

N^o 4 being a true copy of the original, of which it was in fact an attested copy, the appellant should have been allowed to produce the original, in order that it might be compared with the copy; whereas he was not allowed to do, which was contrary to law: ^{and that} (2) ~~that~~ a substantial error in law has occurred in the investigation of the case which has produced an error in the decision of the case on its merits, in that, the cause having been remanded by this Court for retrial on the admission of additional evidence, and settlement of new points, (the appellate Court) gave a decision without trying the new issues or laying down new ones which it ought not to have done. The Court having admitted the existence of the dealings, the onus probandi should have been thrown on the Respondent whereas it was wrongly thrown on the appellant.

The Court confirm the decree of the District Judge with costs on the Special Appellant.

W. M. W.

Lucas D. W. D. J.

MEMORANDUM OF COSTS incurred in Special Appeal No. 242

of 186 4 against the decision of the Judge --- of the District of *Shivamogur* and disposed of on the 3rd August 1864 by *Confirming the same with Costs*

BY THE APPELLANT—

<i>In the District.</i>			
In the <i>moonisiff's Court</i>	116 7 9	✓	
In the <i>Judge's Court</i>	50 7 7	✓	
			166.15 4
<i>In this Court.</i>			
Stamp for Memorandum of Special Appeal	50 " "	✓	
Stamps for copies of Decree and Judgment	4 " "	✓	
Stamp for Vukeelutnama	2 " "	✓	
Batta for Process and Postage	3 " "	✓	
Sectioner's Fee	1 12 9	✓	
Vukeel's Fee	40 7 7	✓	
			101. 4 4
			Rupees.... 268. 3 8

BY THE RESPONDENT.

<i>In the District.</i>			
In the <i>Moonisiff's Court (including v. fee)</i>	39 13 9	✓	
In the <i>Judge's Court</i>	153 1 "	✓	
			192. 14 9
<i>In this Court.</i>			
Stamp for Vukeelutnama	2 " "	✓	
Vukeel's Fee	40 7 7	✓	
			42 7 7
			Rupees.... 235. 6 4



Gyome

Sealer
The 5th day of August 1864

Gyome
Acting Registrar