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have been guilty of no more than abetment of the attempt actually made by Bhairon Singh. But they cannot claim on this account any modification of the punishment awarded to them. It is admitted by the pleader for the appellants that, if the confessions made before the Native Magistrates be taken into consideration, the convictions cannot be successfully impugned. Those confessions, as I have already intimated, cannot be held to be irrelevant under the law of evidence, and are accepted by me as having been voluntarily made. The appeal is, therefore, dismissed.

Appeal dismissed.

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 November 30.

CIVIL JURISDICTION.

Before Mr. Justice Spankie and Mr. Justice Straight.

BANSI DHAR (PLAINTIFF) v. HAR SAHAI AND ANOTHER (DEFENDANTS).*

Registered bond payable on demand—Limitation—Act XIV of 1859 (Limitation Act)—Act IX of 1871 (Limitation Act)—Act XV of 1877 (Limitation Act).

The cause of action in a suit on a registered bond payable on demand, bearing date the 2nd March, 1870, was alleged to have arisen on the 5th January, 1879, the date of demand. Under Act XIV of 1859 the limitation for such a suit was six years computed from the date of the bond. Before that period expired Act IX of 1871 came into force, which provided a limitation for such a suit of three years computed from the date of demand. *Held* that, as the cause of action and the institution of such suit occurred after the repeal of Act IX of 1871, the provisions of that Act were not applicable, and, accordingly, whether Act XIV of 1859 or Act XV of 1877 governed such suit, it was barred, as, in either case, limitation began to run from the date of such bond.

THE plaintiff sued on a registered bond bearing date the 2nd March, 1870, for Rs. 399-4-0, principal and interest, the suit being instituted after Act XV of 1877 came into force. The amount of this bond was payable on demand. The plaintiff stated in his plaint that the cause of action arose on the 5th January, 1879, the date of demand. The defendants set up as a defence to the suit that it was barred by limitation, inasmuch as the provisions of Act XIV of 1859 were applicable, the bond having been executed when that

* Application, No. 73B. of 1880, for the revision under s. 622 of Act X of 1877 of an order of Maulvi Maksud Ali Khan, Subordinate Judge of Moradabad, dated the 15th April, 1880.

Act was in force, and under that Act the period of limitation began to run from the date when the bond was executed, and the suit had not been brought within six years from that date. The Court of first instance held that the provisions of Act IX of 1871 were applicable, inasmuch as, when that Act was passed, the period of limitation provided for the suit by Act XIV of 1859 had not expired, and the suit having been brought within three years from the date of demand was within time. On appeal by the defendant, the lower appellate Court held that the provisions of Act XV of 1877 were applicable, and limitation should be computed from the date of the bond, and the suit not having been brought within six years from that date was barred by limitation.

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The plaintiff applied to the High Court, under s. 622 of Act X of 1877, to revise the lower appellate Court's ruling, contending that the suit was within time.

Munshi *Hanuman Prasad*, for the plaintiff.

Pandit *Bishambhar Nath* and Mir *Zahur Husain*, for the defendants.

The judgment of the Court (SPANKIE, J., and STRAIGHT, J.), was delivered by

STRAIGHT, J.—The registered bond in suit was executed on the 2nd day of March, 1870. At that time Act XIV of 1859 was in force, and limitation ran from the date of the execution of the instrument, the period being six years. Before that period had expired, however, Act IX of 1871 came into operation, and according to its provisions the limitation applicable to such a document was altered to three years from the date of demand, and consequently the obligees of bonds had it in their own hands, so to speak, to fix the limitation by which they would be governed. The plaintiff in the present suit alleges that he made his demand on 5th January, 1879, long after Act XV of 1877 had come into operation. The cause of action and the institution of the suit having occurred after the repeal of Act IX of 1871, it does not appear to us that the provisions of that Act can have any application to the present

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case. Accordingly, whether Act XIV of 1859 or Act XV of 1877 governs the suit, it is barred, as in either case the limitation period would run from the date of the execution of the bond. The decision of the Subordinate Judge is, therefore, correct, and this application must be rejected with costs.

Application rejected.

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December 7.

APPELLATE CRIMINAL.

Before Sir Robert Stuart, Kt., Chief Justice.

EMPRESS OF INDIA v. McLEOD AND ANOTHER.

Defamation—Publication—Act XLV of 1860 (Penal Code), s. 499.

M, a medical man, and editor of a medical journal published monthly, said in such journal of an advertisement published by *H*, another medical man, in which *H* solicited the public to subscribe to a hospital of which he was the surgeon in charge, stating the number of successful operations which had been performed,—“The advertiser is certainly entitled to be congratulated on this marvellous success; but it is hardly consistent with the feelings and usages of the medical profession to herald them forth in this fashion. We are not surprised to find that the line he has elected to adopt has not met with the approval of his brother officer serving in the same province, and we have no hesitation in pronouncing his proceedings in this matter unprofessional.” *Held* that, inasmuch as such advertisement had the effect of making such hospital a “public question,” and of submitting it to the “judgment of the public,” and *M* had expressed himself in good faith, *M* was within the *Third* and *Sixth Exceptions*, respectively, to s. 499 of the Penal Code. *Held* also that *M* came within the *Ninth Exception* to that section.

The sending of a newspaper containing defamatory matter by post from Calcutta, where it is published, addressed to a subscriber at Allahabad, is a publication of such defamatory matter at Allahabad.

The publisher of a newspaper is responsible for defamatory matter published in such paper whether he knows the contents of such paper or not.

THIS was an appeal to the High Court by Surgeon-Major K. McLeod and Mr. F. F. Wyman convicted by Mr. A. M. Markham, Magistrate of the Allahabad District, by an order dated the 21st September, 1880, of defamation. The facts of the case are sufficiently stated in the judgment of the High Court.

Mr. Colvin, for the appellants.

Mr. Spankie and the Junior Government Pleader (Babu Dwarika Nath Banarji), for the Crown.