THE COURTS MANUAL

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APPENDIX I

RULESAND DIRECTIONS UNDER THE BURMA INSOLVENCY ACT.

THE BURMA INSOLVENCY RULES, 1924. *

Notices.

(1) Whenever publication of any notice or other matter is required by the Act to be made in an official Gazette, a memorandum of the date of the advertisement and the page on which it appeared shall be filed with the record of the case. In any case in which the Court directs that notice shall be advertised in a local newspaper, a copy of such advertisement together with a memorandum of the date of its publication, shall be filed with the record.

(2) Notice of the order fixing the date of the hearing of a petition under section 19 *(1)* of the Act shall be published in the local Official Gazette and may also be published in such local newspaper or newspapers as the Court thinks fit.

A copy of the notice shall also be served on each creditor named in a debtor's petition either in the manner indicated in Order V of the First Schedule of the Civil Procedure Code, or by forwarding it by post in a registered cover to the address of the creditor as given in the petition or otherwise ascertained by the Court.

The same procedure shall be followed in the case of notices of the date for consideration of a proposal for composition or scheme of arrangement under section 38 *(1)*.

(3) The Court may direct that notice of an order of adjudication under section 30 or of an order annulling an adjudication under section 35, 36, 39 or 43 of the Act shall be published in such local newspaper or newspapers as it thinks fit, in addition to the publication in the local Official Gazette required by section 37 *(2)* of the Act.

When the debtor is a Government servant, a copy of the order shall be sent to the head of the office in which he is employed.

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* High Court Notification No. 2 (General), dated the 2nd April, 1924.

(4) The notice to be given by the Court under section 50 shall be served on the creditor or his pleader, or may be sent by post, by registered letter.

(5) The notice to be issued by the Receiver under section 64 before the declaration of a final dividend to the persons whose claims to be creditors have been notified but not proved, may be sent by post, registered.

(6) Notice of the date of hearing of an application for discharge under section 41 (1) shall be published in the local Official Gazette, and may also be published in such local newspaper or newspapers as the Court thinks fit. Copies shall also be sent by post, registered, to all creditors, whether they have proved or not.

(7) Whenever a notice is sent by post in accordance with any of these rules, the receipt issued by the post office to the sender must always be filed on the record of the case, or in the case of a notice sent by the Receiver, with his proceedings in the case. Such receipts accompanied by a certificate by an officer of the Court that such notice has been duly posted shall be sufficient evidence that the notice was duly sent to the persons to whom it was addressed.

The cost of postage shall in every case be paid by the Court, on receipt of the process fees provided for under the Court Fees Act.

(8) In addition to the methods of publication prescribed in the foregoing rules, any notice or order may be punished in such other manner as the Court may direct, as for instance, by affixing copies in the Court-house or by beat of going in the village in which the insolvent resides.

Proceeding by or against Firms.

(9) Where any notice, declaration, petition or other document requiring attestation is singned by a firm of creditors or debtors in the firm name the partner signing for the firm shall add also his own signature, e.g., " Brown and Co. by James Green, a partner in the said firm."

(10) Any notice of petition or other proceeding for which personal service is necessary shall be deemed to be duly served on all the members of a firm if it is served at the principal place of business of the firm in Burma or India on any one of the partners, or upon any person having at the time of service the control or management of the partnership business there.

(11) The provisions of the last preceding rule shall, so far as the nature of the case will admit, apply in the case of any person carrying on business within the jurisidiction of the Court in a name or style other than his own.

(12) Where a firm of debtors files an insolvency petition, the same shall contain the names in full of the individual partners; and if such petition is signed in the firm name, the petition shall be accompanied by an affidavit made by the partner who signs the petition, showing that all the partners concur in the filing of the same.

(13) In cases of partnership the debtors shall submit their schedule in respect of their partnership affairs, and each debtor shall submit his schedule in respect of his separate affairs.

(14) (a) An order of adjudication made against a firm shall operate as if it were an order of adjudication made against each of the persons who at the date of the order is a partner in that firm.

(b) Subsequent proceedings shall continue in the name of the firm so far as is practicable, but applications for discharge must be made by the partners individually.

(15) The joint creditors (that is, creditors of the firm) and each set of separate creditors (that is, the creditors of each partner in respect of his separate affairs) may severally accept compositions or schemes. So far as circumstances will allow, a proposal accepted by joint creditors may be approved in the prescribed manner, notwithstanding that the proposals or proposal of some or one of the debtors made to their or his separate creditors may not be accepted.

(16) Where proposals for compositions or schemes are made by a firm, and by the partners therein individually, the proposal made to the joint credtiors shall be considered and voted upon by them apart from every set of separate creditors ; and the proposal made to each separate set of creditors shall be considered and voted upon by such sparate set of creditors apart from all other credtiors. Such proposals may vary in character and amount.

(17) Where a composition or scheme is approved, the adjudication order shall be annulled only so far as it relates to the estate, the creditors of which have confirmed the composition or scheme.

(18) If any two or more of the members of a partnership constitute a separate and independent firm, the creditors of such last mentioned firm shall be deemed to be a separate set of creditors and to be on the same footing as the separate creditors of any individnal member of the firm. And where any surplus shall arise upon the administration of the assets of such separate or independent firm, the same shall be carried over to the separate estates of the partners in such separate and independent firm according to their respective right therein.

Interim receivers. *

(18A) (a) The Court, before making, on the application of any person other than the debtor an order under section 20 of the Act, appointing an Interim Receiver of the property of the debtor or of any part thereof, shall direct the person on whose application the Interim Receiver is appointed to deposit in Court such sum not exceeding K 68 as the Court may think necessary towards the fee of the Interim Receiver as fixed by the Court, and such further sum as the Court thinks fit for the expenses which may be incurred by him.

(b) If the sums deposited under sub-rule (a) shall prove to be insufficient, the person on whose application the order has been made shall from time to time deposit in Court such additional sum as the Court may, on the application of the Interim Receiver, from time to time direct, and such sums shall be deposited within 24 hours after the making of the order therefor.

If such additional sums shall not be so deposited, the

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* Hight Court Notification No. 14 (General), dated the 1st December 1927, as amended by High Court Notification No.7 (General), dated the 11th June 1930.

order appointing the Interim Receiver may be discharged by the Court.

(c) If an order appointing an Interim Receiver is followed by an order of adjudication, the deposits made by the person on whose application such Interim Receiver was appointed shall be repaid to him (except and in so far as such deposits may be required by reason of insufficiency of assets for the payment of the costs, charges and expenses incurred by the Interim Receiver) out of the proceeds, of the estate.

Receivers.

(19) Every appointment of a Receiver shall be by order in writing signed by the Court. Copies of this order sealed with the seal of the Court should be served on the debtor and forwarded to the person appointed who should be supplied with a copy of each Insolvency petition in regard to which he is appointed Receiver and also a copy of the Court schedule of creditors and debts when such a schedule has been framed under section 33 of the Act.

(20) (a) A Court when fixing the remuneration of a Recciver should as a rule, direct it to be in the nature of a commission or percentage, of which one part should be payable on the amount realized, after deducting any sums paid to the secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividends.

(b) When a Receiver realizes the security of a secured creditor the Court may direct additional remuneration to be paid to him with reference to the amount of work which he has done and the benefit resulting to the creditor.

(21) The Receiver shall keep a cash-book and such books and other papers as are necessary to give a correct view of his administration of the estate, and shall submit his accounts at such times and in such forms as the Court may direct. Such accounts shall be audited by such person or persons as the Court may direct. The cost of the audit shall be fixed by the Court and shall be paid out of the estate.

The Receiver shall also without undue delay deposit in the Treasury as Civil Court Deposits all money which he shall receive ex-

cept such amount as the Court may allow him to retain in his hands for emergent or contingent expenditure.

(22) Any creditor who has proved his debt may apply to the Court for a copy of the Receiver's accounts (or any part thereof) relating to the estate, as shown by the cash -book up to date. and shall be entitled to such copy on payment of the charges laid down in High Court Notification No. 9 (General), dated the 14th June 1923.

(23) In any case in which a meeting of creditors is necessary, and in any case in which the debtor proposes a composition or scheme under section 38, the Receiver shall give seven day's notice to the debtor and to every creditor of the time and place appointed for each meeting. Such notice may be sent by post, registered.

Proof of debts.

(24) If any case in which it shall appear from the debtor's statement that there are numerous claims for wages by workmen and others employed by the debtor, it shall be sufficient if one proof for all such claims is made either by the debtor or by some other person on behalf of all such creditors. Such proof shall be in Form No. 13 in the Appendix.

Dividends.

(25) The amont of any dividend may, at the request and risk of creditor, be transmitted to him by post.

Summary Administration.

(26) When an estate is ordered to be administered in a summary manner under section 74 of the act, the provisions of the Act and Rules shall, subject to any special direction of the Court, be modified as follows,namely:-

(i) There shall be no advertisement of any proceedings in a local paper.

(ii) The petition and all subsequent proceedings shall be endorsed " Summary Case".

(iii) The notice of the hearing of the petition to the creditors shall be in Form 17 in the Appendix.

(iv) The Court shall examine the debtor as to his affairs, but shall not be bound to call a meeting of creditors, but the creditors shall be entitled to be heard and to cross-examine the debtor.

Cost.

(27) All proceedings under the Act down to and including the making of an order of adjudication shall be in the first instance at the cost of the party prosecuting the same, but when an order of adjudication has been made, the petitioning crecditor shall be allowed his costs out of the estate.

(28) No costs incurred by a debtor of , or incidental to, an application to approve of a composition or scheme shall be allowed out of the estate if the Court refuses to approve the composition or scheme.

Forms.

(29) The Forms annexed to these rules,with such variations as circumstances may require, shall be used for the matters to which they severally relate.

Explanatory Notes.

1. It will be noticed that the rules in the foregoing paragraph provide, amongst other things, for the service of various notices by post. In connection with this matter the attention of Judges is invited to the provisions of section 13 *(1) (d)* of the Act. It is important that adequate addresses should always be as far as possible insisted on.

