

1058

VOL. FIFTY.

678

Rules - 1757

Re = Interpreter

Sergeants

Officers of Court

Prisoners of Court

Rs.

1740

Rules of Practice relating to the Interpreter.

8757-19th Dec^r Ordered that all Persons who are unwilling to Employ the Interpreters of this Court in any Cause therein depending, be at liberty to bring any other person to Interpret on their behalf paying the accustomed Fee to the said Court Interpreters, and it is further Ordered, that such Persons to be brought as Interpreters do take the Usual Oath Administred on such Occasions.

Ordered that all Bonds Obligations or other Writings in the Sinto and Malabar Language or Translates thereof which are to be Produced as Exhibits in this Court be Carried to the Attorneys, that when the Originals are brought to them they may write Translates thereof from the Court Interpreter, which Translates must be Signed by him, or when Translates are brought to them, that the Interpreters do Compare them with the Originals in their presence.

And where any Papers in the Portuguese Language are to be Translated that the Translates thereof shall be Attested by the Portuguese Interpreter only And in all cases where any Papers are to be Translated, which are not Understood by the Interpreter of this Court, that the Person Translating the same shall make Oath to the Truth of the Translation before this Court, or one of the Judges thereof,

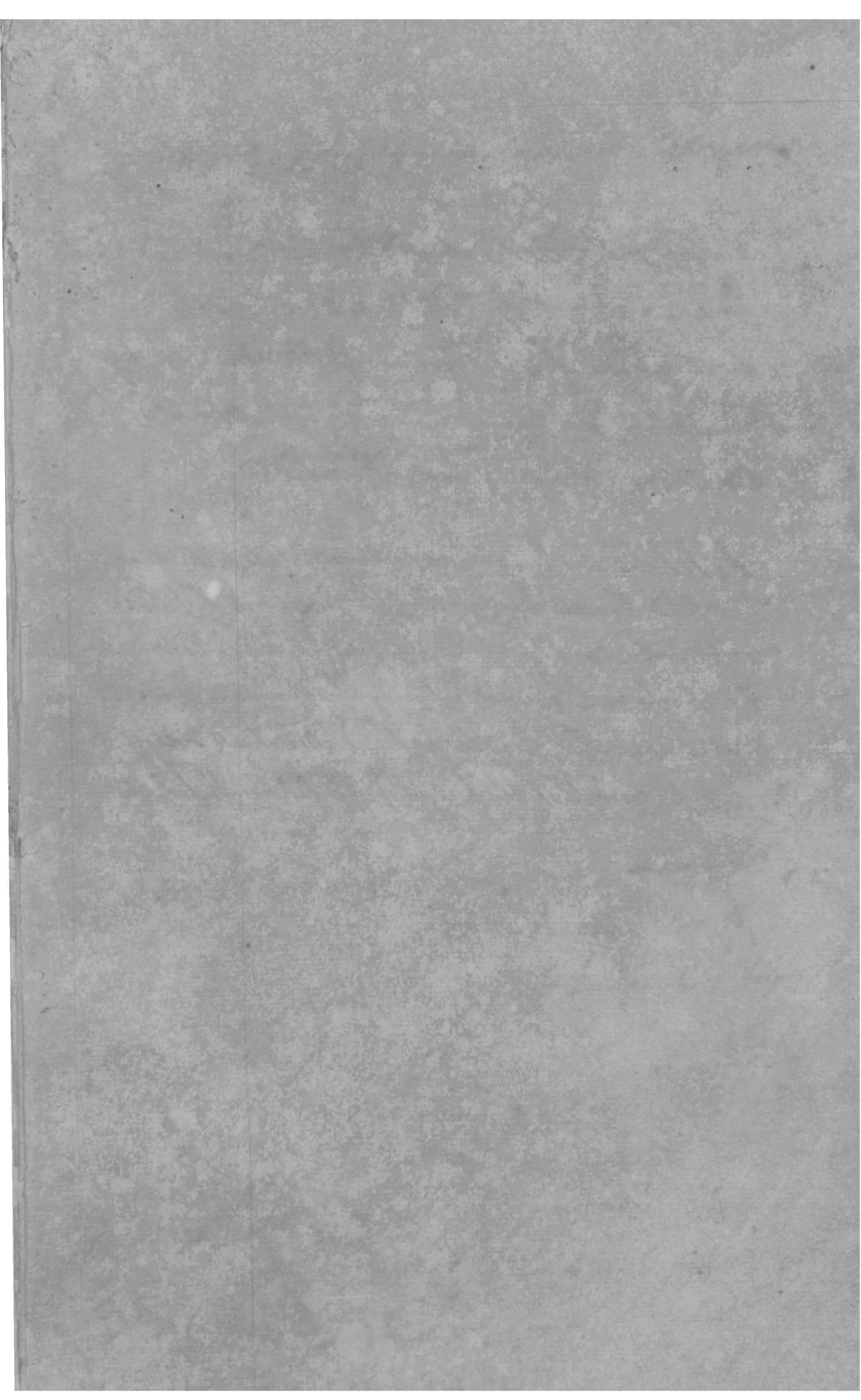
and

and that such Person shall Attest his Translation under his hand, and that it shall likewise be Attested by the Attorney procuring the same Provided Nevertheless that any Suitor of this Court may be at Liberty to produce the Attestation of the Examiner of this Court, to any Translated Paper paying however the Stipulated Fee to the Attorney delivering such Translation.

1789.

1st December

Petition of Runganaudorn Court Interpreter read and filed this day, praying that the Court will be pleased to Allow him a Fee of One ^{to} Pagoda for every Native Witness who is Examined either by the Examiner in the Civil Court or on the Register in the Ecclesiastical side of the Court. Ordered that the Prayer of the Petitioners Petition be granted.



Rules of Practice relating to the Court Serjeants

¹⁷⁵⁷
19 December

Ordered that if the Serjeants of this Court do not
Summon every Alderman, when the Court is to Meet, they
shall be fined the Sum of five Pagodas for such Neglect.

Rules of Practice relating to all the Officers of the Court.

1757
19 December
Ordered that no Officer belonging to this Court
shall either Directly or Indirectly receive any Sum or
Sums of Money other than their Stipulated Fees, from
any Person having a Suit in this Court, while the same
is therein depending, on pain of being dismissed the
Service of this Court.

Rules of Practice relating to the Prisoners of the Court.

19 Decemr 1757 Ordered that in case any one of the Prisoners confined by this Court does not demand his Batta at or before Eight Days after such his Confinement, that the Batta to be paid him afterwards, shall be only from the time he demanded the same.

