section 12, sub-section *(1),* clause (c), of the Burma Laws Act, 189B (XIII of 1898), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor is pleased to extend the Burma Motor-vehicle Act, 1906 (Burma Act II of 1906), to all the Shan States, and to direct that any jurisdiction, power or duty which under that Act is to be performed by a Magistrate may, in a Shan State, be exercised or performed by a Superintendent or an Assistant Superintendent.

[Sec Burma Gazette, 1908, Pt. I, p. 16.]

Extension of section 34 of the Police Act, 1801 ((7" of 1861), to notified area c *f* Loilem in the Shan States.

Notification No. 16, dated the 15th January, 1908.—The Lieut enant-f jovernor is pleased to extend the provisions of section 34 of the Police Act, 1861 (V of 1861), to the notified area of Loilem, in the Southern Shan States, within the boundaries specified below :—

North.—From pillar IV in an easterly direction the right bank of the irrigation channel to the point (3,200 feet distant from the Loilem Post Office) where it is crossed by the Eoilem Laihka cart-road (marked by pillar V); thence a demarcated linn in an easterly direction round the present line of cultivation to a solitary tree on the high ground (marked by pillar VI); thence a straight line bearing 111° to just north last of the Christian cemetery, leaving the cemetery within the station (marked by pillar VII); thence a straight line bearing 105° to a point on the Loilem-Wanpong mule-road (marked by pillar VIII); thence the Loilem-Wanpong mule-road to the point (marked by pillar IX) where the Laihka and Mong Nai States meet.

East.—From pillar IX southwards a path forming the inter-State boundary between Laihka and Mong Nai to a point on the present Government cart-road near mile 59 near Pang kawk-wo village (marked by pillar X).

South.—From pillar X in a westerly direction the present Government cart-road to the point where the latter bifurcates from the old cart-road; thence the old cart-road to the first point, pillar I.

West.—From pillar I at the point where the present Government cart-road through Loilem and the old Government cart-road bifurcate, the present road to mile 56 7 ■ marked by pillar II); thence a straight line bearing 332° to the south-east corner of the Loilem *pongyi-kyaung* (marked by pillar III); thence a line bearing 357° to a point on the right bank of an irrigated channel running along the foot of the high ground on which the *pongyi-kyaung* is situated (marked by pillai IV).

[See Burma Gazette, 1908, Pt. I, p. 31.]

Extension of the Indian Arras Act, 1878 'XI of 1878!, to Taunggyi and LasMo

Notification No. 8, dated he fSrd June, 1908.—In exercise of the powers conferred by section 10, sub-section (7), and section 12, sub-section (*1*), clause (c), of the Burma Laws Act, 1898 (XIII of 1898), and with the previous sanction of the Governor General

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(2) Notifications extending enactments to the **SHAN STATES**

—concluded.

in Council, the Lieutenant-Governor is pleased to extend the Indian Arms Act. 1878 (XI of 1878), to the notified areas of Taunggyi in the State of Yawnghwe, Lashio, in the State of North Hstnwi, and Loilem in the State of Laihka, the local limits of which are defined in Municipal and Local Department Notifications No. 187, dated the (Jth Ila-emb-er 1905. No. 7, dated the 31st March 1901, and No. 166, dated the 9th December 1907, respectively, and to the Civil Station of Loimwe in the State of Kengtnng; and to direct that any jurisdiction, powers and duties which may be exercised or performed by a Magistrate under the said Act shall be exercised and performed :—

(a) in the notified area of Taunggyi by the Superintendent and Political Officer or any officer for the time being exercising the powers of an Assistant Superintendent of the Southern Shan States;

(б) in the notified area of Lashio by the Superintendent or any offi< er for the time being exercising the powers of an Assistant Superintendent of the Northern Shan States;

(c) in the notified area of Loilem by the Superintendent and Political Officer oi any officer for the time being exercising the powers of an Assistant Superintendent of the Southern Shan States;

(rf) in the Civil Station of Loimwe by the Superintendent and Political Officer or any officer for the time being exercising the powers of an Assistant Superintendent of the Southern Shan States.

In this Notification " Southern Shan States " and " Northern Shan States " mean the States specified under these descriptions respectively in the Notification of the Chief Commissioner of Burma in the Political Department, No. 10, dated the 11th July. 1895.

[See Burma Gazette, 1908. Pt. I, p. 455.]

Extension of portions of the Code of Civil Procedure, 190a (Aot V of 1908), to th9 Snan States and 'Slong 3tit.

Notification No. 9, dated the 5th July, 19"9.—In exercise of the powers conferred by section 10, sub-section (2] of the Burma Laws Act, 189b, and in supersession of tliis Department Notification No. 18, dated the 21st June, 1901, and of so much of the Second Schedule of the Mong Mit Administration Order, 1906, published in this Department Notification No. 4 dated the 21st March, 1906, as ¿elates to the Code of Civil Procedure, 1882, the Lieutenant-Governor, with the previous sanction of the Governor General in Council, is pleased to extend to the Shan States the.provisions of sections 38, 39 and 41 and Rules 4, 5 and 6 of Order XXI of the First Schedule of the Code of Civil Procedure, 1908.

[See Burma Gazette, 1909. Pt. I, p. 536.]

B.—THE KACHIN HILLS,

NOTIFICATIONS EXTENDING AND AJTI.YING ENACTMENTS TO THE KACHIN HILLS OR HILL-TEIEES.

No. ÓS, dated the 19th October, 190?.—In exercise of the power conferred by section 1, sub-section *(3),* of the Kachin Hill Tr'bes Regulation (I of 1895), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor is pleased to direi t that the said Regulation shall—

(11 extend to—

(a) all the hill tracts in the Bhamo district; and

b) all the hill tracts in the Myitkyina district lying—

(!) on the west of the Irrawaddy, to the south of a line running approximately due west along the parallel of 25" 43' north latitude, but drawn along the northern boundary of the jade mines tract and including the whole of the Watu Kachin headra.nship up to the \\ CRaj *Kha:*

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IB.—Notifications extending amd applying enactments to tiie Kachin Hills or Hill-tribes—*continued.*

(ii) on the east of the Irrawaddy, to the south of the 'Nmaikha and of n straight line drawn from the junction of the Meungdonkha ■with the 'Nmaikha above 'Xsentaru ferry to the high conical peak situated approximately in latitude 25° 35' north and in longitude 98° 14' east; and shall—

(2) apply to the undermentioned hill-tribes in those tracts—

Kachins. | Yawyins.

This Department's Notification No. 6, dated the 26th June, 1895, is hereby superseded.

[See Burma Gazette, 1907, Pt. I, p. 854.]

No. 18, dated the 13th August, 1895.—In exercise of the powers conferred by section 1, sub-section (3), of the Kachin Hill Tribes Regulation (I of 1895), and with the previous sanction of the Governor General in Council, the Chief Commissioner is pleased to direct that the said Regulation—

(i) shall extend to all the hill tracts in the Ivatha District;
(it) and shall apply to the undermentioned hill-tribe in those tracts :—

Kachins.

[See Burma Gazette, 1895, Pt. I, p. 353.]

No. 35, dated the 18th November, 1895.—In exercise of the powers conferred by section 1, sub-section *(3),* of the Kachin Hill Tribes Regulation (I of 1895), and with *,he previous sanction of the Governor General in Council, the Chief Commissioner is pleased to direct that the said Regulation—

(1) shall extend to all the hill tracts in the State of North Hsenwi;
(2) and shall apply to the hill-tribe in those tracts known as the Kachins.

[See Burma Gazette, 1895, Pt. I, p. 509.]

A7o. 38, dated the 22nd November, 1895.—In exercise of the powers conferred by section 1, sub-section *\3),* of the Kachin Hill Tribes Regulation (I of 1895), and with the previous sanction of the Governor General in Council, the Chief Commissioner is pleased to direct that the said Regulation—

(!) shall extend to all the hill tracts in the State of !Mong Mit, with its dependency IMong Lang ; and
(it) shall apply to the undermentioned hill-tribes in those tracts :—

' Kachins and Palaungs.

[See Burma Gazette, 1898, Pt. I, p. 518.]

No. Ilf, dated the 30th June, 1898.—In exercise of the powers conferred by the proviso to section 3, sub-section *(£),* of the Kachin Hill Tribes Regulation, 1895 il of 1895), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor of Burma is pleased to declare that, on and with effect from the 1st day of J«ly, 1898, the following portions of the 'Code of Criminal Procedure, 1898 (Act V of 1898), shall be applicable to members of a hill-tribe in a hill tract :

Provided that all references in the said Regulation to the Code of Criminal Proceduie, 1882 (Act X of 1882), shall be construed as referring to the corresponding provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), and that the portions of the said Code now declared to be applicable shall be subject to the provisions of the said Regulation so construed :

Provided also, that for section 345 of the said Code the following shall be deemed to be substituted, namely :—

CompouudiEg Ofleoce*.

" 345. Any offence may, with the permission of the Court by which the offence it triable, be compounded."

Portions of the Code of Criminal Procedure, 1898. declared to be applicable to member» of a hill-tribe in a hill tract.

Sections 2, 3, 4, 12, 13, 17, 26. 28, 29 , 31, 32, 33, 35, 42, 44; Chapter V, sections 68, 75, 79, 81, 82, 87, 89; Chapter VIII, Chapter IX, Chapter XIII, sections 177, 198;

[1] General Ac's, ol.

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D.—NOTIFICATION EXTENDING AND APPLYING ENACTMENTS TO THE KACHIN HILLS OK HILL-TBIBES—*concluded.*

Chapter XVI, Chapter XVII, Chapter XIX, Chapter XX, Chapter XXI, Chapter XXII,. sections 337, 343 , 345, 349, 350, 351; Chapter XXV, Chapter XXVI, sections 374, 379; Chapter XXVIII, Chapter XXIX, Chaptar XXX, Chapter XXXI, Chapter XXXII, Chapter XXXIV, Chapter XLI, Chapter XLIII, sections 528, 531, 537, 540, 543, 545, 547, 55o, 558, 562, 563 and 564.

Schedule II, except column 6, Schedules III and IV.

[See Burma Gazette, 1898, Pt. I, p. ¿22.]

Ext3nsion of the Indian Post Office Act, 1898 (VI of 1898) to Members of a Hill-tribe.

No. 2Ì4, dated the 7th December, 1898.—In exercise of the power conferred by the proviso to section 3, sub-section *(2),* of the Kachin Hill Tribes Regulation, 1895 (I of 1895), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor of Burma is pleased to declare the 'Indian Post Office Act, 1898 (VI of 1898), to be applicable to members of a hill-tribe in a hill tract

[See Burma Gazette, 1898, Pt. I, p. 564.]

Extension of the General .Clauses Act 1897 (X of 1897) to Members of a Hill-tribe.

No. 6, dated the 16th February, 1899.—In exercise of the power conferred by the proviso to section 3, sub-section *(2),* of the Kachin Hill Tribes i?egulation, 1895 (I of 1895), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor of Burma is pleased to declare the General Clauses Act, 1897 (X of 1897), to be applicable to members of a hill-tribe in a hill tract.

[See Burma Gazette, 1899, Pt. I, p. 83.]

Extension of the Elephants Preservation Act, 1879 (VI of 1879) to Members of a Hill-tribe.

No. 219, dated the 9th September, 1902.—In exercise of the power conferred by the proviso to section 3, sub-section *(2),* of the Kachin Hill Tribes Regulation, 1895 (I of 1895), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor of Burma is pleased to declare the Elephants Preservation Act, 1879 (VI of 1879), to be applicable to members of all hill-tribes in the hill tracts within the limits of the Bhamo, Myitkyina and Katha districts.

[See Burma Gazette, 1902, Pt. I, p. 634.]

Extension of the Burma Forest Act, 1802 (Burma Act IV of 1902) to Members of a Hill-tribe.

No. 55 (Forests), dated the 9th February, 19n3.—In supersession of this Department. Notification No. 243 (Forests), dated the 4th July, 1U99, and in exerHse of the powers conferred by the proviso to se"tion 3, sub-section *(2),* of the Kachin Hill Tribes Regulation, 1895 (1 of 1895), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor of Burma is pleased to declare the Burma Forest Act, 1902' (Bur. Act IV of 1902), to be applicable to members of a hill-tribe in a hill tract.

[See Burma Gazette, 1903, Pt. I, p. U9.]

Extension of th? Elephants PreBer'v iiti^j. Act, 1879 (VI of 1879) to Members of a Hill-tribe.

No. SÙ9, dated the 8th December, WW.—In exercise of the power conferred by the proviso to section 3, sub section *(2),* of the Kachin Hill Tribes Regulation, 1895 (I of 18951, and with the previous sanction of the Governor General in Council, the Lieutenant-Governor of Burma is pleased to declare the Elephants Preservation Act, 1879 (VI of 1379i, to be applicable to members of all hill tribes in the hill tracts within the limits of the Siian State of Mông Mit (Momeik) with its dependency jNIong Lang (Mohlaing).

