

upon a decree which was bad ; and also because the plaintiff would thereby harass the defendant by a multiplicity of suits. The passage cited from Taylor was doubtful.

COUCH, C.J.:—The passage quoted from Taylor on Evidence is not, I am afraid, happily expressed, and may perhaps have caused some doubt in the mind of the Judge. The authorities show, as Mr. Taylor says, that the pendency of proceedings in error or in appeal does not prevent a decree being conclusive *at the time*.

PER CURIAM:—The Court are of opinion that the decree of the Principal Şadr Amín is conclusive in the present suit, notwithstanding the pendency of the appeal ; but if the Judge passes a decree for the plaintiff, he may, upon application made to him, and security being given, stay the execution of it, until the appeal is decided ; and if the decree of the Principal Şadr Amín should be reversed, may entertain an application for the review of his decision.

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Civil Petition.

Jan. 7.

Ex parte CHIMNA'JI BA'LKRISHNA.

Execution of Decree—Adjustment out of Court—Act VIII. of 1859, Sec. 206.

Held, that Sec. 206 of Act VIII. of 1859 does not apply to adjustments of decrees made before the Act came into operation.

IN the case of a decree against a principal and a surety, the surety paid part of the amount before the Code of Civil Procedure came into operation ; but the District Judge, on an application to execute the decree, refused to recognise such payment, as it had not been made through the court.

PER CURIAM (COUCH, C.J., and NEWTON, J.):—Sec. 206 of Act VIII. of 1859 does not apply to adjustments made before the Act came into operation.

We, therefore, reverse the order of the Judge ; and direct him to re-hear the application for execution of the decree.

Application granted.

1867.
BULKIRA'M
NATHURA'M
v.
GUZERAT
MERCANTILE
ASSOCIATION
et al.