Ordered that the Party at whose Suit any Person or Persons is or are Confined for want of Bail, or otherwise shall immediately on such Person or Persons being Confined deposit with the Goaler an Allowance for Batta for his or their Maintenance till the Monday Next after his or their Confinement, and on every Monday Morning thereafter an Advance of Seven Days Allowance for Batta as long as the Parties remain imprisoned after the following Rates, - for all Europeans, Armenians, and such as are Commonly Called Portuguese, two fanams each of Diem, for Gentros Malabars, Moors, and all such as are generally Understood by the Name of Indian Natives, one fanam each of Diem.

And It is Ordered that the Goaler shall always pay to every Prisoner out of the Allowance Money deposited in his hands on each day before the hour of four in the Afternoon the Allowance or Batta for Next day, but in case the Creditor does not pay the said Advance Allowance

for Batta the Goaler is to make Complaint thereof or the Prisoner may procure such Complaint to be made to the Court, or between the days of Adjournment to the Mayor, that the Creditor may be sent for and Ordered to pay such Advance immediately, in default of which the Prisoner shall be Released the next day - and in case any Creditor is not to be found on the same day, or does not advance the Allowance / or Batta / on the Next day after Complaint made and Notice left at his Usual place of Abode the Prisoner shall in such case be Released on the third day, after the Complaint is made - every such Release must which shall be made by Order of the Mayor, between the days of Adjournment to be done by Counter Warrant under his hand and Seal directed to the Sheriff, and Countersigned by the Register in the Usual form, and further that a Copy of this Order shall be delivered to the Sheriff another delivered to the Goaler, and that one Copy shall always remain pasted up, in the most Publick Room in the Goal in the English, Portuguese, Armenian, Moor, Gento and Malabar Languages.

1781
16. July

The Sheriff Acquaints the Court that from the great Scarcity and Dearness of Provisions the Batta of One faram a Day allowed the Prisoners is insufficient for them to exist upon The Court having taken the

same

same into Consideration. It is Ordered that during the
present Scarcity that the Prisoners be Allowed One and
half faran of Day - and that Notice thereof be Affixed
at the Town Hall, The Prison, and all Publick Places.

the Ceremony, before the Commission be put in Execution; and that the said Fees and Charges, be not recoverable in the Will of Court. And that when any Commission shall in future Issue out of this Court for the Administration of Estates at the Pagoda, the same is to be Directed to the Examiners of this Court.

*Epistolae sunt solae
non sunt adhibendae
nisi ad Testes
et non ad Testes
solae.*

Ordered that no Will, Answer, or other Pleadings whatsoever - when it is said that any Translate or other Paper is thereto annexed shall be Delivered in by any of the Attorneys to the Register of this Court, Unless such Translate or other Paper be actually Annexed thereto.

*It is in the
An. in, and if
enough to a further
Rule to Answer,
then to Reply, one
Reply, and one
Surjoinder to the
Defendant's putting in
the same.*

Agreed that it be a Standing Order that the Register of this Court do not issue any more Rules than these, for each Defendant to Answer the Complainant's Will, and in case of the Defendant's putting in an Insufficient Answer, no more than one Rule for the Plaintiff to Reply and one Rule for the Defendant to Rejoice, and in case of Surjoinders and Replies being thought Necessary, One for each only, and four Rules for the Parties to produce Witnesses, the last of which said several Rules or Orders shall be Presumptory, unless further time be granted by this Court on good Cause Shown, that the first of these Rules do Commence with regard to Answer Eight days after the Defendant's appearance, and with regard to the other Proceedings Eight days after Delivering in the Replication Rejoinder &c. At which several Rules for Answer Replications and Rejoinders yet to be for the Space of Eight Days and to Issue on the Application of the Attorneys.

This

Carriers, have not the
 notice of some of persons
 not interested, who may
 except in the name
 of the person immediately
 interested, a trustee
 on their liability
 appears

Account of the
respective reports from
Kalamang his Majesty

the Dispatch of the first Ship which shall be Ordered for England
after the 20th December Annually to be Transmitted to the East India
Company, together with the other Records of this Court and further that
the Order in the said Clause for Delivering into this Court an Account
in Writing Containing the Ballance of Money, Effects, and Securities
belonging to the Sutors of this Court at the first Sitting of the Court
after the respective times beforementioned shall be Observed in
Manner, and form as is therein Specified

11. Upon an Inspection into the Cash Books of the former Court
it appears that from January 1743/4 at which time the Court
Agreed to give up to the Company the Rents and Revenues which
had been Appropriated for the Expenses thereof Upon Conditions
that their future Expenses should be borne by the Company - To the
Dissolution of the Court in August 1746 it was the Custom to receive
a Certain Sum Monthly from the President and Council for
Defraying the Current Expenses, which Custom this Court apprehend
to be a more regular and Proper Method, than that which has
been followed since the Re- Establishment of the present Court
in Anno 1753 to wit the Drawing from time to time an
indeterminate Sum of three hundred to five hundred Pagodas for the
Current Expenses as the same was wanted And therefore It is
Agreed and Ordered by this Court that it shall be a Standing Rule
of Practice that the Register of this Court shall for the future draw
on the President and Council at the beginning of every Month for the
summed Sum of Twenty Pagodas which it is imagined will be
Sufficient to defray the Wages to Officers and Servants, which are
paid Monthly, the setting up the Meyori Pallanku, and the
Other

other Ordinary Annual Expenses of the Court which do Usually Occur And in case the Court shall find it Necessary to be at an Extraordinary expense for any particular purpose, which Regards the Use or Benefit of the Court that a Draught shall be made upon the President and Council to defray the Sum which shall be wanted for that purpose.

12th It is Agreed and Ordered that the following Wages shall

*Pres & Councils
Wages the last
Month by the
Register.*
henceforward be Allowed to the Mayor's Term and Callanahun Term To Wit, To the Head Term instead of the One Pagoda hitherto Allowed him of One Pagoda and Six fanams of Month To the five other Terms instead of the thirty fanams hitherto allowed One Pagoda each of Month To the Head Callanahun Term instead of the One Pagoda hitherto allowed him of One Pagoda and Six fanams of Month To the Seven other Callanahun Terms instead of Thirty Six fanams hitherto Allowed One Pagoda each of Month, that the Two Terms Allowed to every Alderman shall be paid during the Residence of such Alderman, at this Place instead of Thirty fanams hitherto Allowed One Pagoda each of Month, and that the Two Terms Allowed the Register shall be paid instead of the thirty fanams hitherto Allowed One Pagoda each of Month.

