Before Mr. Justice Loch and Mr. Justice Markby.

IN THE MATTER OF RAMDYAL SING.*

1870 Nov. 9.

Act XX of 1865, s. 34—Conviction by a Magistrate for practising as a Mookhtar in the Revenue Court without a Certificate—Jurisdiction.

Reference.—Mr. D. M. Testro, Assistant Magistrate of Khoordah, has fined the appellant, under section 34 of Act XX of 1865, for practising as a Revenue Agent in the office of the Assistant Collector of Khoordah, without having the certificate required by the Act.

This order appears to me to be illegal, as such a fine could only be imposed by the Revenue officer in whose Court the appellant practised. I therefore forward the papers of the case, in order that the sentence may be set aside as illegal.

Order of the High Court.

LOCH, J.—We think that there has been a formal error on the part of the Assistant Magistrate in transferring this case from the Revenue to the Criminal side of his Court, and trying it in his capacity of Assistant Magistrate and not in that of Assistant Collector. This error, however, does not appear to be material, as Mr. Testro is both Assistant Collector and Assistant Magistrate, and the offence was commited before him in the former capacity, and as Assistant Collector he might have disposed of the case. The error, we think, may be rectified by his drawing up a fresh order in his capacity of Assistant Collector and filing the proceedings in the Revenue side of his office.

Before Mr. Justice Norman.

1870 August 26.

ROBERT LACHLAN AND OTHERS *v.* SHAIK ABDULLA.

Plaint—Signature and Verification—Practice.

See also XII B. L. R. 30

Where the plaintiffs described themselves as lately carrying on business under the name of C. and Co., *held*, that there was no irregularity in the plaint being signed by C. and Co., and verified only by A. B., one of the partners.

The plaintiffs in this suit were Robert Lachlan, Thomas Greenhill, and Arthur Bois, lately carrying on business in co-partnership at Dharramtolla in Calcutta, under the style and firm of Cook and Co., and the plaint was signed "Cook and Co." and verified by Arthur Bois alone.

Mr. *Ingram*, on behalf of the defendant, applied, on notice, to have the

* Reference to the High Court, under section 434 of the Code of Criminal Procedure, by the Sessions Judge of Cuttack, under his letter No. 251, dated 28th September 1870.