

ACT No. XXIV OF 1865.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 14th July 1865.)

*An Act to give effect to certain Warrants of Attorney and Cognovits.*

WHEREAS it is expedient to give effect to Warrants of Attorney to confess judgment in suits in the High Court of Judicature at Fort William in Bengal which were executed on the first day of July 1862, being the date of the establishment of the said Court, or on the date of the passing of this Act, or on any intermediate day, and to Cognovits executed or given on any of the days above mentioned by any defendant in any suit pending in the same Court: and whereas it is also expedient to render valid judgments which have been signed on such Warrants of Attorney and Cognovits respectively, and executions and subsequent proceedings which have been sued out and taken thereon; It is enacted as follows:—

1. Judgment may be signed in the said High Court upon every Warrant of Attorney and *Cognovit actionem* executed or given in or relating to proceedings in the same Court on the said first day of July 1862, or on the date of the passing of this Act, or on any intermediate day, in the same manner as judgments were signed in the late Supreme Court of Judicature at Fort William in Bengal upon Warrants of Attorney and Cognovits executed or given in or relating to proceedings in such Court; and all such Warrants of Attorney and Cognovits shall be subject, as nearly as circumstances permit, to all rules of Court and provisions of Acts of Parliament which were in force at the time when the said High Court was established, and to which Warrants of Attorney and Cognovits given in or relating to proceedings in the said Supreme Court were then subject.

2. A judgment entered up or signed on any Warrant of Attorney or Cognovit to which this Act extends shall be deemed a decree of the said High Court, and may be executed and enforced accordingly.

3. Any

3. Any judgment which has been signed on any such Warrant or Cognovit in the said High Court shall be deemed to be and always to have been as valid and effectual as if the same had been signed in the said Supreme Court upon a Warrant of Attorney or Cognovit given in that Court; and every writ of execution which has been sued out thereon, and every execution of any such writ, and all proceedings taken thereon, shall for all purposes be deemed and taken to be and always to have been as valid and effectual as if the same had been sued out of the said Supreme Court upon a judgment signed in the same Court upon a Warrant of Attorney or Cognovit given in or relating to proceedings in that Court; and no suit or other proceeding shall be commenced, prosecuted or carried on against any person for any thing done under or in pursuance of such judgment or execution which could not have been maintained if such judgment had been entered up in the said Supreme Court upon a Warrant of Attorney or Cognovit executed or given in or relating to proceedings in that Court, and the execution had been issued on such judgment.

4. The said High Court shall have the same powers to set aside or annul any such Warrant or Cognovit and any judgment signed thereon and any execution issued upon such judgment, as the said Supreme Court exercised with respect to Warrants of Attorney or Cognovits executed or given in or relating to proceedings in that Court and to judgments entered up thereon and to executions upon such judgments.

5. Every Warrant of Attorney and Cognovit executed or given after the passing of this Act, in or relating to proceedings in the said High Court, or in any other High Court of Judicature in British India, and every judgment signed thereon, and all executions issued upon such judgments, shall be deemed null and void.

6. This Act may be extended, *mutatis mutandis*, to the High Court of Judicature at Bombay, by an order of the Governor in Council to be published in the Local Government Gazette.