It is likewise Agreed and Resolved that the Cash Book which shall be kept by the Register of the Receipts and Disbursements in Account of this Court, shall from and after the Commencement of the ensuing Month, Contain on the Debit Side thereof, the Money which shall be received from the President and Council from time to time for Defraying the Expenses of the Court and on the Credit Side the Disbursements of the same, and no other, and that the said

Account shall be made up, and Ballanced on the Last Day of every Month, and read in Court on the first Tuesday in every Month, and Immediately after the Minutes of the former Court are read.

13th It is Ordered to be a Rule of Practice of this Court in all future that the Register of this Court shall Attest all Papers Registered in this Court and the Seal of Court shall be Affixed, which appears to have been the Method formerly used, by these means Recourse may be had more readily to the Registry when Occasion requires, and it is hoped it will be a Means to prevent false Titles or Disputes about Titles which have frequently arisen.

14th Ordered that in all Cases preferred in this Court the Sterling Value shall be mentioned as well as the Sum in Pagoda, and that the Exchange shall be reckoned at Eight Shillings of Pagoda which is Conformable to the Constant Practice of the former Court.

15th It is Unanimously Resolved that it shall be a Standing Rule of this Court that the Register shall always Attend upon the President to see the Usual Oaths Administered to Every new Member that is Elected and does not Refuse that Office.

16th Ordered that the Names of all the Members, who are present at the passing of any Decree, or Resolution of the Court, shall be prefixed to the Copy of such Decree or Resolution when delivered by the Register.

17th Ordered that in future in all Cases where Special Bail is taken that the Bail Piece shall be Signed by the Bail, and, where General Bail is taken the Register is Directed to

write the Name of John Doe and Richard Roe and to Cause
the Defendant and his Attorney to sign the same, at the Bottom
of the Bail Piece to the Right Hand.

18th Ordered that the Fair Minutes taken by the Register
in Court be laid before the Mayor the Succeeding Court Day,
when the Fair Minutes are read for the more easy preventing
any Mistakes or Omissions in the Fair Minutes.

19th Ordered that in future all Probates Letters of
Administration &c. be signed and sealed by one of the Aldermen
as well as by the Mayor, Agreeable to the Practice made this of
in other Proceps of the Court and that the same shall conclude
as is usual in other Proceps To wit: Given under the Seal
of the Court and Under the Hands and Seals of AB. Mayor of
Madraspatnam and CD One of the Aldermen of Madraspatnam
this Day of Anno Domini.

20th It being remarked that Copies of the Monthly Accounts kept
by the Court of the Money received from the President and Council
and the Disbursements thereof have not of late (as they were for
some time) been sent to the President and Council in Order to
be laid before the East India Company. It is resolved for the
Satisfaction of the Company by whom the Charges of the Court
are borne in lieu of those Revenues which the Corporation gave
up in the Year 1744 that a Copy of the Monthly Accounts as
read in Court the beginning of each Month shall at the respective
times when the Books of the Accountant General are Ballanced
Agreeable to an Order of Court of the 31st of May be Delivered into the

President

President and Council to be by them Transmitted to the Court of Directors.

The Mayor acquaints the Court that upon the last Order Issuing in the Accountant General for Drawing Money out of the Company's Cash he received a Note from the Accountant General, intimating that he imagined that the said Order upon him was not Agreeable to the Instructions sent out relating to the Office of Accountant General. That the Orders made in Court for Depositing or Drawing Money is to be shown to the Accountant General who conceives that he is thereupon to Certify the same to the President and Council, without being Ordered so to do by the Court.

The Court in Consequence of the Representation made by the Mayor having taken into Consideration, whether the Order now to be sent to the Accountant General shall be in the usual form, or whether it may be Necessary to vary the same, Do Agree that the form hitherto practised shall be Continued as the same was Settled at the Establishment of the Court, being esteemed the Most Regular and less liable to Error, and as no Inconvenience has arisen therefrom and moreover since there is no Particular form prescribed in the Instructions sent out by the Company relating to the Office of Accountant General, for wording the Order, on sight of which the Accountant General is directed by those Instructions to Certify to the President and Council the Order of this Court, it must Consequently be understood to be left to the Court to make Use of such form as to them shall seem Most proper.

Form, herebefore
observed for Depositing
or Drawing Money
with the Court
shall hereafter Continue

22nd

*Bill Answer of the
Principal & charged
with the Reg. & has been
shewn for the examination*

The Court having taken into Consideration, the delays and Inconvenience that have frequently arose by Papers having Exhibited to the Court by the Attorneys without being first Shewn to the Register to be by him Examined Do Order and Direct that in future all Bills Answers and other Proceedings shall be Lodged with the Register before the hour of Nine o'clock in the forenoon of the Day preceding the Sitting of the Court, that the Register may Examine whether the same are any way wanting inform, and that no Paper Offered Contrary herunto, shall be received without Special Reason given.

23rd

*List of Causes
which kept by the
Reg. that they may
come on before the
regularly in their turn*

Ordered that in future a List be kept by the Register wherein shall be Entered every Cause in its proper turn as the Attorneys Apply for the same to be heard, and which are to be taken in their several turns to be set down for hearing on a particular Day.

24th

Court Proceedings Day

Ordered that the Court Bramings be Allowed a Salary of One Pagoda of Month betwixt them.

1759

24th July 26th

Agreed that it be a Standing Rule of Practice in future that whenever the Mayor shall find it Necessary to hold a Court between the days of Adjournment, he shall Cause all the Members to be Summoned, Specifying at the same time the Reason for holding such Court in Order that every Member may Attend or Not as he shall think proper & as the Nature of the Case may Require. And Ordered whenever the Process in a Cause shall be sent to the Members for their perusal, that a List of the several Papers shall be Annexed and sent Round therewith.

26th

Ordered in future that all Objections to Interrogatories shall be Delivered in Writing at the time between Publication

passing

6
Wiping and setting down the Cause to be heard, and for that purpose that the Attorneys do take out a Copy of the Interrogatories.

27th Ordered in future that the Mayor or any of the Judges of the Court do have power to Commit to the Custody of the Sheriff, all such Defendants as shall between the Days of Adjournment be Surrendered up in Discharge of Bail, and that the Mayor or such Judge before whom the Surrender is taken do make a Report thereof the Next Court Day.

28th July 11th 1769 — The Court taking into Consideration the Method of Conducting the Business with most ease to the several Members — It is Resolved that a Rotation be Settled as they Stand in Seniority and that Notice be sent by the Register to the Two Members whose turn it may be to Attend with the Mayor Acquainting them therewith.

