

or section 27, and the whole or any portion of the amount realized under section 29 may, if the convicting Magistrate so directs, be paid to the lessee.

Power to try summarily.

31. Every Bench of Magistrates, invested under the Code of Criminal Procedure with power to try summarily the offences therein mentioned, shall also have power to try summarily any offence under this Act.

PART V.

MISCELLANEOUS.

Delegation of powers.

32. (1) The President of the Union may, by notification, delegate to the Commissioner, subject to such restrictions as he may think fit to prescribe, any of the powers conferred on him by this Act.

(2) The President of the Union may, by notification, confer upon a Municipal Committee or District Council, in respect of a public ferry of which the immediate superintendence is vested in such Municipal Committee or District Council under section 6, all or any of the powers conferred by this Act on the Commissioner.

Power to take possession of boats in case of public emergency.

33. When any boats or their equipments, or any materials or appliances suitable for setting up a ferry, are emergently required for facilitating the transport of troops, police or other persons on the business of [the Government]¹, or of any animals, vehicles or goods attached or belonging to such troops or police or other persons as aforesaid, the Deputy Commissioner may take possession of and use the same until such transport is completed, paying such compensation or hire for the use of the same as the Commissioner may in each case direct.

Civil suits barred.

34. No suit to ascertain the amount of any compensation payable, or of any abatement of rent allowable, under this Act shall be brought in any civil Court.

C. CARRIERS.

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THE CARRIERS ACT.

[INDIA ACT III, 1865.] (14th February, 1865.)

1. * * * *

Interpretation clause.

2. In this Act, unless there be something repugnant in the subject or context,—

“common carrier” denotes a person, other than the Government and any railway administration, engaged in the business of transporting for hire property from place to place, by land or inland navigation, for all persons indiscriminately.

¹ Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

3. No common carrier shall be liable for the loss of or damage to property delivered to him to be carried exceeding in value one hundred rupees and of the description contained in the Schedule to this Act, unless the person delivering such property to be carried, or some person duly authorized in that behalf, shall have expressly declared to such carrier or his agent the value and description thereof.

Carriers not to be liable for loss of certain good above one hundred rupees in value, unless delivered as such.

4. Every such carrier may require payment for the risk undertaken in carrying property exceeding in value one hundred rupees and of the description aforesaid, at such rate of charge as he may fix :

For carrying such property payment may be required at rates fixed by carrier.

Provided that, to entitle such carrier to payment at a rate higher than his ordinary rate of charge, he shall have caused to be exhibited in the place where he carries on the business of receiving property to be carried, notice of the higher rate of charge required, printed or written in [Burmese and in such other language as the President of the Union may direct].¹

5. In case of the loss or damage to property exceeding in value one hundred rupees and of the description aforesaid, delivered to such carrier to be carried, when the value and description thereof shall have been declared and payment shall have been required in manner provided for by this Act, the person entitled to recover in respect of such loss or damage shall also be entitled to recover any money actually paid to such carrier in consideration of such risk as aforesaid.

The person entitled to recover in respect of property lost or damaged may also recover money paid for its carriage.

6. The liability of any common carrier for the loss of or damage to any property delivered to him to be carried, not being of the description contained in the Schedule to this Act, shall not be deemed to be limited or affected by any public notice ; but any such carrier may, by special contract, signed by the owner of such property so delivered as last aforesaid or by some person duly authorized in that behalf by such owner, limit his liability in respect of the same.

In respect of what property liability of carrier not limited or affected by public notice Carriers may limit liability by special contract.

7. * * * *

8. Notwithstanding anything hereinbefore contained, every common carrier shall be liable to the owner for loss of or damage to any property delivered to such carrier to be carried where such loss or damage shall have arisen from the criminal act of the carrier or any of his agents or servants and shall also be liable to the owner for loss or damage to any such property, other than property to which the provisions of section 3 apply and in respect of which the declaration required by that section has not been made, where such loss or damage has arisen from the negligence of the carrier or any of his agents or servants.

