

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1452	Press
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Dated	18. 7.	19 1866

162-164

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

18th September 1866.

Read the following papers:—

No. 162. From the Under Secretary to the Government of India, to the Chief Secretary to Government, Fort Saint George; dated Simla, 1st August 1866, No. 3290.

Home Department.

I am directed to request that, with the permission of His Excellency the Governor in Council, you will procure and forward, for the information of the Government of India, two copies of the Rules recently promulgated by the Judges of the High Court of Judicature at Madras, under their new Charter.

No. 272.

MEMORANDUM.

The Under Secretary to Government, Public, &c., Departments, is directed to request that the Registrar of the High Court of Judicature will be so good as to furnish Government with two copies of the Rules recently promulgated by the Honorable the Judges under their new Charter.

FORT SAINT GEORGE,

22nd August 1866.

(Signed) J. GROSE,

Under Secretary.

To the Registrar of the High Court of Judicature, Madras.

No. 163.

MEMORANDUM.

The undersigned regrets his inability to comply with the application of the Under Secretary to Government, for two copies of the Rules recently promulgated by the High Court under the new Charter, as only a limited number of copies were printed, and there is not one copy left.

HIGH COURT OF JUDICATURE,

MADRAS, 31st August 1866.

(Signed) T. WILKINS,

Deputy Registrar, Appellate Side.

To the Under Secretary to Government.

No. 164. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 18th September 1866, No. 1452.

With reference to Mr. Under Secretary Howell's letter of the 1st ultimo, No. 3290, I am desired to forward two copies of the Rules and Orders promulgated by the High Court of Judicature at Madras under their new Charter.

Dated 5th July 1866.

(Signed) J. D. SIM,

Secretary to Government.

Exd. J. Tulloch.



RULES AND ORDERS IN THE HIGH COURT
OF JUDICATURE AT MADRAS.

The fifth day of July 1866.

WHEREAS by Her Majesty's Letters Patent, bearing date the 28th day of December 1865, and published by the Governor in Council on the 12th March 1866, it is ordained and declared "that it shall be lawful for the High Court of Judicature at Madras from time to time to make Rules and Orders for the purpose of regulating all proceedings in Civil cases which may be brought before the said High Court, including proceedings in its Admiralty, Vice-admiralty, Testamentary, Intestate and Matrimonial Jurisdiction respectively: Provided always that the said High Court shall be guided in making such Rules and Orders as far as possible by the provisions of the Code of Civil Procedure, being an Act passed by the Governor General in Council and being Act No. 8 of 1859, and the provisions of any law which has been made, amending or altering the same, by competent legislative authority for India:" and Whereas it is also declared that "any function which is by the said Letters Patent directed to be performed by the said High Court of Judicature at Madras in the exercise of its Original or Appellate Jurisdiction may be performed by any Judge or by any Division Court thereof appointed or constituted for such purpose under the provisions of the 13th Section of the Act of the 24th and 25th years of Our reign;" Now this Court, in pursuance and execution of the powers thereby conferred and of all other powers and authorities enabling it in that behalf, doth hereby order and direct that from and after the ninth day of July 1866 the Rules and Orders hereinafter expressed shall regulate the exercise of the Jurisdiction of the said Court by a single Judge or a Division Court composed of two or more Judges: and all proceedings in Civil cases in the said Court, including proceedings in its Admiralty, Vice-admiralty, Testamentary, Intestate, and Matrimonial Jurisdiction.

Order of Arrangement.

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APPELLATE JURISDICTION

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APPENDIX.

I.

APPELLATE JURISDICTION

UNDER CLAUSE 16 OF THE SAID LETTERS PATENT.

The practice and procedure of the Court in the exercise of Appellate Jurisdiction under clause 16 of the said Letters Patent shall continue the same as at the time of the publication of the said Letters Patent.

II.

ORIGINAL JURISDICTION.

(I.) General Rules and Orders relating to Practice and Procedure on the Original side of the Court.

1. The ordinary and extraordinary Original

Jurisdiction of a Court, and all such Original Division Court or Civil and Maritime Jurisdiction, as may be exercised

by the Court, as a Court of Admiralty or Vice-admiralty, or for the trial and adjudication of prize causes and other Maritime questions, and all such Original Jurisdiction as may be exercised by the Court in relation to the granting of Probates and Letters of Administration, and all Original Jurisdiction in matters Matrimonial may be exercised by one Judge or by a Division Court composed of two or more Judges.

2. The ordinary and extraordinary Original Criminal Jurisdiction and all such Criminal Jurisdiction as may be exercised by the Court as a Court of Admiralty or Vice-admiralty, or otherwise in connection with Maritime matters or matters of prize, shall be exercised by one Judge.

3. The following matters shall be disposed of by a single Judge sitting in Court:—

a. The first hearing of original suits of every kind, whether the summons or citation be issued for settlement of issues or for final disposal.

- b. The final hearing and disposal of all such suits, unless the Judge at the first hearing shall otherwise order.
 - c. The hearing and disposal of claims to property under Sections 86, 229, 230, 246 and 269 of the Civil Procedure Code.
 - d. Applications for a review of judgment pronounced by one Judge.
4. The following matters shall be disposed of by a Judge in Chambers:—
- a. All applications in ordinary original Civil suits, excepting applications for injunctions and for appointment of receivers, and excepting also the proceedings specified in the last rule.
 - b. All non-contentious proceedings in the exercise of Testamentary and Intestate Jurisdiction.
 - c. All proceedings in suits in the exercise of Admiralty and Vice-admiralty Jurisdiction, except the first and final hearing of such suits.
 - d. All applications for execution of decrees in appeal under clause 15 of the said Letters Patent.
 - e. All applications as to the guardianship and maintenance of infants.
 - f. All applications relating to matters connected with the management of property; including such applications under Act 34 of 1858.
 - g. All applications for the appointment of a special guardian to concur in a special case under Act 17 of 1852.
 - h. All applications for the production of documents.
 - i. All applications for the payment of money into Court.
 - j. All applications for change of Attorney or Vakild, and relative to the conduct of suits or other matters.
 - k. All applications for commissions to examine witnesses.
 - l. All applications for administration of estates under Act 6 of 1854.
 - m. All applications for the appointment of official or other trustees.
 - n. All applications for leave to sue or defend by guardians and next friends of infants and lunatics or others.
 - o. All inquiries as to the sufficiency of bail and sureties.

Provided that a Judge in Chambers may in his discretion refer any matter brought before him to a Division Court.

5. Any matter not otherwise expressly provided for in these Rules may be disposed of in Chambers, if the Judge, to whom the application shall be made, shall think it a fit matter to be so disposed of.

6. Applications for writs of Habeas Corpus, Certiorari Prohibition and Injunction, and for the appointment of Receivers and Applications under Sections 3, 4 and 5 of Act V of 1866 and under Sections 53, 54 and 55 of the Indian Registration Act 1866, except as herein otherwise provided, may be made either to a Judge in Chambers, or to a Judge sitting in Court, or to a Division Court composed of two or more Judges.

7. All appeals from the decisions of one Judge shall be heard and determined by a Court composed of two or three Judges; and all appeals from the decisions of a Division Court composed of two Judges shall be heard and determined by a Court composed of not less than three Judges.

8. When a Court is composed of more Judges than one, and the Judges are divided in opinion

as to the decision to be given on any point, such point shall be decided according to the opinion of the majority of the Judges, if there shall be a majority; but if the Judges shall be equally divided, then the opinion of the Chief Justice or Senior Judge present shall prevail.

9. A Division Court or a Judge sitting in Court may adjourn for the consideration of a Judge sitting in Chambers, or of the Registrar or some other officer of the Court, any matter of account, detail or other description, which can be more conveniently investigated in that manner; and thereupon such matter shall be so investigated, and the Judge, Registrar or other officer shall report or certify thereon; such report or certificate, if made by a Judge, shall be open to revision by any Court of Appeal to which the order or decree founded thereon may be appealable; and if made by the Registrar or other officer, shall be open to revision by the Division Court or Judge by whom the matter was referred, or by such other Judge as the Chief Justice shall appoint.

10. The Procedure before a Judge in Chambers or the Registrar or other officer under the last rule shall be regulated respectively by the Rule* of this Court made under Act 18 of 1863, Section 7, and dated 18th November 1864, and by the Instructions† issued for regulating the proceedings on the investigation of accounts or other matters referred to the Commissioner.

11. Any witness duly summoned before a Commissioner, or other officer appointed to examine witnesses or to make any enquiry or investigation, who shall refuse or neglect to attend or to be sworn or examined or to produce any document, shall be subject to the like disadvantages, penalties and punishments by order of the Court, on the certificate of the Commissioner or other officer as such witness would incur for the same offences committed before the Court.

12. All Receivers of Estates and Committees of the Estates of Lunatics shall pass their accounts upon oath before the Commissioner or other officer appointed by the Court for that purpose once in every year or at such other periods as the Court shall direct, and the Commissioner or other officer shall upon the passing of such accounts fix the days on which such Receivers and Committees shall pay the balances due on their accounts into Court.

13. If such Receivers or Committees neglect to pass their accounts or to pay the balances due thereon, as required by the last rule, the Commissioner or other officer before whom their subsequent accounts are produced to be examined and passed shall disallow the salary or percentage claimed by them, and also charge interest at 6 per cent. per annum upon the said balances during the time the same shall have remained in their hands respectively.

14. The Commissioner or other officer shall report on the 1st of February and 1st of August in each year which of the said Receivers or Committees respectively have not duly passed their accounts or paid in their balances.

15. Every plaint, memorandum of appeal, written statement, petition, affidavit, deposition or other proceeding filed in the Court shall be fairly and legibly written in an engrossing hand and made up in the manner following, that is to say, they shall be written on half

* See Appendix A.

† See Appendix B.

sheets of demy paper, on one side only, with a quarter of the sheet left as a margin on the left hand side, the first line on the page shall be at least two inches and a half from the top, and the last line an inch from the bottom; there shall be twenty-four lines on each side and between each an interval of half an inch or thereabouts, which will leave at the top and bottom the spaces hereinbefore prescribed: each line shall contain ten words and no more, and each page be distinctly numbered at the bottom thereof. The half sheets being so written shall be fastened at the top at an equal distance, between the top of the page and the first line; and in cases where the pleadings are long, shall be secured with parchment to prevent the paper from being torn.

16. The Registrar shall at the request of any party or of the Vakild or Attorney of any party grant copies of all such plaints, memoranda of appeal, written statements, petitions, affidavits, depositions, rules, decrees and orders as may, under any order of the Court, be requisite to be produced at the hearing of any motion, suit or matter, and such party, Vakild or Attorney shall not be under the necessity of taking copies of the whole proceedings in any suit or matter, but only of such parts thereof as may be necessary for his purpose.

17. Upon the application of any person, whether a party or not to the suit or matter, the Registrar or other officer of the Court shall give a certificate specifying shortly the several proceedings which have been taken in his office in any suit or matter, and the dates thereof.

18. All affidavits and affirmations in writing may be taken before a Commissioner for taking affidavits, and are to be expressed in the 1st person, and the addition, business or employment of the party making the same, together with his place of residence, shall be fully set forth.

19. Every plaint, memorandum of appeal, petition, citation, or other proceeding may be received and filed by the Registrar, if he shall upon examination find that they are presented in the form and at the time required by the rules applicable thereto, and all applications for the issuing of summonses to defendants or other notices, or for execution, or for decrees on Bills of Exchange, Hundies and Promissory Notes under Section 2 of Act V of 1866, or for decrees upon obligations for the payment of money specially registered under Acts XVI of 1864 and XX of 1866, shall be made in the first instance to the Registrar. In all cases of doubt he shall refer the question to a Judge.

20. No notice or motion to be made in Court, or of the filing of affidavits in support of such motion, shall be effectual for any purpose, unless served three clear days before the hearing of such motion; and all affidavits in support of a motion shall be filed three clear days before the hearing of such motion.

21. Where a party giving notice of motion to be made in Court does not move accordingly, he shall, when no affidavit is filed, pay to any other party appearing by advocate and producing such notice fifty Rupees costs; but when an affidavit is filed by the party giving the notice, of which an office copy is properly taken by the other party, or when the party receiving the notice files any proper and necessary affidavits,

taxed costs shall be paid by the party not moving pursuant to notice, unless the Court or a Judge shall otherwise order.

22. All applications for the appointment of guardians to the persons or property of infants shall be made by petition, supported by affidavit stating the age of the infant, the nature and amount of his property, what relations he has, and the degree of relationship between the proposed guardian and the infant.

23. All petitions, except for Probate or Letters of Administration, shall be Time of lodging left with the Registrar three clear days before they are moved in Court; and the Registrar shall without notice have the same in Court ready to be produced on the first day on which they can be moved, unless the Registrar shall have previously delivered out the same to the Vakild or Attorney of the petitioner for the purpose of moving thereon.

24. Every application for an attachment for disobedience of any decree, rule, or order of the Court, or for any other contempt, shall be made by motion in Court; and every notice of such application and every rule or order nisi for such attachment shall contain the specific ground upon which the application is founded.