[See Burma Gazette, 1903, Pt. I, p. 889.]

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C.— THE CHIN HILLS.

Notifications extending or applying enactments to the Chin

HILLS OK HIIL-TEIBES.

Application of porti->ns of the Criminal Procedure Code, 1898,

No. 15, dated the 30th June, 1898.—In exercise of the powers conferred by the proviso to section 3, sub-section *(2),* of the Chin Hills Regulation, 1896 (V of 1896), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor of Burma is pleased to declare that, on and with effect from the 1st day of July, ltl98, the following portions of the 'Code of Criminal Procedure, 1898 (Act V of 1898), shall be applicable to Chins in the Chin Hills :

Provided that for section 345 of the said Code the following section .-hall be deemed to be substituted, namely :—

C**pouD<iing Offne«.

" Any offence may, with the permission of the Court by which the offence is triable, be compounded."

Poriioni *of the Code of Criminal Procedure, 1898, declaied to be applicablt to Chins in the Chin Hills.*

Sections 2 to 13, 17, 26, 28, 29, 31, 32, 33, 35, 42, 44; Chapter V, sections 68, 75, 79, 81, 82, 87, 89; Chapter IX, Chapter XIII, sections 177, 198; Chapter XYI, Chapter XV]I, Chapter XIX, Chapter XX, Chapter XXI, Chapter XXII, sections 337, 343, 345, 349, 350, 351; Chanter XXV, Chapter XXVI, sections 374, 379; Chapter XXVIII, Chapter XXIX, Chapter XXX, Chapter XXXI, Chaptei XXXII, Chapter XXXIV, Chapter XLI, Chapter XLIII, sections 528, 531, 537, 540, 543, 545, 547 , 556, 558, 562 , 563 and 564. Schedule II, except column 6, Schedules III and IV.

[Burma Gazette, 1898, Pt. I, p. 322.]

Post Office Act, 1898 (VI of 1898).

No. SI, dated the 9th September, 1898.—In exercise of the power conferred by the proviso to section 3, sub-section (2) of the Chin Hills Regulations, 1896 (V of 1896), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor of Burma is pleased to declare the Indian Post Office Act, 1898 (VI of 1898). to be applicable to the tracts to which section 2 and sections 4 to 41 of the said Regulation may, for the time being, extend.

[Burma Gazette, 1898, Pt. I, p. 420.]

Upper Burma Land and Revenue Regulation (1889) *A* mendment Regulation, 1898 (III of 1898).

No. 93, dated the 9th March, 1899.—In exercise of the power confeired by the proviso to section, 3, sub-section *(2),* of the Chin Hills Regulation, 1896 (V of 1896), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor is pleased to declare section 31 of the Upper Burma Land and Revenue Regulation, 1889 (III of 1889), as amended by the Upper Burma Land and Revenue Regulation ilb89; Amendment Regulation, 1898 (III of 1898), to be applicable to Chins in the Chin Hills.

[Burma Gazette, 1899, Pt. I, p. 134.]

General Clauses Act, 1897 (X of 1897).

No. 7, dated the 16th February, 1899.—In exercise of the power conferred by the proviso to section 3, sub-section *(2),* of the Chin Hills Regulation, 1896 (V of 1896), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor of Burma is pleased to declare the [2]General Clauses Act, 1897 (X of 1897), to be applicable to Chins in the Chin Hills.

[Burma Gazette, 1899, Pt. I, p. 83.]

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[1] General Acts, Vol. V.
[3] General Acis, Vol. IV,

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0.—NOTIFICATIONS EXTENDING OR APPLYING ENACTMENTS TO THE CHIN Hills or Hill-thihes—*concluded.*

Burma Forest A^t, 1002 (Burma Act IV of 1902).

No. 54 (Forests), dated the 9th February 1903.—In supersession of this Department Notification No. 242 (Forests;, dated the 4th July, 1899, *nd in exercise of the power conferred by the proviso to section 3, sub-section *(2),* of the Chin Hills Regulation. 1896 (V of 1896;, and with the previous sanction of the Governor General in Council, the Lieutenant. Governor of Burma is pleased to declare the Burma Forest Act, 1902 (Burma Act IV of 1902), to be applicable to Chins in the Chin Hills.

[Burma Gazette, 1899, Pt. I, p. 369.]

Upper Burma and Arakan Hills Frontier Crossing and Disturbed Districts Regulation, 1807 (I of 1807).

No. 29, dated the 31st August, 1907.—In exercise of the powers conferred by the proviso to section 3, sub-section *(2),* of the Chin Hills Regulation, 1896 (V of 1896t, and with the previous sanction of the Governor General in Council, the Lieutenant-Governor is pleased to declare the Upper Burma and Arakin Hills Frontier Crossing and Disturbed Districts Regulation, 1907 (I of 1907), to be applicable to Chins in the Chin Hills.

[See **Burma Gazette, 1907, Pt. I, p. 708.]**

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APPENDIX I.

1. Enactments declared in force in or extended by Notification under the Scheduled Districts Act, **1874 (.XIV** of **1874),** to the Scheduled Districts in Burma.

The following are the Scheduled Districts in Burma : —

1. **The Arakan Hill Tracts.**
2. **Upper Burma (except the Shan States).**

The Arakan Hill Tracis.

The Scheduled Districts Act, 1874 (XIV of 1874), was brought into force in the- Vrakan Hill Tracts by the following notification

A*'o. 3^6, dated the ll,th August, 1889.*—In exercise of the powers conferred by section 3 of thu Scheduled Districts Act, XIV of 1874, the Chief Commissioner of Burma, with the previous sanction of the Governor General in Council, declares that the said' Act is in force in the Hill Tracts of Arakan.

[See Burma Gazette, 1889, Pt. I, p. 369.]

Enactments declared in force in or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874).

1 1 2	3	4	6	6
Year. >'o.	Short title or subject.	Places in or to ^vhich declared in force or extended.	Extent to which declared in force or extended.	NOTIFICATION.
1882 XIV 1 1 2 1	The Code of Civil Procedure, 1882.	Arakan Hill Tracts	Sections 223 to 228.	*No. 347, dated thé]4th· August. 1889.*—In exercise of the powers conferred by section 5 of the Scheduled Districts Act(XIV of 1874), the Chief Commissioner of Burma, with the previous sanction of the Governor General In Council, extends sections 223 to 228 of the Code of Civil Procedure to the Hill Tracta of Arakan. *[See* Burma Gazette, 1889, Pt. I, p. 369.]

2.—Upper Burma.

The 'Scheduled Districts Act was brought into force in Upper Burma by the following notification :—

***No. 789-E., dated the ;'th May, 1886*— It is hereby notified that the Secretary of State for India has, by Resolution in Council, declared the provisions nf the first section of an Act passed in the thirty-third year of Her Majesty's reign, Chapter 3, entitled " An Act to make better provision for making Laws and Regulations for certain parts of India, and for certain other purposes relating thereto," to be from ihn 1st of March,**

[1] The Scheduled Districts Act, 1*74. nusalso declared in force in Upper I?llrn.a (except to Shan States) by the Upper Burma Laws Act, lfsBS (13 of 1898), 9. 4 (1) ani Scheiule 1.

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1886, applicable to Upper Burma, with the exception of the Shan States, being part of the territories under the Government of the Governor General of India in Council.

[«See Gazette of India, 1886, Pt. I, p. 311.]

Enactments declared in force in or extended by Notification under the Scheduled Districts *Act,* 1874 <X1V of 1874).

Year.	No.	Short title.	Extent to which declared in force.	Notification.
1850	21	Caste Disabilities Removal Act.	....	*Dated the lath February, 1899.*—In exercise of the power conferred by flection 5 of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor of Burma Is pleased to extend the Caste Disabilities Removal Act, 1850 (XXI of 1850), to the whole of Upper Burma, except the Shan States. [S«i Gazette of India, 1899. Pt. I, p. 98.1
1805	XV	Pars] Marriage and Divorce.	The whole 'subject to the modification that the Chief Court of Lower Burma shail be the High Court under sections 42 and 51 of the Act.	*No. IO57, dated the. 19th July. 1907.*—In exercise of the power conferred * by sections 5 and 5A of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor of Burma is pleased to extend to Upper Burma (except the Shan States) the Parsi Marriage and Divorce Act, 1865 (XV of 1805), and to declare that the operation of the said Act in Upper Burma ahall be subject to the modification that the Chief Court of Lower Burma shall be the High Court for the purposes of sections 42 and 51 of the said Act, and in respect of proceedinga before any Parsi District Matrimonial Court exercising jurisdiction In any part of Upper Burma. [*See* Gazette of India, 1907, Pt. I, p. 594.]
1907	3	Provincial Insolvency.	The whole	*No.* 51, *dated 29th April, 1908.*—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor is pleased to extend to Upper Burma the Provincial Insolvency Act, 1907 (III of 1907]. IS« Burma Gazette, 1908, Pt. I, p. 300.]
1008	5	Code of Civil Procedure, 1908 (5 of 1908)*	....	*No.* J, *ditfd 1st January, 1909.*—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General In Council, the Lieutenant-Governor of Burma is pleased to extend to Upper Burma (uxcept the Shan States) the Code of Civil Procedure, 1908 (Act V of 1008), with th"5 exception of section 1 and sections 155 to 153. [*See* Gazette of India, 1909, Pt.I, p. 5,]

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APPENDIX II.

REGULATION No. II of 1910.

[Received the assent of the Governor General on the 4th June, 1910; published in the Gazette of India on the 11th June; and in the Burma Gazette on the 9th July, 1910.]

A Heeulation to amend the Burma Laws Act, 1898, the Kachin Hill-Tribes Regulation, 1895, and the Chin Hills Regulation, 1896.

Whekeas it is expedient to amend the 'Burma Laws Act, 1898, the XIII of 1898. [1]Kaohin Hill-Tribes Regulation, 1895, and the [3]Chin Hills Regulation, I of 1895. 1896; It is hereby enacted as follows:— V of 1896.

Shnrt title and commenc

1. (-?) This Regulation may be called the Burma Laws Act, Kachin Hill-Tribes Regulation and Chin Hills Regulation Amendment Regulation, 1910; and

(2) It shall come into force at once.

.Amendment of sect ion 10, enb-section (1), of Act XIII of 1898.

2. In section 10, sub-section (2), of the Burma Laws Act, 1898, for xm of the words "with the previous sanction" the words "subject to thel^S. control" shall be substituted.

Amendment of section 1, sub-section (3), of Reg i] la tion I of 1895.

3. In section 1, sub-section (5), of the Kachin Hill-Tribes Regula-£ 1895. tion, 1895, for the words " with the previous sanction " the[1] words "subject to the control" shall be substituted.

Amendment of section 3, snb-sfction (*), of Regnlation I of 1895.

4. In section 3, sub-section *(2),* of the Kachin Hill-Tribes Regulation, 1895, for the words " with the previous sanction " the words " subject to the control " shall be substituted.

Amendment of section 3, snb-spction *(3),* of Regulation V of 1896.

5. In section 3, sub-section *(2),* of the Chin Hills Regulation, 1896, y of 1896. for the words " with the previous sanction" the 'nords " subject to the control " shall be substituted.

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[1] *Ante,* p. 132.
[3] *Ante,* p. 253„
[s] *Ante,* p. 284.

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^TJRMA ACT No. I of 1910.

THE BURMA PROCESS FEES ACT, 1910.

[16th May, 1910; 20th July, 1910.]

An Act to consolidate and amend the law relating to tlie service and execution of processes in Burma.

WHEREAS it is expedient to consolidate and amend the law relating to the service and execution of processes in Burma; It is hereby enacted as follows: — Preamble,

1. (2) This Act may be called the Burma Process Fees Act, 1910; Short title and commencement.

(2) It shall extend to the whole of Burma; and

(3) It shall come into force on such date as the Local Government may by notification direct.

2. Sections 20, 21, 22 and 23 of the Court Fees Act, 1870, shall not apply to the area in which this Act is in force. ^ct'3ns nf Conrc Fees Act which shall not apply to area in which this Act is in force.

3. Subject to the control of the Governor General in Council, and notwithstanding anything in section 25 of the Court Pees Act, 1870, the Local Government may make rules with respect to— General power of Local Government to make rules.

(a) The establishments to be maintained for the service and execution of processes and notices issued by Civil and Criminal Courts and by Revenue and Executive Officers of Government;

(b) the remuneration of the peons and other persons employed in such service or execution;

(c) the maintenance of registers in connection with the issue and service of such processes and notices;

(d) the fees chargeable for such service and execution; and

(e) the manner in which such fees shall be levied and recovered.

4. The enactments mentioned in the Schedule are repealed to the extent mentioned in the fourth column thereof. Repeal of enactments.

[1] **For Statement of Objects and Reasons, see Burma Gazette,** 1910, **Pt. Ill, p.** 16; **and lor Proceedings in Council,** ***see ibid,*** 1910, **Pt. Ill, pp.** 36 **and** 46.

