

## ACT No. XX OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 19th October, 1895.)

An Act to incapacitate *ex-King Thebaw* from binding himself by contract so as to give rise to any enforceable pecuniary obligation and to provide for an inquiry into his present state of indebtedness.

WHEREAS it is expedient to render *Thebaw*, formerly King of Burma, and now a State prisoner at Ratnagiri in the Presidency of Bombay (hereinafter called *ex-King Thebaw*), henceforth incapable of binding himself by contract so as to give rise to any enforceable pecuniary obligation;

And whereas divers pecuniary claims have been brought against *ex-King Thebaw* and the validity and amounts of the said claims or some of them are contested on his behalf;

And whereas *ex-King Thebaw* is possessed of certain moveable property and it is expedient that the same should be made available for the payment of the said claimants to the extent and in the manner hereinafter appearing;

It is hereby enacted as follows :—

1. This Act may be called *ex-King Thebaw's Act, 1895.*

Title, extent  
and com-  
mencement.

(2) It extends to all persons and places for whom and for which the Governor General in Council has power to make laws; and

(3) It shall come into force at once.

2. *Ex-King Thebaw* shall henceforth be incapable

*Ex-King  
Thebaw to*

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be hence-  
forth incap-  
able of con-  
tracting.  
Power to  
appoint Com-  
mittee.

able of entering into any contract so as to give rise to any pecuniary obligation on his part.

3. (1) The Governor General in Council may nominate and appoint such person or persons as he may think fit to be a Commissioner or Commissioners for the purposes hereinafter mentioned.

(2) The person or persons so nominated and appointed (hereinafter called "the Committee") shall continue to act as such during the pleasure of the Governor General in Council, and shall hold his or their sittings at such place or places and time or times as may seem to him or them fit.

Notice to  
claimants.

4. The Committee shall publish thrice in the Gazette of India in English, and in the Bombay Government Gazette in English and in such other mode and languages as may seem to it fit, a notice inviting all persons having claims against *ex-King Thebaw* or his property to notify the same in writing to the Committee within six months from the date of the earliest of such publications.

Presentation  
of claims.

5. (1) Every person notifying any claim in accordance with the said notice shall along with his claim present full particulars thereof.

(2) Every document relied upon as the foundation of, or as evidence in support of, any such claim shall be delivered to the Committee along with such claim.

(3) If any such document be an entry in any book, the claimant shall produce the book before the Committee, together with a copy of the entry on which he relies. The Committee shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

(4) If any document in the possession or under the control of any claimant is not delivered or produced by him to the Committee along with the claim, the Committee may refuse to receive such document in evidence on the claimant's behalf at the inquiry into the claim.

(5) The

(5) The Committee may, from time to time, call for further and more detailed particulars of any claim preferred under this Act, and may at its discretion refuse to proceed with the inquiry into the claim until such particulars are supplied.

6. (1) The Committee shall consider all claims (if any) presented under section 5 and shall make due and full inquiry in respect thereof and shall certify the result of such inquiry as hereinafter mentioned. Consideration of claims.

(2) Every inquiry under this Act shall be conducted, as far as may conveniently be, as though it were a suit duly instituted in a Court of competent jurisdiction for the recovery of the debt claimed and the Committee were the Judge of such Court.

XIV of 1882.

(3) All the provisions of the Code of Civil Procedure applicable to such a suit shall, as far as may conveniently be, apply to every such inquiry, and the Committee shall have all the powers and authority of a Judge of a Civil Court in respect thereof.

XLV of 1860.

(4) Every inquiry conducted by the Committee with reference to any claim preferred under this Act, or to any matter connected with any such claim, shall be deemed a judicial proceeding within the meaning of the Indian Penal Code, and every statement made by any person examined by or before the Committee with reference to such inquiry, whether upon oath or otherwise, shall be deemed to be evidence within the meaning of the same Code.