29th The Court having taken into Consideration the Securities to be given by Administrators are of Opinion that as the Charter Expresses, that Two Securities shall be taken, that it ought to be Observed, and it is Ordered to be Observed in future.

30th The Court taking into Consideration that the Greatest Part of their time is spent in Reading Papers as they are brought into Court, and which greatly Retards the other Business of the Court, And as it does not appear to be of any Use since all the Proceedings are Ordered to be Revised by the Register, and are read at the time of hearing a Cause It is Ordered that in future

19th March 1778

future the several Papers in a Suit be only Certified as filed at the time they are received, according to the Practice observed in the Courts in Europe.

31st March 1771 The Court Observing that the Examiners Summons are left with the Witnesses instead of being returned to the Examiner Endorsed by the Officer who serves them It is Ordered in future that the Summons be returned to the Examiner Certified by the Officer whether they are served or Not.

32nd Ordered that the Attornies when Recused by indisposition, or otherwise from attending the Court, that they do empower and give the Necessary Instructions to some other Attorney to Appear and Plead for them, and make the Necessary Motions, in any Suit, which they may be Concerned in.

33rd Ordered that Judgment in Default, for non Appearance 19 Dec: 1757 or Answer shall not be given in any Cause Depending in this Court, unless the Attorney for the Plaintiff shall produce a Note under the hand of the Register of this Court that the regular Process had issued to Warn the Defendants or Defendants that such Proceedings are had against him, her, or them.

34th Ordered that the Attorneys shall pay to the Mayor the Register the Examiner the Court Interpreters and Court Sergeants, their respective Fees immediately when any Papers Writs Precepts or other Process are Delivered out or Executed, and that the Clients shall pay the Attorneys

Attorneys the Fees which shall actually become due to them for what Business they shall have done; before they shall be Obligated to proceed any further in such Clients Suits, regard however being had to the Right that the Attorneys of the Court have, to bring either an Action, or Procure an Attachment for their Fees, provided that no Action shall be brought or Attachment be granted, till after the Expiration of One Month after the Fees are Demanded.

19 Dec 1767 That no Client shall be Obligated to pay any Bill of Fees to any of the Attorneys till the same is Taced by the Register, and that no Warrant of Execution shall be granted any Attorney for the Recovery of his Fees, untill his Bill of fees is Taced by the Register That no Attorney of this Court shall refuse to take any Pleins Suit in hand on being fed with the Customary fee for that end, on pain of being Dismissed the Service of this Court

And also that this Order be Affixed at the Sea Gate that in case any of the Inhabitants shall find themselves hence forward aggrieved they may receive Redress by Applying to this Court who will Dismiss any of their Officers that shall be found Guilty of Transgressing the above Orders.

35 Ordered that the Attorneys of this Court shall apply to the Examiner for Copies of all Depositions in any Cause as soon as Publication passes, and the Examination of Witnesses on both Sides is finished, and the Examiner is hereby Ordered to Sign and Deliver out the same Agreeable to the Method laid Down in the Book of Instructions Page 32. the Attorneys paying him for such Copies Agreeable to the Table of Fees.

Ord=

36th Ordered that in future no Bill Answer &c. be received but what is wrote upon Demy Papers.

37th Ordered that the Attorneys do Always Attend, when the Court Meet, and that any of them who are Absent shall be fined the Sum of five Pagodas, unless they give Sufficient Reason to the Court for their Absence.

38th It being an Old Standing Order of the Court that no Attorney shall Refuse Carrying on a Suit in Receiving his Retaining Fee on pain of being Dismissed the Service of this Court, It is Resolved that a Copy of the said Order be Affixed at the Sea Gate and Town Hall, that all Persons may be Acquainted therewith.

39th The Court taking into Consideration the great care and Attention requisite in Drawing out Interrogatories and that the Fees now Established are not Adequate thereto.

Ordered that the Fees for Drawing out Interrogatories be the same as for other Proceedings.

40th The Court taking into Consideration the Inconveniences and Delays that have arisen in Causes wherein several of the Members are interested, the Motions in which having frequently been Postponed for want of a Sufficient Number of Disinterested Members being present, Ordered that when any Motion is to be made in any Suit wherein any of the Members who are by Rotation Summoned to Attend are interested, that the Attorney in such Suit shall acquaint the Register therewith between the Days of Adjournment, who will Summon the Next Members in Rotation who are not interested therein.

18th June
1771.

at
41st 13th August 1771
It Appearing that the Practice hitherto observed by the Court hath not been Conformable to the Book of Instructions in not Ordering the Process to issue on Cross Bills in the same Manner as on Original Suits, and that the Omission of filing Common Bail, when Special Bail is not prayed for is irregular
It is therefore Ordered that in future, the same Process do issue on Cross Bills as in Original Suits, and that upon the Appearance of a Defendant either in an Original, or Cross Suit, if Special Bail be not then prayed for, that Common Bail shall then be filed and Recorded, and if it be not then accepted against, that no other Bail be Afterwards Allowed to be given, and as with regard to Special Bail if it be not Objected to at the time of filing the Bail Piece, such Bail, shall not afterwards be Excepted against, and which Appears Conformable to Law, and the Established Practice of the Courts in England.

42nd 3rd December 1771
Ordered that in future whenever it is found Necessary to make a Rule of Practice, that the same be sent Round to the several Members, and that a full Court be Summoned the Next Court Day to take the same into Consideration and Notice to be given to all the Members that the same will on that Court Day, be finally determined.

43rd 1st January 1772
Ordered in future that Warrants of Execution against the Defendants Body do not issue untill Executions against the Effects have been first issued and returned.

1772nd May 14th
Ordered that in future it be a Standing Order of Court that

10
that no Petition for rehearing shall be received without the
sum of 20 Pagodas being first Deposited with the Register to
be paid back to the Petitioner if he prevails, if not to the adverse
Party for that Unnecessary Trouble.

1772
June 29th
45th

Ordered that it be a Standing Order of Court in future
that no Wills as has hitherto been the practice be Delivered out
of the Register's Office, without the Register's keeping an
Attested Copy thereof.

1772
August 11th
46th

Ordered that in future it be a Standing Rule of Court
that all Exhibits be delivered into Court before Publication is passed.

1772
November 17th
47th

Ordered that in future it be a Standing Rule of Court
after Publication is passed in a Cause that no Motion for
further Examination of Witnesses should be made, but upon a
Petition and Affidavit Annexed by the Party Applying for
the same, setting forth the Reason why such Witnesses could not
Attend to be Examined before Publication is passed.