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Steam-boilers and Prime-movers.
Schedule.

Year.	Number.	Short title or Subject.	Extent ot Repeal.
1	2	3	4
		Acts of the Governor General in Council.	
1S7I3	II	The Burma Land and Revenue Act . .	Section 58, clause *id).*
iyuo	VI	The Lower Burma Courts Act . . .	Section 41.
		KEGUXATIOXS OE THE GOVEBNOB GENERAL is COUNCIL.	
1889	III	The Upper Burma Land and Revenue .Regulation.	Sections 41, su'j-section *(l)y* clause (c), 44, sub-section *(2),* 49 auil 50, clause *(a).*
1S96	I	The Uppei Burma Civil Courts Regulation .	Sections 30, sub-sections <r>. clause *(a),* and 32.

BURMA STEAM-BOILERS AND PRIM E-MOVERS ACT,. 1910.

CONTENTS.

SECTIONS.

Preamble.
1. Short title.
Commencement.
Local extent.
Limitation of application of Act.
2. Repeal of Act XVIII of 1882 and Act I of 1885.
3. Definitions.
4. Constitution of Boiler Commission.
5. Powers and duties of Boiler Commission.
Appeals.
6. Prohibition of unlicensed boilers and uncertificated persons..
7. Procedure with regard to inspection.
8. Inspector may require alterations.
9. Issue of licenses.

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'SECTIONS.

10. Report of accident or non-use by owner.
11. Licensing of boilers, etc., in charge of certain engineers.
12. Engineer signing false report under section 11.
13. Revocation or suspension of license.
14. Issue of certificates.
15. Conditions of issue of certificates.
16. Appeal.
17. Power to enter premises.
18. Penalties.
19. Sanctions and limitation to prosecutions.
20. Certificates of inspection for purpose of sale or insurance.
21. Power to make rules.
22. Proceedings of Boiler Commission subject to approval.

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

THE THIRD SCHEDULE.

THE FOURTH SCHEDULE.

[J]BURMA ACT No. II of 1910.

THE BURMA STEAM-BOILERS AND P RIM E-MOVE LIS ACT, 1910.

[16th May, 1910; 27th July, 1910.]

An Act to amend and declare the law relating to Steam-boilers and Prime-movers attached thereto in Burma.

Whereas it is expedient to amend and declare the law providing for the inspection of steam-boilers and prime-movers attached thereto, and for the management of the same by competent persons; It is hereby enacted as follows: — Preamble,

1. (*1*) This Act may be called the Burma Steam-boilers and Prime-movers Act, 1910. Shorr lltlu

(2) It shall come into force on such day as the Local Government may by notification direct. Commence-ment.

(3) It shall extend to such local areas as the Local Government may extent, by notification direct. Local

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[1] For Statement of Objects and Reasons, *see* Burma Gazerri, 1909 Pt. Ill, p. Ill; for Report of Select Cnmmittee, see *ibid,* 1910, Pt. Ill, p. 17; and for Proceedings in Council, *see ibid,* 1909, Pt. Ill, p. 146; *ibid,* 1910- Ft. Ill, pp. 36 and 46.

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Steam-boilers and Prime-movers.

(4) Nothing in this Act shall apply to—

Limitation of application of Act.

(a) any boiler or prime-mover used on board a steam-vessel, or used upon and appertaining to a Railway,

(*b*) any boiler or prime-mover used exclusively for domestic purposes at atmospheric pressure, or

(c) any boilers or prime-movers or classes of boilers or prime-movers which the Local Government may by notification specify in this behalf.

Repeal of *Act* XVIII of 1882 and Act I of 1885.

2. The Burma Steam-boilers and Prome-movers Act, 1882, as amended by the Burma Steam-boilers and Prime-movers Act, 1885, is hereby repealed. XVIII of 1882 and I of 1885.

Dfcfiuitions.

3. In this Act, unless there is something repugnant in the subject or context,—

. " boiler includes any vessel used for generating or containing steam under pressure;

"prime-mover" includes any engine which derives its power from steam, a fly-wheel, first driving shaft or pulley attached to such engine, and every appurtenance necessary for the safe and efficient working thereof;

" owner " includes any agent or hirer using any boiler or prime-mover ;

" rules hereunder " mean the rules for the time being in force under section 21 of this Act;

" Inspector " means a person appointed under this Act to bei an Inspector;

"railway" has the meaning defined in the 'Indian Railways Act, 1890, section 3, sub-section *(4);* IX of 3890,

" steam-vessel " has the meaning defined in the Inland Steam-vessels Act, 1884, section 5, sub-section (2). VI of 1884.

Constitution of Boiler Commission,

4. The Local Government may, at any time after the passing of this Act, appoint three or more persons to be members of and to constitute the Boiler Commission.

Powers and duties of Bcijler Commission.

5. The Boiler Commission shall, subject to the rules hereunder,—

(a) supervise the administration of this Act;

(b'l appoint persons to be Inspectors;

(c) appoint persons to be members of general or special Examining Boards for the purpose of examining engineers and engine-drivers under this Act;

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[1] Geni. Acts, Vol. IV.

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Steam-builers and Prime-movers.

(*d*) issue certificates authorizing engineers ai.Jti engine-drivers to take charge of steam-boilers and prime-movers;

(*e*) consider and decide appeals from the orders or notices issued by any Inspector. **Appeals.**

6. A boiler or prime-mover shall not be used or permitted to be used unless--- Prohi'uiiion of unlicensed boiler.' and *0<t rtlficated persons*

(*a*) a license authorizing its use has been issued and is in force under this Act;

(*b*) the person in charge thereof has been granted a certificate authorizing him to take charge of boilers or prime-movers, or a boiler or prime-mover, as the case may be, and such certificate is in force under this Act; and

(c) the conditions prescribed by the license and the rules hereunder are fulfilled:

Provided that no license shall be required for any prime-mover used solely as a pump for feeding any licensed boiler or boilers or any appurtenance to a duly licensed boiler or prime-mover.

7. (i) When the owner of a boiler or prime-mover desires to obtain license in respect thereof, he shall apply for an inspection and license to the Inspector of the local area in -which he resides, or, if no such' Inspector has been appointed, to the Boiler Commission, vho shall depute an Inspector to appoint a day for inspection. a Procedure with regard to iuspection.

(2) On receipt of such application an Inspector, by arrangement with the owner, shall appoint a day for the inspection of the same and shall notify the owner to the like effect r Provided that the day so appointed shall be, if the boiler or prime-mover is situate in the town of Rangoon, Moulmein, Bassein or Mandalay, not later than seven days, and, if it is situate elsewhere, not later than twenty-one days, from the day on which the notice is received.

(3) At the time appointed an Inspector shall hold such inspection and the owner or person in charge of the boiler or prime-mover shall afford to the Inspector all reasonable facilities for the same and all such information as may reasonably be required.

8. If after making the inspection the Inspector is of opinion that the boiler or prime-mover requires alteration or addition, he shall serve on ^tcrationa![6] the owner thereof, within three days of such inspection, a written notice specifying the alteration or addition which is in his opinion required. ay requi

9. When an Inspector is satisfied,— l3SUC of licenses.

(a) that the boiler or prime-mover is in good condition, and not so exposed as to be likely to be dangerous;

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(*b*) that any alteration or addition, specified under the preceding section has been properly made; and

(c) that the prescribed fee has been paid;

he shall forthwith issue a license to the owner in the form prescribed in the First Schedule annexed hereto and in accordance with the rules for the time being in force.

Report of accident or non-use by owner.

10. (*1*) If any accident occurs occasioning such damage to a duly licensed boiler or prime-mover as affects its safety or efficiency, the owner or person in charge thereof shall report the same to an Inspector or to the Boiler Commission within twenty-four hours of the occurrence thereof.-

(2) If no steam has been generated under pressure in any duly licensed boiler in charge of an engine-driver or of an engineer of the second class during a continuous period of four months, the owner or person in charge thereof shall report the same to an Inspector or to the Boiler Commission and shall not use such boiler until written permission to do so has been obtained from the Inspector or the Boiler Commission : Provided that no fees shall be charged for such written permission or for any re-inspection under this sub-section.

Licensing of boilers, etc., in charge of certwin Engineers,

11. *(1)* When a boiler or prime-mover is in charge of an engineer who has obtained, in accordance with the rules made under section 21, a certificate as engineer of the first class, the Boiler Commission may, by an order in writing, direct that the report of that engineer shall, for the purpose of granting a license under this Act in respect of that boiler or prime-mover, be received as sufficient evidence of the matters referred to in section 9, clause (a).

(2) The Boiler Commission may by an order in writing rescind any order made under sub-section (2).

(*3*) If the owner of any boiler or prime-mover, in respect of which an order under sub-section (2) is in force, presents to the Inspector, at the time of forwarding an application in respect of that boiler or prime-mover under section 7, a report in respect of that boiler or prime-mover in the form prescribed in the Second Schedule hereto annexed, or a form to the like effect, and signed by the engineer mentioned in the order, and pays to the Inspector such fee as may be prescribed by the rules hereunder, the Inspector shall, notwithstanding anything hereinbefore contained, endorse on the report a license in the form prescribed in the Third Schedule hereto annexed, or a form to the like effect, without examining the boiler or prime-mover.

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Steam-boilers and Prime-movers.

12. Any engineer signing any report under section 11 which he either knows or believes to be false in any material point shall be deemed to have committed an offence punishable under section 19T of the [1]Indian Penal Code. Engineer signing false report no i6r section n. XLV of 1860.

13. An Inspector may revoke or suspend any license in respect of any boiler or prime-mover when there is reason to believe— Revocation or suspension of license.

(a) that Ihe license has been fraudulently obtained or has been granted erroneously or without sufficient inspection;

(b) that such boiler or prime-mover is not in charge of a person duly authorized according to the rules hereunder, or has since the date of last inspection sustained damages affecting its safety or efficiency or is not in an efficient condition; or

(c) where the license has been granted under section 11, that the boiler or prime-mover has ceased to be under the charge of the engineer on whose report the license was granted.

14. (*1*) When a person desires to obtain a certificate authorizing him to take charge of boilers or prime-movers, or a boiler or prime-mover, as the case may be, he shall apply to the Boiler Commission for such certificate. Certificates.

(2) On receipt of such application the Boiler Commission may either proceed to issue a certificate, without examination, in accordance with rules which may be prescribed under clause (e) of section 21 or may require the person so applying to be examined by an Examining Board, who shall report on the competency of such person to the Boiler Commission.

(3) On receipt of such report the Boiler Commission, if satisfied that the person so applying is competent to take charge of boilers or prime-movers, or a boiler or prime-mover, as the case may be, shall issue a certificate.

(4) All certificates shall be in the form prescribed in the Fourth Schedule hereto.

15. The Boiler Commisson may issue certificates of three kinds:— Conditions of MtO* or certificates.

(*i*) an engine-driver's certificate;

(ii) a certificate as engineer of the second class;

(m) a certificate as engineer of the first class.

A person holding an engine-driver's certificate may have charge of any one boiler and prime-mover of not more than 30 nominal horse-p«wer apiece. A person holding a certificate as engineer of the second class

[1] Genl. Acts, Vol. I.

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may have charge of boilers and prime-movers belonging to the same owner, provided that such boilers or prime-movers are situate within a radius of five hundred feet. A person holding a certificate as engineer of the first class may have charge of any boilers and prime-movers the property of the same owner, provided that, in the event of his being in charge of boilers or prime-movers of which any one is outside such radius of five hundred feet such boiler or prime-mover is under the direct charge of a duly certificated engine-driver or engineer of the second class.

Appeal.

16. *(1)* The owner of any boiler or prime-mover may appeal from any order or notice issued by an Inspector to the Boiler Commission within fourteen days from the receipt of such order or notice.

(2) The Boiler Commission shall appoint two or more of its members, to hear such appeal and shall duly notify the owner of the hearing of the same.

(3) The members shall duly hear such evidence as may be produced and shall determine the appeal.

(4) All orders passed by the Boiler Commission shall be subject to appeal to the Local Government, whose decision shall be final.

(5) The authority deciding an appeal under sub-section *(3)* or sub-section *(4)* shall make such orders as to costs as may seem just, and when costs are given against an appellant, the same shall be recoverable from him as if it were an arrear of land-revenue.

Power to enter premises.

17. An Inspector may at any time enter into any place or building where he has reason to believe that a boiler or prime-mover is used for the purpose of inspecting the same.

Penalties.

18. *(1)* An owner or person in charge of a boiler or prime-mover who—■

(a) uses or permits the use of the same in contravention of section 6;

(б) fails to produce the license, if any, issued for such boiler and prime-mover on demand by any member of the Boiler Commission or by any Magistrate having jurisdiction in the place where such boiler or prime-mover is situated, or by any person authorized by such Magistrate to demand such production or by an Inspector;

(c) contravenes any of the provisions of section 10,

and every person who prevents an Inspector from entering any place or building in accordance with the provisions of the preceding section may be punished with' fine not exceeding five hundred rupees.