25. If the party in contempt cannot be arrested by reason of his absconding or keeping out of the way to avoid such arrest, a Judge in Chambers may, upon being satisfied thereof, grant an order for the attachment of the property of the person in contempt, to such amount as he shall deem reasonable; which attachment shall be proceeded with in the same manner as upon execution of a decree for money; and if after such attachment the party in contempt shall appear and show to the satisfaction of the Court or a Judge that he did not abscond or keep out of the way to avoid such arrest, and shall in all respects comply with the decree or order of the Court or show sufficient cause for his failure to do so, the Court or Judge shall order the release of the property from attachment upon such terms as to costs and otherwise as he shall think right.

26. If the person in contempt, upon being apprehended and brought before the Court, shall without lawful excuse fail or refuse to comply in all respects with the decree or order of the Court, the Court may commit him to Jail for such limited time as the Court may think right, unless he shall sooner comply in all respects with the decree or order of the Court, in which case he shall be entitled to an order for his discharge from imprisonment.

27. If, at the end of the time limited in the warrant of imprisonment, the person in contempt persists in his disobedience to the decree or order of the Court, his property may be attached in the manner provided for the attachment of property in execution of a decree for money, and the said attachment shall continue until the said person shall comply with the decree or order in all things to be immediately performed, and give such security as the Court shall direct for compliance with the other parts of the decree or order, if any, at the future days and times thereby appointed, or until the Court shall order the property to be released.

28. Every person arrested for a contempt shall be brought before the Court or a Judge forthwith, and may be examined orally upon oath

or affirmation; but no interrogatories shall in any case be exhibited to such person.

29. If the person arrested for contempt, upon being brought before the Court or a Judge, shall confess the contempt by him committed and submit to the judgment of the Court thereon, his submission and confession shall be thereupon recorded; and he shall either be committed or admitted to bail, as the Court or Judge shall think fit, for his appearance before the Court at such time as shall be appointed, to receive the judgment of the Court for his contempt.

30. Where a person shall have confessed the contempt, both the person prosecuting the attachment and the person in contempt may file affidavits, explanatory of the contempt, at any time not later than on the fourth day before the day appointed for awarding judgment, and on that day the Court will also, if necessary, examine the parties.

31. At the time of disposing of any application, the Court or a Judge may award to either party the costs of such application or may reserve the consideration of such costs for any future stage of the proceedings.

32. All orders for the payment of money shall be enforced in the same manner as decrees for the payment of money in Ordinary Original Civil Suits.

33. Whenever security is required to be furnished by any person, the Court or a Judge may permit such person to deposit a sum of money, Government Promissory Notes or other valuable property, to such amount as the Court or a Judge may fix, in lieu of the security required.

34. When a Plaintiff is required to give security for costs, the penal sum in the bond shall be 1,000 Rupees, unless a Judge in Chambers shall otherwise order.

35. All writs, summonses, and other judicial process shall be prepared and signed by the Registrar or Assistant Registrar and sealed with the seal of the Court, and shall be tested on the day on which they issue. All such process shall be delivered to the party applying for the same, or to his Vakils or Attorneys, to be served by the Sheriff or otherwise as hereinafter directed.

36. Notices to produce documents, summonses to witnesses and every other judicial process, except writs of summons to Defendants issued under Section 41 of Act VIII of 1859, and writs of Execution, may be served by the Vakils or Attorneys of the parties to the suit or other proceeding, or by persons employed by them; but parties appearing in person must cause all notices, summonses, writs and other process to be served by the Sheriff.

37. Service of all process, notices, rules and orders, by being left at the office of the Vakils or Attorney of the party between the hours of 10 A.M. and 6 P.M., shall be as effectual for all purposes in relation to the suits as if the same had been served on the party in person, unless the Court shall otherwise direct.

38. All process, notices, rules and orders, when a party is in Jail, may be served upon the Jailor, who shall immediately deliver the copy served upon him to the party and endorse upon the original an acknowledgment of the service or procure an endorsement of such acknowledgment by the party. If the Jail be beyond the local limits of the Court's jurisdiction, the pro-

cess, notices, rules and orders may be sent by post or otherwise to the Jailor, to be served in like manner and returned by him to the Court.

39. All process shall be returned by the Sheriff as soon as the same is executed, and the Return shall state the time and manner of execution.

40. If under any writ or warrant of arrest issued against two or more persons, all such persons shall not be taken at one and the same time, the Sheriff shall make a separate Return of the execution of such writ or warrant with respect to the person or persons taken so soon as he or they shall be taken respectively; but the writ or warrant itself shall not be returned until it is completely executed or the last day for returning the same has arrived, and any such person, if otherwise entitled, shall be admitted to bail as if the writ or warrant itself had been returned.

41. The proper sum to be tendered to a witness, according to the scale in force for the time being, shall be endorsed by the Registrar on the summons, and the party applying for the same shall be directed to pay that amount to the Sheriff or other person entrusted with service of the summons.

42. Women, who according to the custom and manners of the country ought not to be compelled to appear in public, shall be exempt from personal appearance in Court.

43. All decrees and orders (excepting orders of a Judge in Chambers) shall, upon the application of any party to the suit, be drawn up and prepared in the Registrar's Office and signed by the Registrar or Assistant Registrar and sealed with the seal of the Court. It shall not be necessary to enter such decrees or orders in any book, but the original decrees or orders so drawn up and prepared shall be filed with the record of the suit; and certified copies thereof shall be furnished by the Registrar to the parties or their Vakils or Attorneys on a proper application.

44. In cases of difficulty, in which the Registrar may have any doubt as to the form of the decree, he may submit the draft to the Vakils or Attorney of the party applying for the decree, or to the Vakils or Attorneys of the several parties to the suit, and, if necessary, to a Judge. After a decree or order has been issued, any application to rectify an inaccuracy or clerical error therein or to rescind or modify any interlocutory order shall be made to the Court or Judge, by whom the same was passed, and in the latter case by petition.

45. The Accountant General and the Registrar on the Original side of the Court shall each keep a book cause-wise of all money, effects and securities of the suitors of the Court or persons interested, which shall be ordered to be paid or delivered into or out of the Bank of Madras with the privity of the Accountant General, and the said books shall be open to the inspection of all persons interested during office hours.

46. The said Registrar shall make in the book kept by him an entry of every decree or order for the payment or delivery into or out of the Bank of Madras of any money, effects or securities, and shall before delivery of the copy of the decree or order to the person or persons entitled to the same or his or their Vakils or Attorneys mark "entered" at the foot of such copy and subscribe his name thereto.

47. When a decree or order is made for the payment or delivery into or out of the Bank of Madras with the privity of the Accountant General of any money, effects or securities of any of the suitors of the Court or persons interested therein, an office copy signed by the said Registrar and sealed with the seal of the Court shall be taken to the Accountant General by the suitor or suitors or person or persons ordered to make the payment or delivery, or by the suitor or suitors or person or persons to whom the payment or delivery is ordered to be made, or by the Vakils, Attorney or authorized Agent of such suitors or persons.

48. The Accountant General shall make an entry of the decree or order of the Court in his book, and he shall mark "entered" on the copy of the decree or order produced to him and subscribe his name thereto, and shall (except in the case provided for by Rule 54) certify under his hand at the foot of the said copy of the decree or order to the Secretary and Treasurer of the Bank of Madras that he is to receive from the person or persons mentioned in the said decree or order, or that he is to pay or deliver out to the person entitled thereto under the said decree or order, the money, effects or securities mentioned in the said decree or order, specifying the amount and particulars thereof, and that he is to place the same to the debit or credit, as the case may be, of the suit in which the decree or order is made.

49. The said copy of the decree or order with the certificate of the Accountant General thereon shall then be taken to the Secretary and Treasurer of the Bank of Madras by the person or persons ordered to pay or deliver into or to receive out of the said Bank the money, effects or securities mentioned in the said decree or order and certificate, or by his or their Vakils, Attorney or authorized Agent; and the said Secretary and Treasurer of the Bank of Madras shall, pursuant to the said decree or order, receive from or pay out and deliver to the person or persons mentioned in the said decree or order and certificate, or from or to his or their Vakils, Attorney or authorized Agent, the money, effects or securities specified therein, and shall make an entry thereof in the book to be kept by him for that purpose.

50. When any money, effects or securities are paid or delivered to and received by the Secretary and Treasurer of the Bank of Madras, he shall give to the person or persons paying or delivering the same a receipt for the money, effects or securities so paid or delivered, and shall forthwith send to the Accountant General a duplicate of the said receipt which the Accountant General shall enter in his book and file of record in his office.

51. The person or persons who has or have delivered or paid into the said Bank any money, effects or securities, or his or their Vakils, Attorney or authorized Agent shall within three days after such payment or delivery bring into the said Registrar's office the receipt obtained by him or them and the Registrar shall make an entry thereof in his book and file the same of record in his office; and all persons interested may, during office hours, inspect the same.

52. When any money, effects or securities are paid out or delivered by the Secretary and Treasurer of the Bank of Madras, the person or persons receiving the same shall give a receipt to the said Secretary and Treasurer, which receipt, together with the said copy of the decree or order and the certificate of the Accountant General

thereon, shall be filed of record in the office of the said Secretary and Treasurer, and shall be a sufficient acquittance to the said Bank of Madras for any sum of money, effects or securities so paid over or delivered to the party entitled to receive the same under such decree or order and certificate: Provided that when the decree or order requires the payment to any person or persons of the interest upon any Government Securities half-yearly as it accrues due, no certificate by the Accountant General to the said Secretary and Treasurer of the Bank of Madras shall be required to authorize the payment of such interest by the Secretary and Treasurer of the Bank of Madras; but the Accountant General shall draw a cheque upon the said Secretary and Treasurer for the amount of such interest, when due; and the person or persons entitled thereto or his or their Vakils, Attorney or authorized Agent shall take the said cheque to the said Secretary and Treasurer; who shall thereupon pay the amount mentioned therein to the person or persons entitled thereto, or his or their Vakils or Attorney or authorized Agent; and the said cheque shall be filed of record in the office of the said Secretary and Treasurer.

53. The Accountant General shall on the fourth day of January and the fourth day of July in each year send to the said Registrar a duplicate of his accounts, signed by him; which shall be filed of record in the said Registrar's office, and shall be open to inspection by all persons interested during office hours.

54. The interest upon any monies or securities paid or delivered into the Bank of Madras under a decree or order of the Court shall, unless otherwise ordered by the Court, be received by or with the privity of the Accountant General and be by him or with his privity, forthwith or as soon as conveniently may be, laid out and invested in new Government Securities, and such new Securities shall be deposited to the credit of the same accounts respectively; and the Accountant General shall specify all such sums so received or invested as aforesaid in the accounts presented by him to the Court.

55. Neither the Accountant General (except as in the last rule provided), nor the said Registrar, nor any other officer of the Court shall intermeddle with the actual receipt of any money, effects or securities, which shall be ordered by the Court to be paid or delivered into or out of the Bank of Madras by or to the suitors or other persons.

56. If the amount or value of the money, effects or securities to be paid out, is below rupees five hundred, or under special circumstances during any adjournment of the Court, a Judge in Chambers may make an order for the payment or delivery of monies, effects or securities out of the Bank of Madras.

57. It shall not be necessary in any decree or order for the payment or delivery into or out of the Bank of Madras of any money, effects or securities, to set out the Accountant General's certificate at length, but it shall be sufficient to refer thereto.

58. Upon the receipt by the Registrar of any special case stated by a Judge or Judges of the Court of Small Causes, or by a Magistrate or Magistrates, the Registrar shall enter the same in a book with the date of its receipt, and each case shall be numbered as received. After obtaining from a Judge the appointment of a day for the hearing, the Registrar shall immedi-

ately notify the same to the parties or their Attornies.

59. The transmission of process or of copies of decrees for service or execution by any other Court and other like ministerial acts shall be done by the Registrar or Assistant Registrar.

60. All documents and other writings, in any native or foreign language, when they are produced by the party who offers the same in evidence, shall be translated and signed by the proper Court Interpreter, or, if there be no Court Interpreter, by any duly qualified person who shall by affidavit or affirmation verify his translation; and the translations shall be annexed to the originals at or before the first hearing of the suit or matter, and in default thereof the same shall not be received in evidence without the leave of the Court.

61. The Translator shall mark on every translation the day on which he received the original document and the day on which the translation is ready to be delivered; and shall also subscribe his name to every translation, and the same shall be fairly and legibly written on paper of suitable size and quality.

62. Every plaint, petition, written statement, affidavit or the like, verified or affirmed by a native appearing in person or by any Purdah woman, shall be explained by the Court Interpreter, and the verification shall either be signed or marked, or the signature or mark acknowledged before such Interpreter who shall certify the same thereon.

63. When the party appears by Vakil or Attorney, such explanation by the Court Interpreter will not be required, except in the case of a Purdah woman, the Vakil or Attorney being responsible for the due explanation of the plaint, petition, written statement, affidavit or the like, and of the verification thereof and for the party's signature or mark thereto.