2. Under section 59 *(a)* and *(g)* of the Act, Receiver may sell or mortgage the land of an insolvent and, where no Receiver has been appointed, under section 58 Courts have all the rights of, and may exercise all the powers conferred on, a Receiver under the Act. Transfer documents must be executed as required by law. Intimation of such sales and mortgages should be given to the officer, in the circumstances, and in the manner prescribed in Order XX, Rules 21-23, and in Order XXI, Rule 104, regarding the communication of decrees to the Land Records Department.

3. On the day fixed for hearing an insolvency petition the Court is bound to examine the debtor, if he is present, as to his conduct, etc. [section 24*(2)*]. The words "that for any sufficient cause " in sub-section 1 of section 25 of the Act are governed by the words "satisfied by the debtor " in that sub-section. A Court exercising jurisdiction under the Act has power to reject or dismiss a petition by a debtor for adjudication as an insolvent, if it considers that such petition is an abuse of the process of the Court, but nothing short of obvious fraud would render an insolvent liable to have his petition reject on the ground of such abuse (6 L.B.R., 146).

4. The examination of a debtor under section 24 of the Act should be regarded as if it were the public examination of an insolvent under section 27, Rangoon Insolvency Act, that is to say, as a means of discovering as much as can be discovered at the time about the debtor's property and his conduct and dealings. On passing the adjudication order the Court may fix a date for a further examination of the debtor under section 22 of the Act. The date should be after a period sufficient to give the creditors ample time to investigate the truth of the debtor's statements on his first examination, and if they desire to do so, to prepare charges against him of offences punishable under section 69, or to make any representations to the Court against granting him an absolute order of discharge when the debtor applies for such an order (6 L.B.R., 146).

(FORM No. 1)

Debtor's Petition.

[Section 13 (1), Burma Insolvency Act.]

IN THE DISTRICT COURT OF

MISCELLANEOUS NO. OF 19

I, (a) . . ordinarily residing at, or "carrying on business at,"or "personally working for gain at,"or"in custody at " being unable to pay my debts, hereby petition that I may be adjudged an insolvent in consequence of the order of (b),

(a) Insert name and address and description of debtor.

(b) State name of Court and particulars of decree in respect of which the order of detention has been made by

which an order of attachment has been made against debtor's property.
(c) State whether and how any of the debts are secured.
(d) State if such petition has been filed but dismissed, the reason for such dismissal or, as the case may be, following the terms of section 13 (1) clause *f* (ii).

The total amount of all pecuniary claims against me is K . . (c) as set out in detail in Schedule A annexed hereunto, which contains the names and residences of all my creditors so far as they are known to, or can be ascertained by me. The amount and particulars of all my property are set out in Schedule B annexed hereunto, together with a specification of all my property, not consisting of money and the place or places at which such property is to be found, and I hereby declare that I am willing to place all such property at the disposal of the Court save in so far as it includes such particulars (not being my books of account) as are exempted by law from attachment and sale in execution of a decree.

I have not on any previous occasion filed a petition to be adjudged an insolvent, or (d)

Signature.

Verification clause as in plaints.

SCHEDULES A- (DEBTS)

Name of Creditor	Residence of Creditor.	Amount of debt.	Nature of debt.		Security			Remarks.
					Nature.	Amount		
(1)	(2)	(3)	(4)		(5)	(6)		(7)
			K	P		K	P	

Column 4.- In this column enter whether the debt is a judgment-debt amount due on promissory note, mortgage-debt, verbal loan balance for goods, security for another,etc. In the case of a judgment-debt state the name of the Court and the number of the case.

Column 5. - In this column state the nature of property, whether land, house, gold, etc., and the nature of the security, whether deposit, pledge without possession, pledge with possession, mortgage, deposit of title-deeds, etc.

SCHEDULE B - (ASSETS)

(1) Moveable and Immoveable Property.

Descript -ion of property	Place where situ- ated	In whose posse- ssion	In the case of Land.		Value of proper ty.	If Mortgaged, state.		Remarks
			Name of *Kwin* and hold- ing No.	Area		Name and residen -ce of mort- gagee.	Amo- unt of mortg -age.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
			K	P		K	P	

Column 9. - In the remarks column state if petitioner is only part owner of the property, and, if so, who the other owners are, and what his share in the property is.

(2) Debts owing to Petitioner.

Name of Deb- tor	Resi- dence of Debtor	Nature of Debt	Amount of Debt		When contra- cted	Good, bad, or doubt -ful	Security			Remarks
							Na- ture	Amo -unt		
(1)	(2)	(3)	(4)		(5)	(6)	(7)	(8)		(9)
			K	P				K	P	

Column 3.- In this column enter particulars as in column 4 of Schedule A.

(FORM NO. 2 .)

No. in Bailiff's Register.

Notice to Creditors of the Date of Hearing of an Insolvency Petition.

(Section 19, Burma Insolvency Act.)

IN THE DISTRICT COURT OF

MISCELLANEOUS NO OF 19

In the matter of

To

WHEREAS (a) has applied to this Court, by a petition dated . . . . 19 , to be declared an insolvent under the Burma Insolvency Act and your name appears in the list of creditors filed by the aforesaid debtor : this is to give you notice that the Court has fixed the. . . .day of . . .19. . . .for the hearing of the aforesaid petition and the examination of the debtor. If you desire to be represented in the matter, you should attend in person or by duly instructed pleader.

(a) Here insert name, description and address.

The particulars of the debt alleged in the petition to be due to you are as detailed below.

Given under my hand and the seal of the Court this . . . . . day of . . . . . 19 . . . .

Jadge.

PARTICULARS OF DEBT.

(FORM NO. 3 .)

Bond under Section 21 (1) of the Burma Insolvency Act.

IN THE DISTRICT COURT OF

MISCLLANEOUS NO OF 19

KNOW ALL MEN by these presents that we

son(s) of . . . . . residing at . . . . . and son(s) of . . . . . residing at . . . . . are jointy and serverally bound unto . . . . . Judge of the District Court . . . . . in K . . . . . to be paid to the said . . . . . or to his succeessor in office or to the assigns of the judge of the said District Court for the time being for which payment to be made, we bind ourselves and each of us in the whole our and each of our heirs, executors, and administrators, jointly and severally by these presents.

WHEREAS (a)

(a) Here enter name, description and address of debtor.

has been ordered under section 21 (1) of the Burma Insolvency Act, to give reasonable security for his appearance until final orders are made upon the insolvency petition filed by $\frac{\text{him}}{\text{his creditions}}$ and . . . . . Whereas . . . . . and . . . . . have consented to be sureties for the said

Now the condition of the above obligation is such that if the said . . . . . shall appear before the Court whenever called upon by it to do so, than this obligation shall be void and of no effect, otherwise, the same shall remain in full for and effect.

IN WITNESS whereof we have hereunto set our hands this . . . day of . . . . . 19 .

Sureties to sign on the right side of line. Witnesses to sign on the left side and to give their description and addresses.

Signed by ----------
---------- }
in the presence of----

(FORM NO. 4.)

Warrant of Committal of Debtor in Insolvency Proceedings.

[Section 21 (1), Burma Insolvency Act.]

IN THE DISTRICT COURT OF

MISCELLANEOUS NO. OF 19

Applicant. } .V { Respondent.

To

THE SUPERINTENDENT OF THE JAIL AT

WHEREAS . . . . . , son of . . . . . residing at . . . . . has been ordered to give security for his appearance until final orders are passed on the insolvency petition filed by $\frac{\text{him}}{\text{his creditors}}$ and has failed to do so.

These are to directy you to detain the said . . . . . in custody until the further orders of this Court.

Given under my hand and the seal of the Court this . . . . . day of 19

Judge.

(FORM NO. 5.)

Order of Adjudication.

(Section 27, Burma Insolvency Act.)

IN THE DISTRICT COURT OF

MISCELLANEOUS NO. OF 19 .

In the matter of

Pursuant to a petition, dated the . . . . . against (a). . . . . and on the application of (b). . . . . and on reading . . . . . and hearing . . . . . it is ordered that the debtor be, and the said debtor is hereby, adjudged insolvent. And it is further ordered that the said debtor do apply for his discharge within $\frac{\text{days}}{\text{months}}$ from this date.

(a) Here insert name, description and address of debtor.

(b) Here insert " the Official Receiver"or "the debtor himself"or "A. B. . . . a creditor."

The Court will proceed to frame a schedule of creditiors and debts by . . . . . 19 and proof of debts which it is desired to have included in the schedule should reach the Court seven days at least before that date, provided that application for entry of a debt in the schedule may be made at any time before the discharge of the insolvent. A debt may be proved by delivering or sending by post in a registered letter to the Court an affidavit verifying the debt. The affidavit must contain or refer to a statement of account showing the particulars of the debt and must specify the vouchers (if any) by which the debt can be substantiated.

Given under my hand and the seal of the Court this. . . . . day of . . . . . 19 .

Judge.

(FORM NO. 6.)

No. in Bailiff's Register.

Notice of Application by Unscheduled Creditor.

[Section 33 (3), Burma Insolvency Act.]

IN THE DISTRICT COURT OF

MISCELLANEOUS NO. OF 19 .

In the matter of . . . . . an insolvent.

To

(a) Here enter name, description and address.

WHEREAS (a) who claims to be a creditor of (a). . . . . for whose adjudication as an insolvent a petition was filed in this Court on the . . . . . day of . . . . . 19 . . . . . ., has tendered proof of the debt due to him by the said . . . . . and has applied, to this Court for an order directing his name to be inserted in the schedule as a creditor for such debt : This is to give you notice that the said application will be heard in this Court on the . . . . . day of . . . . . 19 . . . . . ., when you should appear personally or by Pleader, if you desire to object to it.

Given under my hand and the seal of the Court this . . . . .day of . . . . .19 . . . .

Judge

(FORM NO. 7 .)

Order Annulling Adjudication.

(Section 35, 36, 39, or 43, Burma Insolvency Act.)

IN THE DISTRICT COURT OF

MISCELLANEOUS NO. OF 19 .

In the matter of . . . . . an insolvent.