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19. No charge of an offence under this Act shall be brought against any person without the previous sanction of the Boiler Commission or of the District Magistrate, nor after the expiration of six months from the date of the commission of the offence alleged. **Sanctions and limitation to prosecution,**

20. If an owner wishes to have his boiler or prime-mover inspected or tested for purposes of sale or insurance or for any other purpose ■which, for' ptm'ose'* in the opinion of the Boiler Commission, may justify an inspection®[1] «aleor under ëor this section, the Boiler Commission, on receipt of a written request with the prescribed fee, may direct an Inspector to inspect and test the same, and if satisfied he may issue a certificate in such form as may be prescribed. **Certificates of inspection insurance,**

21. The Local Government may from time to time make rules con- makeValc* sistent -nith the provisions of this Act for all or any of the following purposes: —

(a) for prescribing the powers and duties and for regulating the procedure of the Boiler Commission;

(b) for prescribing the powers and duties and defining the local jurisdiction of Inspectors;

(c) for determining the time for and the conditions under which' licenses shall be granted, the fees payable for such license? and the time and manner of payment of such fees;

(¿) for prescribing the powers and duties and for regulating the procedure of Examining Boards appointed to examine engineers and engine-drivers and for providing for th& holding of local examinations at reasonable intervals in such local areas as the Local Government may specify from time to time;

(e) for regulating the issue of certificates ■with or without examination to engineers and engine-drivers, for determining the time for and the conditions under ^vhich sucli certificates shall be in force, and for fixing the fees payable for such certificate and the time and manner of payment of such fees;

(/) providing for the cancellation* or suspension of engineers' or engine-drivers' certificates and in particular for—

(i) the procedure to be followed in enquiries into allegations of incompetency, drunkenness, misconduct or negligence on the part of holders of such certificates, and

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(*u*) the deposit of such certificates by the holders of the same, when so required, pending the result of such enquiries and the action to be taken on their failure to comply with such requisitions ;

(*g*) for regulating the procedure of the Boiler Commission on hearing appeals and conferring on the members thereof when sitting for the hearing of such appeals any of the powers conferred on a Civil Court by the [J]Code of Civil Procedure; [v of 1908]

(h) for defining the method of calculating nominal horse-power;

(i) for prescribing the (conditions under which inspections of boilers and prime-movers may be made and certificates granted under section 20, the form of such' certificates and the fees payable in respect thereof;

(j) for regulating the disposal of all fees and fines imposed or levied under the Act; and

(£) generally for carrying out the purposes of this Act.

All rules made under this section shall be made after previous publication, and when made shall be finally published in the Gazette and shall come into force on such date as may therein be specified.

Proceeding's •of Boiler ■Com missions -subject to Approval.

22. All acts and proceedings of the Boiler Commission shall be subject to the approval of the Local Government.

THE FIRST SCHEDULE.

(See Section 9.)

Forni of License.

Name of person.	Description of boiler.	Description of prime-moYer.	Power.	When and ■where made.	When and where last repaired.	Period for which license is to be in force.	on [illegible]
1	' 2	3	*A*	5	6	7	8

[1] Genl. Acts, Vol. VI.

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Steam-boilers and Prime-movers.

1. the undersigned, certify that I have examined the abovenamed boiler and prime-mover, and to the best of my judgment they are in good condition, and are not so exposed as to be likely to be dangerous.

CONDITIONS.

1. The boiler shall not be used at a pressure greater than lbs., and if the same has been or is being used at a greater pressure, the matter shall at once be reported to the Inspector of the local area, or, if no such Inspector has been appointed, to the Boiler Commission.

2. In case of any material damage affecting the safety or efficiency of the boiler the matter shall, within 24 hours, be reported to the Inspector of the local area, oi, if no such Inspector has been appointed, to the Boiler Commission.

3. In case the boiler is in charge of an engine-driver or of a second class engineer and is not used for a continuous period of four months the matter shall be reported to the Inspector of the local area, or, if no such Inspector has been appointed, to the Boiler Commission, and the boiler shall not be used without the written permission of the Inspector of the local area or of the Boiler Commission.

4. This license will cease to be in force on the
19 :

Provided that if an application has been made for inspection as provided by section 7 of the Act, not less than 7 days before the abovementioned date, this license will continue in force until such inspection has been made and a license either issued or refused.

(Signed) *Inspector*..

*Da*ed at*
This day of 19 .

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THE SECOND SCHEDULE.

(See Section 11.)

REPORT OF ENGINEER.

Name of owner.	Description of boiler.	Description of prime-mover.	Power.	When and where made.	When and where last repaired.	Number and date of cer^ifii-ate of engineer in charge.	oi W P5 ^ 91 M R
1	2	3	4	5	6	7	8

I, the undersigned, certify that I am in chaige of the boiler (or prime-mover) above described, that I have examined the ¡same, and, to the best of my judgment, it is in good condition, and is not so exposed as to be likely to be dangerous, and may safely be licensed for the period *of.*

(Signed) *Engineer.*

Dated at

This day of 19 .

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Steam-boilers and Prime-mcvers.

THE THIRD SCHEDULE.

(See Section 11.)

FORM OF LICENSE TO BE ENDORSED ON REFORT OF ENGINEER.

I, the undersigned, hereby authorize the use of the boiler (or prime-mover) to which this report refers for a period of ending on the day of 19 .

(Signed) *Inspector.*

.Dated at
This day of 19 .

THE FOURTH SCHEDULE.

(See *Section 14.)*

. FORM OF CERTIFICATE.

This is to certify that is qualified to act as ▪Engineer of the Engine-dnver class under the Jiurma Steam-boilers and Prime-movers Act, 1910.

This certificate is issued under the provisions of section 14 of the said Act.

Secretary of the Boiler Commission.

Dated at
This day of 19 .

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INDEX.

(References are to pages of the Code).

ACT—

VIII of 1851—Amended in its application to Upper Burma, 131

V of 1861—*See* Police.

I of 1872 —Amended in its application to Uppnr Burma, 131.

II of 1876—*See* Land and Revenue Act, 1876. .

XIII of 1877—*See* Embankmfint Act, 1877.

XIV of 1879—*See* Hackney Carriage Act, 1879.

II of 1880—*See* District Cesses and Rural Police Act, 1880.

V of 1880—*See* Boundaries Act, 1880.

XIII of 1880—*See* Vaccination.

XVni of 1882-Repealed, 689.

VI of 1884—*See* Inland Steam Vessels Act, 1884.

XII of 1883—***See*** Pilots Act, 1883.

XXII of 1883—Repealed, 638.

VI of 1883—*See* Inland Steam Vessels Act, 1884.

XIX of 1884—*See* Rangoon Water Works Act, 1884.

I of 1885—Repealed, 689.

XV of 1887—*See* Military Police Act, 1887.

XVIII of 1888—*See* Financial Commissioner.

XI of 1895—*See* Pegu and Tenasserim.

XII of 1896—*See* Excise.

XIII of 1898—*See* Burma Laws Act, 1898.

VI of 1900—*See* Lower Burma Courts Act, 1900.

I of 1903—*See* Repealing and Amending Act, 1903.

III of 1904—*See* Local Authorities Loan Act, 1904.

Abakan HILLS CIVIL JUSTICE REGULATION, 1874, 185.

amended, 176, 207 and 243.

appeals and reviews, 198.

before Commissioner, 199.

appearance in person, 187.

exemption, 196.

see non-appearance,

arrest and attachment before judgment, 194.

authorized agents, appearance by, 187.

commissions, 192.

commissioner, power of review, 199.

compensation, 195.

courts, grades and powers, 186.

decree, 193.

against sureties, 197.

execution of. 196, 197 and 199.

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ARAKAN HILLS CIVIL JUSTICE REGULATION, 1874—*contd.*

definitions, 186.
evidence, admission of documents, 196.
taking and recording, 191, 192 and 199.
ex parte judgments, 190.
not appealable, 191.
when may be set aside, 191.
extent, 185.
hearing, preparation for, 191.
imprisonment, limitation of period, 197.
injunctions, 194 and 195.
issues, framing of, 191.
judgment by default, 180.
when may be set aside, 191.
delivery of, 193.
law to be administered in case of Buddhists, Hindus and Muhammadans, 187.
non-appearance of parties, 189.
pending cases, 200.
process, issue of, without payment of fees, 196.
rules of practice, 200.
security when defendant about to leave British India, 194.
subsistence money, 195 and 197.
suits, institution, 188.
summons, second, 190.
service on defendants, 188.
out of British India, 189.
on agent of immoveable property, 189.
to witnesses, 192.
sureties, decree against, 197.

ARAKAN HILL DISTRICT LAWS REGULATIONS, 1874 and 1901, 200 and 302.

amended, 148, 179 and 250.
capitation-tax, abolished, 202.
enactments in force as modified, 201 and 203 to 207.
extent, 201.
fines, recovery, 202.
High Court, functions, discharge of, 201.
revenue, assessment and collection, 201.
penalty for carriage of articles unprotected by pass, 202.
repealed in part, 180.
search and seizure for contraband spirit, etc., 202.
Stamp Act, 1899—operation of—barred, 302.
taxation, power to alter rates, 202.
villages and tribes exempted, 202.
toungya, 202.
tribute. 202.

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ABAKAN HILLS FROSTIEK CROSSING—

See Upper Burma and Arakan Hills Frontier Crossing and Disturbed Districts Regulations, 1907.

BENGAL REGULATION—

IH of 1818—*See* State Prisoners Regulation, 181cJ.

BOUNDARIES ACT, 1880, V of 1880, 48.

amended, 105, 175 and 636.
amounts due, recovery, 56.
appeals, 53.
boundary marks, charge of, *5i.*
erection and repair, 26 and 54.
expense, 54.
notice of injury, 54.
Commissioner, powers in appeals, 53.
compensation for clearance, 50.
decision, finality, 53.
demarcation, 49 and 50.
alteration of, 51.
objections to, 51.
further enquiry, 51.
subsequent, 52.
document, production of, on sunimons, 51.
disputes, reference to arbitration, 52.
expense of performance of act ordered, 55.
land, duties of owner's and occupiers, 55.
entry on, 49.
limitation, 53.
notice, general, before proceeding to demarcate, Cl
before entry, 49.
for clearing boundary line, 60.
see compensation,
special, 51.
to secure attendance, 50.
orders, appeals from, 53.
effect of, 52.
penalty for refusal, 55.
proceedings of boundary officers, 51.
rules, subsidiary, 56.
publication, 56.
summons for information, 61.
survey-mark, defined, 48.
officer, 55.
village officers, duties, 55.
witnesses, enforcement of attendance, 52.

'I L 'L

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BURMA ACT—

I of 1898—*See* General Clauses Act, 1898.

II of 1898—*See* Ferries Act, 1858.

III of 1898—*See* Municipal Act.

IV of 1898—*See* Lower Burma Town and Village Lands Act, 1898.

I of 1899—*See* Gambling Act, 1899.

IV of 1899—*See* Rangoon Police Act, 1899.

VI of 1902—*See* Forest Act, 1902.

II of 190,1—*See* Canal Act, 1905.

III of 1905—*See* Fisheries Act, 1905.

IV of 1905—*See* Rangoon Port Act, 1905.

II of 1906—*See* Motor Vehicle Act, 1906.

III of 1907—See Towns Act, 1907.

V of 1907—*Sec* Highway Act, 1907.

VI of 1907—See Village Act, 1907.

VIII of 1907—See Defile Traffic Act, 1907.

I of 1908—*See* Rangoon Victoria Memorial Act, 1908.

VI of 1908—*See* Vaccinator's Licensing Act, 1908; Inoculation Act, 1908.

II of 1909—*See* Municipal.

' III of 1909—*See* Boundaries.

IV of 1909—*See* Embankment.

V of 1909—*See* Repealing Act.

VI of 1909—*See* Fisheries.

VII of 1909—*See* Opium Law Amendment.

I of 1910—*See* Process Fees Act.

Burma Laws Act, 1898, 129.

amended so far as it relates to Act XIII of 1877, 641.

amendment Regulations, 690.

" British Burma " construction in acts of expression, 132. .

Gazette, construction in acts of, 132.

caste, law as to, 134.

definitions, 130.

enactments amended, 135 and 146.

citation of, 135 and 151.

extent, 130.

inheritance, law as to, 134.

Lieutenant-Governor, powers of Chief Commissioner transferred to, 135.

Lower Burma—Bengal Regulation III of 1818 extended to —from 15th September, 1875, 132.

see British Burma,

marriage, law as to, 134.

Police Act, 1861, s. 20 not to apply to certain areas, 132.

repealed in part, 180.

saving of special or local laws, 130.

section 18, repealed, 180.

Shan States, law in, 132.

their administration, 133.