64. In all cases in which any particular number of days, not expressed to be clear days, is prescribed by the rules or practice of this Court, the same shall be reckoned exclusively of the first day and inclusively of the last day; unless the last day shall fall on a Sunday or other day on which the offices are closed, in which case the time shall be reckoned exclusively of that day also, and of any other following day or days during which the offices may continue closed.

65. In all proceedings the term "month" shall mean, Calendar month.

(II.) *Rules and Orders relating to Practice and Procedure in Ordinary Original Civil Suits; and in Appeals from decrees or orders in such Suits under Clause 15 of the said Letters Patent.*

1. The proceedings in Ordinary Original Civil Suits shall be regulated by the Code of Civil Procedure (Act VIII of 1859) Sections 15 and 24, and by all the unrepealed provisions of Chapters 3, 4, 5, 6, 7 and 9 excepting Sections 30, 31, 37, 107, 172, 184, 185, 186; and excepting such of the provisions of the said Act (VIII of 1859) as relate to Stamp duties; and by Act XXIII of 1861, Sections 8, 9, 10, 11, 14, 15, 24; and by the rules hereinbefore or hereinafter prescribed.

2. An infant shall sue by guardian or next friend, who shall be admitted and may be removed by the Court or a Judge and

shall be liable for the costs of the suit.

2. An infant shall defend by guardian, who shall be admitted and may be removed by the Court.

4. Every suit shall include the whole of the claim arising out of the cause of action; and if a Plaintiff omit to sue for any portion of his claim, a suit for the portion omitted shall not afterwards be entertained.

5. Suits for immoveable property, situated partly within and partly without the local limits of the Ordinary Original Civil Jurisdiction of the High Court, shall be heard and determined by the said Court, if the leave of a Judge in Chambers shall have been obtained for the institution of the suit.

6. If upon the face of the plaint or after questioning the Plaintiff it shall appear to the Court or a Judge that the Court has no jurisdiction to entertain the suit, the plaint shall be returned to the Plaintiff in order to its being presented in the proper Court.

7. If the Plaintiff withdraw from a suit without such permission as is mentioned in Section 97 of Act VIII of 1859, he shall be liable for such costs as the Court or a Judge shall award.

8. The Defendant in any suit involving a claim to money may at any stage of the suit deposit in Court such sum of money as he considers a satisfaction in full of the claim, including the costs incurred by the Plaintiff up to the time of such deposit. Notice of the deposit shall be given to the Plaintiff and the amount shall be paid to him on his application. No interest shall be allowed to the Plaintiff on any sum deposited by the Defendant from the date of the receipt of such notice, whether the sum deposited be in full of the claim or fall short thereof. If less be deposited than the amount claimed by the Plaintiff, the Plaintiff may proceed in the suit for the recovery of the balance.

9. If any party, from whom a written statement shall have been called for by the Court or a Judge, shall fail to present the same within the time fixed, the Court or a Judge may pass a decree against him or make such other order in relation to the suit as the Court or Judge may deem proper.

10. When there are more Defendants than one and any one of the Defendants is not at issue with the Plaintiff on any question of law or fact, the Court may at once give judgment for or against such Defendant, and the suit shall in such case proceed only against the other Defendant or Defendants.

11. Upon the hearing of any suit the evidence of the witnesses in attendance shall be given orally in open Court and taken down by the Judge or one of the Judges, and his notes shall be sufficient for all purposes and shall form part of the record. Provided that, if the Court or either party desire it, the evidence shall be taken down by the Registrar or other person and in the form of question and answer if required.

required.

12. The summons to the Defendant to appear and answer shall contain a demand of costs incurred to the time of payment.

13. The judgment shall be pronounced in open Court, and a minute thereof made by the Registrar, who shall afterwards draw up the decree in accordance therewith.

14. Applications for a review of judgment shall be regulated by the provisions of Chapter XI of Act VIII of 1859, except that the application need not in any case be written on stamp paper; and that the application shall be made within 14 days from the date of the decree, unless the applicant shall be able to show sufficient cause for not having preferred the application within such limited period.

15. The application shall set forth concisely and under distinct heads the grounds on which the review is applied for; such grounds shall be numbered consecutively.

16. Applications to set aside decrees, under Section 4 of Act V of 1866 or Section 55 of Act XX of 1866, shall be made within a reasonable time, not exceeding 30 days, after any process for enforcing the decree has been executed; but no decree shall be set aside on any such application, unless notice thereof shall have been served on the opposite party and the amount of the decree be paid into Court.

17. The foregoing rules shall not affect the procedure in any suit commenced in the late Supreme Court.

18. The appeal under Clause 15 of the Letters Patent shall be made in the form of a Memorandum, which shall be presented in the Registrar's office within 30 days from the date of the decree or order appealed against, unless the Appellant shall show sufficient cause to the satisfaction of the Appellate Court for not having presented it within such limited period. The 30 days shall be reckoned from and exclusive of the day of the date of such decree or order, and also exclusive of such time as may be requisite for obtaining a copy of the decree or order.

19. The Memorandum of Appeal shall be in the following form or to the like effect and shall be accompanied by a copy of the decree or order appealed against:

MEMORANDUM OF APPEAL.

(Name, &c., as in Register.) Appellant. Plaintiff.
(Name, &c., as in Register.) Respondent. Defendant.
—abovenamed appeals to the High Court at Madras against the decree (or order) of a Division Court composed of the Honorable the Chief Justice and the Honorable Mr. Justice — (or of the Honorable Mr. Justice — as the case may be) in the above Suit dated the — day of — for the following reasons namely:—

(Here state the grounds of objection.)

20. The grounds of objection shall be set forth concisely without argument or narrative and under distinct heads, which shall be numbered consecutively.

21. The Appellant shall not, without the leave of the Court, urge or be heard in support of any other ground of objection, but the Court, in deciding the appeal, shall not be confined to the grounds set forth by the Appellant.

22. If the Memorandum of Appeal be not presented within the prescribed period and no sufficient cause be shown for the delay, the Appeal shall be disallowed.

23. If the Memorandum of Appeal be not drawn up in the manner hereinbefore prescribed, such Memorandum may be rejected or returned to the Appellant for amendment within a time to be fixed by a Judge.

24. If there be more Plaintiffs or more Defendants than one in a suit and the decree or order by one of several proceed on any ground common to all the Plaintiffs or Defendants, any one of the Plaintiffs or Defendants may appeal against the whole decree or order and the Appellate Court may reverse or modify the decree or order in favor of all the Plaintiffs or Defendants, as the case may be.

25. In every case in which the grounds of objection raise any question of fact, the Appellant shall, ten days before the day of hearing, deliver to the Judge's Clerk a copy of the recorded evidence for transmission to the Judges who are to hear the Appeal.

26. Execution of a decree or order shall not be stayed by reason only of an Appeal having been preferred, but the Appellate Court, or the Court or Judge whose decree or order is appealed against, may for sufficient cause stay the execution upon such terms as to the taking of security for the due performance of the decree or order of the Appellate Court, as may seem proper.

27. If execution be not stayed, the Respondent may be required to give security for the restitution of any property which shall be taken in execution, or of its value, and for the due performance of the decree or order of the Appellate Court.

28. The Procedure in Appeals shall be further regulated by Act VIII of 1859, Sections 340, 341, 342, 344, and 345, except so much of Section 345 as requires a notice of the day of hearing to be sent by the Appellate Court to the Lower Court; and provided that notice to the Respondent shall be served at least ten days before the day appointed for hearing. The further procedure shall also be regulated by Sections 346, 347, 348, 350, 351, 352, 353, 354, 355, 356, 357, and 362 of Act VIII of 1859, and by Act XXIII of 1861, Section 37.

29. When the Respondent intends to take any objection to the decree, he shall give seven days' notice in writing of such objection in the form and manner prescribed for a Memorandum of Appeal.

30. The Appellate Court shall give its judgment in the manner hereinbefore prescribed for the giving of judgment by a Division Court or Judge exercising Ordinary Original Civil Jurisdiction.

31. The decree of the Appellate Court shall bear date the day on which judgment was passed. It shall contain the No. of the suit, the names and descriptions of the parties, Appellant and Respondent, and the Memorandum of Appeal or so much thereof as may be material to the decree; and shall specify clearly the relief granted or other determination of the Appeal. It shall also state

the amount of costs incurred in the Appeal, and by what parties and in what proportions such costs and the costs in the original suit are to be paid.

82. Applications to be admitted to Appeal *informa pauperis*, and the procedure thereon, shall be governed by the provisions contained in Sections 369, 370, 371 of Act VIII of 1859. Provided that the Appellate Court may direct the inquiry into the alleged pauperism of the applicant to be conducted before a Judge in Chambers.

(III.) *Rules and Orders relating to Practice and Procedure in Original Testamentary and Intestate Suits and Proceedings and in appeals from decrees or orders therein under Clause 15 of the said Letters Patent.*

NON-CONTENTIOUS PROCEEDINGS.

1. Every application for Probate or Letters of Administration shall be by petition in the manner and form required by Sections 244, 245, 246, 247, and 248 of "the Indian Succession Act, 1865," and Section 249 shall apply to the person verifying such petition. Provided that when the Will has been previously proved and deposited in another Court or when for any other cause the Will cannot be annexed to the petition, it shall be sufficient to annex, in the former case an exemplification or copy duly authenticated by such Court, and in the latter a copy or statement of the contents of the Will.

Provided also that petitions for Administration with the Will annexed shall comply with such of the provisions relating to petitions for Probate as are applicable thereto.

2. After a petition for Letters of Administration has been filed in the Registrar's Office, a Notice in the form No. 1 or No. 2, or to the like effect, shall be published twice in the *FORT SAINT GEORGE GAZETTE*; and in one of the principal Newspapers published in Madras, at an interval of one week, and a copy of the same shall be affixed at the entrance of the Court house.

3. In every case of a petition for Administration of the Estate of a deceased Hindoo or Mahomedan, the notice shall be published both in English and the Vernacular language of the deceased.

4. In every case of an application for Probate or Letters of Administration, the Court or Judge before whom the application is heard may examine the petitioner in person upon oath or solemn affirmation, and also require further evidence by affidavit or the oral examination of witnesses of the due execution of the Will, or as to any alterations or interlineations or other appearance therein, or of the right to the Letters of Administration; and may order a general citation or special citations to be issued to parties interested; and without such order no general or special citation shall be issued except in contentious proceedings.

5. Citations by order of the Court or a Judge to persons resident within the limits of Madras shall be made returnable immediately and be served four clear days before the Letters of Administration shall be granted. In all other cases the citation shall be made returnable and shall be served at such time and in such manner as the Court or Judge shall direct.

6. On the granting of Probate or Letters of Administration in Chambers, the fiat of the Judge endorsed on the Petition shall be sufficient authority to the Registrar for his issuing the Probate or Letters of Administration, and when granted in Court, the same may be issued on the Registrar's Minute of the order of the Court without such order being formally drawn up. Provided that the time prescribed in Section 258 of "the Indian Succession Act" shall have expired.

7. Probate and Letters of Administration shall be in the forms No. 3 and No. 4 in ordinary cases.

8. Every person to whom any grant of Administration shall be committed shall give a bond to the Registrar to ensure for the benefit of the Registrar for the time being, with one or more surety or sureties in the form No. 5, or in such other form as the Court or a Judge shall from time to time by any special order direct. In all ordinary cases it shall be sufficient to take the bond in an amount equal to the full value of the estate, and if the value be under 500 Rupees it may be taken with one surety only. But in all cases of limited or special administration two sureties are always to be required, and the bond must be given in double the amount of the estate or fund to be dealt with under Administration.

9. Such bonds shall be entered into before the Commissioner or other Officer of the Court directed by the Judge, whose duty it will be to take care as far as possible that the sureties are responsible persons, and upon such Administration bond being deposited by the said Commissioner or other Officer with the Registrar, and not before, the Letters of Administration shall be issued from the Registry to the party entitled to the same.

10. In case it should be necessary to put the said bond in suit, the Court or a Judge may upon the petition of any person interested, and upon such terms as the Court or a Judge may think fit, direct the Registrar to assign the same to some person, his Executors and Administrators, for the purpose of being put in suit, and the said assignment shall have the same effect as an assignment under Section 257 of the Indian Succession Act.

CONTENTIOUS PROCEEDINGS.

11. When a petition for Probate or Letters of Administration and a caveat against the same are filed with the Registrar, contentious proceedings shall be considered to commence, and the petition and caveat shall be numbered and registered as a suit, as in an Ordinary Original Civil Suit, in which the petitioner for Probate or Letters of Administration shall be the Plaintiff and the Caveator the Defendant.

12. In every such suit the petition for Probate or Letters of Administration, as the case may be, shall be considered the plaint, and on the application of the Plaintiff, or his Vakeel or Attorney, a citation in the form No. 7, or to the like effect, shall be issued in the same manner as a summons to a Defendant to appear and answer in an Ordinary Original Civil Suit.