7. (1) The Committee shall as the result of such inquiry, or by agreement with each claimant, determine the amount which, in its opinion after consideration of all the circumstances, ought in fairness and justice to be awarded to each claimant. Consideration of claim and award.

(2) In coming to such determination the Committee shall not be bound by any previous agreement or judicial proceeding.

(3) The Committee shall in each case certify the amount of the award determined under this section to the Governor General in Council.

(4) No

(4) No appeal against any such certificate, or the amount of the award thereby certified, shall lie to any Court or other authority whatsoever :

Provided that the Governor General in Council may, for reasons to be stated in the order, refer back any award to the Committee for re-consideration in respect of any particular question or questions.

Bar of suits.

8. No creditor of *ex-King Thebaw* who has presented a claim to the Committee under this Act and supported it by evidence before the Committee, shall be capable of instituting or maintaining any suit or other proceeding against *ex-King Thebaw* or his property in respect of the debt which was the subject of such claim, except in accordance with the proviso in that behalf hereinafter contained.

Satisfaction of claims.

9. (1) The Governor General in Council may, at any time within six months from the date of any such certificate as aforesaid, pay or tender to the claimant the amount so certified, and thereupon all claims of the claimant against *ex-King Thebaw* or his property in respect of the debt referred to in such certificate shall be satisfied and extinguished :

Provided that the Governor General in Council may, by notification in the Gazette of India, extend the said term of six months to such date as may be found necessary to enable the Committee to make a final and complete award on all the claims presented to it.

(2) If the Governor General in Council shall pay or tender to any claimant the amount of any such award as aforesaid, the property of *ex-King Thebaw* shall thereupon, to the extent in value of the sum so paid, vest in the Secretary of State for India in Council on behalf of Her Majesty, Her heirs and successors.

Procedure where amount of awards is likely to exceed value of moveable property.

10. (1) If the total amount of the awards so certified as aforesaid appears to the Governor General in Council to be likely to exceed the value of the whole of the said moveable property of *ex-King Thebaw*, the Governor General in Council may cause  
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the said property to be valued in such manner as he may think fit, and thereupon the whole of the said property shall vest in the Secretary of State for India in Council on behalf of Her Majesty, Her heirs and successors.

(2) If the Governor General in Council causes the provisions of sub-section (1) to be put in operation, and the amount of such valuation as aforesaid, after deducting the expenses thereof, equals or exceeds the total amount of such awards as aforesaid, he shall pay to the several claimants the amounts awarded to them respectively and shall pay the surplus (if any) to *ex-King Thebaw* or his assigns.

(3) If the amount of such valuation as aforesaid after deducting the expenses thereof falls short of the total amount of such awards as aforesaid, the Governor General in Council shall distribute the amount of the said valuation among the claimants rateably in proportion to the awards obtained by them respectively, and thereupon all claims of all such claimants against *ex-King Thebaw* or his property in respect of all such debts as aforesaid shall be satisfied and extinguished.

11. Nothing herein contained shall be construed to render the Secretary of State for India in Council, or the Governor General in Council, liable to pay the amount awarded to any such claimant, or any debt heretofore contracted by, or on behalf of, *ex-King Thebaw*, or liable in respect of any claim which may be made by any person to be reimbursed for supplying him with necessaries :

Saving of  
Secretary of  
State in  
Council.

Provided that, if the Governor General in Council shall decline to cause the provisions of section 10 to be put in operation, any creditor of *ex-King Thebaw* who has obtained such an award as aforesaid and to whom the amount of such award has not been paid or tendered within six months after the date of his certificate, or on or before such later date as may have been appointed under section 9, sub-section (1), may institute and maintain such suit or other proceeding

ceeding as he may be advised against *ex-King Thebaw* and his property for the recovery of the amount awarded to him or otherwise for the purpose of enforcing the performance of the award, but not for any other purpose connected with such claim.

Bar of suit  
for acts  
done *bond  
fide* under  
this Act.

12. No suit or other proceeding shall be maintained against any person in respect of anything done by him in good faith under this Act.