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Burmi Laws Act, 1898—*contd.*
" subject to control " in s. 10 (2;, substituted, COO.
succession, law as to, 134.
territory, transfers of, 134.
Upper Burma, division of, 131.
enactments in force, 120 and 135.
»mended in their application to, 131 and 146.
not in force (Shan Statesj, 131.
transfer oi territory between — and Lower Burma, 134.

CANAL ACT, 1905 (Bur. Act II of 1905), 510.
adjacent land, occupation, 515.
arrears, sums recoverable as, 535.
civil courts, jurisdiction, 532.
collectors, 512.
compensation for damage, 512, 514, 515.
notice ot claim, 512.
procedure for fixing, 520.
special, 516 and 531.
contracts for water, ***gee*** land.
crossing, means of, 517.
definitions, 511.
drainage, 528.
entry, powers of, 514.
repairs, 515.
extent, 510.
labour, 530.
payn^nt of impressed, 531.
land, conditions binding on occupation of. 520.
rate on, benefitted by drainage works, 529.
see adjacent; compensation lor damage;
transier with — of contracts lor water, 523.
materials urgently required, 530.
compensation, damage, 531.
minor canals, application of certain chapters to, 511 and 525.
projected, 526.
power to astume control, 526.
record respecting, 525.
rules, 526.
navigation, 527.
officers, appointment, 611.
powers oi, 512.
procedure when they disagre-e with Collector, 520.
oSences, 533.
penalties, 533.
public purpose, water-supply for, 512.
repairs, entry for, 515.

Uriiv Calif - Digitized by Microsoft ®

CANAL Act, 1905 (Bur. Act II of 1905;—*contd.*
repeals, 510 and 535.
rights, bar to accrual by user, 523.
rules, 534.
penalty to, 535.
publication, 535.
silt-clearance, 532. .
survey, entry and, 514.
water, application for use of, 516.
liability for waste, 524.
sale or sub-letting, 523.
supply through intervening water-course, 518.
rules for, 522.
stoppage of, 522.
water-courses, constructed before and after act—cost, 515 and /H8.
conversion of several parallel — into one, 522.
bridges over, or other suitable works by persons using, 517.
construction by canal officer on failure, 517.
joint-user, adjustment of claims, 517.
objections to construction, 519.
procedure when objections valid, 520.
occupation, applicant placed in, conditions, 520.
procedure applicable to, 521.
transfer of existing, 519.
water-rates, 524.
recovery, 525.
works, construction and maintenance adjustment of claims in joint use. 517-
cost of, 517.
see drainage.

CHIN HILLS, defined, 130, 311.
constituted a sessions division and district, 287.

CHIN HILLS REGULATION, 1896, 2S4.
amended, 690.
arms and ammunition, 291.
bond, breach, 29U.
civil jurisdiction, 287.
control and revision, 292.
courts, bar of jurisdiction, 293.
district and division, 287.
definitions, 284.
disaffected tribe, 288.
expulsion and removal of persons, 289.
ex+ent, 284.
feuds, disputes likely to lead to, 289.
fines, recovery, 292.
foreign fermented liquor—penalty for sale, 292.

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Chin Hills Regulation, 1896—*contd.*
Forest Act, prosecution under—without sanction, 292.
headmen, civil and criminal jurisdiction, 286.
powers, 286.
High Court, 287.
laws applied, 285 and 293 to 295.
other lawa not to apply, 285.
power to declare other laws in force, 285.
murder, fines for, 288.
opium, penalty for import, etc., 292.
penalty for abuse of authority, 288.
powers, delegation, 293.
rules, 293.
security for prevention of crime, 289.
from tribes, 290.
imprisonment in default, 290.
sessions court and judge, 287.
taxes, realization, 292.
undesirable persons, expulsion and removal, 289.
villages, imposition of fines for collusion with criminals, 287.
new, formation, 289.
removal, 289.
withdrawal of cases, 287.
Civil Courts Regulation, 1896—*See* Upper Burma—.
Coast Lights Act, 1879 , 32.
amended, 147.
arrival of vessel, report, 34.
definitions, 33.
disputes, determination of, 36.
dues,collection and variation of, 34.
refusal to pay, 35.
voyages for which payment is made, 34 and 37.
what vessels are to pay, 33.
when payable, 34.
extent, 33.
port clearance, grant of — on payment of dues, 35.
receipts and expenditure, 36.
repeals, 33.
tonnage, ascertainment, 34.
Court Fees Acr, 1870, certain sections of — not to apply to areas in which Burma Act I of 1910 is in force, 691.
Courts—*See* Lower Burma Courts Act, 1900.
Criminal Justice Regulation, 1892—*See* Upner Burma.
Defili Traffic Act, 1907 (Bur. Act VIII of 1907), 621.
definitions, 621.
extent, 621.

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Defile Tiufiic Act, 1907 (Bur. Act VTII of 1907)—*contd.*

forest act, 1902, saving of, 623.
rules, 621.
penalty for breach, 622.

District Cesses and Rural Police Act, **1880 (II of 1880), 42.**

abolition, power as to, 44.
amended, 147 and 618.
cesses, realization, 45.
time and mode of payment, 45.
control, 45.
definitions, 43.
deputy commissioner, powers, 44.
exemption, power, 44.
extent, 42.
funds, application, 44.
houses, cesses on, 43.
saving, 43.
land, cesses on, 43.
repeals, 43.
revenue-officers, powers and duties, 45.
rural police, provisions relating to—repealed, 45.
rules, 45.

Embankment Act, 1877 **(XIII** of 1877), 30.

repealed when notified, 637 and 641.

Embankment **Act, 1909 (Bur. Act IV of 1909), 633.**
date of operation, 637.
definitions, 638.
dyke or embankment—penalty for unauthorized construction, alteration or repair, 640.
removal of — on notice und penalty for failure, 640.
recovery of cost of removal, 641.
extent, 637.
labour, when it may be impressed, 638.
payment, 639.
penalty for failure to furnish, 639.
materials, impressment of, 639.
compensation for damage, 639.
payment, 639.
public servant defined, 641.
repeals, 637 and 641.
rules, 641.
publication, 041.
trespass, penalty, 640.
villages, preparation of lists of — required to supply labour, 638.

Evidence Act, **1872—*Sec* Indian —.**

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EXCISE Act, 1896 (XII of 1896), 110.

abetment, 127.
amended, 182.
arrest, warrants of, 123.
procedure after, 124.
arrears, recovery of — by farmer, 120.
of fees, recovery, 122.
attempts, 127.
bonded wharehouses, establishment and licensing, 116.
cantonments, 127.
compensation to turmur, 120.
confiscation, 122.
control, 128.
definitions, 111.
distilleries, establishment, 113.
exemption, power as to, 128.
extent, 110.
farm, cancellation, 120.
fees, farming, 120.
fermented liquor, manufacture, 113.
duty on, 113 and 121.
licenses, 119.
possession and import, 121.
rules, 118.
sale, 118.
fines and rewards, disposal, 127.
illicit spirit, arrest for carrying, 122.
intoxicating drugs, cultivation and control, 115.
duration of period of warehousing, 117.
duty, 116.
licenses for possession or transport, 118.
possession, 118.
removal from one warehouse to another, 117.
rules as to, 118.
sale, 118.
inspection of shop, 122.
jail for confinement, 127.
licenses, cancellation, 119.
grant of, by tarmer, 120.
rules, 504.
see fermented liquor, intoxicating drugs; retail spirit.
penalties, 124 , 504.
police to aid, 124.
powers of officers, 122.
repeal», 111 and 129.
retail license, surrender, 119.

Univ Calif - Digitized by Microsoft ®

Excise Act, 1896 (XII of 1896)—*contd.*
rules, 114, 117, 128 and 504.
sale during prohibited hours, penalty, 504.
sayings, 111.
of acts, 113.
search, 123.
seizure, 122 and 123.
procedure after, 124.
spirit — duty on, 113, 121 and 122.
licenses, 118.
manufacture, 118.
possession and import, 120.
rules, 119.
sale, 118.
tari, supply of — to licensed vendors, 120.
warehouse dues — payment, 116.

FERRIES ACT, 1898 (Bur. Act II of 1898), 322.
amended, 441. .
arrears, recovery of, 324.
arrest without warrant, 329.
boats, possession of, on surrender or cancellation of lease, 32S.
public emergency, 330.
civil suits, bar of, 330.
damage, assessment for, 329.
definitions, 322.
extent, 322.
fines, 329.
lease, cancellation, 324.
on deiault, 328.
see boats,
surrender, 324.
license, plying without, in limits of public ferry, penalty, 320.
municipality, vesting of superintendence in, 323.
. passengers, penalties on offending, 328.
penalties, 327.
powers, delegation, 329.
private ferry, within limits of public ferry, 326.
penalty, 329.
proceeds, 323.
public ferries, establishment, control and superintendence, 323.
letting of, 323.
sub-letting, 324.
rent, abatement of, 326.
rules, 324.
publication, 225.
summary trial, 329.

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FERRIES ACT, 1898 (Bur. Act II of 1898)—*contd.*
superintendent, powers, 325.
tolls, 326.
crediting of, 327.
town council — vesting of superintendence in, 323.
FINANCIAL COMMISSIONER'S ACT, 1888 (XVIII of 1888), 103.
appointment and removal, 104.
chief controlling revenue authority, 104.
enactments modified, 104.
extent, 103.
functions, 104.
powers, delegation of, 104.
subordination, 104.
validation of past proceedings, 104.
FISHERIES ACT, 19u5 (Bur. Act III of 1905), 537.
angling license, 539.
amended, 643.
arrest without warrant, 542.
wrongful, 546.
charge of fishery, 539.
channels or canals, 542.
closure of illegal, 546.
penalty for making, 545.
civil courts, bar of, 548.
classification, 540.
definitions, 538.
extent, 537.
fees, recovery, 547.
forfeiture, 546.
implements, inspection, 543.
joint liability of borrowers, 547.
loans, joint liability for, 547.
recovery of, 547.
obstructions, 541.
removal, 546.
oifence, prevention of commission, 542.
officer, qualifications, 544.
penalties, 544.
poisons, search and seizure, 543.
police officers, aid by, 544.
protection, 542.
rents, recovery, 547.
repeals, 538 and 550.
revenue officers, procedure, 547.
rights, 539.
bur, 539.
disposnl of, 540.

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FISHERIES ACT, 1905 (Bur. Act III of 1905)—*contd.*
rules, 548 and 549.
search and seizure, 543.
wrongful, 546.
Shau States, extension to, 538.
species, protection, 542.
turtle or tortoise banks, protection, 542.

Fohest ACT, 1902 (Bur. Act VI of 1902), 475.
amended, 594.
appeals from orders as to claims of rights, 482.
appointments, saving of, 475.
arrest without warrant, 492.
bond, money due on, recovery, 500.
Burma Land and Revenue Act, 1896, savings of rights, 502.
catechu, royalty on manufactured, 487.
claims, treatment of, 480 and 481.
compensation for damage by forest offence, 498.
confiscated property, release, 499.
vesting, 499.
Defile Traffic Act, 1907, not to affect, 623.
definitions, 476 and 477.
drift timber, 490 and 491.
notices to claimants, 491.
duty on imported produce, 488.
exemption from, 488.
evidence, special rules, 494.
extent, 475.
fines, power to alter under Cattle Trespass Act, 495.
fires in reserved forests, 486.
government, money due to, recovery, 499.
information, persons bound to furnish and assist, 493.
land acquisition, 502.
limitation, 501.
marks, counterfeiting, penalty, 497.
offender, unknown—procedure, 499.
offences, compounding, 497.
officers, investiture with powers, 500.
penalties, 492, 493, 494 and 497.
to rules, power to attach, 487, 490 and 492.
perishable property seized, 499.
proceedings, limitation, 501.
proclamation, 478.
produce, imported, duty, 488.
in transit, control, rules, 488 and 489.
involved in forest offence, disposal, 498.
loss or damage, liability, 502.

Univ Calif - Digitized by Microsoft ®

FOREST ACT, 1902 (Bur. Act VI of 1902)—*contd.*
property liable to confiscation, seizure, 493.
see confiscated.
public forest land, rules for protection, 487.
repeal«, 475 and 502.
reserve, proposal to, abandonment, 483.
reserved forest, cessation as, 486.
power to constitute, 478.
constitution of, 4R3.
prohibited acts in, 485.
rights in, acquisition of, 485.
see proposal to reserve, fires,
water-course—power to stop way or — in, 485.
revenue-station, accident, assistance, 494.
rights before reservation—extinction of, 484.
settlement, 479.
procedure, 479.
revision by Local Government, 483.
rules, 487, 488, 492 and 501.
penalty to, 487, 488 and 492.
for breach, 496.
seizure, 493.
wrongful, 497.
settlement-officer, powers, 479.
shifting cultivation, claim to, 480.
right to practice, cancellation, 484.
timber, rules as to salving, 492.
stranded or drift, 490.
notices to claimants, 491.
see unclaimed,
trees, reserved, in unsettled tracts, 486.
protection, 486.
trespassing cattle, seizure, 493.
unclaimed timber, disposal, 492.
unsettled tracts, reserved trees, 486.
vesting of confiscated property, 499.
water-course in reserved forest, 485.
FBONTIER TRIBES REGULATION, 1896, 280.
blockade, notice, 281.
definitions, 281.
disaSected tribe, blockade, 281.
extent, 280.
members, detention of, 281.
property, confiscation, 281.
GAMBLING **Act** (Bur. **Act** I of 1899j, 435.
amended, 5U4.