13. When no caveat has been filed and the petitioner for Probate or Letters of Administration with the Will annexed intends to prove the Will or Codicil in solemn form of law, he shall cause a special citation or special citations to be issued from the Registrar's office, and copies of the same to be served on the heir or next of kin, or other persons interested; and on the applica-

tion for such citation the proceedings shall be considered contentious, and the petition and citation or citations shall be registered and numbered as a suit, as in an Ordinary Original Civil Suit, in which the petitioner shall be the Plaintiff and the person or persons cited the Defendant or Defendants.

14. In every such last mentioned suit the petition for Probate shall be considered the plaint, and the citation shall be in the form No. 8 or to the like effect and issued in the same manner as a summons to a Defendant to appear and answer in an Ordinary Original Civil Suit.

15. When the heir or one of the next of kin, or other person sufficiently interested, desires to compel proof of a Will or Codicil in solemn form of law after Probate or Letters of Administration with the Will annexed has or have been obtained, or for any just cause to revoke the grant of Probate or Letters of Administration, he shall cause a citation in the form No. 9 or No. 10, or to the like effect, to be issued from the Registrar's office and served on the person who obtained such Probate or Letters of Administration, and on the issuing of the citation the proceedings shall be considered contentious, and the petition and citation registered and numbered as a suit in like manner as in an Ordinary Original Civil Suit, in which the person who obtained the Probate or Letters of Administration shall be the Plaintiff and the person suing out the citation the Defendant.

16. In every such last mentioned suit, the petition on which the Probate or Letters of Administration was granted shall be considered the plaint, and the day, named in the citation for bringing in the Probate or Letters of Administration, shall be the day for the appearance and answer of the Defendant and the first day of hearing in the suit, and no subsequent citation to the Defendant to appear shall be necessary.

17. When any person, to whom Probate or Letters of Administration with the Will annexed has been granted, petitions for a revocation of the same, the Court or a Judge in Chambers shall direct whether any and what citation or citations shall be issued and the proceeding necessary to obtain such revocation.

18. No citation shall issue except under Rule 12, until an affidavit in verification of the averments it contains has been filed in the Registrar's office. Upon such affidavit being filed, the citation shall be issued to the party applying for the same, or his Vakeel or Attorney, and shall by him be delivered to the Sheriff for service, which shall in every instance be effected in the same manner as service of a summons on a Defendant to appear in an Ordinary Original Civil Suit. The Sheriff shall be responsible for the due return of the Original citation to the Registrar's office.

19. A caveat shall be in the form No. 6, and with every caveat an affidavit shall be filed in the Registrar's office, stating the grounds on which the Caveator opposes the grant of Probate or Letters of Administration, as the case may be.

20. A citation to see proceedings to a person having an interest and not a party to the suit, shall be issued by the Registrar on the application of any party to the suit or by order of the Court or a Judge, and shall be served and returned by the Sheriff as in Rule 18 is provided, and when a person cited to see proceedings appears and desires to be

made a party, his name shall be entered in the record of the suit as a Defendant, and he shall have the same right to be heard in answer, as if he had been a Defendant in the first instance. Such citation shall be in the form No. 11 or to the like effect.

21. Every party to a suit served with a citation requiring him to bring in and deposit in the Registry a Probate or Letters of Administration, or an alleged Will or Codicil or other testamentary document, shall comply with such citation within the time therein allowed for that purpose; and upon his failure to do so without sufficient cause being shown, and if obedience to such order cannot otherwise be enforced, he shall be considered in contempt; and on the application of the person issuing the citation, a Judge may grant an order for his arrest.

22. When the party cited alleges that he is unable to bring in and deposit the Probate or Letters of Administration or the alleged Will or Codicil or other testamentary document, he shall, within the time allowed for that purpose, file in the Registrar's office an affidavit of the cause of his alleged inability, and give immediate notice thereof to the Plaintiff; and on an application afterwards for an order to arrest such party, the Judge may direct him to attend for the purpose of being examined on the matters stated in his affidavit, and for this purpose the proceedings shall be the same as on an order for the attendance of a party in an Ordinary Original Civil Suit.

23. On the order for arrest of the party in contempt being granted, a Warrant shall thereupon be issued to the Sheriff, returnable in ten days, commanding him to apprehend the person in contempt and bring him forthwith before a Judge. If he cannot be apprehended by reason of his absconding or keeping out of the way to avoid the execution of the warrant, a Judge may, on being satisfied thereof on the return of the Sheriff by affidavit or oral examination, grant an order for the attachment of the property of the person in contempt to such an amount as he shall deem reasonable.

24. Such attachment shall be proceeded with in the same manner as an attachment of property in execution of a decree for money in an Ordinary Original Civil Suit. And if, after the property of the person in contempt has been attached, he shall appear and show to the satisfaction of a Judge that he did not abscond or keep out of the way to avoid the execution of the Warrant, and shall produce the Probate or Letters of Administration or the alleged Will or Codicil or other testamentary document, or show sufficient cause for his failure to do so, the Judge shall order the release of the property from the attachment upon such terms as to payment of the costs of the Warrant and the attachment as he shall think right.

25. If the person in contempt, on his being apprehended and brought before a Judge, shall without lawful excuse fail or refuse to produce and deposit in the Registry the Probate or Letters of Administration or the alleged Will or Codicil or other testamentary document, the Judge may commit him to Jail for such limited time as the Judge may deem proper, unless he shall sooner deposit in the Registry such Probate or Letters of Administration or such alleged Will, Codicil or other testamentary document, in which case he shall be entitled to an order of a Judge for his discharge from imprisonment.

26. If at the end of the time limited in the Warrant the party in contempt persists in his refusal, his property may be attached in the manner provided for the attachment of property in execution of a decree for money in an Ordinary Original Civil Suit, and the said attachment shall be continued until the said party shall comply with the terms of the citation, or until an order of the Court or a Judge shall be made, releasing his property from attachment. He shall also be liable to be proceeded against under the provisions of the Penal Code or other law for the punishment of persons refusing to produce a document to a Court of Justice.

27. The parties shall attend in Court on the day fixed in the citation for the Defendant to appear, and answer; and proceedings at first hearing.

28. On the same day the suit shall be heard or the hearing adjourned to a future day, which shall at the time of adjournment be fixed by the Court, and at the first hearing the Court shall proceed on the affidavits filed, the written statements received (if any) and the oral examination of the parties, to frame and record the issue or issues of law or fact on which the right decision of the case shall appear to depend. Provided that if an issue or issues has or have been drawn up, and is or are agreed to and signed by the parties or their pleaders, the Court may direct the same to be received and recorded.

29. The Court may at any time before passing a decree amend the issue or issues, or record additional issues, on such terms as to cost or otherwise as the Court may think fit. A Judge in Chambers shall have the same power, at any time before the day fixed for final hearing, on appearance of the parties before him or proof of service of reasonable notice of the application on the parties who do not appear.

30. Any party to a suit to obtain or establish the grant of Letters of Administration shall be at liberty to deny the interest of any other party, and the question or questions raised between such parties shall be tried and decided in the same suit.

31. A Plaintiff shall not be at liberty to withdraw a suit except upon payment of the costs of the Defendant or Defendants, unless the Court or a Judge in Chambers shall otherwise direct, and after withdrawal he shall be precluded from petitioning for Probate or Letters of Administration in the same matter, except by leave of the Court or a Judge.

32. The parties may by mutual agreement in writing determine the suit, and in such case the agreement shall be filed and a decree or order made in

accordance therewith, if the Court or a Judge in Chambers shall be satisfied by affidavit or otherwise of the due execution of the agreement and the propriety of so determining the suit.

33. Whenever, on the death of any party to a suit, it shall appear to the Court or a Judge in Chambers that the representative of the party so dying is entitled and ought to be substituted as a party to the suit, the Court or Judge may upon the application of such representative, or of any party to the suit, order that such representative be made a party accordingly, and thereupon give such directions for the further proceedings in the suit as may be necessary or proper.

34. If no such application be made, the Court or a Judge in Chambers may, if it shall seem just, on petition after notice or on summons duly served, award to any party the costs incurred by him in the suit to be recovered from the estate of the deceased party.

35. The proceedings in other respects on the first day of hearing, and all subsequent proceedings in the suit down to the final decree or order of the Court, shall be regulated by and as nearly as possible in accordance with the practice and procedure in an Ordinary Original Civil Suit.

36. The final decree or order of the Court shall bear date the day on which judgment is pronounced, and contain the number of the suit and the names and description of the parties and shall express clearly the declaration or order of the Court determining the suit. It shall also, when costs are ordered to be paid, state the amount of the costs, and the parties by and to whom and in what proportions they are to be paid: And it shall be signed by the Registrar and under the seal of the Court.

37. Decrees or orders of the Court, so far as regards the payment of costs, shall be enforced by process of execution against the person or property of the party liable, in the same manner in all respects as decrees for the payment of money in an Ordinary Original Civil Suit.

38. Applications for a review of Judgment, and appeals from the decrees or orders of a Division Court or Judge under Clause 15 of the Letters Patent, shall be made, commenced and proceeded with respectively in the same form and manner as is required by the Practice and Procedure relating to a Review of Judgment and to appeals under the said Section in an Ordinary Original Civil Suit.

39. The Registers of Suits, and of appeals under Clause 15 of the Letters Patent, shall be kept in the same forms as the Registers of Ordinary Original Civil Suits and of appeals therein.

40. These Rules, except so far as they relate to the Administration bond, shall apply to petitions by the Administrator General, under the Acts relating to his office.

(IV.) *Rules and Orders relating to Practice and Procedure in Original Civil and Maritime Suits and Proceedings, and upon appeal from Decrees and Orders therein under Clause 15 of the Letters Patent.*

1. Every Original Civil and Maritime Suit in the High Court as a Court of Admiralty or Vice-admiralty shall, except as herein-after provided, be commenced by plaint, which shall be in the form No. 1 or to the like effect.

2. The practice as to the reception or rejection of the plaint, and as to the production and filing of documents with the plaint, shall be the same as in Ordinary Original Civil Suits.

3. When the plaint has been registered and numbered, a warrant of arrest may be issued by the Registrar; but no warrant for personal arrest shall in any case be issued without leave of the Court or a Judge.

4. The Warrant (which shall be in the form No. 2 or to the like effect) shall be made returnable and all parties interested shall be cited to appear on a day certain, which shall be the day for the first hearing of the suit, and the warrant shall be executed in accordance with the existing rules; but the Sheriff shall upon execution thereof return the warrant to the Registrar's Office.

5. If upon the day fixed in the warrant, no party interested shall appear to defend the suit, the Judge shall proceed to hear the same *ex-parte*, as upon the first hearing of an Ordinary Original Civil Suit.

6. If the Court or Judge be satisfied with the evidence then adduced, a decree may be pronounced in favor of the plaintiff for the amount claimed and declaring him entitled to a lien on the property seized, unless within two months from that date any party interested should appear to defend the suit. The decree shall be in the form No. 3 or to the like effect.

7. If upon the day fixed in the warrant any party or parties interested shall appear and defend the suit, the Judge shall proceed to frame issues, or to hear and finally dispose of the suit, as upon the first hearing of an Ordinary Original Civil Suit.

8. At any time after the expiration of two months from the day of passing a decree Nisi in an uncontested suit, or under special circumstances before that time, the plaintiff may upon affidavit apply to a Judge to order the appraisal and sale of the property.

9. No decree of appraisal and sale shall be necessary; but upon the order of the Judge, the Registrar shall issue a warrant of appraisal and sale; which shall be in the form No. 4 or to the like effect.

10. The Sheriff in the execution of the said warrant shall proceed according to the existing rules and practice in suits Civil and Maritime.

11. The proceeds of such sale shall not be paid out of Court to any plaintiff in an uncontested suit within the period of one year from the day named in the warrant of arrest for the appearance of all parties interested, unless he give security to the

satisfaction of the Judge for restoration of the same, in case any person interested shall come in and be admitted to defend the said suit within the said period.

12. Within the period abovementioned, any person interested in the property arrested may appear and defend the suit upon such terms with regard to costs and otherwise as a Judge may direct.

13. When issues have been settled in any suit, the further hearing thereof shall be adjourned, if any further evidence or argument be necessary, to a future day, and the proceedings thereupon shall be the same as in an Ordinary Original Civil Suit.

14. The decree of the Court in the suit shall also, as far as practicable, be in the same form as a decree in an Ordinary Original Civil Suit.

15. The proceedings as to withdrawal of suits, dismissal of sureties, tender and payment into Court, references of matters of account or other matter of detail, the issuing of commissions, production of documents, summoning and examination of witnesses, shall be the same as in Ordinary Original Civil Suits.

16. In cases of damage, unless the Court or a Judge shall otherwise direct, each party shall on or before the first hearing bring into Court a written statement verified in the manner required for plaints and containing the following particulars:—

- The names of the two Vessels which came into collision and the names of their respective masters.
- The time of the collision as nearly as can be stated.
- The place of the collision.
- The direction of the wind.
- The state of the weather.
- The courses of the respective Vessels on first sighting each other.
- The distance at which the other Vessel was first seen.
- The steps taken to avoid the collision.
- The parts of each Vessel which first came in contact.

