

*Thursday,  
30th May, 1889*

ABSTRACT OF THE PROCEEDINGS  
OF THE  
Council of the Governor General of India,  
  
**LAWS AND REGULATIONS**

**Vol. XXVIII**

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ABSTRACT OF THE PROCEEDINGS  
OF  
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA,  
ASSEMBLED FOR THE PURPOSE OF MAKING  
LAWS AND REGULATIONS,

1889

VOLUME XXVIII



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*Abstract of the Proceedings of the Council of the Governor General of India,  
assembled for the purpose of making Laws and Regulations under the  
provisions of the Act of Parliament 24 & 25 Vict., Cap. 67.*

The Council met at Viceregal Lodge, Simla, on Thursday, the 30th May, 1889.

P R E S E N T :

His Excellency the Viceroy and Governor General of India, G.C.M.G., G.M.S.I.,  
G.M.I.E., *presiding.*

His Honour the Lieutenant-Governor of the Punjab, K.C.S.I.

His Excellency the Commander-in-Chief, Bart., V.C., G.C.B., G.C.I.E., R.A.

The Hon'ble Lieutenant-General G. T. Chesney, C.B., C.S.I., C.I.E., R.E.

The Hon'ble A. R. Scoble, Q.C., C.S.I.

The Hon'ble Sir C. A. Elliott, K.C.S.I.

The Hon'ble P. P. Hutchins, C.S.I.

The Hon'ble Sir D. M. Barbour, K.C.S.I.

The Hon'ble Nawáb Sir Nawázish Ali Khán, K.C.I.E.

LOWER BURMA COURTS BILL.

The Hon'ble MR. SCOBLE moved that the Reports of the Select Committee on the Bill to consolidate and amend the law relating to Courts in Lower Burma be taken into consideration. He said :—

“ This Bill was considered by a Select Committee in Calcutta, and would have been submitted to the Council there had it not been necessary to obtain the previous approval of the Secretary of State in Council, under 3 & 4 Will. IV, c. 85, s. 46, and 47 & 48 Vict., c. 38, s. 5, to those sections which empower the Recorder of Rangoon, as the High Court for Burma, to pass sentence of death upon European British subjects of Her Majesty. That sanction has now been communicated, and I have to ask the Council to take the Bill, as finally amended, into consideration.

“ In moving for the appointment of the Select Committee, and in presenting their Reports, I so fully stated the scope and objects of the Bill that I should not trouble the Council with many further observations were it not that I have to propose a few amendments to the draft as settled by the Committee. In the interval which has elapsed since the presentation of their Second Report, I have had the advantage of communicating with the Chief Commissioner of

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Akyab as Courts for the Relief of Insolvent Debtors within the towns of Bassein and Akyab under those sections."

iv. That section 78 become section 74, and be expressed as follows, namely:—

" 74. (1) The Recorder may, for any sufficient reason, by order suspend or withdraw any license granted by him under the last foregoing section.  
Suspension or withdrawal of license by Recorder.

(2) Any person aggrieved by an order of the Recorder under sub-section (1) may appeal to the High Court, and, for the purposes of the Indian Limitation Act, 1877, his appeal shall be deemed to be an appeal under the Code of Civil Procedure."

v. That sections 74, 75, 76 and 77 become sections 75, 76, 77 and 78, respectively, and

the following be added to sub-section (2) of section 75, namely:—

" and for the suspension or dismissal of any such advocates who are guilty of fraudulent or grossly improper conduct."

vi. That the following be substituted for section 81 of the Bill, namely:—

" 81. (1) Whoever commits any of the following offences:—  
Penalty for receiving or giving commission.

- (a) solicits or receives from any legal practitioner any gratification in consideration of procuring or having procured his employment in any legal business;
- (b) retains any gratification out of remuneration paid or delivered or agreed to be paid or delivered to any legal practitioner for such employment;
- (c) being a legal practitioner, tenders, gives or consents to the retention of any gratification for procuring or having procured the employment in any legal business of himself or any other legal practitioner,

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

(2) The expression 'legal practitioner' in sub-section (1) means any person licensed as an advocate under section 73 or section 75 or appearing, pleading or acting as an advocate under section 76, clause (c), without a license."

vii. That section 100 be expressed as follows:—

" 100. The references in section 1 of the Burma District Cesses and Rural Police Act, 1880, and section 2 of the Rangoon Tramways Act, 1883, to the British Burma Municipal Act, 1874, and in section 1 of the Rangoon Port Commissioners' Act, 1879, to the Chief Commissioner of British Burma under the British Burma Municipal Act, 1874, section 28, shall be deemed to be, and on and from the third

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day of January, 1885, to have been, references to the Burma Municipal Act, 1884, and to the Local Government under the Burma Municipal Act, 1884, section 60, clause (c), respectively."

viii. That the following section be added to the Bill, namely :—

" 103. Save as expressly provided by this Act, nothing therein shall be construed to affect any Regulation in force at the commencement of this Act in the Hill District of Arakan under the Statute 33 Victoria, chapter 3, section 1."

ix. That the following Acts be added to the first schedule in chronological order, namely :—

Number and year.	Title.	Extent of repeal.
1	2	3
<i>Acts of the Governor General in Council.</i>		
VII of 1874	British Burma Municipal Act, 1874.	The whole.
XIII of 1877	Burma Embankment Act, 1877	The portion of section 8 beginning with the words "and nothing" and ending with the words "of this Act".
XVI of 1886	Lower Burma Gaols Delivery Act, 1886.	The whole.

The Motion was put and agreed to.

The Hon'ble MR. SCOBLE also moved that the Bill, as amended, be passed.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 13th June, 1889.

S. HARVEY JAMES,

SIMLA ;  
'The 31st May, 1889.

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*Secretary to the Government of India,  
Legislative Department.*