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(iRAMBLING **Act (Bur. Act I of 1899)**—*contd.*

arrest without warrant, 43(3.
definitions, 436.
destruction of articles seized, 410.
entry, 437.
evidence, special rules, 438.
extent, 435.
fines, disposal of, as rewards, 441.
offences in public places, 436.
penalties, 439.
prosecutions in certain cases, bar, 440.
repeal, 435.
search, 437.
security, 441.
seizure, 436.

GENERAL CLAUSES (Bur. Act I of 1898), 310.

amended, 179.
application, 310.
Burma acts, application to certain tracts, 317.
definitions, 311 to 315.
enactments, citation, 320.
continuation of orders under, 319.
date of operation of, 316.
orders under, construction, 318.
repealed, construction of references in, 316.
revival of, 316.
distances, measurement, 317.
duty leviable by law, calculation, 317.
fines, recovery, 319.
gender and number, 317.
offences punishable under two or more enactments, 320.
powers and functionaries, 317.
repeals, effect of, 316.
rules and orders—construction, 318.
made after previous publication—action to be taken as to, 319.
making, rescinding and varying, 318.
see enactments repealed,
under Acts not in operation on passing, exercise of power of making and operation of such, 318.
time, commencement and termination, 316.
computation, 316.

HACKNEY CARRIAGES ACT, 1879 (XIV of 1879), 3^

amended, 179.
application, 38.
definitions, 37.
disputes as to fares, 40 and 41.

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HACKNEY CARRIAGES ACT, 1879 (XIV of 1879)—*contd.*
driving—furious and on wrong side of road, 460.
without lights, 401.
penalty, 460.
tees, disposal, 40.
fines, recovery, 40.
rules, 38 and 39.
confirmation and publication, 38.
extension of operation, 38.
for cantonments, 38.
penalty for breach, 40.
rescinding of, 38.
see also Municipal Act.
HIGHWAY **Act, 1907 (Bur. Act V of 1907), 604.**
arrest without warrant, 606.
extent, 604.
rules, 604 to 606.
penalty for breach, 606.
INDIAN EVIDENCE ACT, 1872, amended in its application to Upper Burma, 131.
INDIAN TOLLS ACT, 1851, amended in its application to Upper Burma, 131.
INDIAN **St IMP Act,** 1899, **operation of — in Arakan Hill district,** 302.
INLAND STEAM VESSELS ACT, 1884—Burma Defile Traffic Act, 1907, not to affect, 623.
INOCULATION PROHIBITION ACT, 1908 iBur. &.ct VI of 19081, 629.
definition, 629.
power of prohibition, 629.
prohibition, penalty for breach, 629.
KACHIN HILL TRACT AND TRIBE, defined, 313.
KACHIN HILL TRIBES REGULATION AMENDMENT REGULATION, 1910, 690.
KACHIN HILL TRIBES REGULATION AMENDMENT REGULATION, 1895, 253.
amended, 299, 304 and 690.
arms, ammunition, special rules, 260.
bond, breach of, 259.
civil jurisdiction, 256.
control, 253.
courts, jurisdiction, except in certain cases, barred, 263.
see headmen.
Criminal Procedure and Indian Penal Code—*see* headmen,
definitions, 254.
disputes likely to cause feuds, prevention, 258.
extent, 254.
fermented liquor and spirit, sale to hill-tribe, 262.
fines, *see* villages, 257.
Forest Act, prosecutions under, 261.
headmen, appointment and removal, 255.
criminal and civil jurisdiction, 255 and 256.
penalty for abuse of authority, 258.

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KACHIN Hill Tkibes Regulation Amendment Regulation, 189.')—*contd.*
headmen, appointment, etc.—*contd.*
powers, 255.
proceedings of, not to be regulated by Indian Penal or Criminal Procedure Code, 256.
High Court, 256.
imprisonment, length, 260.
law applicable to hill tribe in hill tracts, 254, 264 and 810.
barred, 254.
murder, fines for, 257.
obnoxious and suspicious persons—power to cause removal, 258.
opium, transport without license, and penalty, 261.
penalty for breach of certain orders, 259.
security for prevention of crime, 259.
sessions court and judge, 256.
taxes, 252.
recovery, 253.
tribes, di&afiectfid, 258.
security from, 259 and 260.
default of, 260.
villages, imposition of fines, 257.
prohibition of new, 258.
removal, 258.

LAND AND Re\enue Act, 1876 (II of 1876), 8.
alienation, report and failure to report, penalty, 16.
amended, 146, 467, 594.
appeals, 26.
prrears, recovery, 23.
costs for proceedings, 25.
assessment, land liable, and mode of, 17.
birds' nests, edible, licenses for collection, 23.
boundary-marks, erection and repair, 26.
capitation tax, 20.
land rate in lieu, 20.
civil courts—bar to jurisdiction, 27.
see land-holders, status,
definitions, 9.
defaulters, proceedings against, 21.
edible birds' nests, *see* birds' nests,
extent, 9.
grazing grounds, allotment, 16.
landholder, rights defined, 12.
recovery of land by — out of possession before operation of Act, 12.
status, acquirement of, 11.
decision by Civil Courts, 14.
forfeiture. 12 and 13.

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LAND AND REVENUE ACT, 1876 ill of 1876j—*contd.*
landholder, rights defined—*contd.*
temporary relinquishment and transfer to revenue officer and recovery, 13.
successor, and application, 14.
lands, proceedings against for arrears, 25.
rules for disposal of available, 15.
land-revenue, 17.
assessment, year of, 23.
date of increase, 23.
settlement, 18.
continuance of benefits of expired till new scttlcm'ut, 10.
minerals, extraction, 21.
rules, 22.
not to affect certain rights of profit (Forest Act), 502.
part II not to apply to certain lands, 10.
power to exclude other lands, 11.
personal liability, 21.
possession, applications for, 12.
suits on rejection, 13.
rates, alteration, 18.
date of increase, 23.
year of assessment, 23.
repeals, 0.
revenue officers, defaulting, proceedings against, 25.
powers, additional—conferrable on, 28.
rights, 10.
acquirement, 11.
bar to acquisition in certain cases, 16.
rules, additional powers, 28.
penalty for breach, 29.
publication, 29.
salt, manufacture, license, 22.
s. 58 *(d)* repealed, 692.
settlement, 18 and 10.
sureties, proceedings against, 25.
taxes, 20.
personal liability for families, 21.
temporary occupation, rules, 15.
title by purchase at sale, 25.
toungya, cutters-allotments to, 16.
tax, 19.
towns in which land rate in lieu of capitation is levied. 30..
year of assessment and date of increase, 23.
witnesses bound to speak truth, 26.
summoning of, 26.

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LITTLE COCOS AND PREPARIS ISLAND LAWS ACT, 1883 (VIII of 1883), 72.
laws in force, declaration, 72.
scheduled district, date of cessation of position as, 73.
LOCAL AUTHORITIES LOAN ACT, 1904 (III of 1904), 171.
amended, 183.
borrowing to repay previous loan, 181.
conditions of, regulation of, 182.
extent, 181.
repayment, regulation of, 182.
LOWER BURMA, defined, 315.
LOWER BURMA COURTS ACT, 1900 (VI of 1900), 156.
abolished court, transfer of jurisdiction, 171.
administrative control, delegation of powers, 168.
advocates of abolished court, 170.
amended, 468 and 620.
appeals, 167.
after commencement, 172.
limitation period of—to divisional courts, 167.
Arakan Hill district, saving as to, 157.
chief court establishment, constitution and appointment of chief judge, 157.
jurisdiction and exercise of, 108 and 159.
second appeals to, 167.
civil and criminal jurisdiction, 158.
jurisdiction, procedure, 161.
courts, establishment of, 164.
jurisdiction, 164 and 160.
see abolished,
definitions, 156.
district court, delegation of powers, 168,
divisional courts, original jurisdiction, 164.
period of limitation of appeals to, 167.
European British subject—High Court for — in Burma,]58.
execution of past decrees, etc., 172.
extent, 156.
enactments amended, 173 and 174.
full bench, constitution, 156.
reference to, 159.
judges, precedence, 108.
precluded from trying cases in which personally interested, 16S.
rule as to difference between, 160.
see subordinate courts,
language, 170.
ministerial officers, 161 and 169.
see subordinate courts,
original jurisdiction, appeal, 1G0.
pending proceedings, 171.
process serving establishment, rules, 170.

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Lo«ep. Bubma Courts Act, **1900 (VI of 1900)—*contd.***
Rangoon, commitment by magistrate in, 160.
jurisdiction of small cause court of, 165.
registers, etc., 163.
repeals, 173 and 177.
review in trials of European British subjects, 159.
rules by Chief Court, 162 and 173.
local Government, 170 and 173.
seal, 170.
section 41 repealed, 692.
sitting, place of, 170.
small cause courts, power to erect, 165.
***see* Rangoon.**
subordinate courts—
appointment of Judges, 169.
ministerial officers, 169.
superintendence and control, 162 and 164.
civil courts, grades, 163.
language, 170.
territorial divisions, 164.
town-ship courts, Judges of, 169.
transfer of cases, 168.
vacations, 170.
Lower Burma Town \nd Village Lands Act, **1898 (Bur. Act IV of 1898), 420.**
amended, 594.
appeals, 432.
application, 421.
boundaries, power to define, 422.
civil courts, bar of, 432.
definitions, 421.
Financial Commissioner's powtrs of revision, 432.
to make rules, 432.
land, disposal, 425.
exempted irom operation of Chapter VIII, 431.
rights in, 423.
savings, 424.
transfer of, notice, 430.
penalty for failure, 431.
landholder's right, 424.
duty of civil court when such is questioned, 425.
minerals, 429.
possession, record of, 430.
Registration of documents, 430.
repeals, 433.
revenue assessment, 428.
officers, bar of suits, 483.
revision—*see* Financial Commissioner,
rules, 432 and 433.
publication, 433.

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Loweb Bpbma Town AND Village Lands Act, 1898 (Bur. Act IV of 18C8;—*conti.*
State land, eviction, 426 and 427.
unauthorised possession and use, 426 and 427.
penalties, 426 and 427.
suits, *see* revenue officers,
sums d'je to Government, recovery, 429.
levied in past legalized, 433.
witnesses, duty of, 432.
MILITARY POLICE ACT, 1887 (XV of 1887\ 95.
amended, 147, 442 and 468.
arrest and confinement, additional piwers, 11)1.
corporal punishment, 99.
definitions, 95.
disci pi inary powers, 101.
enrolment, statement, 102.
extent, 95.
heinous offences, 97.
less, 98.
imprisonment, place of, 100.
minor punishments, 100.
offences, 97 and 98.
officers,, classes and grades, 97.
enrolment and discharge, 96.
magisterial powers, conferment, 10O.
privileges of commandants, etc., 102.
repeal, 95.
miles, 102.
MOTOB Vehicle Act, 1906 (Bur. Act II of 1906), 591.
arrest without warrant, 592.
definition, 591.
extent, 591.
offences, trial, 593.
rules, 591.
penalty for breach, 592.
MUNICIPAL ACT, 1898 (Bur. Act III of 1898i, 338.
abolition of municipality, 340.
Act XVII of 1884, taxes levied under, 361.
action under Act, suspension, 407.
advertisement, unauthorized, 404.
amended, 176, 469, 503, 593 and 636.
animals driven contrary to notice, 402.
feeding on deleterious substances, 400.
straving on street, 401.
annual reports, 409.
appeals, 399.
application of Act, 341.