17. Bail to answer a suit and all bail-bonds or recognizances shall be given in the manner following: The party who is to produce the sureties, or his Vakil or Attorney, shall furnish the Sheriff, and also the opposite party or his Vakil or Attorney, with the particulars, in writing, of the names of the proposed bail, their address and occupation; and the Sheriff, having made due inquiry as to their sufficiency, shall deliver his report thereon to the party proposing the bail, or his Vakil or Attorney, who shall then instruct the Registrar to prepare the bail-bond, which shall be in the forms Nos. 5, 6 or 7 or to the like effect. The Registrar and the parties or their Vakils or Attorneys and the sureties, shall then attend the Judge, and upon the recognizances being duly entered into, the property shall be released upon an instrument, in the form No. 8, or to the like effect; which shall be issued by the Sheriff immediately after bail has been given. This form shall be dispensed with when the bail is taken by Commission.

18. If it become necessary to enforce a bail-bond against the sureties, an order of the Court

or a Judge, requiring them to pay the amount for which they are liable within a time to be specified therein, shall be served personally upon the said sureties, and the said order shall be enforced as an order for the payment of money in an Ordinary Original Civil Suit.

19. The Registrar or Assistant Registrar shall attend all sittings of the Court and also of a Judge in Chambers and shall make minutes of the Proceedings in a book to be kept for that purpose. He shall also draw all bail-bonds and witness the execution thereof, and shall keep a Register of Original Suits, Civil and Maritime, and of appeals from decrees and orders therein under Clause 15 of the Letters Patent, in the same form as nearly as may be as the Register of Ordinary Original Civil Suits and of appeals from decrees and orders therein under Clause 15 of the Letters Patent.

20. The Proceedings before a Judge in Chambers shall be by summons as in Ordinary Original Civil Suits; and notice thereof shall be given to the Registrar.

21. In Derelict cases and suits against the Decree *ex-parte* in ships and goods of Pirates, Derelict cases, &c. decided *ex-parte* at the first hearing, the decree shall declare the condemnation of the property, unless within a year any persons interested shall apply and be admitted to defend the suit. Notice of the *ex-parte* decree shall be given by publication three times in the Fort Saint George Gazette and in one of the principal newspapers published in Madras at an interval of one month, and by affixing the same at the Court House and at the Master Attendant's Office.

22. In Salvage cases the property shall not be released from arrest until the value of the property proceeded against shall have been agreed upon by the parties and recorded in the Registrar's minute book. If the value cannot be agreed upon, a Judge will order the appraisal of the property proceeded against.

23. In suits for Mariners' wages any number of Mariners may proceed jointly in one suit.

24. Prosecutions for contempt in breach of the Maritime Law and of the regulations and instructions relating to Her Majesty's Service at sea, prosecutions against the ships and goods of Pirates, proceedings for bounty money upon the capture of piratical vessels, prosecutions for breach of the Revenue or Navigation Laws, shall be regulated by the existing rules and practice applicable thereto, except that, instead of proceeding by plea and proof or by act on petition in contested matters, the Judge shall proceed to settle issues or decide the case upon the first appearance of the parties, as upon the first hearing of an Ordinary Original Civil Suit; and when issues have been settled, the further hearing and the determination of the suit shall be as in Ordinary Original Civil Suits.

25. Applications for review of judgment and appeals under Clause 15 of the Letters Patent shall be regulated by the procedure upon similar applications and appeals in Ordinary Original Civil Suits.

26. In taxing bills of costs for proceedings in suits Civil and Maritime, the taxing officer shall be guided by the tables of fees applicable to Ordinary Original Civil Suits in lieu of the table of fees issued by Order in Council of 27th January 1832, pursuant to Act 2, W. 4, c. 51, s. 3, in all matters to which the latter is inapplicable.

(V.) *Rules and Orders relating to Practice and Procedure in Original Matrimonial Suits and Proceedings and upon Appeal from Decrees and Orders therein under Clause 15 of the said Letters Patent.*

1. Every Original Matrimonial Suit shall be commenced by a plaint in the form No. 1 or to the like effect, and the proceedings on the presentation of such plaint and all subsequent proceedings in the suit, and in every appeal from a decree or order in such suit under Clause 15 of the said Letters Patent, shall, so far as may be practicable, be the same as in Ordinary Original Civil Suits and in appeals from decrees or orders therein under the said Clause.

2. The wife, being plaintiff in a suit, may present a petition for alimony *pendente lite* in the form No. 2 or to the like effect, at any time after service on her husband of the summons to appear and answer in the suit.

3. A copy of such petition when filed shall be served on the husband in the manner provided for the service of a summons on a defendant to appear and answer in an Ordinary Original Civil Suit, unless the Court or Judge shall see fit to dispense with such service.

4. The wife, being the defendant in a suit, must enter an appearance in the Registrar's Office before she can file a petition for alimony.

5. The husband being defendant must appear in the suit before he can answer the petition for alimony.

6. The husband shall, if he intends to appear on the motion for alimony, within eight days after service upon him of the copy of the petition, or, if the service has been dispensed with, within eight days after the filing of the petition, file a written statement framed and verified as in Ordinary Original Civil Suits, and shall on the same day deliver a copy thereof to the wife or her Vakils or Attorney: Provided that a Judge in Chambers may extend the time for filing such written statement.

7. The wife may at any time after the said written statement of the husband has been filed, or after the expiration of eight days from the service of the copy or from the filing of the petition as the case may be, or at any time after the expiration of the extended time allowed for filing the written statement, move the Court to decree her alimony *pendente lite*. Provided that the wife shall give to the husband or his Vakils or Attorney three clear days' notice of her intention to move, unless the Court or Judge shall have dispensed with the service of such notice.

8. After a decree in the wife's favor, she may, unless an appeal has been entered, upon petition in the form No. 2 or to the like effect, move the Court to decree her permanent alimony: Provided that she shall give to the husband or his Vakils or

Commencement of suit by plaint and subsequent proceedings.

Petition for alimony *pendente lite*.

Appearance and written statement by the husband.

Motion for alimony *pendente lite*.

Petition and motion for permanent alimony.

Attorney eight clear days' notice of her intention to make such motion; and provided also that a second petition shall not be necessary, if a petition for alimony *pendente lite* shall have been previously filed.

9. Upon any motion for alimony, the parties and their witnesses may be examined orally in support of their respective cases.

10. The wife may file a petition for an increase of the alimony allotted on the ground of an increase in the husband's property; and the husband may file a petition for a diminution of the alimony allotted on the ground of a diminution of his property; and the course of proceeding in such cases shall as far as possible be the same as upon an original petition for alimony.

III.

Rules and Order relating to Advocates, Vakils and Attornies, and the taxation and allowance of Costs.

1. All persons who, at the time of the publication of the said Letters Patent of the 28th December 1865, were Advocates, Vakils or Attornies of the

High Court at Madras, are approved, admitted and enrolled Advocates, Vakils and Attornies of the said Court respectively, as from the date of the publication of the said Letters Patent; and shall have the same rank and privileges as they respectively had at the time of the publication of the said Letters Patent under the rules of the said Court relating to Advocates, Vakils and Attornies, dated 28th August 1862, unless otherwise provided by these rules.

2. The rules of the High Court providing for the qualification and admission of Advocates, Vakils and Attornies, dated 1st October 1863*, shall be read as part of these rules and shall regulate the qualification, admission and enrolment of Advocates, Vakils and Attornies.

3. The rules of the High Court in force at the time of the publication of the Letters Patent, relating to the remuneration and practice of Vakils on the original side of the High Court†, shall also be read as part of these rules, and shall regulate the practice and remuneration of Vakils admitted under the rules of the 1st October 1863, except as otherwise provided by these rules.

4. Upon all applications and proceedings in Chambers, and upon the first hearing of original suits of every kind, Advocates may appear and plead, and Vakils, admitted under the rules of the 1st of October 1863, and Attornies may appear, plead and act for the suitors; provided that the fee of the Advocate shall not be allowed upon taxation as between party and party, unless the Judge shall certify that the case was a proper one for the attendance of an Advocate.

5. Except as in the last rule is provided, Advocates may appear and plead, Vakils admitted under the rules of the 1st of October 1863 may appear, plead and act, and Attornies may appear and act for the suitors in all matters over which the Court has any jurisdiction.

6. Every appointment of a Vakils or an Attorney shall be in writing under the hand of the client, and shall be filed in Court, and no person shall be at

* See Appendix C.
† See Appendix D.

liberty to change his Vakils or Attorney without the leave of a Judge.

7. No proxy shall be filed in any proceeding in the High Court, and the term "Proctor" shall cease to be applied to any practitioner in the said Court.

8. The Vakils and Attornies shall be responsible to the officers of the Court for the fees payable to them.

9. Upon the argument of a special case, only one Advocate or Vakils shall be heard on each side; and a fee to one Advocate or Vakils only on each side shall be allowed as against the opposite party, unless by order of the Court or Judge hearing the case.

10. In all bills of costs on the Original side of the Court, every item of disbursement and the cause thereof shall be distinctly specified and credit shall be given therein for all advances.

11. The party claiming costs shall leave the bill with the taxing officer and obtain from him the appointment of a day for taxation thereof, and serve notice of such appointment on the party or parties to be charged two clear days before the day so appointed; on which day, or on any other day to which the taxation may be postponed, the taxing officer shall proceed to tax the said bill. The party or parties to be charged may inspect the bill without fee.

12. Upon special cases sent from the Madras Court of Small Causes, the whole sum to be allowed to an Attorney for his services shall not exceed 30 Rupees.

13. Upon the taxation of costs in suits, in which the decree or order is for the payment of money, the taxing officer shall allow as and for costs of execution the sum of Rupees 45; unless the party appears in person, in which case Rupees 16 shall be allowed.

14. In suits in which the decree or order is for the delivery of immoveable property only, the taxing officer shall allow as and for costs of execution the sum of Rupees 33; unless the party appears in person, in which case Rupees 12 shall be allowed.

15. In decrees under Act V of 1866, Section 2, the sums to be inserted by the Registrar for costs including costs of execution shall be as follows:

- If the decree be against a single defendant upon one bill of exchange or promissory note not requiring translation, the sum of Rupees 99-8; unless the plaintiff appears in person, in which case the sum of Rupees 30-8 shall be inserted.
- For each additional defendant a further sum of Rupees 4-4, or, if the plaintiff appears in person, of Rupees 1-1.
- For each additional bill or note, not requiring translation, a further sum of Rupees 6-12, or, if the plaintiff appears in person, of Rupees 3-8.
- For each hundi requiring translation, a further sum of Rupees 1-12.

2. If the defendants or any of them reside beyond the Fort and Black Town, a further sum of 1 Rupee per mile to be calculated by the Registrar for each defendant so residing.

16. In decrees under Act XX of 1866, Section 53, the sums to be Costs of execution inserted by the Registrar under Act XX of 1866. for costs, including costs of execution shall be as follows:

a. If the decree be upon one obligation for money not requiring translation, the sum of Rupees 90 unless the petitioner appears in person, in which case the sum of Rupees 25 shall be inserted.

b. For each additional obligation not requiring translation, a further sum of Rupees 4, or, if the petitioner appears in person, of Rupees 2-4.

c. For each additional obligation requiring translation, a further sum of Rupees 1-12.

17. When the decree or order is for payment of money and application is made for execution by general attachment and seizure and sale of the moveable property of the party, against whom the execution is issued, in his own possession, the Registrar shall insert in the warrant, as the amount of costs to be levied, a sum less than that specified in the decree by Rupees 15, or if the applicant appears in person by Rupees 6-8.

18. When the decree or order is for the payment of money and application is made for execution by arrest and imprisonment, the Registrar shall insert in the warrant as the amount of costs to be levied a sum less than that specified in the decree by Rupees 7, or if the applicant appears in person by Rupees 2.

19. Whenever on taxation of costs on the Original side of the Court as between Vakil or Attorney and Client, one-sixth part of the bill shall be taken off, such Vakil or Attorney shall pay all costs attending the taxation and the same shall be deducted by the taxing officer.

20. Applications for a review of taxation of costs shall be made in Court, upon affidavit.

(Signed) C. H. SCOTLAND.
(") A. BITTLESTON.
(") WM. HOLLOWAY.
(") L. C. INNES.
(") CHARLES COLLETT.

APPENDIX.

FORMS REFERRED TO IN THE FOREGOING RULES AND ORDERS.

(I.) Testamentary and Intestate Suits and Proceedings.

No. 1.—NOTICE OF APPLICATION FOR LETTERS OF ADMINISTRATION.

NOTICE is hereby given, that application has been made to Her Majesty's High Court of Judi-

cature at Madras, for a grant of Letters of Administration of the Estate and Effects of late of , deceased, who died on or about the day of , at , intestate, to of , the brother and next of kin of the said deceased (or as the case may be).

Dated this day of
(Signature of the Applicant or his Vakil or Attorney).

No. 2.—NOTICE OF APPLICATION FOR LETTERS OF ADMINISTRATION WITH WILL ANNEXED.