1775
December 5th
48th

Ordered that in future it be a Standing Rule of
Practice of this Court, that the following Mode be observed in
taking Bail, when the Bail are Required to Justify themselves
either in Court or before one of the Judges of this Court, That
the Bail if Required must at least be Two in Number, that
they do Swear that they are Housekeepers within the
Jurisdiction of this Court and that they are each of them worth
double the Sum for which they are Bail, after Payment of
their Debts.

December 20th

Petition of Thomas Jones and Isaac Watkins the Clerk

Srijants Read Praying an Increase of Wages on Account of the
Dearness of Provisions and the Court having taken the same into
Consideration it is Resolved that their Pay be increased to 5 Pagodas
instead of 3 Pagodas Provided they do not enter into any other Service
without the Approbation of the Court.

Petition of Mordukistnah the Mayor's Head Pion and the
other Pions of the Court praying an Increase of Wages, read and
the Court having taken into Consideration it is Resolved that the
Wages of all the Pions be not increased but in Consideration of the
Diligence and long Services of Mordukistnah Head Pion it is
Resolved that his Wages be increased to ^{Rs. 9/-} 11/- instead of ^{Rs. 4/-} 6/-

1778
December 1.
149. Ordered that it be a Standing Rule of this Court that all
Affidavits which may in future be Delivered in be wrote in the
Language of the Persons who makes such Affidavits, and that there
be a Translate thereof Certified by the Court Interpreter
Annexed thereto.

1779
March 2.
50. The Court taking into Consideration the great increase
of Business, and how Much of their time is every Court Day taken
up in Reading the Fair Minutes of the Preceding Court Day have
Resolved to leave off Reading the Fair Minutes henceforward, but Order
that the Register or Deputy Register, shall at the End of the Fair
Minutes of Every Court Day for Grand and Petit Causes and for
Proceedings in the King's Ordinary Certify, that he has Examined and
Compared the Fair with the Fair Minutes, and that the same
do Agree, and it is further Ordered that this Resolution be Referred to
the Consideration of the first General Court for their Approbation.

A. Full

March 9th ... A Full Court having been Summoned to take into Consideration the Minutes of Last Court Day regarding the not reading the Fair Minutes of the Preceding Court in future, and having duly Considered the same, are Unanimously of Opinion, that the same is very proper and that it do remain a Standing Order.

December 7th ... It is Ordered that in future it be a Standing Rule of Court that when Witnesses appear for Examination the Examiner do give Notice in Writing of the Names Titles and Places of Abode of such Witnesses to the Opposite Attorneys in like Manner as he does when Europeans appear for Examination instead of sending such Witnesses to be shown at the Office of the Attorneys which has been Productive of Much delay.

December 20th ... Petition of Sobarny the Court Interpreter Read a Second time praying an Increase of Fee and that an Assistant may be allowed him. The Court having taken the same into Consideration it is Ordered that his Salary be increased to 5 Pagodas of Month.

1780
May 27th ... Ordered in future that no Person be held to Special Bail till Oath be first made to the Justice of the Debt and that the Sum Sworn to be Endorsed on the Back of the Writ.

December 20th ... Ordered that the pay of the Pons belonging to the Court be increased from One Pagoda of Month to One Pagoda and Twenty one Fanams each.

1781
July 17th ... The Sheriff acquaints the Court that from the great Scarcity

Scarcity and Dearness of Provisions the Ratta of One fanam a Day allowed the Prisoners is insufficient for them to exist upon The Court having taken the same into Consideration—It is Ordered that during the present Scarcity that the Prisoners be Allowed one and half fanam of Day—and that Notice thereof be Affixed at the Town Hall, the Prison and all publick Places.

1782
December 20th

Petition of Moyedien Mahomed Abo Baucker Cingee head praying an Increase of Salary the Sum of One Pagoda of Month being insufficient for to find Mollaks to attend on the Court and the Examiner—Ordered that the Sum of Two Pagodas of Month be Allowed him.

December 20th

Ordered that there shall not be any Vacancy for the Admission of an Attorney till the Number of Attornies on Record be less than Six, and that the Number of Attornies afterwards be limited to Six.

December 20th

Ordered that the Mayor do Receive a Fee of Three Pagodas on all Seals Affixed to Notarial Papers Power of Attornies and Exemplifications as also a Fee of One Pagoda on all Oaths Administered by him on Matters not immediately before the Court.

1783
January 17th

Ordered in future that the following Fees be Established for the Mayor, in Consideration of the Extraordinary Trouble and Attendance requisite for the discharge of his Duty as Mayor between the days of Adjournment.

- For Affixing the Court Seal to any Paper Eighteen fanams.
- For Every Oath Administered out of Court Eighteen fanams.
- For Every Bill of Complaint filed two Pagodas.
- For Every Petition filed One Pagoda.

For Every Cause Set down to be heard five Pagodas.
 For Every Demurrer- Exception- or other Interlocutory Order
 Set down to be heard Two Pagodas.
 For Every Probate or Letters of Administration Two Pagodas.
 Taking Bail One Pagoda.
 For Every Counter Warrant Eighteen fanams.

1786
 April 7th

Ordered in future that it be a Standing Rule of Practice whenever any Party shall apply to this Court for a Witness or Defendant to Attest his Deposition or Answers at any of the Pagan Temples the Party so applying or the Party under whom he Claims shall in the first place if of the Christian Faith and Required by the Witness or Defendant make Oath upon the Holy Evangelists of Almighty God and if a Pagan if Required by the Witness or Defendant shall make Oath at the Pagan Temple, that he verily believes the Evidence of such Witness so to be Examined or the Attestation of the Answers so to be Sworn to, is Material and Necessary for his Cause, and in case of any other Sect or Religion that they do in like manner make Oath in the Manner which is by their East Estimated most binding upon their Conscience.

September 29th

Ordered that the Standing Rule of Practice which was made on the 7th of April last Relative to Witnesses Attesting their Depositions or Defendants their Answers at the Pagan Temple do stand Revoked and the same is Revoked Accordingly.

1785
 December 20th

Ordered that it be in future a Standing Rule of Practice that the Sheriffs do give Notice in the Madras

25
Courier of all Sales which he is about to make as Sheriff
by Virtue of Warrants of Execution or Orders upon Sequestrations
previous to such Sales and it is further Ordered that
the Proctors of this Court do Publish in the Madras Courier
Notice of all Applications for Letters of Administration
previous to the same being granted and also Notice of all
Probates of Wills which have passed the Seal and it is further
Ordered that the Editor of the Madras Courier be allowed
One Pagoda on each Letters of Administration, Probate
of Wills and Sales, for which Sum he is to repeat the
Advertisements as often as required and it is further
Ordered that these Resolutions be sent up to the Honorable
the President and Council for their Approbation.