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♦Icsia?ii Act. 189? -Tiirr. Ari III *cs* 1SMI—«enfi,
barbed «ire. -537,
b»tkjc* *asá* w^-h'-g piice*. Sfl.
Vnmiit ri ==ogsaoas *£<eeixcf. MtdeaiOi. 375.
Bctikìì, 405.
biddings, cinaiu im. re-aiì, 379.
iisgerce». 3W-.
kítt asá ÎE?peojoE, 354.
Êitij. tfecsij. 391.
Læ *yf.* 377.
e *¡¿J^I* i^etv„ 87 o.
I?' ceT — -
Küi-'iife ', CTeT äraiiLS. 2S It ?
nn£t kt u»£, 391.
{uriti. 353 aiad -HS.
baña««, eaodia. Si7 and Sí?.
bTe-k«î, iff ruis,
etrcises. ¿tr-nfsl cf. 3?i.
dairra Ka.. Si?,
eüainsí» iwntT. 415.
«Bmissce-. ccB«]K^ecs cf efâi&iiiEiæ; er kt, 345.
di¿j>Eíc- wiîn odter kval IksIiit, 10?.
[illegible], etc., of, 406.
iaewpantioa. 344.
IKMI Gomiaesi. p'Tss n dfáoh of. 4-!S.
cnar. 405.
rmniifana. 342
pc-îjÂiT reasd in. 374.
power io niaie tjeJiii. 319.
ta BKmkeis.
caaapaastûtra fer ii=sage, 3d?.
«BæTianr, [illegible], ía «nsk *ms. Ï51.
<OB&iimù(p. 340.
canin«?. ir.î«es* a. SM.
coQSnal, -WS io 41>X
corpses. teoMtíl, Sí3 sai ÜB.
antico c* mízáápíEn, Sí'X
cwmttica. Si3 oi 4í*S.
CriEÍcaJ PtiwdiBí Cede, eieznr-tiraa Ëxm SMÜCB ÍW Oí. 412.
coltÎTüâcji Hs;wrieH» io-beatMi, 391.
âeâæêoBs, 339.
discrâecK ocbas. -feM.
poríccí, jff bad.
deçs tes, -frÿä.
disiasse 857.
drink, 382.

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MUNICIPAL Act, **1898 [Bur. Act III of. 1098)- -*contd.***
drugs, sale, 382.
dwelling, precautions in entry, 387.
elections notification, 347.
emergency, extraordinary powers in case of, 407.
entry, 384.
estimates and expenditure, 410.
epidemic disease, 393 and 403.
execution of works, recovery of costs of, 307
filth, non-removal, 400.
fire, 394.
arms, discharging, 401.
food, inspection of places of sale, 385.
sale of, 382.
seizure of, sold in contravention of rules, 33-j.
unwholesome, 385.
funds, application, 370.
custody, 373.
hedges, trimming of, 391.
hospital fund, 372 and 373.
infected persons or things, exposure, 402.
inflammable materials, 376.
inhabitants, questions as to who are, 415.
inspection, 384.
refusal of, 400.
irrigation, noxious, 391.
interregnum, business during, 347.
lamps, brackets for, 376.
destroying, 404.
driving without, 401 and 460.
land, acquisition, 355 and 375.
entry, 384.
fencing, 391.
resumed, compensation, 375.
resorted to by disorderly persons, 391.
used for swerage, compensation, 389.
language, 349.
latrine tax, 358.
lighting tax, 358.
limits, alteration of, 340.
local area, effect of exclusion, 341.
Government, *see* Committees.
Local Authorities Loans Act, 1879, saving, 415..
loitering for prostitution, 406 and 464.
loss, waste, etc., liability, 355.
manure, noxious, 391.
wrongful use, 401.

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Municipal Act, 1898 (Bur. Act III of 1898)—*contd.*

meetings, 347.
members of Committee, penalty for interest in contracts, 354.
removal, 344 and 347.
resignation, 343.
rules as to election, 343.
suits against, 355.
term of office, 343.
municipalities, powers to exempt from unsuitable provisions, 415.
name boards, destruction of, 404.
new buildings, assessment, 368.
notice of new, 377.
notices, 414.
see public.
notified area, exclusion or inclusion of local area from, effect of, 417.
nuisance, continuance of, 401.
obstructions and projections, removal, 380.
offences affeeting public health, etc., 399.
offences, cognizance, 412.
compounding, 412.
offensive matter, 381.
trades, 392 and 401.
officers, 351.
pension in case of injury or loss of life on duty, 353.
pensions, 351 and 353.
police, powers and duties, 411.
president, 346.
privies, 387.
closing for repairs, 388.
proceedings, not invalidated for irregularity or defect, 351.
prosecution pending appeal in certain cases, 412.
saving as to, under other laws, 413.
property, 374.
transfer of, 353 and 375.
prostitutes, 405.
providnnt fund (Rangoon), 352.
public conveyance, failure to disinfect, 403.
public health, *see* offences,
notices, publication, 413.
servant, 356.
quarrying or blasting, 402.
quorum, 348.
Rangoon, *see* provident fund,
settlement, list in, 366.
Water-worts Act, 1884, power to extend, 416.
rain-water, troughs and pipes, 387.

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MUNICIPAL **Act, 1898 (Bur. Act III o£ 1898)** ***contd.***

receipts, 410.
regulation V of 1887, taxes levied under, 361.
refuse, deposit of, on roads or drains, 399.
rules, 343, 395, 396, 397 and 411.
continuance of existing, 414.
procedure for making certain publication, 413.
sanitary powers, 375.
saving as to judge or magistrate in trials of cases under Act, 413.
see prosecutions,
scavenging access for, 390.
entry for purposes of, 386.
tax, 359.
school fund, 372 and 373.
see Upper Burma Municipal Regulation, 1887.
servants, 351.
pension in case of injury or loss of life on duty, 353.
sewage, wrongful discharge of, 399.
sewers, inspection, 384.
unauthorized alteration, 400.
sewerage, 388 and 389.
slaughter houses, 382.
inspection of illegal, 386.
unauthorized, 400.
small towns, 416.
solicitation, 406.
statements, annual, 409.
streets, encroachment, 402.
hanging articles over, 402.
names, 376.
temporary occupation and use by certain animals and vehicles, 376.
tanks, drainage of unwholesome, 390.
repair of, 390.
taxation, 356 and 357.
abolition, suspension and exemption, 360.
assessment, collection and remission, 361 and 369.
immoveable property, 362 to 366.
procedure for imposing, 359.
***see* Act XVII of 1884, Regulation V of 1887.**
trees on streets, 391.
trades, offensive and dangerous, 392.
vacancies, casual, 344.
vegetation, noxious, removal, 391.
vice-president, 346.
voting 348.

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MUNICIPAL ACT, 1898 (Bur. Act III of 1898)—*concld.*

washing-places, 381.

water-tax, 358.

weights and measures, inspection, 386.

well, repair, 390.

works, sanction to, 410.

OPIUM LAW AMENDMENT ACT, 1909 (Bur. Act VII of 1909), 644.

arrest, 645.

reports, 645.

Criminal Procedure Code, 103—*see* search,

search and seizure, 645.

exempted from s. 103 of Criminal Procedure Code, 645.

reports, 645.

unlawful manufacture, powers of magistrate as to person earning livelihood by, 644.

PEGU AND TENASSERIM Validation Act, 1895 (XI of 1895), 106.

proceedings of officers validated, 106.

PILOTS ACT, 1883 (BRITISH BURMA) (XII of 1883), 74.

amended, 628.

assessors, 76.

fees, 77.

court (special) for investigation of charges, if necessary, 76.

constitution, 76.

evidence, powers as to and regulation of proceedings, 77

president, 76.

report to local Government, 78.

rules for, power to make, 78.

charge, pilot to be informed of grounds, 77.

extent, 74.

functions, delegation, 79.

license, cancellation and suspension, 78.

licensing, 75.

rules to regulate conduct, 75.

for special court, etc., 78.

POLICE, *see* Military Police; Rangoon—.

Act, 1861-S. 20, not to apply to certain areas and whole Acts to Rangoon town, 132 and 448.

PREPARIS ISLANDS, *see* Little Cocos and—Laws Act, 1883.

PROCESS FEES Act, 1910 (Bur. Act I of 1910), 691.

Court Fees Act, 1870, certain sections not to apply, 691.

repeals, 691.

rules, 691.

RANGOON POLICE ACT, 1899 (Bur. Act IV of 1899), 448.

additional police, 453 and 454.

amended, 469, 503 and 603.

animals, obstruction by, 461.

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RANGOON POLICE ACT, 1899 (Bur. Act IV of 1899)—*contd.*

application to Burma provincial police in Rangoon town, barred, 448.
arrest, additional powers, 458.
resistance of, 459.
without warrant, 457 and 459.
bathing, public, 462.
brothels, 463.
Burma provincial police, Act not to apply to, in Rangoon town, 448-
cattle, negligent driving of, 461.
commissioner, appointment and powers, 450.
constitution, 449 and 451.
control, 451.
crowds, regulation, 459.
definitions, 449.
discipline, breaches of, 452.
disorderly houses, entry and inspection, 458.
penalty for keeping, 463.
disturbed areas compensation for damage in, 455.
punitive police in, 454.
driving, improper, 460.
duties, 451.
entry, 458.'
extent, 448.
fines, non-payment of, 464.
fire-works and fire-arms, 462.
forms of appointment, 467.
functions, 451.
fund for rewards, 453.
gaming houses, warrant for search, 450.
good behaviour, security, 457.
illuminations, 461.
indecent exposure, 460.
inspection, 458.
intestates' property, 465.
license fees, 464.
limitation, 465.
lodging houses, entry and inspection, 458.
loitering for prostitution, 464.
obstructions, 461.
pawn shops, entry and inspection, 458.
penalties, 453, 460, 462, 463 and 464.
perishable property, 464.
posters, etc., 462.
Police Act, 1888, not affected by, 448.
powers, 451.
privileges, 451.

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RANGOON POLICE ACT, 1899 (Bur. Act IV of 1899)—*concld.*

processions, 459.
prosecutions, sanction to, 466.
prostitutes, *see* loitering; solicitation, 464.
public resort, admission to places of, 458.
pubic works, additional police, 454.
punitive police, 454.
Rangoon town, effect of alteration of limits, 449.
regulation of police, 449.
resignation, 452.
roads, power to keep order in, 460.
sale and training of animals on, 461.
rules, 451 and 466.
solicitation, 464.
special police, 456.
stolen property, possession, 457.
stray dogs, 465.
streets, music and torches in, 459.
superintendence, 449.
sums, recovery of certain, 456.
thieves, reputed, apprehension, 457.
traffic regulation, 459.
unclaimed property, 464.
vehicles, repairing on public roads, 461.
weights and measures, false, entry and seizure, 401

RANGOON POET ACT, 1905 (Bur. Act IV of 1905), 555.

accounts, annual, 570.
audit, 571.
submission to local Government, 570.
amended, 590 and 627.
appointments, notification, 559.
balances, investment, 568.
bathing-places, removal, 575.
borrowing powers, 565.
business, conduct, 559 and 560.
place of, 587.
bye-laws, 574.
may provide penalty for breach, 574.
chairman, 557.
carrying out of certain works by, 560.
claims, compounding, 562.
constitution, 557.
contracts, 561, 584 and 585.
control, 571.
customs-officers, accommodation, 576.
debentures, 566.
form of, 590.

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RANGOON **Port Act, 1905 (Bur. Act IV of 1905)—*contd.***

definitions, 556.
disqualifications of Commissioners, 558.
distraint of vessel, 583.
dues at wharves, 078.
election, 557.
estimates and accounts, annual, 570.
expenditure, on emergency, 571.
funds, disposal of, 568.
special investment, 568.
goods, discharge of liability on landed, 577.
landing and shipping, 575.

see **loss; warehouses.**

Governor General, may revoke powers, 573.
Government land, restrictions as to, vested in Commissioners, 564.
indemnity, 586.
land, acquisition, 565.
landing places, public, 575.
and shipping, 575.
lien, discharge, 581.
lien for tolls and charges, 580.
limitation, 586.
loans, repayment of Government, 567.
where to be raised, 566.
Local Authorities Loan Act, 1904, saving of loans under, 567.
loss or destruction of goods, liability, 586.
meetings, 559.
moneys, application of, 568.
Municipal Committee, compensation, 569.
notification under certain sections, previous publication, 577.
office, tenure of, 558.
officers and servants, 562.
appointment, 563.
penalties, 584 and 585.
personal liability, 586.
police, port, cost of, 569.
port-clearance when dues not paid, 583.
regulations, previous, saving, 587.
proceedings, not invalidated by vacancy or defect of form, 560.
property, damage to, compensation, 584.
power to acquire and dispose of, 564.
trust, 565.
vested in commissioners, 564, 588 and 589.
public servants, 587.
rates, recovery, 582 and 583.
power of Local Government to require increase, 572.

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RANGOON POUT ACT, 1905 (Bur. Act IV of 1905^—*cuncld.*

rates—*contd.*

lien and scale, 579 and 580.
re-appropriation, 571.
remuneration of Commissioners, 558.
repeals, 556 and 587.
revoke of powers by Governor General, 573.
river dues, power to impose and increase, 579.
sale, 582 und 583.
proceeds of, application, 582.
servants, 562.
appointment, 563.
shipping appliances, 575.
sinking fund, 566.
application and investment, 567.
examination, annual, 567.
succession, 556.
temporary appointments, 563.
tolls, lien, 580.
recovery, 582 and 583.
scale, 590.
vice-chairman, 557.
ware-houses, removal of goods to, and charges, 581.
warrant, 584.
wharves, 576.
bejond port limits, 578.
compulsory use of, 576.
exemption from use of, 577.
private, 578.
removal of vessel from, 577.
works, construction, Chairman's powers and general powers, 560, 573.
neglected, power of local Government to carry out, 572.
power to sanction, 561.
surveys and examination of — by order of Local Government, 572.