(a) Here enter name, description and address.

On the application of (a). . . . . , and . . . . . on reading . . . . . and hearing . . . . . is ordered that the order of adjudication dated . . . . . against . . . . . of . . . . . , be and the same is hereby annulled, ...

Given under my hand and the seal of the Court this . . . . . day of . . . . . .19 . . . .

Judge.

(FORM NO. 8 .)

Notice to creditors of the date of consideration of a composition or scheme of arrangement.

[Section 38 (1), Burma Insolvency Act.]

IN THE DISTRICT COURT OF

MISCELLANEOUS NO. OF 19

Take notice that the Court has fixed the . . . . . day of . . . . . 19 . . . . . for the the consideration of a composition (or scheme of arrangement) submitted by A.B., the debtor in the above insolvency petition. No creditor who has not proved his debt before the aforesaid date will be permitted to vote on the consideration on the above matter. If you desire to be represented at the abovementioned hearing, you should be present in person or by duly instructed pleader with your proofs.

Judge

(FORM NO. 9.)

List of creditors for use at meeting held for consideration of composition or scheme.

[Sectiom 38 (2), Burma Insolvency Act.]

IN THE DISTRICT COURT OF

MISCELLANEOUS NO. OF 19 .

Meeting held at . . . . . this . . . . . day of 19

No	Name of all creditors whose proofs have been admitted	Here state as to each creditor,whether he voted,and, if so, whether personally or by pleader	Amount of assets		Amount of admitted proof	
			K	P	K	P
		Total.				

Required number of majority . . . . . .

Required value, K . . . . . .

(FORM NO. 10.)

Notice to creditors of application for disharge.

[Section 41 (1), Burma Insolvency Act.]

IN THE DISTRICT COURT OF

(a) Here enter name, description and address.

MISELLANEOUS NO. OF 19 .

In the matter of (a). . . . . insolvent.

TAKE notice that the abovenamed insolvent has applied to the Court for his discharge, and that the Court has fixed the . . . . . day of . . . . . .19 , ... at . . . . . o'clock for hearing the application.

Given under my hand and the seal of the Court this . . . . . day of . . . . . 19 . . . . . .

Judge,

NOTE. - The provisions of section 42 (1) of the Act are on the reverse.

(Reverse.)

[Section 42 (1), Burma Insolvency Act.]

THE Court shall refuse to grant an absolute order of discharge under section 41 on proof of any of the following facts, namely :-

(a) that the insolvent's assets are not of a value equal to fifty pyas in the kyat on the amount of his unsecured liabilities, unless he satisfies the Court that the fact that the assets are not of a value equal to fifty pyas in the kyat on the amount of his unsecured liabilities has arisen from circumstances for which he cannot justly be held

responsible ;

(b) that the insolvent has omitted to keep such books of accounts as are usual and proper in the business carried on by him and has sufficiently disclosed his business transactions and financial position within the three years immediately preceding his insolvency ;

(c) that the insolvent has continued to trade after knowing himself to be insolvent ;

(d) that the insolvent has contracted any debt provable under this Act without having at the time of contracting it any reasonable or probable ground of expectation (the burden of proving which shall lie on him) that he would be able to pay it ;

(e) that the insolvent has failed to account satisfactorily for any loss of assets or for any deficiency of assets to meet his liabilities ;

(f) that the insolvent has brought on, or contributed to, his insolvency by rash and hazardous speculations, or by unjustifiable extravagance in living, or by gambling, or by culpable neglect of his business affairs ;

(g) that the insolvent has, within three months preceding the date of the presentation of the petition, when unable to pay his debts as thay became due, given an undue preference to any of his creditors ;

(h) that the insolvent has, on any previous occasion, been adjudged an insolvent or made a composition or arrangement with his creditors ;

(i) that the insolvent has concealed or removed his property or any part thereof, or has been guilty of any other fraudulent breach of trust.

(FORM NO. 11.)

Order of discharge subject to conditions as to earnings after-acquired property and income.

[Section 41 (2) (c), Burma Insolvency Act.]

IN THE DISTRICT COURT OF

MISCELLANEOUS NO. OF 19 .

In the matter of

On the application of (1) . . . . . .
. . . . . .adjudged insolvent on the . . . . . day of . . . . . 19 . . . . ., and upon taking into consideration the report of the Official Receiver (or Receiver) as to the insolvent's conduct and affairs and hearing . . . . . and . . . . . creditors ;

(1) Here enter name, description and address;

It is ordered that the insolvent (2)

After setting aside out of the insolvent's earnings, after-acquired property, and income, the yearly sum of K . . . . . for the support of himself and his family, the insolvent shall pay the surplus (3) if any, ... of such earnings, after - acquired property, and income to the Court of Official Receiver (or Receiver) for distribution amoung the creditors in the insolvency. An account shall, on the first day of January in every year, or within fourteen days thereafter, be filed in these proceedings by the insolvent, setting forth a statement of his receipts from earnings, after-acquired property,and income during the year immediately preceding the said date, and the surplus payable under this order shall be paid by the insolvent into Court or to the Official Receiver (or Receiver) within fourteen days of the filing of the said account.

(2) (a) be discharged forthwith *or*
(b) be discharged on the; *or*
(c) be discharged subject to the following conditions as to his future earnings, after-acquired property, and income.

(3) *or* such portion of the surplus as the Court may determine.

Given under my hand and the seal of the Court this . . . . . day of . . . . . 19 . . .

Judge

(FORM NO. 12.)

Proof of debt.

[Section 49, Burma Insolvency Act.]

General Form.

IN THE DISTRICT COURT OF

MISCELLANEOUS NO. OF 19 .

In the matter of . . . . . No. . . . . .(a). . . . . of . . . . . 19 . . . . . .

I, ... of (b) . . . . . make oath and say (or solemnly and sincerely affirm and declare) : -

1. That the said $\frac{\text{were}}{\text{was}}$ at the date of the petition, *viz.*, the . . . . . day of . . . . . 19 . . . . ., and still $\frac{\text{is}}{\text{are}}$ justly and truly indebted to me in the sum of K . . . . . for (c) . . . . . as shown by the account endorsed hereon (or the following account, *viz.*,) for which sum, or any part thereof, I say that I have not nor hath any person by my order to my knowledge or belief for my use had or received any manner of satisfaction or security whatsoever save and except the following *(d)* :-

Admitted to vote for K . . . . . Sworn at . . . . . this . . . . . day of . . . . . before me.

Deponent's siguature.

Commissioner.

Judge or Official Receiver.

(a) Here insert number given in the notice.
(b) Address in full.
(c) State consideration and specify the vouchers (if any) in support of the claim.
(d) Here enter details of securitiers, bills, or the like.

(FORM NO. 13.)

Proof of debt of workmen.

IN THE DISTRICT COURT OF

MISCELLANEOUS NO. OF 19 .

I (a) of (b) make oath and say (or solemnly and sincerely affirm and declare) :-

1. That (c) was at the date of the adjudication, viz, the day of . . . . . 19 , and still $\frac{\text{am}}{\text{is}}$ justly and truly indebted to

(a) Full name of deponent.
(b) Fill in address of deponent, stating

whether he is the debtor or the foreman, etc., of the debtor, or other person on behalf of the workmen and others employed by the debtor.

(c) "I" or "the said ."

(d) "My employ" or " the employ of the above named debtor."

(e) "Me"or "the above named debtor "

the serveral persons whose names, addresses and descriptions appear in the schedule endorsed hereon in sums severally set out against their names in the sixth column of such schedule for wages due to them respectively as workmen or others in (d) . . . . . in respect of services rendered by them respectively to (e) . . . . . during such periods before the date of the receiving order as are set out against their respective names in the fifth column of such schedule,for which said sums, or any part thereof, I say that thay have not nor hath any of them had or received any manner of satisfaction or security whatsoever.

Admitted to vote for K . . . . . Sworn at . . . . . this . . . . . day of . . . . . before me.

Deponent's signature.

Judger or Official Receiver *Commissioner.*

(FORM NO. 14.)

Order appointing a receiver

(Section 56. Burma Insolvency Act.)

IN THE DISTRICT COURT OF

MISCELLANEOUS NO. OF 19 .

In the matter of

WHEREAS (a)

(a) Here enter name, description and address of the insolvent.

was adjudicated an insolvent by order of this Court, dated . . . . . .19 . ., and it appears to the Court that the appointment of a Receiver for the property of the insolvent is necessary.

It is ordered that a receiving order be made against the insolvent and a receiving order is hereby made against the insolvent and

of

(or the Official Receiver) is hereby constituted Receiver of the property of the said insolvent.

And it is further ordered that the said Receiver (not being the Official Receiver) do give security to the extent of . . . . . and that his remuneration be fixed at

Given under my hand and the seal of the Court this . . . . . day of . . . . . 19 .

Judge

(FORM NO. 15.)

Notice to persons claiming to be creditors of intention to declare final divident.

(Section 64, Burma Insolvency Act.)

IN THE DISTRICT COURT OF

MISCELLANEOUS NO OF 19 .

TAKE Notice that a final dividend is intended to be declared in the above matter, and that if you do not establish your claim to the satisfaction of the Court on or before the . . . . . day of . . . . . 19 , or such later day as the Court may fix, your claim will be expunged, and I shall proceed to make a final divident without regard to such claim.

Dated this . . . . . day . . . . . 19 . . . . . Receiver.

(Address.)

To

X. Y .

(FORM NO. 16.)

Warrant of committal of debtor in insolvency proceedings.

(Section 69, Burma Insolvency Act.)

IN THE DISTRICT COURT OF

MISCELLANEOUS NO OF 19 .

To

THE SUPERINTENDENT OF THE JAIL AT

(a) Here enter name, description and address. (b) Here enter the substance of (a), (b) or (c). as the case may be, of section 69

WHEREAS a petition has been presented to this Court that (1) . . . . . may be adjudged an insolvent :

AND WHEREAS the said . . . . . has been found upon inquiry duly made to have (2) . . . . . and has been sentenced by this Court to simple imprisonment for the term of

YOU ARE HEREBY directed to receive the said . . . . . into your custody, together with this warrant, and carry the aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court this . . . . . day of . . . . . .19 .