1788

June 28th

Ordered that it be a standing Rule of Practice in
future that no Letters of Administration do pass the Seal
till the Proctors have acquainted the Court, that Notice
has been twice Published in the Madras Courier as well
as upon the Gate of the Court House and the Pagodas
and other Places of Public resort where such Notices
have usually been published and it is further Ordered
that the Proctors do cause their Names to be put at the
bottom of such Notices in the Courier.

September 2nd

Order 5th

The Court taking into their Serious Consideration
Revoked by the frequent Appeals that have been lodged from Interlocutory
the Court of

Enormous abuse, Disgraceful to its Authority, ruinous to its Sutors and a Total Impediment to Publick Justice, do consider it a duty incumbent upon them in effectual reform of such Evil and in support of the high Trust with which they are vested So Order that it be a standing Rule of Practice from this Day that no Attorney do lodge a Petition of Appeal from any Interlocutory Order, till he has previously made a Petition to this Court stating the grounds of such his Appeal, and has obtained permission from the Court to allow such Appeal.

Order. 2nd The frequent Appeals which have been lodged from the Decrees and Orders of this Court as there is too much reason to believe from motives of Litigation or with a View to obstruct and delay Justice in which the Court consider the Sutors much encouraged from the Practice which has hitherto been Observed, in sending up the Original Proceedings of this Court to the Court of Appeals, which hitherto has been done at no Expence to the Appellants / as recommended by the Book of Instructions above recited / by which mode of Practice the Parties have not been obliged to take out Transcripts of them from the Register's Office, The Court consider it their duty to Discourteance as much as in their power all such Appeals, which at this Moment amount almost to a total Annihilation of Justice by which means

Revised by
the Court of
Directors

made the Instrument of Oppression instead of Relief to Suitors
by the Parties removing themselves to such Distant periods of time,
from the Efficacy of Law They do therefore Order that it be a
Standing Rule of Practice that the Register do not from this time
send up to the Court of Appeals any of the Original Proceedings
of this Court, but that the Parties do upon all Appeals take out Copies
of the Proceedings under the Seal of the Court and Attested by the
Register in like manner as an Appeals to His Majesty in Council
unless the Court under Special Circumstances stated by the Attorney
of the Party Appealing should see good Cause to indulge him or
them to the contrary and in order to remedy the Evil Practice of
lodging Appeals to His Majesty in Council without any Intention
of Prosecuting the same but merely to gain time which is strongly
manifested by Appeals having been frequently lodged to His
Majesty in Council, without any Copies of the Proceedings being
taken out of the Office of this Court - by the Appellants It is Ordered
that unless the Appellant applies in Writing by his Attorney to
the Register for Copies of the Proceedings within one Month after
lodging his Appeal to His Majesty in Council / Provided he has
not already taken out Copies of the Papers to lay before the
Court of Appeals / That the Decrees of the Honorable the Court of
Appeals be immediately carried into Execution, such delay as for
Appeal under these Circumstances being merely a delay, as for

default must inevitably follow.

Order 3rd Confirmed by the Court & Directors. Ordered that it be standing Rule of Practice in future that all facts on which Special Motions are Grounded be verified by Affidavit as Recommended by the Book of Instructions and that Notice of all such Special Motions be given in Writing to the Opposite Attorney four days previous to the same being made in Court.

1789 June 27th Ordered that it be a Standing Rule of Practice in future that Copies of the Oaths which are Administered to Executors and Administrators be Annexed to all Probates and Letters of Administration which are issued under the Seal of this Court.

September 18th The Court having had further Consideration on Mr. Alderman Ross's Motion of the 8th Instant respecting the lodging of Appeals to the President and Council in Ecclesiastical Matters, are of Opinion, that no Appeal can by the Charter lie from the Orders of the King's Ordinary, it is therefore Resolved that the Proctors of this Court do not in future lodge any Appeal in any Matter which has been determined by the King's Ordinary.

May 1st Ordered that all Papers Interlocutory or otherwise wherein the Court have passed any Decision be Registered.

December 18th Ordered in future that the Number of Attornies of this Court be limited to Eight instead of Six as Specified in the Order of the 20th December 1782 and that there shall be no Vacancy for the Admission of an Attorney till the Number be no more than Eight.

1790
December 7th

Ordered that in future that it be a Standing Rule of Court that all Warrants of Attorney delivered into Court for the purpose of Confessing Judgment be written in the Language of the person executing the same and that an Affidavit of the due Execution thereof be made by One or more of the Subscribing Attorneys.

Ordered that it be a Standing Rule of Practice in future that the Attorneys do furnish the Register with Copies of all Special Motions at the same time they furnish the Opposite Attorney therewith and that the Register do send round the same for the perusal of the Members.

1793
February 12th

Ordered that the standing Order of this Court of the 18th December 1789 for limiting the Attornies to Eight be now Confirmed, and that it be a Standing Order of this Court that hereafter it shall not be considered that there be a vacancy for the admission of an Attorney till the Number of Attornies be less than Eight.