NOTICE is hereby given, that application has been made to Her Majesty's High Court of Judicature at Madras, for a grant of Letters of Administration with the Will (or Will and Codicil or Codicils) annexed, of the Estate and Effects of , late of , deceased, who died on or about the day of , at to of , the brother and next of kin of the said deceased (or the residuary legatees named in the said Will or as the case may be).

Dated this day of
(Signature of the Applicant or his Vakil or Attorney).

No. 3.—PROBATE.

In the High Court of Judicature at Madras.

Be it known that on the day of , the last Will (or the last Will with the Codicils) of , late of , deceased, a copy whereof is hereunto annexed, was proved and registered in the said Court, and that administration of the property and credits of the said deceased and in any way concerning his Will was granted by the said Court to the Executor (or Executors) in the said Will named, he (or they) having undertaken to administer the same and to make a true inventory of the said property and credits, and to exhibit the same in this Court at or before the expiration of a year next ensuing, and also within the same period to render a true account thereof.

(Signed)
Seal. Registrar,
Original Side.

No. 4.—LETTERS OF ADMINISTRATION.

In the High Court of Judicature at Madras.

Be it known that on the day of , Letters of Administration of the property and credits of , late of , deceased, who died intestate (or, if the case be so, with the last Will of the said , annexed) were granted by the said Court to of , the father (or as the case may be) of the deceased, he having undertaken to administer the same, and to make a true inventory of the said property and credits and to exhibit the same in this Court at or before the expiration of one year next ensuing, and also within the same period to render a true account thereof.

(Signed)
Seal. Registrar,
Original Side.

No. 5.—ADMINISTRATION BOND.

KNOW all men by these presents that we A. B. of , C. D. of , and E. F. of , are jointly and severally bound unto the Registrar on the Original side of the High Court of Judicature at Madras, in the sum of Rs.

to be paid to the said or to the Registrar on the Original side of the said Court for the time being, for which payment well and strictly to be made, we bind ourselves and of us for the whole, our Heirs, Executors and Administrators, firmly by these presents.

Sealed with our seals. Dated the day of in the year

The condition of this obligation is such that if the above bounden A. B., the Administrator of the property and credits (as the case may be) of deceased, do make a true inventory of the said property and credits which have or shall come to the possession or knowledge of the said

or to the possession of any other person for him, and the same so made do exhibit into the said High Court at or before the expiration of one year next ensuing the grant of Administration to the said , and within the same period do make and render a true account thereof; and further the said property and credits of the deceased do well and truly administer according to law; and all the rest and residue of the said property and credits which shall be found remaining upon the said administration account do deliver and pay unto such person or persons as shall be lawfully entitled thereto, then this obligation to be void and of none effect; or else to remain in full force and virtue.

Signed, sealed and delivered in the presence of Commissioner (or other officer.)

No. 6.—CAVEAT.

In the High Court of Judicature at Madras.

Let nothing be done in the matter of the Estate of , late of , deceased, who died on the day of at without notice to (the Caveator) of the Vakil (or Attorney) of parties (or a party) interested]

(Signed)
[the signature of the Caveator or his Vakil or Attorney.]

No. 7.—CITATION TO A CAVEATOR TO APPEAR.
In the High Court of Judicature at Madras.
Original Testamentary (or Intestate) Suit No. of 186

Plaintiff.
Defendant.

VICTORIA, &c.

To (name, description and address); Greeting: Whereas the above suit in which you are made Defendant is now depending in our said Court; and the said (the Plaintiff) is proceeding therein to obtain the grant of Probate of the alleged last Will (with a Codicil or Codicils thereto) of deceased (or the Grant of Letters of Administration with the Will, &c., annexed, of the Estate and Effects of deceased), against the grant- ing of which you have filed a Caveat. You are

hereby summoned to appear in our said Court on the day of at in the forenoon in person, or by a Vakil or Attorney duly instructed and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able to answer all such questions; to answer the Plaintiff in respect of the said grant of Probate (or Letters of Administration, &c). And you are hereby required to take notice that in default of your appearance on the day before-mentioned the suit will be heard and determined in your absence. And you are further required to bring with you or send by your Agent (describe document or other thing required by the Plaintiff) which the Plaintiff desires to inspect, and any document on which you intend to rely in support of your defence.

Witness, &c.

(Signed)

Seal.

Registrar,

Original Side.

No. 8.—CITATION TO A DEFENDANT TO APPEAR WHEN THERE IS NO CAVEAT.

In the High Court of Judicature at Madras.
Original Testamentary Suit No. of 186

Plaintiff.

Defendant.

VICTORIA, &c.

To (name, description and address); Greeting: Whereas the above suit is now depending in our said Court in which

claiming to be the Executor of who died on or about the day of at , is Plaintiff, and you as one, &c., (state the party's alleged relationship to the deceased or his interest in the deceased's Estate and Effects) are made a Defendant, and wherein the said is proceeding to prove in solemn form of law the alleged Will of the said deceased, bearing date the day of

(as also the Codicil thereto bearing date, &c.,) and to obtain the grant of Probate of the same. You are hereby summoned to appear in the said Court on the day of at in the forenoon in person, or by a Vakil or Attorney duly instructed and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able to answer all such questions; to answer the Plaintiff in respect of the proof of the said Will (and Codicil) and the grant to him of Probate thereof, should you think it necessary for your interest to do so. And take notice that in default of your appearance on the day before-mentioned the suit will be heard and determined in your absence. And you are hereby required to bring with you or send by your Agent (describe document or other thing required by the Plaintiff), which the Plaintiff desires to inspect and any document on which you intend to rely in support of your defence.

Witness, &c.

(Signed)

Seal.

Registrar,

Original Side.

No. 9.—CITATION TO BRING IN PROBATE.

In the High Court of Judicature at Madras.
Original Testamentary (or Intestate) Suit
No. of 186

Plaintiff.
Defendant.

VICTORIA, &c.

To (name, description and address); Greeting:
Whereas it appears by an affidavit of

(the Defendant) filed in our said Court that Probate of the alleged last Will (with a Codicil or Codicils thereto) of deceased, was on the day of granted to you by our said Court, and that the said deceased died a bachelor without &c., (as the case may be) and that the said is one of the brothers and next of kin of the said deceased (or interested under a former Will of the deceased, bearing date &c., or as the case may be), and that the said Probate ought to be called in and revoked; and whereas the above suit, in which you are made Plaintiff and the said Defendant, is now depending in our said Court.

Now this is to command you that on the day of you do bring into and leave in the Registrar's Office on the Original side of our said Court the aforesaid Probate, and do proceed in our said Court to prove the said alleged Will (with the Codicil or Codicils thereto) in solemn form of law (or establish the validity of the said Probate); and take notice that o'clock in the forenoon of the said day is fixed for the first hearing of the said suit, at which time the said (the Defendant) will appear to answer you, either in person or by his Vakil or Attorney duly instructed and able to answer all material questions, and that you are required to give the said Defendant reasonable notice to bring or send on the said day any document which you may desire to have produced.

Witness, &c.

(Signed)

Registrar,
Original Side.

No. 10.—CITATION TO BRING IN LETTERS OF ADMINISTRATION.

In the High Court of Judicature at Madras.
Original Intestate Suit No. of 186

Plaintiff.
Defendant.

VICTORIA, &c.

To (name, description and address); Greeting:

Whereas it appears by an affidavit of (the Defendant) filed in our said Court that Letters of Administration of the property and credits of deceased, were granted to you by our said Court as the brother and next of kin of the said deceased, on the suggestion that the said had died intestate; and that it has since been discovered that the said made and duly executed his last Will dated and thereof appointed Executor (or as the case may be), and that the said Letters of Administration ought to be called in and revoked.

Now this is to command you that on the day of you do bring into and leave in the Registrar's Office, on the Original side of our said Court, the said Letters of Administration, and do proceed to establish the validity of the grant to you of the said Letters of Administration. And take notice that o'clock in the forenoon of the said day is fixed for the first hearing of the said suit, at which time the said

(the Defendant) will appear to answer you, either in person or by his Vakil or Attorney duly instructed and able to answer all material questions. And that you are required to give the said Defendant reasonable notice to bring or send on the said day any document which you may desire to have produced.

Witness, &c.

(Signed)

Seal.

Registrar,

Original Side.

No. 11.—CITATION TO SEE PROCEEDINGS.

In the High Court of Judicature at Madras.
Original Testamentary Suit No. of 186

Plaintiff.
Defendant.

VICTORIA, &c.

To (name, description and address); Greeting:

Whereas there is now depending in our said Court a suit wherein A. B., who claims to be the Executor of who died on or about the day of at is Plaintiff and you as one, &c., (state the party's alleged relationship to the deceased or his interest in the deceased's Estate and Effects) are made a Defendant, and wherein the said is proceeding to prove in solemn form of law the alleged last Will (with a Codicil or Codicils thereto) of E. F., late of deceased. And whereas it appears by an affidavit of filed in our said Court that the said died a bachelor without &c. (as the case may be), and that you are the brother and one of the next of kin of the said deceased (or interested under a former Will of the deceased bearing date or as the case may be).

This is to give you notice to appear in the said suit, either personally or by your Attorney or Vakil duly instructed, on the day of at in the forenoon, the same being the day appointed for the first hearing (or the final disposal) of the said suit, or on any other day to which the hearing may be adjourned, if you so desire. And take notice that upon your appearance you will be made a party Defendant in the said suit, and that in default of your appearing our said Court will proceed to hear the said Will (and Codicil or Codicils) proved in solemn form of law and pronounce Judgment in the said cause, your absence notwithstanding.

Witness, &c.

(Signed)

Seal.

Registrar,

Original Side.

(II.) Original Civil and Maritime Suits and Proceedings.

No. 1.—PLAINT.

In the High Court of Judicature at Madras.
Original Suit Civil and Maritime No. of 186

A. B. Master of the Ship or Vessel called
Plaintiff.

Against the Ship or Vessel called
now being in the port of

her tackle, apparel and furniture and freight, and against all persons having or pretending to have any right, title or interest in the said Ship or Vessel called
Defendants.

The Plaintiff claims Rupees as compensation for damage by collision under the

circumstances hereinafter mentioned, and prays that this Court will arrest the Ship or Vessel called the , whereof A. B. now is or lately was master, her tackle, apparel and furniture, and the freight due for the transportation of the cargo now or lately laden therein, wheresoever the same shall be found, and that the Plaintiff may have such further or other relief as to the Court may seem meet.

On the day the said Ship or Vessel called ran foul of the said Ship or Vessel called off, and thereby greatly damaged the said Vessel and her cargo.

The Plaintiff has applied to (the owner or his Agent) for payment of the abovementioned sum; but the said has refused to pay the same.

(Subscription and verification as in a plaint in an Ordinary Original Civil Suit.)

Note.—The plaint should embody the substance of what is contained in the forms of action and affidavits contained in the Appendix to the Rules and Regulations of 27th June 1832, made and issued to the Vice-Admiralty Court at Madras in pursuance of Act 2, Will. 4, c. 51.

No. 2.—WARRANT TO ARREST A SHIP AND FREIGHT IN A CAUSE OF SUBTRACTION OF WAGES, OR OF PILOTAGE, OR DAMAGE BY COLLISION OR BOTTOMRY.

In the High Court of Judicature at Madras.
Original Suit Civil and Maritime No. of 186

Plaintiff.

Against the Ship or Vessel called
Defendants.

VICTORIA, &c.

To the Sheriff of Madras and to his Deputy whomsoever greeting; We do hereby empower and strictly charge and command you jointly and severally that you arrest or cause to be arrested the Ship or Vessel call the (whereof A. B. now is or lately was master), her tackle, apparel and furniture, and the freight due for the transportation of the cargo now or lately laden therein, wheresoever you shall find the same; and the same so arrested you keep under safe and secure arrest, until good and sufficient bail shall have been given according to law to answer the action commenced in this behalf or until the said action shall have been duly satisfied; and that you cite at the premises all persons in general, who have or pretend to have any right, title or interest therein, to appear before our said Court at the Court House situated on the North Beach on the day of at the hour of in the forenoon, there to answer unto C. D., late Mate on board the said Ship or Vessel (or late Pilot on board the said Ship or Vessel,) or the owner of the Ship or Vessel called the, or the legal holders or lawfully constituted Attornies of the legal holders, as the case may be, of a bottomry bond on the said Ship and freight, in a cause of subtraction of wages (or of pilotage or damage or bottomry) Civil and Maritime, and further to do and receive in this behalf as unto justice shall appertain, and that you duly certify our said Court what you shall do in the premises, together with these presents.

Witness, &c. The day of A. D.

(Signed)

Registrar.

Note.—If the freight is not to be arrested, omit the words "and the freight due for the transportation of the cargo now or lately laden therein."

In a cause of bottomry, should the cargo as well as the ship have been hypothecated, the same may also be arrested by substituting the following words, "goods, wares and merchandizes now or lately laden therein, and the freight due for the transportation thereof."

No. 3.—DECREE EX-PARTE.