Judge

(FORM NO. 17.)

Summary administration - Notice to creditors.

(Section 74, Burma Insolvency Act.)

IN THE DISTRICT COURT OF

MISCELLANEOUS NO. OF 19 .

(a) Here enter name, description and address of debtor.

In the matter of (a)

Take notice that on the . . . . . .day of . . . . . .19 . the abovenamed debtor presented a petition to this Court praying to be adjudicated an insolvent, and that on the . . . . . day of . . . . . 19 . . . . . the Court being satisfied that the property of the debtor is not likely to exceed K 500, directed that the debtor's estate be administered in a summary manner and appointed the . . . . . day of . . . . . 19 . . . . for the further hearing of the said petition and the examination of the said debtor.

Also take notice that the Court may on the aforesaid date then and there proceed to adjudication and distribution of the assets of the aforesaid debtor. It will be open to you to appear and give evidence on that date. Proof of any claim you desire to make must be lodged in Court on or before that date.

Given under my hand and the seal of the Court this . . . . . day of . . . . . .19 .

Judge.

(FORM NO. 18 .)

Notice to show cause why charge should not be framed.

(Section 70, Burma Insolvency Act.)

IN THE DISTRICT COURT OF

MISCELLANEOUS NO. OF 19 .

In the matter of insolvent.

To

THE INSOLVENT ABOVENAMED.

WHEREAS upon the report of the Receiver (or the representation of of a creditor), it has been made to appear to the Court that there is reasonable ground to believe that you have committed the following offence or offences, namely, (a)

(a) Here set out the substance of the offence or offences in the words of section 69 of the Act specifying the same, or as near thereto as circumstances admit

You are hereby required to appear before this Court on the . . . . .day of . . . . . 19 . at 11 A.M. in the forenoon, to show cause, if any you have , why a charge (or charges) should not be framed against you of having committed the offence (or offences) aforesaid.

Given under my hand and the seal of the Court this . . . . . day of . . . . . 19 .

Judge.

(FORM NO. 19 .)

Warrant against debtor about to abscond, etc.

[Section 21 (3), Burma Insolvency Act.]

IN THE DICTRICT COURT OF

MISCELLANEOUS NO. OF 19 .

In the matter of (a)

To

THE BAILIFF OF COURT, AND

THE $\frac{\text{SUPERINTENDENT}}{\text{OFFICER-IN-CHARGE}}$ OF THE JAIL AT

(a) Here enter name, description and address of debtor.

WHEREAS it hath been to appear to the satisfaction of the Court that there is probable reason for believing that the abovenamed debtor with intent to defeat or delay his creditors or to avoid the process of the Court (b)

These are therefore to require you the said Bailiff to take the said (a)

and to deliver him to the $\frac{\text{Superintendent}}{\text{Officer-in-charge}}$ of the jail at . . . . . and you the said $\frac{\text{Superintendent}}{\text{Officer-in-charge}}$ of the said jail to receive the said . . . . . and him safely to keep in the said prison until such time as this Court may order.

(b) Specify the facts in the words of the proviso (i) or (ii) of section 21.

Given under my hand and the seal of the Court this . . . . . day of . . . . . .19 .

Juage.

(FORM NO. 20.)

Warrant of Arrest

(Section 21 (3), Burma Insolvency Act.)

IN THE DICTRICT COURT OF

MISCELLANEOUS NO. OF 19 .

In the matter of (a)

To

THE BAILIFF OF THE COURT

(a) Here enter name, description and address of debtor.

(b) Here enter name, of the applicant.

WHEREAS on the application of (b) . . . . . it hath been made to appear to the satisfaction of the Court that there is reason for believing that the abovenamed debtor (c)

(c) specify the facts in the words of section 32.

These are to command you to arrest the said debtor and to bring him before this Court with all convenient speed.

You are further commanded to return this warrant on or before the . . . . . day of . . . . . 19 , with an endorsement certifying the day and manner in which it has been executed, or the reason why it has not been executed.

Given under my hand and the seal of the Court this . . . . .day of 19

Judge.

(FORM NO. 21.)

Warrant of Arrest for Recommitment under Section 23 (2).

IN THE DISTRICT COURT OF

MISCELLANEOUS NO. OF 19 .

In the matter of

To

THE BAILAFF OF THE COURT

WHEREAS the abovenamed debtor was released from custody under an order of this Court, dated the . . . . . day of . . . . . 19 . And whereas by order,dated the . . . . . day of . . . . . 19 , this Court has ordered the said . . . . . to be arrested and recommitted to his former custody pursuant to section 23 (2) of the Burma Insolvency Act. These are to command you to arrest the said . . . . . and to bring him before the Court with all convenient speed.

You are further commanded to return this warrant on or before the . . . . . day of . . . . . 19 , with an endorsement certifying the day on and the manner in which it has been executed, or the reason why it has not been executed.

Given under my hand and the seal of the Court this . . . . . day of . . . . . 19 .

Judge.

(FORM NO. 22.)

Warrant of Recommitment of Insolvent under Section 23 (2).

IN THE DISTRICT COURT OF

MISCELLANEOUS NO. OF 19

(a) Full name of debtor.

In the matter of (a)

To

SUPERINTENDENT OF THE JAIL AT

WHEREAS the abovenamed debtor who was imprisoned under a warrant (b) . . . . . was released from custody by order of this Court,dated the . . . . . day of . . . . . 19 , pursuant to the provisions of the Burma Insolvency Act. And whereas the order of adjudication made against the said debtor having been annulled, this Court did by order, dated the . . . . . day of . . . . . 19 , order the said debtor to be recommitted to his former custody under section 23 (2) of the said Act.

(b) Give full particulars.

These are to command you to receive the said (a) . . . . . back into your custody in the . . . . . Civil prison and there to keep him according to the tenor of the warrant aforesaid. And you, the Superintendent of the said jail, will take note that upon receipt of the said (a) . . . . . into your custody under this recommitment all processes which were in force aginst the person of the said (a) . . . . . at the time of such release as aforesaid shall be deemed to be still in force against him as if such order of release had not been made.

Given under my hand and the seal of the Court this . . . . . day of . . . . . 19 . . . . . .

Judge.

Note :- Subsistence allowance of prisoner for . . . . . days at the rate of K 15 per mensem sent herewith, K

(FORM NO. 23.)

Protection Order.

[Section 31 (1), Burma Insolvency Act.]

IN THE DISTRICT COURT OF

MISCELLANEOUS NO. OF 19

In the matter of insolvent.

Ex-parte-

UPON reading the application of the insolvent abovenamed praying for an order for his protection from arrest and upon hearing this day . . . . . for the insolvent, and . . . . . for the creditors.

It is ordered that the insolvent (a) . . . . . be and he is hereby granted protection from arrest and detention in custody until the final disposal of the matter of his insolvency unless in the meantime this order shall be revoked, and that such protection shall commence and take effect from the date hereof, and shall be in respect of the debts and liabilities * entered in the insolvent's schedule with the exception of the debts due to (b)

Given under my hand and the seal Court this . . . . . day of . . . . . 19 . . . . . .

Judge.

(a) Full name.
* Where schedule is not filed and the other applies to any specified debts add here "following" and specify the debts, omitting "entered, etc."
(b) Enter full name, description and address of creditor.

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* Notification No. 8 (General), dated the 4th March 1940.

APPENDIX II.

RULES UNDER THE GUARDIANS AND WARDS ACT.

The Hight Court, Rangoon * has made the following rules under section 50 of the Guardians and Wards Act :-

Definitions.

1. In these rules except where the context requires or declares another meaning :

(a) 'Judge' means and includes a Judge of the Hight Court, Rangoon or a Judge of a District Court subordinate to that Court.

(b) 'Registrar'means the Registrar of the High Court, Rangoon, Original Side, and includes the Deputy Registrars on the Original Side of the said Hight Court.

Title of proceedings.

2. All proceedings under the Act shall be entitled in the matter of the Act and in the matter of the minor.

Application for appointment of guardian.

3. An application by any person, other than the Collector, for the appointment of a guardian, or for a declaration that a person is the guardian of a minor shall be by original petition.

Contents of application.

4. The application shall, in addition to the particular required by section 10 of the Act, state whether the minor is entitled to any property absolutely, or subject to the rights or interests of any other person, and whether any property is subject to any, and what, incumbrance ; and shall specify all persons of the same degree of relationship as, or of nearer degree than the proposed guardian, and where a female is proposed as guardian, the nearest male relation of the minor.

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* Notification No. 8 (General), dated the 4th March 1940.

5. Where the father of the minor is living, and is not proposed as guardian, the application shall also state any facts relied on as showing that he is unfit to act as guardian of the minor, or that he consents to the application.

Where father of minor is living.

6. Where it is proposed to deal with any property of the minor in manner mentioned in section 29 of the Act, the grounds of the application, and the relief prayed, shall be stated shortly in the original petition, and it shall not be necessary to present a separate petition or application.

Where property of minor is proposed to be dealt with.

7. The declaration of the willingness of the proposed guardian to act may be written at the foot of, or annexed to, or exhibited with, the petition.

Declaration of willingness of proposed guardian.

8. Notice of the application in the form prescribed ($\frac{\text{O. S.}}{\text{Civil 116}}$) shall be issued and served in manner prescribed for summons to a defendant.

Notice of and setting down application

The Judge or Registear may also direct the petitioner to publish the notice in such newspaper or newspapers as he thinks fit, and shall direct such publication in any case in which the petitioner is the Collector, or is not a relation of the minor.

9. Unless the Judge otherwise orders, a person appointed or declared to be guardian of the property of the minor shall give security, in the bond of himself (From $\frac{\text{O. S.}}{\text{Civil 117}}$) and one or more sureties for the amount or value of the moveable property, and of twice the amount of the annual rents, profits or other income of the moveable and immoveable property, to be received or accounted for by the guardian : and shall furnish the statement of the property and debts mentioned in sub-section (b) of section 34 of the Act, and shall pass his account once in every six months.

