

It appeared in evidence in this case that the prosecutrix, a girl of tender years, had been suspended from the ceiling of a room by her hands and feet, and had, while in that position, been beaten by the prisoner Antá with a cane, and both her cheeks branded with a hot iron by the female prisoner, Esú.

1863.  
REG.  
v.  
ANTÁ  
DA'DOBA'  
et al.

The High Court (WESTROPP and TUCKER, JJ.) made the following order :—

If the scars on the complainant's face were of a character to cause any permanent disfigurement, the offence amounted to grievous hurt, and the accused ought to have been committed for trial to the Session Court.

The Subordinate Magistrate should be informed that if Sec. 320 of the Penal Code, which he quoted in support of the charge, were applicable to the case, it would be beyond his jurisdiction, and that the Court considers the punishment inflicted, especially in the case of the female prisoner, Esú, to have been wholly inadequate.

In the matter of the petition of EKNA'TH bin MA'DOBA'.

Dec. 2.

*Inquiry by Shástri of Court—Civ. Proc. Code, Secs. 305 and 306—Reg. VI. of 1827.*

Inquiry under Secs. 305 and 306 of the Civil Procedure Code should be made by the Judge himself, and not by the Shástri of the Court.

Reg. VI. of 1827 is repealed by Act X. of 1861.

**E**KNA'TH BIN MA'DOBA' presented, under date the 3rd of September 1863, a petition to the Judge of Solápur, the Honorable G. A. Hobart, praying for permission to sue as a pauper. The petition was set down for inquiry on the 1st of October 1863, on which date it was referred to the Shástri of the Court for investigation, the defendant being in the mean while allowed fifteen days' time to produce his evidence in disproof of the petitioner's pauperism. Before the Shástri had returned the case, with his report thereon, the Judge, on the 3rd of October, made an order dismissing the petition.

*Vishvanáth Náráyan Mandlik*, for the petitioner, submitted the case to the High Court, under Sec. 5 of Reg. II. of 1827, and observed that the Judge had passed an order in this case when it was not before him, but had stood adjourned pending the Shástri's report.

1868.

In re  
EKNA' TH  
MA'DOBA'.

The Court (FORBES and WESTROPP, JJ.) passed the following resolution:—

The Court reverses the Judge's order of the 3rd of October last, and directs that he proceed with the inquiry into the petition, which inquiry, as Reg. VI. of 1827 has been repealed by Act X. of 1861, the Judge will conduct in person, as prescribed in the Code of Civil Procedure.

### Ecclesiastical Side.

Nov. 6.

In the matter of the administration *de bonis non, cum test. annexo*, of N. C. VIEGAS.

*Administration cum testamento annexo—Pecuniary Legatee—Creditor—Administrator General—Act VIII. of 1855, Secs. 10 and 17.*

A pecuniary legatee is not entitled to letters of administration *cum test.* in preference to a creditor, and, therefore, is not entitled, under Secs. 10 and 17 of Act VIII. of 1855, to a grant of administration in preference to the Administrator General.

**T**HIS was an application by the Administrator General of Bombay for a grant of letters of administration *de bonis non*, with the Will annexed, of Nicolão Caetano Viegas, of Bombay, Portuguese inhabitant, deceased.

The testator died at Bombay, on or about the 5th of November 1856, possessed of a house and premises at Parel, and personal property of considerable amount, and leaving him surviving his wife, Louisa Macdonell, and an illegitimate daughter, Pássú Bibí, by a woman named Husen Bibí, but no legitimate children. He had previously, on or about the 2nd of April 1855, duly made and published his Will, whereof he appointed Bezanji Fakírji, and Mrs. Helen Maidment, wife of Mr. R. Maidment, executor and executrix: probate of the Will was granted to them on the Ecclesiastical Side of the late Supreme Court on the 16th of December 1856.

The testator, after directing that his just debts and funeral and testamentary expenses should be paid and discharged out of his personal estate, as soon as conveniently might be after his decease, devised as follows:—“I give, devise, and bequeath unto Bazonjee Fuckeerjee of Bombay, Parsee inhabitant, and Helen Maidment, also of Bombay, European inhabit-