Common carrier liable for loss or damage caused by neglect or fraud of himself or his agent

¹ Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

Plaintiffs, in suits for loss, damage or non-delivery, not required to prove negligence or criminal act.

9. In any suit brought against a common carrier for the loss, damage or non-delivery of goods entrusted to him for carriage, it shall not be necessary for the plaintiff to prove that such loss, damage or non-delivery was owing to the negligence or criminal act of the carrier, his servants or agents.

Notice of loss or injury to be given within six months.

10. No suit shall be instituted against a common carrier for the loss of, or injury to, goods entrusted to him for carriage, unless notice in writing of the loss or injury has been given to him before the institution of the suit and within six months of the time when the loss or injury first came to the knowledge of the plaintiff.

Power to President to add to the Schedule.

11. The President of the Union may, by notification in the Gazette, add to the list of articles contained in the Schedule to this Act, and the Schedule shall, on the issue of any such notification, be deemed to have been amended accordingly.

SCHEDULE.

Gold and silver coin.

Gold and silver in a manufactured or unmanufactured state.

Precious stones and pearls.

Jewellery.

Time-pieces of any description.

Trinkets.

Bills and hundis.

Currency notes or notes of any banks, or securities for payment of money, [local]¹ or foreign.

Stamps and stamped paper.

Maps, prints, and works of art.

Writings.

Title-deeds.

Gold or silver plate or plated articles.

Glass.

China.

Silk in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials.

Shawls and lace.

Cloths and tissues embroidered with the precious metals or of which such metals form part.

Articles of ivory, ebony or sandal wood.

Art pottery and all articles made of marble.

Furs.

Government securities.

Opium.

Coral.

¹ Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

Musk, *itr*, sandal wood oil, and other essential oils used in the preparation of *itr* or other perfumes.
 Musical and scientific instruments.
 Feathers.
 Narcotic preparations of hemp.
 Crude india-rubber.
 Jade, jade-stone and amber.
 Cinematograph films and apparatus.

THE BURMA CARRIAGE OF GOODS BY SEA ACT.

[INDIA ACT XXVI, 1925.] (21st September, 1925.)

Whereas at the International Conference on Maritime Law held at Brussels in October, 1922, the delegates at the Conference, including the delegates representing His Britannic Majesty, agreed unanimously to recommend their respective Governments to adopt as the basis of a convention a draft convention for the unification of certain rules relating to bills of lading; Preamble.

And whereas at a meeting held at Brussels in October, 1923, the rules contained in the said draft convention were amended by the Committee appointed by the said Conference ;

And whereas provision has been made by the Carriage of Goods by Sea Act, 1924, that the said rules as so amended and as set out with modifications in the Schedule shall, subject to the provisions of that Act, have the force of law with a view to establishing the responsibilities, liabilities, rights and immunities attaching to carriers under bills of lading ; 14 & 15
Geo. 5, c. 22.

And whereas it is expedient that like provision should be made in the Union of Burma ; It is hereby enacted as follows :—

1. * * * *

2. Subject to the provisions of this Act, the rules set out in the Schedule (hereinafter referred to as "the Rules") shall have effect in relation to and in connection with the carriage of goods by sea in ships carrying goods from any port in the Union of Burma to any other port whether in or outside the Union of Burma. Application of Rules.

3. There shall not be implied in any contract for the carriage of goods by sea to which the Rules apply any absolute undertaking by the carrier of the goods to provide a seaworthy ship. Absolute warranty of seaworthiness not to be implied in contracts to which Rules apply.

4. Every bill of lading, or similar document of title, issued in the Union of Burma which contains or is evidence of any contract to which the Rules apply, shall contain an express statement that it is to have effect subject to the provisions of the said Rules as applied by this Act. Statement as to application of Rules to be included in bills of lading.