Security by guardian.

Statement of property and passing accounts.

10. If the security mentioned in Rule 9 be furnished by the guardian by his executing a Bond with a surety or sureties (including in the latter term a Guarantee Society) the surety or sureties shall be entitled, by an application, to bring to the notice of the Court any act, omission or neglect of any duty cast on him by law on the part of the guardian or any other circumstances which would entitle the surety or sureties to be discharged from the obligation created by such Bond and the Court may thereupon make such order and on such terms as it may think fit. Such application may be made by petition to the Judge who deals with miscellaneous matters.

11. The surety or sureties mentioned in Rule 10 shall be entitled to notice of any application to the Court on the part of the guardian or any other party interested, relating to any property in the management or under the control of the guardian which may affect the risk undertaken by the surely or sureties under the Security Bond furnished by the guardians and the Court upon hearing the said surety or sureties may make such order as to his or their costs of appearance on such application, as to it may seem fit. No order passed on any such application shall, however, be vitiated by any irregularity in or failure to effect service of the notice herein mentioned.

Consequence of non-completion of Security.

12. When the person appointed a guardian of the person and/or property of a minor on giving security fails to complete the security required to be furnished by him within three months from the date of the order requiring the security to be given unless the time for furnishing security has been extended, the petition for the appointment of such guardian as aforesaid may be taken off the file; provided that notice has been given by its inclusion in one of the Registrar's lists. An endorsement to the effect that it has been taken of the file shall be signed by a Registrar under and by virtue of this rule and without further order.

13. At the hearing, the Judge may determine the amount to be allowed for the maintenance and education of the minor, and the amount, if any to be allowed to the guardian as his remuneration, and may also give any special direction as to the powers to be exercised by the guardian.

Directions at the hearing

14. Where any person is entitled to maintenance out of the property, or to reside in any house of the minor, the judge may fix the amount to be paid to such person for maintenance, or in respect of maintenance and residence,or give such directions with respect thereto as he thinks fit.

Where minor's property is subject to any maintenance or right of residence.

15. An application for leave to deal with immoveable property of a minor by way of sale, mortgage, lease, or otherwise, shall be made by a verified petition stating concisely the substance of the order prayed for : and shall be supported by the affidavit of some disinterested and independent person, stating what, in his opinion, is the value of the property proposed to be dealt with and the best manner of disposing thereof in the interest of the minor and also by the affidavit of some person, acquainted with the circumstances of the minor, showing the necessity or advantage of the said disposition.

Appiications to deal with immoveable property of a minor.

If leave to sell is granted, the sale shall, unless the Court otherwise orders, be made by public auction with the sanction of the Court : and the sale shall be conducted in manner prescribed by rules by the Official Referee.

If a particular sale or other disposition of property is authorized,and unless the Court otherwise orders, the proceeds realized, by such sale or disposition shall be paid into Court, and the deed of assignment, or other document required to carry out the transaction shall be brought into Court,and shall be settled and approved by the Registrar.

16. An application for the discharge or removal of a guardian appointed or declared by the Judge shall be made by petition. Except where the minor has attained his full age,the application shall also pray for the appointment of a guardian in place of the guardian to be discharged or removed. Notice of the application shall be given to all parties on whom notice issued on the original petition, and to such other persons as the Judge or a Registrar may think fit.

Discharge or removal of guardian.

17. Unless otherwise directed, a guardian shall not be discharged from his liabilities until he has filed and passed his accounts, and has paid, into Court or as otherwise ordered, any balance which may be found to be due from him.

When not to be discharged.

18. All persons to whom notice of the original petition for the appointment or declaration of a guardian was assued may, at any time during the minority of the minor, and without obtaining an order for this purpose, inspect and take copies of the said statement and accounts : and any person interested in the person and property of the minor may, at any time, apply by petition supported by an affidavit showing the nature of his interest, and the purpose for which the same is required, for leave to inspect and take copies of the said statement and accounts.

Inspection of accounts.

19. Monies belonging towards shall, unless otherwise ordered, be invested in Government securities or in such other manner as a Judge may direct.

Investment of monies.

20. An allowance may be granted to a guardian in respect of any special work or service to be performed by him, other than work or service in connection with the custody or care of the person, or the general control and management of the property of the minor, and shall not exceed in amount the remuneration usually paid for the said work or service : and except as aforesaid, no remuneration shall be allowed to a guardian.

Allowance to guardians.

21. The costs of any application with respect to the person or property of a minor may, where the application is for his benefit, be ordered to be paid out of the income of the property, or where that is insufficient, out of capital monies, or monies realized by sale or mortgage of any property of the minor authorized by a Judge for this purpose.

Costs

APPENDIX III

FORMS UNDER THE BURMA MERCHANT SHIPPING ACT.

NOTICE OF INVESTIGATION.

To

of or belonging to the

Ship of

I hereby give you notice that the President of the Union has ordered a formal investigation into the circumstances attending the (stranding and loss of the . . . . Steam Ship " "of . . . . . at or near . . . . . on or about the . . . . .) and that subjoined hereto is a copy of a statement of the case upon which the said investigation has been ordered. I further give you notice to produce to the Court (your Certificate of Competency, theLog Books of the Vessel, and) any (other) documents relevant to this case which may be in your possession.

I have further to give you notice that, on the information at persent obtained by the President of the Union the questions annexed hereto are those upon which it appears desirable, and upon which he proposes to take the opinion of the Court ; but these questions will be subject to alteration, addition,omission or amendment by the representative of the President of the Union at the investigation after the witnesses called by him have been examined.

Dated this day of

Principal Officer, Mercantile Marine Department,

---------- *District.*

The ---------- Ship ---------- of the Port of ---- ---------- Official No. ----------

---

Statement of Case.

The following is a statement of the case on which an investigations ordered :-

The above-named Ship left ---------- for ---------- on the ---------- day of ----------19 , with a crew of ---------- hands all told,---------- passengers and about ------- tons of ---------- cargo.

On ---------- the ---------- day of ---------- at ---------- m, the weather being ---------- the wind blowing ---------- from ---------- with the sea ---------- --- and the course being ---------- the vessel was under ---------- making about ----------knots.

(*Brief account of casually.*)

(Sd.)

Principal Officer, Mercantile Marine Department,
----------District.

---------- 19 . . . .

Specimen sets of questions to be framed for the consideration of a Court of formal investigation

N. B,- The actual questions to be put to the Court will, of course, depend upon the circumstances of each case.

Loss.

1. What was the cost of the S.S ---------- to her owners ?

2. What was the ship's value when she last left ----------?

3. What insurances were effected upon and in connection with the ship ?

4. When the vessel left ----------on the ----------:-

(a) Were deadlights fitted to the side scuttles as required by regulations and, if so, were they effcient ? Were the ventilators to the holds of such size, material, and type, as to ensure safety ?

(b) Was she in good and seaworthy condition as regards bull and equipment ?

(c) Was she properly supplied with boats, life-saving appliances and distress signals ?

(d) What was the amount and description of cargo carried ? Was it properly stowed and secured from shifting ?

(e) Were the hatchways properly covered and adequately protected and secured ?

(f) Was the vessel provided with adequate means for quickly freeing the decks of any water shipped thereon ?

(g) Was the vessel in proper trim and has she the proper freeboard for the intended voyage ?

5. Was the ship so loaded, on her last voyage, as to ensure safe stability ?

6. Was the form of the S.S ---------- such as to ensure safety at sea with the freeboard assigned for the intended voyage when she was fully laden with a deadweight cargo ?

7. What is the cause of the vessel not having been heard of since she was reported as passing ---------- on the ----------?

8. Were means provided for closing the open ended air pipes on deck ? If not, was it possible for water shipped to get down through the air pipes into the ballast tanks ?

9. Were the pumping arrangements adequate and in good order and condition ?

10. Was the design and stability of the S.S ----------such as to ensure safety at sea with the freeboard assigned when laden with a ----------cargo ?

11. What were the means on board for launching the boats and were they sufficient and in good order ?

12. Did the vessel carry any cargo or bunker coal on deck ? If any, what was the amount and description of the same ?

If any, how was it stowed, and would it be likely to be a source of danger to the vessel in a seaway ?

13. Was the vessel so loaded as to ensure safety on the intended voyage ?

14. Was there any loose water in the ballast tanks ? If may, what was the amount and would it be likely to be a source of danger to the vessel in a seaway ?

15. What was the angle of keel at which the righting forces vanished ? Were the range and righting forces such as would ensure safety, when heavy seas were shipped ?

16. Was the Master supplied with such information regarding the vessel's stability as would enable him to load her so as to ensure seaworthiness ?

17. Were the ventilators as constructed and fitted of sufficient strenght to ensure safety ?

18. Were the open air pipes to the tanks and bunkers likely to be a source of danger under sea conditions ?

19. Who was responsible for the safe and proper loading of the cargo ?

20. Was the cargo or any portion of it liable to alter its position in the ship at sea if precautions were not taken against shifting ?

21. In the loading of the cargo could measures have been taken to prevent it shifting ? If so, were any, and , if any , what measures taken to prevent it shifting ? Ought any such measure to have been taken ?

22. Did the vessed receive any damage during loading or at the time of leaving ----------?

23. Was she provided with sufficient spare hatches, tarpaulins and wedges for securing them ? Were such hatches, tarpaulins and wedges, if any, stowed so as to be readily available if or when required ?

24. Were range and righting forces such as would ensure safety when heavy seas were shipped on one side of the vessel ?

25. Was the loss of the ---------- caused or contributed to by the instability of the vessel ?

26. Was such instability (if any) brought to the knowledge of the owners, the Marine Superintendent and Master, or any of them and if so, when ?

27. In bad weather or in certain conditions of wind and sea did the vessel ship heavy water on deck and take a list ?

Loss of A New Vessel.

1. Before being handed over to her owners :-

(a) What investigation was made by the builders into the stability of the ----------?

(b) Was the extent of the investigation sufficient to form a guide as to the safe loading of the ship ?

(c) What information regarding stability was supplied to the owners ?