RANGOON TRAMWAYS **Act, 1883 (XXII of 1883), repealed, 642.**

RANGOON WATER-WORKS ACT, **1884 (XIX of 1884), 82.**
Amended, 467 and 595.
arrears, recovery of, 92.
construction, 86.
committee, reference to, 90.
communication pipes, 86.
contracts, saving of, between owners and occupiers, 91.
definitions, 83.
domestic purposes, works sufficient for supply for, 90.
entry, powersof, 87.
extension, power of, 416.

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RANGOON AY'S'EEi-v, ORKS ACT, 1884 (XIX o£ 1884) *contd.*

estimate and specification, 90.
fee on reference, 90.
fires, supply for extinguishing, 88.
inspection, 86.
maintenance, 85.
owner to provide for water-supply, 89.
on default of, occupier may provide, 89.
penalties, 93.
pressure, 89.
property, vestiDg of, 84.
prosecutions, 94.
repair, 87 and 91.
rules, 91 and 92.
service pipes, connection with, 87.
sewers, supply for cleansing, 88.
streets, power to break up, 85.
supply for cleansing, 88.
sums payable by occupier, recovery, 91.
supply, 85 and 88.
gratuitous, 88.
in house or land, 86.
occupiers' right, 85.
see fires; sewers; streets,
water, cutting-off, 87 and 93.

RANGOON VICTORIA MEMORIAL Act, 1908 (Bur. Act I of 190S), 623.
past proceedings, validation, 625.
property, 624.
public servants, 624.
rules, 624.
trustees, 623.

REGULATION V OP 1887—See Upper Burma Municipal Regulation, 1887.
Ill of 1889—*See* Upper Burma Land and Revenue Regulation, 1880.
I of 1895—*See* Kachin Hill Tribes Regulation, 1895.
I of 1896—*See* Upper Burma Civil Courts Regulation, 1896.
V of 1896—*See* Chin Hills Regulation, 1886.
II ¿f 1910, 690.

REPEALING Act, 1909 (Bur. Act V of 1909), 642.

REPEALING AND AMENDING ACT, 1903 (I of 1903), 178.
enactments amended, 178 and 179.
repealed, 178 and 180.
savings, 178.

RUBY REGULATION—See Upper Burma—.

RURAL POLICE—*See* District Cesses and—; Village Act, 1907.

Shan STATES, defined, 815.
law in, 132, 310 and 648 to 683.

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SHAN STATES—*contd.*
see **Fisheries Act, 1905.**
their administration, 132.
STAMP ACT, **1899,** *see* **Indian.**
STAMPS AND LIMITATION REGULATION, **1887,** *sec* **Upper Burma,**
STATE PRISONERS REGULATION, **1818 (III—Bengal), 1.**
allowance for support of, appropriation, 4.
date of application, 132.
decrees, satisfaction of, 4.
estates, attachment and release, 4.
management of attached, 4.
execution, estates attached not liable to sale in, 4.
Government, reports to, 3.
periodical reports, 3.
representations, 3.
visitors, 3.
warrant of commitment, 2.
form, 2.
STEAM BOILERS AND PRIME MOVERS ACTS, **1882** and **1885, 65** and **94.**
repealed, **694.**
STEAM BOILERS AND PRIME MOVERS **Act, 1910 (Bur. Act II** of **1910), 693.**
accident, report of, **696.**
alterations required by inspector, **695.**
appeals, **695** and **698.**
boiler—
licensing of, in certain cases, 696.
commission, constitution, 694.
proceedings subject to approval, 700.
powers and duties, 694.
certificates, 697 and 703.
commencement, 693.
definitions, 694.
engineer, form of report-, 703.
form of license on report, 703.
false report under s. 11, 697.
inspection, procedure, 695.
licenses, 695 and 700.
revocation and inspection, 697.
see **engineer,**
limitation of application, 694.
penalties, 698.
repeals, 691.
rules, 699.
TENASSERIM, *see* **Pegu and —.**
TOWNS **Act, 1907 CBur. Act III of 1907), 597.**
amended, 627.
billiard saloons, licensing, 601.

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Towns Act, 1907 (Bur. Act III of 1907)—*contd.*
definitions, 597.
elders, appointment, 597.
general duties, 598 and 599.
penalty for nogleet, 600.
extent, 597.
headmen, appointment, 597.
general duties, 597 to 599.
penalty for neglect, 600.
local area, declaration of-—as a town, 597.
orders, finality, 602.
public resort, licensing of places of, 601.
-pivè, unlicensed, penalty for holding, 601.
repeals, 597, 602 and 603.
residents, general duties, 600.
rules, 602.
publication, 602.
strangers, residence of — in Upper Burma to\ros, 600.
Upper Burma, towns, *see* strangers,
v^ards, division into, 597.
Tramways, *see* Rangoon Tramways Act, 1883.
Upper Burma—
defined, 315.
division of, into divisions, etc., 131.
enactments in force and those not in force, 130.
Indian Evidence Act, 1872, amended in its application to, 131.
Indian Tolls Act, 1851, amended in its application to, 131.
transfers of territory between — and Lower Burma, 134.
and Arakan Hills Frontier Crossing and Disturbed Districts Regulation', 1907, 306.
extent, 306.
security in certain cases, 308.
warning against crossing into forbidden areas, 306.
disobedience of, 307.
service and publication, 307.
Upper Burma Civil Courts Regulation, 1896, £68.
advocates, 276.
penalties in certain cases, 277.
rules as to fees, 277.
amended, 151, 301 and 305.
appellate jurisdiction, 272.
assessors, trial by aid of, 270.
civil courts, grades and jurisdiction, 270.
judges, 274.
place of sitting, 275.
Civil Procedure Code, amended, 280.
court fees, 279.

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I'pFEit Buiiiii Civil Courts Regulation, 1896—*contd.*

Sofinitions, 269.

divisional and district courts, original jurisdiction, 271.

extent, 268.

holidays, 279.

judges, additional, 275.

trial of cases in which judges personally interested, 275.

language, 279.

law to be administered by courts in certain cases, 269.

pending cases, abolished courts, 274.

and past proceedings, 276.

procedure, under Civil Procedure Code to be followed, 270,

process serving establishment, 278.

registrar, 279.

repeals, 269 and 280.

rules and orders, 278.

publication, 280.

seal, 275.

second appeals, 273.

sections repealed, 692.

small cause courts, 272.

transfer of cases, 273.

Upper Burma Ckiminai, Justice Regulation, 1892, 245.

amended, 149.

Criminal Procedure Code applied, 245.

modifications, 246 to 250.

savings, 245.

Upper Burma Land and Revenue Regulation, 1889, 219.

amended, 251, 300, 301, 302 and 304.

appeals, 222.

arrears, recovery, 237.

remedy when denied, 238.

business, distribution, 221.

civil courts, jurisdiction oxcluded in cases within powers of revenue officers, 241 and 242.

collector, discharge of duties under certain circumstances, 226.

control, administrative, 221.

definitions, 220, 227 and 234.

demands other than revenue, recovery, 239.

earth oil, 223.

entry, powers of, 240.

extent, 219.

Financial Commissioner, exercise of powers, 241.

fisheries, 234,

application of provision to cease when Burma Fisheries Act (3 of 1905), .applied, 538.

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UPPER BURMA LAND AND REVENUE REGULATION, 1889—*contd.*

holidays, 226.
land records, preparation and maintenance, 232.
lands other than Stato, 230.
liability to revenue, 230.
limitation, 222.
minerals, 233.
rules for digging, 234.
notice, service, 226.
pending proceedings, 220.
procedure, rules, 228.
process serving, 240.
proclamation, 226.
record of rights, disputes arising out of preparation, 233.
repeal, 219.
revenue collection, 236.
enhancement, 231.
security for payment and recovery of arrear, 237.
officers—appearances and applications before, 224.
bidding at sales by, 239.
classes and powers, 220 and '221.
conferment of powers of, 226.
powers to summon, 225.
retention of powers on transfer, 226.
reviews, 222.
revision o£ proceedings, 223.
rules, 234, 235, 236, 237, 238 and 239.
general power to make, 240.
penalty for breach, 241.
sale, effect of, for arrears, 238.
disposal of proceeds, 239.
salt, manufacture, 235.
penalty for unlicensed, 236.,
sections repealed, 692.
State land, 227.
claims and incidents of tenure, 228.
summons, service, 225.
thathameda-tax, rules for levy and assessment, 227.
validation of past proceedings, 239.
waste-land, allotment for grazing, 229. .
grant and temporary occupation, 229.

UPPER BURMA REGISTRATION REGULATION, 1897, 296.

compulsory and permissive registration, power for local Government to distinguish and notify, 297.
definitions, 297.
deposit of certain document^ for safe custody, produejtion and return of such, 298.

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ÜrPER Burma Registration Régulation, 18*Ql-^-contd.*
extent, 297.
non-registration, effect of, where such is compulsory, 297.
penalty for incorrect endorsement, 298.
other offences, 299.
registration officer, appointment of — and offices, 297.
declared to be public servant, 297.
rules, 297 and 298.
Upper Bukma Ruby Regulation, 1887, 209.
amended, 243, 296.
arrears, recovery, 215.
confiscation, 213.
construction, 210.
Criminal Procedure Code, *see* search and seizure.
definitions, 210.
digging for stones, 210.
duties, recovery, 215.
extent, 2u9.
fees, recovery, 215.
land, acquisition of, 216.
leases, grant of, 215.
offences, 212.
information as to, 215.
procedure in prosecuting for, 213.
rents, recovery, 215.
rules, 210.
provisions of, 211.
search and seizure, 213.
provisions of Criminal Procedure Code, applied, 214.
stones seized, disposal of, 215.
warrants, 215.
Upper Burma Stamp and Limitation Regulation', 1887, 208.
unstamped instruments, saving, 208.
Vaccination Act, 1880 (XIII of 1880), and Bur. Act Ï of 19U9, 58 aud 631.
amendment, 631.
application, 58 and 633.
arrest in certain cases, 633.
cantonments, extension, 59.
rules for, 62.
child, unfit, 61.
circles, 60.
definition^, 58.
disobedience of order, procedure, 62.
entry, vexatious, 635.
extension to municipalities other than Rangoon, 59, 633.
factory, vaccination of employés, 632.
fee, 61.

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VACCINATION ACT, 1880 (XIII of 18S0)*'ftnd Bar. Aotl of tfliW—W<#.
fines, credit of, 64.
non-payment of, 635.
inoculation, prohibition, 59 arid 629 (Act so called),
infection, child exposed to, vaccination, 631.
inspection, 60 and 634.
insusceptibility certificate, 60.
lodg'ng house, vaccination of inmates, 628.
lymph, 61.
magist'ates, 62.
municipalities, extension, 59 and 633.
rules for, 62.
notice, 62.
order on non-compliance of, 62.
offences, punishment, 64.
operation, withdrawal of local area from operation, 59.
penalty, 634.
postponement certificates, 61.
prosecution, sanction to, 635.
protected persons, vaccination after notice, 632.
arriving by vessel, 633.
repeal, 631.
rules, provisions of, 63.
superintendent, definition and duties, 630 and 61.
for purposes of various enactments, 630.
occupier of house to allow accoss to, 632.
vaccinators, 60.
definition, 630.
private, 60.
unlicensed, 630.
VACCINATORS LICENSING Act, 1908 (Bur. Act VI of 1908), 629.
definition cf, 630.
unlicensed, 630.
VrLLiGE ACT, 1907 (Bur. Act VI of 1907), 608.
accessory, penalty for, 614.
civil courts, bar of, 618.
definitions, 608.
extent, 608.
fines recovery, 617.
headmen, civil jurisdiction. 609.
criminal cases, disposal of petty, 012.
emoluments, 618.
general duties, 610 and 611.
neglect and abuse of authority, penalty, 61;J.
protection, 619.
trial by — for neglect to report prosence of strangers, 615.

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VILLAGE ACT, 1907 (Bur. Act VI of 1907)—*contd.*
homicide, penalty where it is committed or attempted, 615.
houses, erection of, outside villages—penalty for breach of orders, 616.
new villagers, unauthorized establishment and penalty, 616.
orders, finality, 617.
penalty as accessory to crime, 614.
powers, delegation of — in case of certain officers, 618.
pwe unlicensed, penalty for holding, etc., 617.
repeals, 608 and 620.
residents, general duties, 613.
penalty for neglect, 614.
power to require removal, 616.
rural police-men, emoluments, 618.
general duties, 610 and 611.
neglect and abuse of authority, 613.
protection, 619.
strangers, notification of residence, 615.
penalty for neglect of report, 615.
unauthorized settlement of, 615.
VICTORIA MEMORIAL ACT, 1908—*See* Rangoon —.

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