October 22nd

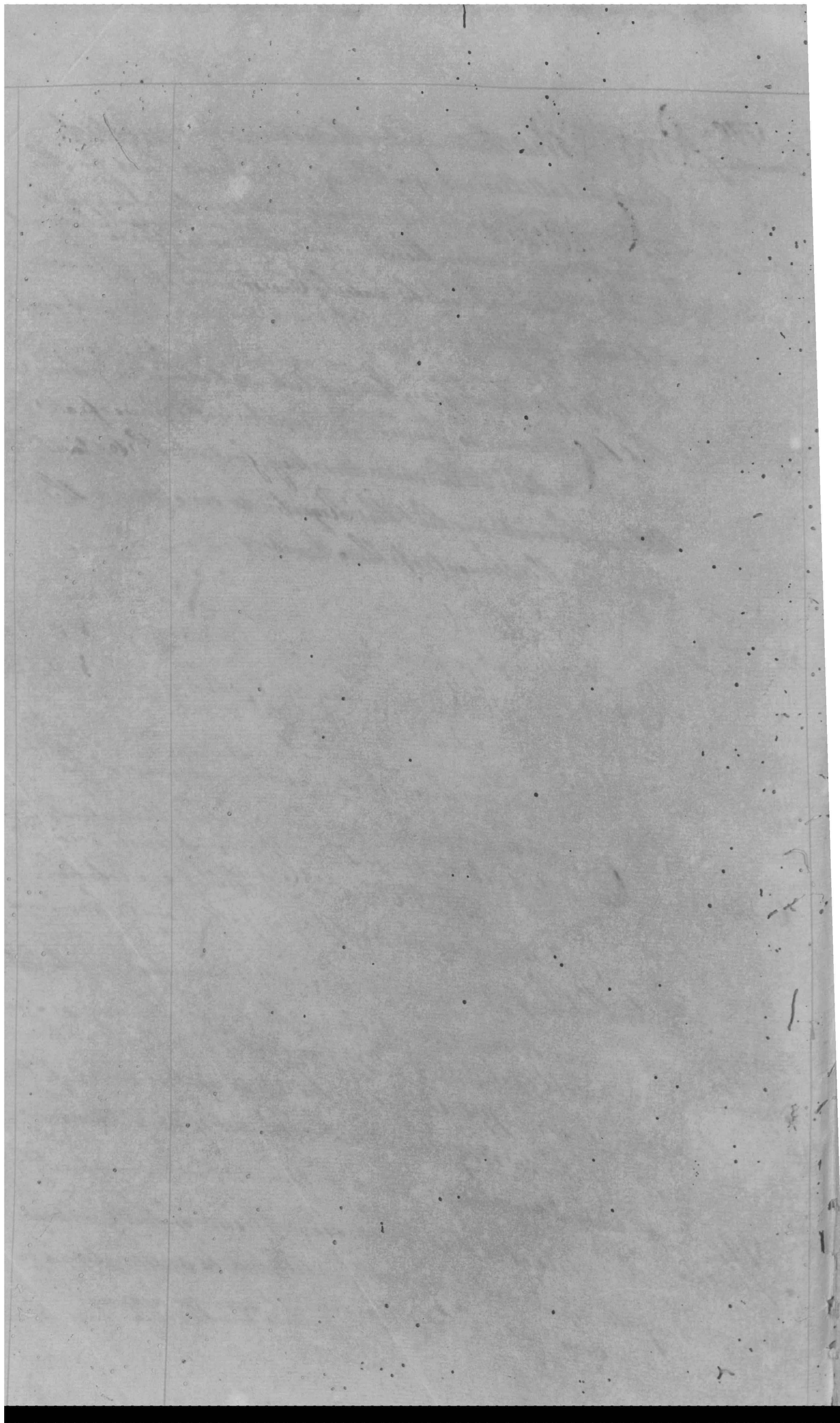
Ordered that in future it be a Standing Rule of this Court that no Order or Decree of a Notation Court shall be reversed except by a full Court Summoned for that Purpose.

1797
September 5th

Ordered that the Standing Rule of this Court of the 12th February 1793 Confirming the Order of this Court of the 18th December 1789 limiting the Number of the Attornies to Eight be revoked.

1797
September 5th

Ordered that it be a Standing Rule of this Court in future that no Attorney shall be allowed to decline Acting in any Cause after the same has been set down for hearing.



Rules of Practice relating to the Office of Register.

1757

19 December

Ordered that the Register do not in future deliver out any of the Original Papers filed in his Office to any Person whatsoever without an Order of Court, but that Copies of such Papers only be given to the Persons applying, they paying the accustomed Fees for the same.

Ordered that the following Rules be hence forward Observed by the Register of this Court That in all Answers & Delivered into this Court the following Method or Ceremony be Observed.

1st That the Register do Ask.

Whether the Defendant knows the Contents of the Answer & then Exhibited.

2nd Whether it is the Natural, or Mother Language of the Defendant, or a Language the Defendant Understands.

3rd Whether the Defendant had Signed it.

4th To Administer the Oath.

5th To Attest the Performance and Administration of the Oath, by Marking the Answer in the foreign Language as Sworn to, such Year, Month, and Day.

The Register is Directed in Registering all Papers & henceforward always to observe to Number them progressively in the Register Book, as he goes on and to insert in the Margin of the Paper Registered the Number which it shall so bear in the Register Book together with the Number of the Page, in

which

28
which is shall be inserted also if any Conveyances shall be afterwards made of Titles to Houses and Lands &c always to refer in the Book to the Number of the last Title Registered, and he is also Directed to Note in the said Book, the day when such Papers are Registered and to Sign his Name therein as Register Immediately after Entering them.

Ordered that the Register do Take all Precepts Issuing out of this Court, the same day that the Attorneys apply for them, but that they shall be made Returnable from the time they are Ordered by the Court to Issue.

11 February 1757

Ordered that the Register on Return of Every Warrant of Sequestration where any Effects are Sequestred do immediately affix a Note in the Town Hall, as well as at the Several Gates, giving Notice of such Warrant of Sequestration, as well as of the Effects thereby Sequestred, also that a Note of all Publick Notices from this Court and the Sheriff shall be Affixed in the Town Hall as well as at the Usual Gates.

Ordered that the Register be Allowed the same Fees for taking the Deposition of Witnesses to the Validity of Wills as are Allowed the Examiner for taking the Depositions of the Witnesses in any Cause.

Rules of Practice relating to the Attorneys

157-19th Decem^r

Ordered that no Bills Answer or other Papers be received by the Register from any of the Attorneys, but what are wrote fair and without Cessment, or Interliniations, and in case any Bill &c. are offered to the Court contrary herunto that the Attorney presenting the same do pay the Charge of that Day.

Ordered that the Attorneys henceforward do take particular care that every Answer Replication or Rejoinder or any other Paper, they deliver into any Bill of Complaint & filed in this Court that the Title thereof do Correspond with that of the Original Bill, Several Inconveniencies having arisen by means of such Neglect and Omission and in case any of the Attorneys shall hereafter Exhibit any Paper contrary hereto, such Person so offending shall pay the Charges thereof.

Ordered that the Attorneys shall pay to the Mayor the Register, the Examiner, the Court Interpreters, and Court Sergeants their respective Fees immediately when any Papers, Writs, Precepts or other Procefs are Delivered out, or Executed, and that the Clients shall pay the Attorneys the Fees which actually become due to them for what business they shall have done, before they shall be Obligated to proceed any further in such Clients Suits, regard & however being had to the Right that the Attorneys of the Court have, to bring either an Action, or procure an Attachment for their fees provided that no Action shall be brought or Attachment be granted till after the Expiration of One Month after the Fees are Demanded. That no Client shall be Obligated to pay

any

any Bill of Fees to any of the Attorneys till the same is taxed by the Register, and that no Warrant of Execution shall be granted any Attorney for the recovery of his Fees, untill his Bill of Fees is Taxed by the Register. That no Attorney of this Court shall Refuse to take any Persons Cause in hand on being fed with the Customary Fee, for that end on pain of being Dismissed the Service of this Court. And also that this Order be Affixed at the Sea Gate that in case any of the Inhabitants shall find themselves henceforward aggrieved they may receive Redress by Applying to this Court who will Dismiss any of their Officers that shall be found Guilty or Transgressing the above Orders.