2. (a) What was the metacentric height of the ---------- when she left ---------- on the ----------?

(b) What was the maximun righting arm and at what angle did it occur ?

(c) Were the righting arms sufficient to provide safety at sea in the condition in which the vessel left ---------- having regard to the dimensions, design and arrangement of the ship ?

(d) Was this metacentric height sufficient having regard to the type, design and loading of the vessel for the intended voyage ?

3. Between the time the vessel was first put into commission in ---------- and in ---------- :-

(a) What voyages did the ship make ?

(b) What was the ship's behaviour at sea on such voyages ?

(c) In bad weather or in certain conditions of wind and sea did the vessel ship heavy water on deck and take a list ?

(d) If so, did the ship readily free herself of the water shipped on deck, and if not, why not ?

(e) What was the cause of the vessel taking a list and did she readily recover the upright condition ?

(f) Were the ship and crew in danger on these occasions ?

Stranding and Total Loss.

1. On the voyage on which the vessel stranded, what were the courses set and steered, the speed of the ship and the conditions of the weather and visibility encountered from time to time and at what times, and during, what periods of time ?

(a) From midnight of the ----------until the ship was abreast of the ----------

(b) From that time until she was abreast of ----------

(c) From that time until she was stranded ----------

2. What measures (if any) were taken by the master to ascertain and verify his position on arrival abreast of the ---------- and ---------- and if any such measures were taken were they proper and sufficient ?

3. What was the position of the ship when she was abreast of---------- and considering the state of weather and visibility, were safe and proper courses and steered after departure from that position so as to pass the ----------at a safe distance and was due and proper allowance made for possible leeway, tide and current ?

4. Whilst proceeding on the voyage after ----------been passed, and considering the state of weather and visibility-

(a) Ought the master at any times or time, and if so when, to have taken observations or used the lead to determine the position of the ship ?

(b) Did the master take proper measures to ascertain and verify his position before the vessel went ashore ?

(c) If the lead was not used,was such omission justifiable ?

(d) Was the master justified in proceeding at the speeds or speed at which the vessel was navigated ?

5. What was the cause of the stranding ?

6. Was the vessel seriously damaged in consequence of the stranding and has she been lost, or abandoned ?

7. Was the stranding of the S.S ----------and the serious damage (if any) which she sustained thereby caused by the wrongful act or default of the master or any other person ?

Loss of Oil Carrying Vessel.

1. What tanks were fitted into and what alterations were made in the ship by or to the orders of her last owners ? Were such tanks and other alteralions well designed, constructed of suitable material, and properly fitted and secured in position ?

2. What means were provided for securing the hatchways ? Were such means proper and sufficient ?

3. What was the amount and description of cargo carried ? Were the cargo tanks property filled and secured from shifting ?

Stranding of a Vessel.

1. What number of compasses had the vessel, were they in good order and sufficient for the safe navigation of the vessel,and when and by whom were they last adjusted ?

2. Did the master ascertain the deviation of his compasses by observations from time to time ? Were the errors correctly ascertained and the proper corrections to the courses applied ?

3. What was the position of departure from ---------- on the evening of the ---------- ? Was the position correctly ascertained and verified ? Was a safe and proper course then set to pass ---------- at a safe distance and thereafter steered and was due and proper allowance made for possible leeway or currents, if any ?

4. Were safe and proper alterations made in the court at or about ----------off the ---------- and from time to time thereafter, and were due and allowances made for leeway and currents, if any ?

5. Were all measures possible taken to ascertain and verify the position of the vessel from time to time on the ----------?

6. Having regard to the state of the weather at and after ---- ------- of the ---------- should -

(a) the speed of the vessel have been reduced ?

(b) soundings have been taken ?

(c) was a good and proper look-out kept ?

7. Was the vessel navigated with proper and seamanlike care?

8. Was the stranding and serious damage to the S.S --------- caused by the wrongful act or default of her master or any other person.

APPENDIX IV.

INSTRUCTIONS FOR THE SERVICE OF SUMMONS IN CIVIL CASES OUTSIDE THE UNION OF BURMA AND FOR THE ISSUE OF LETTERS OF REQUEST FOR THE EXAMINATION OF WITNESSES.

1. SERVICE OF SUMMONS OUTSIDE THE UNION OF BURMA.

1. General,- (a) Service of summons on defendants residing out of the Union of Burma is provided for in Order V, Rules 25, 25A and 26 of the Code of Civil Procedure. Under Rule 25, where the defendant is residing outside the Union of Burma, the summons may be addressed to him at the place where he is residing, and sent to him by post. When this course is adopted, the summons should be sent by registered post with an acknowledgment paid for. An acknowledgment purporting to be signed by the person to be served or the endorsement thereon by a postal servant that the person refused the letter, is *prima facie* proof of service thereof.

Under Rule 25 A, where the defendant resides in India or Pakistan the summons may be served by registered post.

(b)Under Rule 26 (a) of Order V . where a Court has been established or continued or a Political Agent has been appointed or where under Rule 26 (b) the President of the Union has declared by notification that service by a foreign Court of any summons issued by a Court in the Union of Burma shall be deemed to be valid service, the summons may be sent to such Political Agent or Court by registered post for the purpose of being served upon the defendant, and an endorsement on the duplicate of the summons, signed by the Political Agent or by the Judge or other officer of the Court, to the effect that the summons has been served on the person named therein, is proof of service.

All processes issued for service in places outside the Union of Burma shall be accompanied by translations thereof in the Language of the country in which they are to be served.

2. Special instructions in regard to service of process in Civil cases on persons residing out of the Union of Burma are set out hereunder for information and guidance :-

The attention of all Judges is drawn to Rule 26. Order V, of the Code of Civil Procedure, where by processes in civil cases for service on person residing in foreign territories, are required to be served through the Political Agents or certain Courts. Instructions have now been received from the Ministry of Judicial Affairs that service of such process should be affected through the Embassy concerned. In order to enable the High Court to transmit such processes to the aporopriate authorities, Judges are directed that processes for service on a person or persons residing in Foreign Territories should first be submitted to the High Court.

In order to enable a person from a foreign territory to attend a Court in Burma on the date fixed Judges are directed that whenever a person residing in foreign territory is required to appear before a Court in Burma, at least four months'clear notice from the date of issue of a notice to the date on which such person is required to appear before a Court should be given.

It has been represented to the High Court that such processes could be sent by the issuing. Courts by post direct to the persons concerned under the provisions of Order V, Rules 25 and 25A, of the Code of Civil Procedure. The attention of Judges is therefore drawn to the distinction between Rules 25, 25A and 26 of Order V of the said Code. In this connection it should be noted that the provisions of these three Rules, which specifically refer to summonses, apply equally to all forms of process by virtue of Rule 2 of Order XLVIII of the Code :-

Rule 25 is the general provision for service of process by post on a person who resides anywhere outside the Union of Burma, *i.e.*, in any foreign territory, and has no agent in the Union empowered to accept service. *Cf.*, paragraph 139 of the Court Manual.

Rule 25A provides that were the person to be served resides in Indian or Pakistan, the Court may, in addition to or in substitution of any other mode of service, serve the process in the manner indicated therein, *i.e,* by registered post with acknowledgment due. *Cf.*, paragraph 142 of the Courts Manual.

Rule 26 can properly apply only where, in the foreign territory in which the person to be served resides, there is-

(a) a Political Agent appointed, or a Court has been established or continued, with power to save the process ;

or

(b) any other Court which has been notified as having power to serve the process.

With reference to the provisions of Rule 26 Courts may not be in a position to easily verify whether conditions (a) and (b) above have been fulfilled. So they may not issue process under the Rule ; but when they do issue, the above instruction will have to be followed.

Ordinarily, process for service in Indian or Pakistan should be issued by registered post with acknowledgment due under Rule 25A. For other foreign countries, the post should also be used under Rule 25, provided that there is no agent in Burma capable of accepting service.

11. COMMISSIONS FOR THE EXAMINATION OF WITNESSES.

MINISTRY OF JUDICIAL AFFAIRS.

NOTIFICATIONS.

The 11th August 1955.

No. 305.- Whereas provisions already exist for taking the evidence of witnesses residing in the United Kingdom in relation to criminal matters in Courts in the Union of Burma for examination (4) of section 503 of the Code of Criminal Procedure, hereby directs that Commissions from Courts in the Union of Burma for examina-

tion of witnesses in the United Kingdom shall be issued, in the form annexed hereto to the President, the Lord Chief Justice and the Judges of Her Majesty's Supreme Court of the Judicature, Law Courts (Strand London W.C. 2) within the limits of whose jurisdiction the witness resides, and the said Lord Chief Justice and Judges of Her Majesty's Supreme Court may themselves examine the witness, or direct any competent Court, or anthority subordinate to them to examine such witness :-

ANNEXURE.

IN THE COURT OF.....

Commission to examine witness outside the Union of Burma

Section 503 (4) of the Code of Criminal Procedure

To,

THE PRESIDENT. LORD CHIEF JUSTICE AND
JUDGES OF HER MAJESTY'S SUPREME COURT
OF JUDICATURE, LONDON.

WHEREAS it appears to me that the evidence of ..... is necessary for the ends of justice in case No. ..... (.....vs. .....) in the Court of ..... and that such witness is residing within the limits of the jurisdiction of your Hon'ble Court and his attendance cannot be procured without an amount of unreasonable delay, expense or inconvenience, I .....have the honour to request and do hereby request that for the reasons aforesaid and for the assistance of the said Court, you as the President and the Judges of the said Supreme Court, or someone or more of you, will be pleased to summon the said witness to attend at such time and place as you shall appoint before someone or more of you, or such other Court or authority as according to the procedure of your Hon'ble Court is competent to examine or cause to be examined the said witness on oath or affirmation upon the interrogatories which accompany this Commission (or *viva voce*).

Any party to the proceedings may appear before you or before any competent Court or authority directed by you in this behalf by a Counsel-at-law or, if not in custody, in person, and may examine, cross examine, or re-examine (as the case may be) the said witness.