In the High Court of Judicature at Madras.
Original Suit Civil and Maritime No. of 186

A. B. Plaintiff.

Against the Ship or Vessel called
now being in the port of
her tackle, apparel and furniture and freight,
and against all persons having or pretending to have any right, title or interest therein.
Defendants.

Whereas by the plaint filed herein, it appears that the Plaintiff claims Rupees as compensation for damage by collision, and whereas by the return of the warrant issued herein, it appears that the said Ship or Vessel, called , was arrested on the day of last, and that all persons having or pretending to have any right, title or interest in the said Ship or Vessel were duly cited to appear before this Court on this day (or if decrees be after adjournment state the return day of the warrant and the adjournment).

And whereas the said persons have now been called and do not appear.

Now this Court upon hearing the Plaintiff, his Advocate, Vakil or Attorney, and the evidence adduced by him, doth declare that the said A. B. is entitled to the sum of Rupees as compensation for the said damage, and that he ought to be put in possession of the said Ship or Vessel, called the, to secure the payment of the said sum, together with his costs. And this Court doth decree the possession thereof to him accordingly, unless within two months from the date hereof any party having or pretending to have any right or interest therein shall be admitted to defend this suit.

No. 4.—WARRANT OF APPRAISEMENT AND SALE.

In the High Court of Judicature at Madras.
Original Suit Civil and Maritime No. of 186

Plaintiff.

Against the Ship or Vessel called, &c.
Defendants.

VICTORIA, &c.

To

The Sheriff of Madras: Greeting;

Whereas on the day of our High Court at Madras made a decree ex-parte in a certain cause of damage Civil and Maritime brought by A. B. against the Ship or Vessel called and all persons having or pretending to have right, title or interest in the said Ship or Vessel, and whereas on the day of an order was made by a Judge of the said Court, directing the appraisal and sale of the said Ship or Vessel called : We do therefore by these presents authorize, empower and command you to reduce into writing a full, true and perfect inventory of the said Ship or Vessel, her tackle, apparel and furniture, and that you choose one (or two if necessary) good and lawful person (or persons) well experienced in such affairs, and swear him (or them) faithfully and justly to appraise the same according to their true values, and that you so appraise and value; and the appraisement being taken, that you expose or cause the aforesaid Ship, her tackle, apparel and furniture, to be exposed to

public sale, and that you sell or cause the same to be sold to the best bidder, and that you bring or cause to be brought the produce money arising from such sale into the Registry of our said Court within two months (or less if so ordered) from the date hereof, to abide the further order of our said Court, and that you duly transmit the said appraisement, subscribed by you and the said appraiser (or appraisers), together with the account of such sale also subscribed by you, to our said Court together with these presents.

Witness, &c. The day of A. D.

Seal.

Registrar,
Original Side.

No. 5.—BAIL BOND TO ANSWER ACTION, &c.

In the High Court of Judicature at Madras.

(Title of Cause.)

Know all men by these presents that we A. B. of , sole owner (or the master) of the said Ship or Vessel, the (or the consignee of the cargo laden on board the said Ship or Vessel, the , or as the fact may be), C. D. of , and E. F. of ,

are jointly and severally bound unto G. H. of , the sole owner of the Ship or Vessel called the , in the sum of Rupees

(the amount of the Plaintiff's claim, unless otherwise ordered) to be paid to the said G. H. or his Attorney, Executors, Administrators or Assigns, for which payment well and truly to be made, we bind ourselves and each of us for himself in the whole or and every of our Heirs, Executors and Administrators firmly by these presents sealed with our seal. Dated the day of A. D.

Whereas the said Ship or Vessel the (or the Cargo, &c. as the fact may be) was on the day of

arrested in a suit of damage by collision (or bottomry or subtraction of wages, &c. as the case may be) at the suit of G. H., and whereas the said A. B. is desirous of obtaining the release of the said Vessel (or Cargo, &c. as the case may be) from arrest:

Now the condition of this obligation is such that if the said A. B. shall answer the suit commenced in this behalf (if bail is given for freight only add "so far as respects the freight due for the transportation of the cargo now or lately on board the said Ship or Vessel") and shall appear upon the hearing of this suit and abide the judgment of the Court and shall likewise pay what shall be adjudged with expenses, then this obligation to be void and of none effect; otherwise to remain in full force and effect.

Signed, sealed and delivered in A. B. (seal)
the presence of the Registrar. C. D. (seal)
E. F. (seal)

No. 6.—BAIL BOND TO ANSWER LATENT DEMANDS TO BE GIVEN BY A PLAINTIFF TO WHOM PROCEEDS OF SALE ARE PAID OUT WITHIN A YEAR FROM THE DATE OF A DECREE NISI.

In the High Court of Judicature at Madras.

(Title of Cause.)

Know all men by these presents that we A. B., the Plaintiff in a suit of Damage by Collision instituted against the Ship or Vessel the

C. D. of , and E. F. of , are jointly and severally bound unto A. M. Ritchie, Esquire, the Registrar on the Original side of the High Court of Judicature at Madras in the sum of Rupees (double the amount to be

received out) to be paid to the said A. M. Ritchie, Esquire, or to the Registrar for the time being on the Original side of the said Court or his Assigns, for which payment &c. (as in form No. 5). Whereas on the day of last the said A. B. obtained *ex-parte* a decree Nisi in the said suit, and the said Ship or Vessel has been appraised and sold under the order of the said High Court, and the sale proceeds have been brought into the Registry of the said Court; and whereas the said A. B. has applied for payment to him of the amount awarded by the said decree with his costs of suit. Now the condition of this obligation is such that if the said A. B. shall bring into the Registry of the said Court the said sum of Rupees whenever the Court shall order in case any person interested in the said sum shall come in and be admitted to defend the said suit, then this obligation to be void and of none effect, otherwise to remain in full force and effect.

Signed &c.

(Signatures and seals.)

No. 7.—BAIL BOND TO ANSWER LATENT DEMANDS TO BE GIVEN ON BEHALF OF AN OWNER ON HIS RECEIVING THE BALANCE OF PROCEEDS, AFTER PAYMENT OF DEBT AND COSTS UNDER AN *ex-parte* DECREE.

In the High Court of Judicature at Madras.

(Title of Cause.)

Know all men by these presents that we A. B. of , late the owner of the Ship or Vessel called the , C. D. of , and E. F. of , are jointly and severally bound &c. (as in the form No. 6).

Whereas on the day of last one G. H. (the Plaintiff) obtained in the High Court of Judicature at Madras *ex-parte* a decree Nisi in a suit of Damage by Collision Civil and Maritime against the said Ship or Vessel called the , whereof A. B. was lately the owner; and whereas the said Ship or Vessel has been appraised and sold under the order of the said High Court, and there is now remaining in the Registry of the said Court the sum of Rupees , being the balance of the proceeds arising from the sale of the said Ship or Vessel after satisfying the said decree; and whereas the said A. B. is now desirous of receiving out of the said Registry the said sum of Rupees Now the condition of this obligation is such that if the said A. B. shall bring into the Registry of the said Court the said sum of Rupees whenever the said Court shall order in case any person shall come in for his interest in the said sum of Rupees , then this obligation to be void and of none effect, otherwise to remain in full force and effect.

Signed, &c.

(Signatures and seals.)

No. 8.—SHERIFF'S RELEASE OF PROPERTY ARRESTED.

In the High Court of Judicature at Madras.

(Title of Cause.)

Sufficient bail having been given to answer the suit, I do hereby release the abovenamed Ship or Vessel (or Ship and Cargo or otherwise as the fact may be) from the arrest made in this behalf, and hereof the Assistants of the Sheriff and all others whom it may concern are to take notice.

Witness my hand this day of

(Signed)

Sheriff of Madras.

(III.) Original Matrimonial Suits and Proceedings.

No. 1.—PLAINT.

In the High Court of Judicature at Madras.
Original Matrimonial Suit No. of 186

Plaintiff.

Defendant.

The Plaintiff prays that this Honorable Court will be pleased to decree that the said Plaintiff be divorced from bed, board and mutual cohabitation with the said Defendant, and that the Plaintiff may have such further and other relief as to the said Court may seem meet.

The Plaintiff was on the day of lawfully married to the Defendant at and after the said marriage cohabited with said Defendant at , and Plaintiff and Defendant have issue living of their said marriage three children (or as the case may be). On or about the months of the Defendant committed adultery with at (or if cruelty be the ground, the particulars should be stated with time and place).

[To be subscribed and verified by Plaintiff.]

No. 2.—PETITION FOR ALIMONY.

In the High Court of Judicature at Madras.
To the Honorable Sir COLLEY HARMAN SCOTLAND, Knight, Chief Justice, and the other Judges of this Honorable Court.

Original Matrimonial Suit No. of 186

Plaintiff.

Defendant.

The petition of , the lawful wife of Sheweth:

1. That the said (the husband) has for many years carried on the business of at and from such business derives the net annual income of Rupees

2. That the said (the husband) is possessed of household furniture, &c., of the value of

3. That the said (the husband) holds Government Securities of the loan, amounting in value to and yielding a clear annual dividend of Rupees

4. That the said (the husband) is possessed of stock in trade in his business of the value of Rupees

(Add any other property.)

Your petitioner therefore humbly prays that this Honorable Court will be pleased to decree her such sum or sums of money by way of alimony *pendente lite* (or permanent alimony) as to the Court shall seem meet, and your petitioner will ever pray.

(Signed)

A.

Rules made under Act XVIII of 1863, s. 7, for regulating the Proceedings on the investigation of accounts and other matters referred to a Judge in Chambers.

1. Every order of a Division Court, directing any accounts to be taken or inquiries made before a Judge in Chambers, shall be left with the Judge's clerk by the party prosecuting the same within fourteen days after the same, shall have been made by the Court. And upon the application of the said party a summons shall be issued appointing a time for hearing the matters referred by the Order.

2. If the party prosecuting the Order shall fail to leave the same with the Judge's clerk within the time above limited, any other party to the suit or matter may obtain and leave such Order and with the permission of the Judge prosecute the same.

3. The summons shall be in the following form with such variations as the circumstances of the case may require:—

In the High Court of Judicature at Madras.
Original Suit No. of 186

Between

Plaintiff.

And

Defendant.

Let all parties concerned attend me at my Chambers in the Court House of the said High Court on the day of at o'clock, to take into consideration the order of reference made herein, bearing date the day of (or "to proceed with the accounts directed to be taken herein" or otherwise as the case may be.)

Dated this day of

(Signed) Judge.

4. The summons shall be sealed with the seal of the Court, and shall be served seven clear days before the return thereof when the parties to be served reside or carry on business within the local limits of the High Court's jurisdiction, and in other cases a reasonable time before the return of the same.

5. When the matters in respect of which any summons has been issued are not heard upon the day of the return of the summons, the parties shall be prepared for the hearing at the adjourned sittings of the Judge so long as the case is in the list of cases for hearing, unless the Judge shall otherwise direct.

6. After an Order in a suit referring any matter to a Judge, the Registrar on the Original side of the Court shall, upon the application of any of the parties to such reference or of the Judge's clerk, transmit or deliver to the Judge's clerk for production before the Judge all or any of the proceedings in the suit.

7. Summonses for the attendance of witnesses before the Judge shall be issued from the Registrar's Office.

8. If upon the making of any inquiries or the investigation of any accounts it appear to the Judge that further accounts or inquiries than those directed by the Order of the Court should be taken or made, the Judge may adjourn the hearing and direct one of the parties before him to apply to the Court for an amendment of the Order for that purpose, and afterwards proceed upon the amended Order to take the further accounts and make the further inquiries thereby directed. The amended Order shall be left forthwith with the Judge's clerk.

9. When any account is directed to be taken, the accounting party, unless the Court directing the account or the Judge taking the same shall otherwise order, shall make out his account and verify the same by oath or affirmation as an exhibit. The items on each side of the account shall be numbered consecutively, and the account and Affidavit verifying it shall be filed in the Registrar's Office for delivery over to the Judge's clerk four days before the day appointed for the hearing. The accounting party shall give immediate notice of the filing to the opposite party.

10. Any party seeking to surcharge shall, unless the Court or the Judge otherwise direct, before the day appointed for the hearing or with the leave of the Judge at any other time, file in the Registrar's Office for delivery over to the Judge's clerk an account, stating the amount sought to be surcharged and the particulars thereof in a short and succinct manner, and shall give to the party sought to be surcharged immediate notice of the filing of the same.

11. The Report or Certificate of the Judge will state only the result of the investigation or inquiry, unless the Order directing the same shall otherwise provide, or unless the Judge shall think it necessary to refer to particular items in any account taken before him, or to state any special matter for the subsequent consideration of the Court.

12. A book shall be kept by the Judge's clerk, in which an entry shall be made of the day on which the Report or Certificate of the Judge is signed, and such book shall be open for inspection during office hours.

13. The Report or Certificate, when signed by the Judge, shall forthwith be delivered by the Judge's clerk into the Registrar's Office, together with all books, documents and papers in his custody relating to the inquiry.

