

breach of the bond." Whatever may be the extent of the application of this very wide language, we are satisfied that it is intended merely as an illustration of some modes in which the peace may be broken, and is not to be read as a definition of the acts which will give rise to the liability to the penalty of the bond so as to confine the liability to occasions on which some actually punishable offence has been committed, or to render it incumbent on the prosecution, in calling upon the defendant to show cause why the penalty should not be levied, to establish the actual commission of an offence. All that it is necessary to show is that some act was done which was likely in its consequences to provoke a breach of the peace, and it is not material to consider whether the person bound did the act himself with his own hand or, as in this case, made use of other persons to do it.

We must rescind the order and quash the proceedings of the Sessions Court in appeal and restore the order of the Deputy Magistrate, which there appears to us to have been sufficient evidence to sustain.

ANANTHA-
CHÁRRI
v.
ANANTHA
CHÁRRI.

APPELLATE CIVIL.

Before Mr. Justice Innes and Mr. Justice Kindersley.

DÉVAJĪ, PLAINTIFF, v. RĀMAKRISTNIAH, DEFENDANT.*

Hundi—Act I of 1879, Sec. 10.

1880.
January 29.

A hundi for a sum of Rs. 380 payable otherwise than on demand cannot be stamped with an adhesive stamp. The words "drawn or made out of British India" in Clause 'b' of Section 10 of the Stamp Act of 1879 apply to the entire clause.

THIS was a case stated under Section 617, Act X of 1877, by the Subordinate Judge of Bellary in Small Cause Suit No. 422 of 1879.

There was no appearance for the plaintiff.

C. Rāmachandra Rāu Sáib appeared for the defendant.

The Court (INNES and KINDERSLEY, JJ.) delivered the following

JUDGMENT:—The question referred is "whether a hundi for a sum of Rs. 380 payable twenty-one days after date, *i.e.*,

* Referred Case No. 25 of 1879.

DEVAJI
v.
RAMAKRISH-
NIAH.

otherwise than on demand, can be stamped with an adhesive stamp." Our answer is that it cannot, because the stamp required is more than one anna.

The words "drawn or made out of British India" in Clause 'b' of Section 10 of the Stamp Act of 1879 apply to the entire clause. The defendant will have the costs of this reference:

APPELLATE CIVIL.

Before Mr. Justice Kernan and Mr. Justice Forbes:

1880.
November 25.

VENKATARAYALU (APPELLANT) v. NARASIMHA AND 5 OTHERS
(RESPONDENTS).*

Decree—Execution—Limitation—Act XV of 1877, Art. 179, Cl. 2.

Plaintiff obtained a decree against defendant on the 24th November 1876 and on the 14th October 1876 he got execution and sold some lands of the defendant. On 9th February 1877 he applied to the Court for payment thereof of monies lodged by the purchaser and got on that day the money.

In the meantime an appeal was presented by the defendant and dismissed on the 28th March 1877. The present application for execution was made on the 7th February 1880.

Held that Article 179, clause 2 of the Limitation Act of 1877, which fixes the date of the order of the Appellate Court, when there is an appeal, as the point from which the three years is to count, applied, and that the plaintiff was therefore in time. When there is no appeal the date of the decree or of application is the point from which limitation counts, but not when there is an appeal.

Held further, that the application by plaintiff to the Court (9th February 1877) for the money paid in by the purchaser was a step taken to aid in the execution of the decree.

C. Ramachandra Rau Saib for the Appellant.

S. Gopalachari for the Respondents.

The facts of this case appear sufficiently from the judgment of the Court (KERNAN and FORBES, JJ.)

JUDGMENT.—We think that the plaintiff is not barred by limitation from executing the decree of 24th November 1876.

On the 14th October 1876 he applied for and got execution and sold some lands; and on the 9th of February 1877 he applied by his Vakil to the Court for payment thereof of Rs. 148 lodged there by the purchaser and he got on that day the money.

* Civil Miscellaneous Second Appeal No. 447 of 1880 against the order of G. A. Parker, District Judge of Chingleput, dated the 24th June 1880, confirming the order of the Court of the District Munsif of Poonamallee dated 8th April 1880.