And I further have the honour to request that your Hon'ble Court or any competent Court or authority directed by you will be pleased to cause the answers of the said witness to be reduced into writing and all books, letters, papers and documents produced upon such examination to be duly marked for indentification, and that your official seal (if any) or in such other way as is in accordance with the procedure of your Hon'ble Court and to return the same, together with this Commission through the Embassy or Consulate concerned to the undersigned at the earliest possible date.

Given under my hand and the seal of the Court this ....day of .....19 .

Seal of the Court

Judge.
Magistrate.

No. 306- In excercise of the powers conferred by section 503 (4) of the Code of Criminal Procedure (as amended) the President of the Union of Burma prescribes the following rules for taking the evidence of witnesses in a country or place outside the Union of Burma in relation to criminal matters:-

(1) Any District Magistrate, Court of Session or the High Court in exercising its powers to issue through proper channel a Commission for the examination of a witness residing in a country or place not within the Union of Burma under the provisions of section 503 of the Criminal Precedure Code may address to the Supreme Court of the country concerned a letter of request to appoint a Commissioner to examine the witness on oath or affirmation and to receive documents produced by or through him. In the case of a District Magistrate or a Court of Section the letter of request shall be sent through the High Court. Where the Burmese Consular Officer within whose jurisdiction the witness to be examined on commission resides is permitted by the law of the country to take evidence, a Commission may be issued through proper channel to such Consular Officer for execution.

(2) When any such letter of request is issued to the Supreme Court of the country within whose jurisdiction the witness resides, powers shall be given to the said Court to appoint any suitable person as Commissioner for the examination of the witness and reception of documents produced by or through him.

(3) All papers connected with the execution of the Commission shall be in the English language or accompanied by translations thereof in English.

(4) Interrogatories, cross interrogatories and re-interrogatories shall always be sent for the execution of the Commission.

(5) Either party may attend at the taking of the evidence before the Commissioner in person or by Pleader and may examine, cross-examine and re-examine (as the case may be) the said witness.

(6) When it is known that neither party proposes to attend at the taking of the evidence on commission, this should be state in forwarding the letter of request.

By order,

THAN E,

Secretary to the Govt. of the Union of Burma,

Ministry of Judicial Affairs.

III. LETTERS OF REQUEST.

1. General.- Under section 77 of the Code of Civil Procedure a Letter of Request may be issued to examine a witness residing at any place not within the Union of Burma. It is generally possible to invite a foreign Government, through the diplomatic channels, to execute Letters of Request from Courts in the Union of Burma in civil matters, as an act of courtesy.

The general procedure is that the Court issuing the Letter of Request should use Form 8 in Appendix H of the First Schedule of the Code of Civil Procedure. The letter in this form, which should contain a concise narrative of the action of the parties thereto and the full names, description and addresses of the intended witnesses and be signed by the Judge and bear the seal of the Court, should be sent to this Court with a forwarding letter, and then this Court will ask the Ministry of Judicial Affairs, Union of Burma, to take the necessary steps to have the Letter of Request executed by the Court to which it is addressed. With the issue of the Letter of Request, the necessary fees should also be remitted to the Court concerned to ensure prompt and speedy execution. The duty of providing the necessary translation into the language of the country in which the witness is to be examined should be placed on the party asking for the Letter of Request. If the proper descriptoin of the foreign judicial authority is not known, the Letter of Request should be addressed to the Competent Judicial Authority in ..... (name of the country concerned). It is, however, necessary that interrogatories and cross-interrogatories should be sent in every case with a Letter of Request, and also translations of the Letter of Request and of the interrogatories and cross-interrogatories and the documents accompanying it. A Letter of Request should not be issued to a Consular Officer, but only to a Court. When it is desired that evidence should be taken by a Consular Officer, a commission should be issued to him. The incorrect issue of a Letter of Request to a Consular Officer may be of some importance since a person acting as a Commissioner has no compulsory powers, but must confine himself to inviting the witness to present himself and to answer the question addressed to him. If such a witness declines to do so, the Consular Officer can only state the fact in the deposition prepared by him in compliance with the request of the Court. If, on the other hand, recourse is had to a Letter addressed to a foreign Court concerned, the latter can, if necessary, exercise its powers of compulsion. It is therefore important that this distinction between a Letter of Request and a commission should be noted.

A list of all the documents, together with a translation of the list into the language of foreign country to which the Letter of Request is issued, should in every case accompany the papers, and the Letter of Request and other documents, which should be as far as possible in chronological order, should be numbered or lettered to correspond with this list. The Letter of Request and all accompanying documents and translations should be sewn together in a parchment paper cover down the left-hand side, the ends of the tape with which they are sewn being brought out on to the front cover and the ends sealed with the seal of the Court. Where this is not done by the issuing Court it will be done by the High Court before the Letter of Request is forwarded.

It is to be noticed that in Letters of Request it is not proper to fix a day for the return of the evidence. When it is known that neither party proposes to attend at the taking of the evidence, this should be stated in the covering letter forwarding the Letter of Request, as it may avoid delay.

A Letter of Request should not be issued unless there is sufficient time for the execution to be completed before the hearing of the cause or matter in which the evidence is to be used.

The Government of India has requested that in the case of Letters of Request issued to India, the Letter of Request should not be addressed to the Chief Justice of a High Court in India, but to the Judge of the Subordinate Court within whose jurisdiction the witness to be examined resides, and that when this is not known, to the High Court concerned or to such Court as may be specified by the said High Court. These instruction should be therefore followed in the issue of all Letters of Request to be sent to India for execution.

IV. Expenses.

Whenever a Letter of Request for the examination of a witness is issued, the necessary expenses for serving the witness and executing the Letter of Request must be deposited by the party asking therefor before the issue thereof, and the party must further give a written undertaking to defray any further expenses incurred beyond the amount deposited. It is not possible to give any estimate of the expenses to be incurred in all cases, but the estimate should always be made on the generous side. An intimation of the amount so deposited should be given in the forwarding letter.

APPENDIX V

NOTIFICATIONS UNDER ORDER XXI, RULE 48 (1), OF THE CODE OF CIVIL PROCEDURE.

(1) Judicial Department Notification No. 148, dated the 15th November 1923, as amended by Notifications No. 329, dated the 1st October 1934, No. 118, dated the 17th April 1935 and No. 117, dated the 29th June 1937.

In pursuance of Order XXI, Rule 48, sub-rule (1), of the rules in the First Schedule to the Code of Civil Procedure, the President is pleased to direct that notices of orders attaching the salary or allowances of Officers shown in column 1 of the Schedule hereto annexed shall be sent to the officers specified in each case in column 2 of the Schedule :-

Officers whose salary is to be attached. (1)	Officer to whom notice should be sent. (2)
1. Gazetted officers stationed in Rangoon belonging to the following departments :-	
(a) Land Revenue (including Settlement and Land Records) and General Administration.	(i) Registration. — The Accountant-General, Burma.
	(j) Police. — Do.
	(k) Marine. — Do.
	(l) Education. — Do.
	(m) Ecclesiastical. — Do.
	(n) Medical. — Do.
	(o) Public Health. — Do.
(b) Excise.	
(c) Income-tax.	(p) Veterinary. — Do.

Officers whose salary is to be attached. (1)	Officer to whom notice should be sent. (2)
(d) Political. (q) Agricultural	The Accountant-General, Burma.
(e) Stamps. (r) Printing.	Do.
(f) Accounts. (s) Co-operative Societies.	Do.
(g) Judicial.	Do.
(n) Prison. (t) Colonization.	Do.
2. Officers (excluding clerks and menials) belonging to any of the departments specified in item 1 above, and not mentioned in any other item in this list-	
If stationed in Rangoon	The Accountant-General, Burma.
If stationed outside Rangoon	The Treasury Officer of the district in which stationed. If the officer drawns his pay at Rangoon the notice should be sent to the Accountant-General, Burma. Where the officer whose salary is to be attached is himself Treasury Officer, the notice should be addressed to the Deputy Commissioner of the District.
3. The following gazetted officers or classes of gazetted officers stationed outside Rangoon :-	
(a) All officers of the Burma Commission.	The Accountant-General, Burma.
(b) Judges of the rank of District and Sessions Judge or higher rank.	Do.
(c) Superintendents of Jails	Do.
(d) Officers of Civil Police of the rank of Assistant Superintendent or higher rank.	Do.
(e) Officers of the Military Police of the rank of Assistant Commandant or Assistant Adjutant or higher rank.	Do.
(f) Port Officers, the Marine Transport Officer, Mandalay; the Superintendent of Government Vessels and Launches, Upper Burma; River Surveyors and Assistant River Conservators.	Do.

Officers whose salary is to be attached. (1)	Officer to whom notice should be sent. (2)
(g) Inspectors of Schools, the Inspetress of Schools and Assistant Inspectors of Schools.	The Accountant-General, Burma.
(h) Government Chaplains and Chaplains of the Additional Clergy Society	Do.
(i) Civil Surgeons	Do.
(j) Gazetted officers of the Agricultural Department.	Do.
(k) The Superintendent, Archeological Survey.	Do.
(l) Gazetted officers of the Co-operative Societies Deparment.	Do.
(m) Gazetted officers of the Colonization Department.	Do.
(n) The Superintendent, Cinchona Cultivation, and his Assistants.	Do.
(o) The Superintendent, Geological Survey, Burma Circle, and his Assistants.	Do.
(p) Gazetted officers of the Insein Engineering Institute.	Do.
(q) Gazetted officers of the Civil Veterinary Department.	Do.
(r) Officers of the Burma Frontier Service.	Do.
4. The Director of Publicity, Burma.	Do.
5. The Chemical Examiner to Government and his Assistants.	Do.
6. The Protector of Emigrants and Immigrants and his Assistants.	Do.
7. Inspectors of Steam Boilers and Prime Movers.	Do.