14. If the Judge shall upon the hearing require or permit the production by a party to the suit of any book or document in his or her possession and not before filed in the suit, the same shall be endorsed by the Judge's clerk for the Registrar and afterwards delivered into the Registrar's Office to be there filed with the record in the suit.

15. The Judge's clerk shall attend the sittings of the Judge and shall be responsible for the safe return to the Registrar's Office of all proceedings and documents received by him in the course of the inquiry in each case; and it shall be his duty to make all necessary arrangements for the bringing on for hearing of the matters referred, to enter minutes in each suit of the Order of reference and the proceedings at the hearing in a book to be kept for that purpose, and generally to do all such acts as may be required of him by the Judge or the Rules of Court.

16. All parties interested in and attending any inquiry, may upon application obtain at the Registrar's Office or from the Judge's clerk copies or extracts of all accounts filed and relating to such inquiry.

18th November 1864.

B.

Instructions for the regulation of the Proceedings on the investigation of accounts and other matters referred to the Commissioner.

1. Every order directing any accounts to be taken or inquiries made by the Commissioner, shall be brought into his Chambers by the party prosecuting the same within fourteen days after the same shall have been drawn up and entered.

2. A copy of the order, or of so much thereof as relates to the reference thereby ordered, shall be left with the Commissioner; and upon the application of the party prosecuting the order, a Summons shall be issued to take the order into consideration.

3. If the party prosecuting the order shall fail to bring in the same within the time above limited, any other party to the suit or matter may bring in such order, and with the leave of the Commissioner prosecute the same.

4. The Summons may be in the following form with such variations as the circumstances of the case may require:—

In the High Court of Judicature at Madras.

O. S. No. of 1863.

Between Plaintiff.
And Defendant.

Let all parties concerned attend me at my Chambers in the Court House of the said High Court on the day of at o'clock, to take into consideration the order made herein, bearing date the day of

[or "to proceed with the accounts directed to be taken herein," or otherwise as the case may be].

Dated this day of
(Signed)

Commissioner.

5. The said Summons shall be sealed with the seal of the High Court and shall be served two clear days before the return thereof.

6. When the matters, in respect of which any Summons has been issued, are not completely disposed of upon the day of the return of the Summons, the parties shall attend without further Summons at such time or times as may be appointed by the Commissioner for the further prosecution of the reference; and the Commissioner shall, as far as practicable, proceed with the hearing of each case continuously.

7. After an order has been made in any suit referring any matter to the Commissioner, the Registrar on the Original side of the Court shall upon the application of any of the parties to such reference, or of the Commissioner, transmit to the Commissioner all or any of the proceedings in such suit.

8. Summonses for the attendance of witnesses before the Commissioner shall be issued by the Registrar.

9. If upon the making of any inquiries or the investigation of any accounts before the Commissioner, it should appear to him that further accounts or inquiries than those directed by the order should be taken or made, he shall direct some one of the parties before him to apply to the Court or a Judge for an order for that purpose, and adjourn the hearing to a fixed day; and upon the issuing of such order he shall proceed to take such further accounts and make such further inquiries as are thereby ordered.

10. The order for taking such further accounts or making such further inquiries shall be left with the Commissioner forthwith after the issuing thereof.

11. When any account is directed to be taken, the accounting party, unless the Court or Judge directing the account to be taken shall otherwise order, shall make out his account and verify the same by affidavit. The items on each side of the account shall be numbered consecutively; and the account shall be referred to by the affidavit as an exhibit, and the account and affidavit shall be left with the Commissioner as soon as the affidavit is sworn; and immediate notice thereof shall be given to the opposite party.

12. Any party seeking to surcharge shall leave with the Commissioner an account stating the amount sought to be surcharged and the particulars thereof in a short and succinct manner; giving to the party sought to be surcharged immediate notice of having left the same.

13. When an account is directed, the certificate of the Commissioner shall state the result of the investigation; and, referring to the account filed by the accounting party, shall specify by the numbers attached to the items, which have been disallowed or varied, and what additions, if any, have been made by way of surcharge.

14. When any inquiries are directed, the certificate of the Commissioner shall state only the result of such inquiries, unless the order directing the same shall otherwise provide.

15. A book shall be kept in the Commissioner's Chambers, in which an entry shall be made of the day on which each certificate is signed; and such will be open for inspection during ordinary office hours.

16. The certificate shall be delivered to the party prosecuting the order on application; and must be filed by him with the Registrar forthwith. If the party prosecuting the order fail to make such application within two days after the signing of the certificate, the same may be delivered to any of the parties applying for it, who must forthwith file the same with the Registrar.

17. If any of the parties intend to make any objection to the certificate, such party or parties shall, within three days after the delivery out of the certificate (unless the objection be made by the party taking out the certificate, and in that case within 24 hours after he shall have obtained the same), give to the Commissioner notice of such his or their intention, stating the nature of the objection; whereupon the Commissioner may, if he thinks it necessary, draw up and transmit to the Court a short statement of the grounds upon which such certificate was made.

C.

Rules providing for the qualification and admission of Advocates, Vakils, and Attorneys of the High Court of Judicature at Madras.

Advocates.

1. Any person possessing the qualifications and producing the certificate or certificates required by either of the four following rules (numbered 2, 3, 4 and 5) shall be qualified to apply to be admitted and enrolled an Advocate of the High Court at Madras.

2. Any person called to the degree of Barrister at Law in England or Ireland; or being a Member of the Faculty of Advocates in Scotland.

3. The degree of Bachelor of Laws of the University of Madras and a certificate of having, subsequently to the attaining of such degree, studied for eighteen months with an Advocate of the High Court at Madras, as also of good character and conduct; such certificate to be signed by the Advocate with whom the applicant shall have studied.

4. The degree of Master of Laws of the University of Madras and a certificate, signed by the Registrars on the Original and Appellate sides of the High Court, of regular attendance upon the sittings of the Court, in accordance with such rules as the Judges may in that behalf prescribe, for two years; as also a certificate of good character and conduct signed by two Advocates of the Court.

5. Any person being an Advocate duly admitted and on the roll of Advocates of the High Court at Calcutta or Bombay, and producing the proper certificate of such admission and enrolment, together with a certificate of character or letter of recommendation from a Judge of the High Court of which the applicant is an Advocate, or from the Advocate General of the same Presidency.

Vakils.

6. Any person possessing the qualifications and producing the certificates or certificate required by either of the three following rules (numbered 7, 8 and 9,) shall be qualified to apply to be admitted and enrolled a Vakil of the High Court at Madras; but subject, in the case of an applicant under rule 8, to his passing such an examination in matters of practice as the Court may prescribe. Provided that it shall be necessary in every case to give two months' notice of the intended application for admission by publication in the Gazette, and by affixing a copy of the same on the notice-board at the Court House.

7. The degree of Bachelor of Laws of the University of Madras and certificates of having, subsequently to the attaining of such degree, studied for six months with an Advocate of the High Court at Madras, or a Vakil entitled as such to practise on both the Original and Appellate sides of the said Court; and for a further period of six months in the office of an Attorney of the said Court; or a certificate of having studied for twelve months either with an Advocate, or Vakil entitled to practise as aforesaid, or in the office of an Attorney; as also in either case a certificate of good character and conduct. Such certificates or certificate to be signed by the Advocate, Vakil and Attorney with whom or in whose office the applicant shall have studied.

8. The degree of Bachelor of Laws of the University of Madras, and a certificate signed by the Registrar on the Original and Appellate sides of the High Court, of regular attendance upon the sittings of the Court, in accordance with such rules as the Judges may in that behalf prescribe, for two years subsequently to the time of attaining such degree:—as also a certificate of good character and conduct signed by two Advocates or an Advocate and a Vakil.

9. Any person producing the proper certificates or certificate of his having kept six terms at one of the Inns of Court in London and of regular attendance on the course of Law Lectures whilst keeping such terms, as also of his having passed one of the examinations provided for students; together with a certificate of subsequent study for nine months with an Advocate of the High Court at Madras or a Vakil entitled as such to practise on both the Original and Appellate sides of the said Court, or in the office of an Attorney of the said Court, and of good character and conduct: such last mentioned certificate to be signed by the Advocate, Vakil or Attorney with whom, or in whose Office the applicant shall have studied.

Attorneys-at-Law.

10. Any person possessing the qualifications and producing the certificates or certificate required by either of the following rules (numbered 11, 12, 13, 14, 15 and 16,) shall be qualified to apply to be admitted and enrolled an Attorney-at-Law of the High Court at Madras: but subject, in the case of an applicant for admission under rules 12, 13 and 16, to his passing such examination as to his professional competency as the High Court shall direct. Provided that it shall be necessary in every case to give two months' notice of the intended application for admission, by publication in the Gazette, and by affixing a copy of the same on the notice-board at the Court House.

11. Admission and enrolment as an Attorney or Solicitor in one of Her Majesty's Courts at Westminster or Dublin with the proper certificate of such admission and enrolment: as also a certificate of good character and ability signed by the Master or Masters with whom the applicant shall have served his clerkship in England or Ireland.

12. Matriculation at any of the Indian Universities and service as articled clerk to an Attorney of either of the High Courts of Judicature in India for four years, with a certificate of good character and ability signed by the Master or Masters with whom the applicant shall have served his clerkship: subject to examination as above provided in Rule 10.

13. Service for the period of seven years as Registrar or Assistant Registrar on the Original side of the High Court at Madras, or as Judge's

clerk; or the same period of service in any two of the said offices: subject to examination as above provided in Rule 10.

14. The degree of Bachelor of Laws of any Indian University, and service as article clerk to an Attorney of either of the High Courts of Judicature in India for two years, subsequently to the attaining of such degree; or for five years either as Registrar or Assistant Registrar on the Original side of the High Court at Madras, or as Judge's clerk, or in any two of such offices; with a certificate in the former case of good character and conduct signed by the Master or Masters with whom the applicant shall have served his clerkship.

15. Any person being an Attorney duly admitted and on the roll of Attorneys of the High Court at Calcutta or Bombay, and producing the proper certificate of such admission and enrolment; as also a certificate of good character and conduct signed by a Judge of the High Court, or the Advocate General or two of the leading Advocates in practice in the High Court of which the applicant is an Attorney.

16. Any person who was, with the privity and consent of the late Supreme Court, under service as an article clerk to an Attorney of the said Court on the 15th August 1862, after he shall have served the full period of five years for which he was article: subject to his passing an examination as above provided in Rule 10.

1st October 1863.

D.

Rules relating to the remuneration and practice of Vakils on the Original Side of the High Court.

1. The rules which now regulate the remuneration and conduct of Vakils admitted to practise on the Appellate side of the High Court shall be applicable also to those admitted to practise on the Original side.

2. No Vakils will be allowed to appear, plead or act for any suitor except the Vakil or Vakils named in the Vakalatnama filed in Court by such suitor, and no Vakalatnama shall be filed in any suit or proceeding, in which the party granting it is at the time represented by an Attorney, except as in the next rule is provided.

3. Upon filing a Vakalatnama for the purpose, a Vakil may appear and plead together

with an Advocate for any party to a suit, though such party be represented by an Attorney: Provided that no more shall be allowed as costs in the suit between party and party than would have been allowed if a Vakil had not been employed, unless the Court or Judge before whom the case is heard shall consider it a proper one for the allowance of a Vakil's fee.

4. As between party and party, and also as between Vakil and Client unless a special arrangement has been entered into between them, the taxing officer shall ascertain the amount of Vakil's fee to be paid in each suit with reference to the abovementioned rules. Provided that if the amount of remuneration under any special arrangement be less than the Vakil's fee prescribed by the abovementioned rules, no more than the amount specially agreed upon shall be allowed by the taxing officer.

5. The amount of Court fees paid shall be allowed on taxation in addition to the proper Vakil's fee, the Vakils being held responsible to the officers of the Court for payment of the same.

6. For the purpose of ascertaining on taxation, the proper Vakil's fee, the plaintiff, in every suit for the recovery of property other than money, must state the estimated value of the property claimed.

7. Except in cases falling under rule 3, no more shall be allowed as the costs of the party employing a Vakil or Vakils against any other party to the suit than the fee of a single Vakil together with the amount of Court fees; unless in the judgment of the Court or Judge, before whom the suit is heard, the case shall be a proper one for the allowance of a second Vakil's fee.

8. If a Vakil should appear and plead on any special application other than an application in any pending suit in which he is employed, a reasonable fee, in the discretion of the taxing officer, may, by leave of the Court or Judge hearing the application, be allowed for the services of such Vakil.

(Signed) C. H. SCOTLAND.
(") A. BITTLESTON.
(") W. M. HOLLOWAY.
(") L. C. INNES.
(") CHARLES COLLETT.

deposited with
2 Copies of the Rules

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Judicial Department.

No. 1452.

To

The Secretary to the Government
of India,

Home Department.

Sir,

With reference to Mr
Under Secretary Howell's
letter of the 1st ultimo
No 3290, I am desired
to forward two copies
of the Rules & Orders
promulgated by the
High Court of Judicature
at Madras,
under their new
Charter

dated 5th July 1866

Fort St. George
18th Sept^r 1866

BN

BN

