

*Judgment of the Lords of the Judicial Committee
of the Privy Council, on the Appeal of Moung
Tha Hnyeen v. Moung Pan Nyo, from the Special
Court of Lower Burmah at Rangoon ; delivered
July 6, 1900.*

Present :

LORD HOBHOUSE.

LORD MACNAGHTEN.

LORD LINDLEY.

SIR RICHARD COUCH.

SIR HENRY STRONG.

[*Delivered by Lord Hobhouse.*]

THIS case has been very ably argued for the Appellant, and there is no doubt a great deal of obscurity, and some puzzling circumstances in it. But it has been the subject of an extremely elaborate and careful Judgment by the first Court below, and that Judgment has been examined by the Court of Appeal, who have agreed with the first Court. Although acute criticisms have been made upon some points in the case, there has been nothing to show that there has been a miscarriage of justice, or that any principles of Law or of Procedure have been violated in the Courts below. This case is one which very decidedly falls within the valuable principle recognised here, and commonly observed in second Courts of Appeal, that it will not interfere with concurrent judgments of the Courts below on matters of fact, unless very definite and explicit grounds for that interference are assigned. In all probability their Lordships would be doing a great deal more harm than good if they were induced to disturb Judgments

arrived at by the local judges on such criticisms as have been assigned in this argument.

Their Lordships will humbly recommend Her Majesty to dismiss the Appeal ; and the Appellant must pay the costs.