Officers whose salary is to be attached. (1)	Officer to whom notice should be sent. (2)
8. Officers under the Indian Factories Act, 1911 -	
If stationed in Rangoon	The Accountant-General, Burma.
If stationed outside Rangoon	The Treasury Officer of the district in which stationed. If the officer draws his pay at Rangoon notice should be sent to the Accountant-General, Burma.
9. Officers and establishment of the Customs Department stationed in Rangoon.	The Chief Collector of Customs.
10. Officers (excluding clerks and menials) of the Customs Department stationed outside Rangoon.	The Treasury Officer of the district in which stationed.
11. (a) Gazetted officers of the Public Works Department of the rank of and above sub-Engineers drawing pay in Rangoon or stationed in Rangoon.	The Accountant-General, Burma.
(b) Gazetted officers of the Public Works Department of the rank of and above Sub-Engineers if stationed outside Rangoon and not drawing pay at Rangoon.	The Treasury Officer of the district in which the officer draws his pay.
(c) Divisional Accountants (Public Works Department) attached to the Executive Engineer's Office.	The Executive Engineer.
12. Establishment of the Examiner, Local Fund Accounts, Burma.	The Examiner of Local Fund Accounts, Burma, Rangoon.

Officers whose salary is to be attached. (1)	Officer to whom notice should be sent. (2)
13. Subordinate Establishments, office or other, of Superintending Engineers, Public Works Department, and of the Superintending Engineer, Department of Public Health, Burma.	The Superintending Engineer concerned.
14. Subordinate Public Works Officers and office establishment of Executive Engineers including Subdivisional clerks.	The Executive Engineer.
15. Establishments of the Superintendent of Stores, Public Works Department, Rangoon and the Electrical Inspector, Burma.	Superintendent of Stores, Public Works Department, Rangoon, or the Electrical Inspector, Burma as the case may be.
16. Subordinate Public Works Officers and office establishment of the Chin Hills Independent Subdivision.	The Officer-in-charge.
17. The Chief Conservator of Forests, Burma.	The Chief Conservator of Forests, Burma. *
18. The Conservator of Forests, Hlaing Circle.	The Conservator of Forests, Hlaing Circle.*
19. The Conservator of Forests, Delta Circle.	The Conservator of Forests, Delta Circle. *
20. The Conservator of Forests, Sittaung Circle.	The Conservator of Forests, Sittuang Circle.*
21. The Conservator of Forests, Tenasserium Circle.	The Conservator of Forests, Tenasserium Circle.*
22. The Conservator of Forests, Northern Circle.	The Conservator of Forests, Northern Circle.*
23. The Conservator of Forests, Chindwin Circle.	The Conservator of Forests, Chindwin Circle.*
24. The Conservator of Forests, Central Circle.	The Conservator of Forests, Central Circle.*
25. The Conservator of Forests, Working Plans Circle.	The Conservator of Forests, Working Plans Circle.*

* Note. - The notices in the case of the Gazetted officers in the Forest Department drawing pay at the office of the Accountant-General, Burma, should be sent to the Accountant-General, Burma.

Officers whose salary is to be attached. (1)	Officer to whom notice should be sent. (2)
26. The Conservator of Forests, Utilization Circle.	The Conservator of Forests, Utilization Circle.*
27. Gazetted Officers of the Burma Forest School, Pyinmana.	The Director of the School.
28. All other forest Officers and subordinates (including Forest Engineers, Timber Assistants and European Gardener).	The Divisional Forest Officer and Silviculturist. *
29. Establishments in the Civil Secretariat.	The Under-Secretary, concerned.
30. Officers of the Chief Engineers, Buildings and Roads and Irrigation Branches.	The Chief Engineer concerned.
31. Establishment of High Court, Rangoon.	The Registrar, High Court, Rangoon.
32. Establishment of the Administrator-General, Burma.	The Administrator-General, Burma.
33. Establishment of the Financial Commissioner, Burma.	The Secretary to the Financial Commissioner.
34. Establishment of all Magistrates in Rangoon.	The District Magistrate, Rangoon.
35. Establishments of the Central and Local Stamp Depots, Rangoon.	The Superintendent of Stamps, Rangoon.
36. Establishment of the Veterinary Adviser to the Government of Burma in Rangoon (including office establishment and Veterinary Assistant).	The Veterinary Adviser to the Government of Burma, Rangoon.

* Note. - The notices in the case of the Gazetted officers in the Forest Department drawing pay at the office of the Accountant-General, Burma, should be sent to the Accountant-General, Burma.

Officers whose salary is to be attached. (1)	Officer to whom notice should be sent. (2)
37. Establishment of the University of Rangoon.	The Registrar of the University.
38. Establishment of the University College, Rangoon.	The Principal of the College.
39. School Masters and clerks of Government English and Anglo-Vernacular Schools directly under the control of the Director of Public Instruction, Burma.	The Headmaster of the School, concerned.
40. Establishment of the -	
(a) Office of the Civil Surgeons, Rangoon East and West.	(a) The Civil Surgeon Concerned.
(b) Male and Female Dispensaries, Pazundaung.	(b) The Civil Surgeon, Rangoon East.
(c) Kemmendine Dispensary.	(c) The Civil Surgeon, Rangoon West.
41. Establishment of the General Hospital, Rangoon.	The Medical Superintendent, General Hospital, Rangoon.
42. Establishments of Lunatic Asylums (including office establishments, keepers, etc.).	Superintendent of Lunatic Asylums.
43. Establishment of the Dufferin Hospital, Rangoon.	The Medical Superintendent, Dufferin Hospital, Rangoon.
44. The Rangoon Pasteur Institute employees.	The Director, Pasteur Institute, Rangoon.
45. Establishment of the Government Medical School, Rangoon.	The Superintendent, Government Medical School, Rangoon.
46. Establishment of the Contagious Diseases and Plague Hospital of the Municipal Corporation of the City of Rangoon.	The Municipal Commissioner for the City of Rangoon.
47. Establishments of Commissioners of Divisions.	Commissioners of Divisions.
48. Establishments of Deputy Commissioners (including Revenue, Treasury, Judicial, Criminal, Stamp and Registration Departments, Veterinary Inspectors, Verterinary Assistants, Trade Registration and Deputy Commissioner's Local Fund Establishments).	Deputy Commissioners.

Officers whose salary is to be attached. (1)	Officer to whom notice should be sent. (2)
48A. Establishments under the control of District and Sessions Judges (including Bailiffs and Process-servers).	The District and Sessions Judge concerned.
48B. Establishments of Income-tax Department.	Income-tax Officers.
49. Land Sale and Rent Fund employees.	Deputy Commissioners.
50. Establishments of Superintendents of Excise (including office establishments, Inspectors, Deputy Inspectors and Sub-Inspectors).	Superintendents of Excise.
51. Establishment of Superintendents of Jails (including office estabishment, Jailors and Jail Warders).	Superintendents of Jails.
52. Establishment of District Superintendents of Police (including office establishments and Police-force).	District Superintendents of Police.
53. Establishment of the Superintendents of the Police Supplies, Rangoon.	The Superintendent of Police supplies, Rangoon.
54. Establishments of Adjutants and Commandants of Military Police (including office establishments and Military Police-force).	The Adjutants or Commandants.
55. Establishments of Civil Surgeons (including civil dispensary establishment).	Civil Surgeons.
56. Establishment of Land Records Department (including office establishment, Inspectors, Surveyors, etc.)	Superintendents of Land Records.
57. Establishment of Settlement Department (including Inspectors, Surveyors, etc.).	Settlement Officers.

Officers whose salary is to be attached. (1)	Officer to whom notice should be sent. (2)
58. Office establishments of Deputy Inspectors of Schools and Sub-Inspectors of Schools.	Deputy Inspectors of Schools.
59. Schoolmasters of Vernacular Schools other than Government Vernacular Schools.	The Chairman of the District Board concerned.
60. Deputy Inspectors of Schools; Sub-Inspectors of Schools, Schoolmasters and clerks of Government Anglo-Vernacular, Normal and Government Vernacular Schools; Headmasters of Elementary Training classes; Government Manual Training Teachers and Teachers of Government Monastic Training Schools.	Inspector of Schools of the Circle in which they lie.
61. Non gazetted staff and establishment of the Insein Engineering Institute.	The Principal of the Institute.
62. The staff and establishments of the Saunders Weaving Institute, Mandalay (including the Principal).	The Treasury Officer, Mandalay.
63. Establishment of the Registrar, Co-operative Societies, Burma.	The Registrar, Co-operative Societies, Burma, Rangoon.
64. Establishment of the Director of Agriculture, Burma.	The Director of Agriculture, Burma, Rangoon.
65. Establishment of the Development Commissioner, Burma.	The Secretary to the Development Commissioner, Burma.
66. Employees of the Rangoon Development Trust.	The Chairman.
67. Employees of the Municipal Corporation of the City of Rangoon.	The Municipal Commisioner for the City of Rangoon.
68. Municipal employees.	President of the Municipality.

55(B) **281.** In exercise of the power conferred by sub-section (2) of section 55 of the Code, the President of the Union has directed that before a warrant is issued by a Civil Court for the arrest of an employee of the offices noted below, and of a village headman, notice shall be given to the superior officer designated in column 2 of the sub-joined list for the period specified in column 3 of the list : -

Division or office to which the employee belongs. (1)	Superior officer to be advised. (2)	Period of notice. (3)
(1) * Upper and Lower Burma Division, Postal and Telegraph Department Akyab	Directors of Posts and Telecommunications.	Seven clear days.
(2) † High Court, Rangoon.	Do. Registrar, High Court, Rangoon.	Fourteen clear days. Seven days.
(3) ‡ Village Headman.	Township or Subdivisional Officer concerned.	Fourteen days.

Miscellaneous.

XXI. 26-29, XLI. 5, 6. Stay of Execution.

282. Provisions regarding stay of execution are contained in Order XXI, Rules 26-29, which should be read with Order XLI, Rules 5 and 6.

XXI. 97-103. Resistance to Execution.

283. Provisions regarding resistance to execution are contained in Order XXI, Rules 97-103.

* Judicial Department Notification No. 63, dated the 5th June 1923.
† Judicial Department Notification No. 229, dated the 17th August 1933.
‡ Judicial Department Notification No. 351, dated the 11th December 1930.