1759
19 Decemr

Ordered that the Attorneys of this Court shall apply to the Examiner for Copies of all Depositions in any Cause as soon as Publication passed, and the Examination of Witnesses on both Sides is finished, and the Examiner is hereby Ordered to Sign and Deliver out the same, Agreeable to the Method laid down in the Book of Instructions Page 32, the Attorn^y is paying him for such Copies Agreeable to the Table of Fees.

Ordered that in future no Bill Answer &c. be received but what is wrote upon Deeny Paper.

Ordered that the Attorneys do always Attend, when the Court Meet, and that any of them who are Absent shall be fined the sum of five Pagodes, Unless they give Sufficient Reason to the Court for their Absence.

It

It being an Old Standing Order of the Court that no Attorney shall refuse Carrying on a Suit on receiving his Retaining Fee on pain of being Dismissed the Service of this Court It is resolved that a Copy of the said Order be Affixed at the Sea Gate and Town Hall that all Persons may be Acquainted therewith.

Petition of the Attorneys of this Court praying an Increase of Fee for Drawing out Interrogatories read a Third time - The Court taking into Consideration the great Care and Attention requisite in Drawing out Interrogatories, and that the Fee now Established are not adequate thereto

Ordered that the Fee for Drawing out Interrogatories be the same as for other Proceedings.

Rules of Practice relating to the Office of Examiner.

1857-19th Decem^r

In Case any Answer be Required and Ordered to be Attested at the Pagoda the Examiner is Ordered to proceed in the same Manner, as the Register is Directed to do in cases of Answers sworn to in Court, and the Examiner / provided such Answer be in a Language which is not Understood by the Court Interpreter / do procure some ^{Person} as a Witness Capable of Reading the Answer, and after the Framing, or any other Person at the Pagoda hath Read the Answer to the Defendants, that such Person so procured as a Witness do Sign or Mark the Answer so Read and Sworn to in the Mother Language.

And Ordered that the Examiner shall give his Attendance at the Pagoda in the Black Town, or Triplicane for One Pagoda, for each time Let the Number of Witnesses be never so many, and also his Attendance on any Person in the White Town Twelve Annams for each time.

Ordered that the Examiner of this Court do / for the better Expediting the Examination of Witnesses in Causes Depending in this Court / Attend at his Office from the Hours of Nine to Twelve in the Forenoon, at which hours all Persons produced as Witnesses are to give their Attendance at his said Office.

Ordered also that the Examiner shall keep the Foul Copies of the Depositions taken by him, till such time as the Witness has Signed the Fair Copy, and that

then

then the Examiner do Compare both the Copies together with
or to the Witness.

30th April 1778
Ordered that the Examiner when all the Witnesses
in any Suit are Examined shall send a Note acquainting
the Court therewith. And when Publication is passed It is
Ordered that the Depositions be sent to the Court on the
following Court Day.

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Rules of Practice relating to the Office of Sheriff

1757th 19th Decem^r Ordered that the Sheriff on the Return of any Warrant of Execution issuing out of this Court do deliver in at the same time an Account Sales of the Goods &c. he shall so seize by Virtue thereof, shewing the Charge with the overplus or Deficiency that may arise, and that such Account Sales be Affixed to a Book to be kept for that purpose Conformable to the Custom practised by the former Mayors' Court, also that all such Accounts be written on Demy Paper, and never on less than half a Sheet with a Margin thereto.

And if the Sheriff sells any Houses or Gardens, by Virtue of such Warrant aforesaid that he do cause the Bill of Sale to be Registered in this Court.

That the Sheriff do not discharge, or Release any Prisoners without an Order of this Court, or a Counter Warrant under the Hand and Seal of the Mayor or in his Absence the Senior Alderman then Residing and that a Minute be made the Court day next following of such Counter Warrant having issued.

And it is Ordered that the Sheriff shall for the future observe the Directions laid down in the Book of Instructions for Executing Writs, Warrants &c. issuing out of this Court, and that he do date his Receipts to his Officers the same Day that the Attorneys apply to him for his said Receipts.

Ordered that every Sheriff shall upon the Resignation of his Office deliver over to the Succeding Sheriff by Indenture and Schedule, all the Prisoners in his Custody by Order of this Court

Court, as also all the Writs which remain Unexecuted for which the New Sheriff is to give a Discharge to the Old Sheriff.
And Ordered that the said Instruments be filed in this Court.

1778
April 28th The Sheriff Moves that the Attorneys may be Directed to indorse their Names on all Procefs issued out the Court directed to him in Order that he may know to whom to apply in any Emergency as he has found great Inconvenience arise from the want of it - Ordered Accordingly.

July 24th Petition from the Sheriff read a Second time praying that more Officers may be appointed to Assist him in the Execution of his Office - The Court having taken the same into Consideration and as the Business of the Court is much increased It is Ordered that four Additional Officers be appointed him of which the Register is Directed to Acquaint the Honble the President and Council.

1779
December 20th Ordered that the Sheriff be directed in all Sales of Houses and Grounds &c. to give Ten Days Publick Notice, as also the same Notice to the Attorney for the Complainant and Defendant of such Sale; to post up Advertisements in English and the Different Languages of the Country on the premises, the Town Hall, the Sea Gate and all Publick Places Describing the premises to be Sold, with every Particular that can be known, and the Place where the premises are to be Sold, and the Hour, which is Ordered to be between 10. and 1. o'clock in the forenoon and from 4. to 6. in the Afternoon.

5787

May 19th

It is Unanimously Agreed and Ordered that the Sheriff do in future draw a Commission of Five $\frac{1}{2}$ Cent on all Sales made by him by Virtue of Writs of Execution as far as 250 Pagodas and a Commission of $2\frac{1}{2}$ $\frac{1}{2}$ Cent on all Sales that exceed that Sum instead of the Commission heretofore drawn by him of 5 $\frac{1}{2}$ Cent on all Sales as far as 200 Pagodas and $2\frac{1}{2}$ $\frac{1}{2}$ Cent on all Sales that Exceeded that Sum - and it is further Ordered that the Register do send up a Copy of this Minute to the Honorable the President and Council for their Approbation of this Addition in the Sheriff's Fees.

Rules of Practice relating to the Corporation.

1757
19 Decemr

Agreed and Resolved that it be a Standing Rule
of Practice that the Office of Clerk of the Market shall
Annually devolve upon the Senior ^{of the} Aldermen who has never
acted in that Employ.