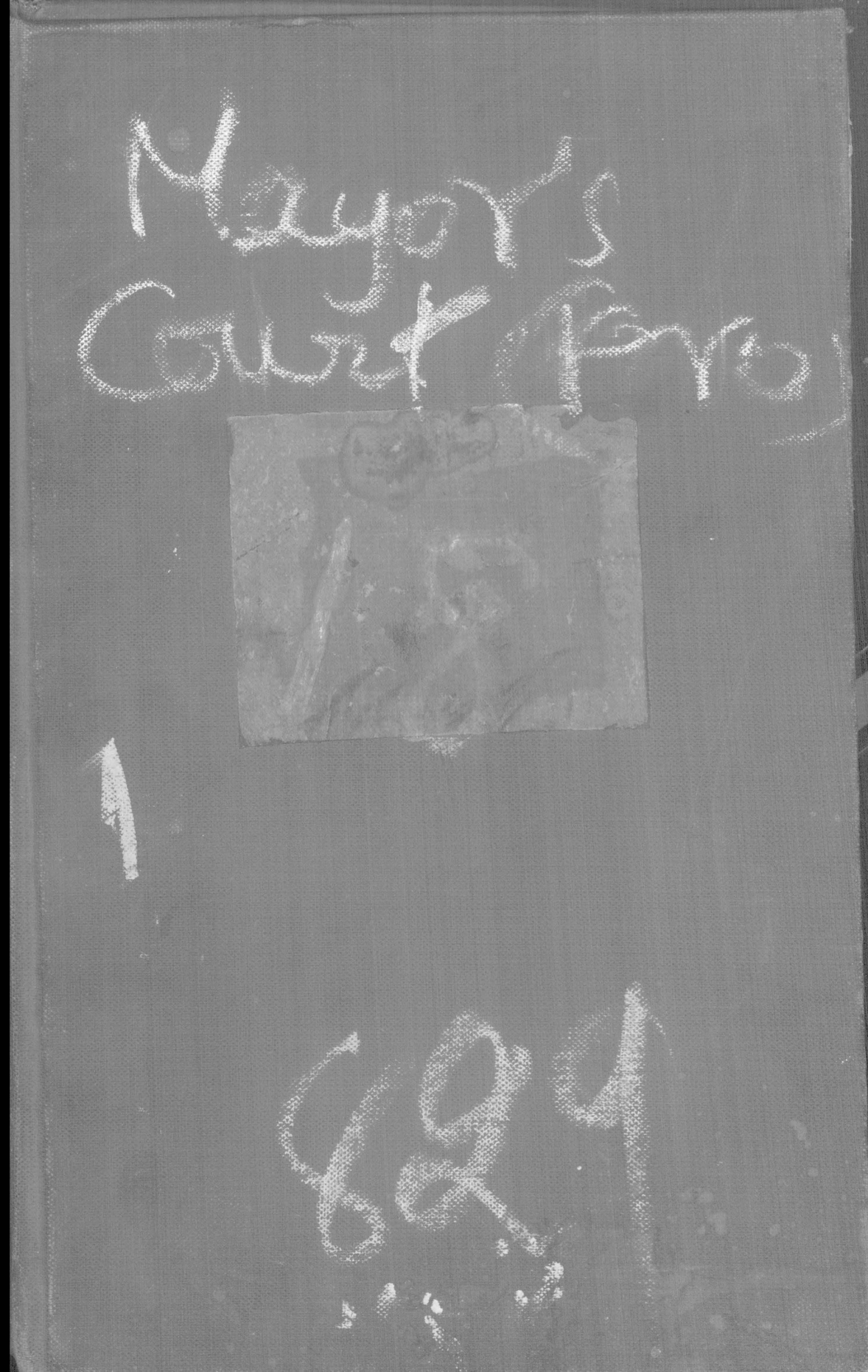


M A D R A S

MAYOR'S COURT PROCEEDINGS

17th AUG TO 29th DEC R - 1727.

RANGE

CCCXXVIII.

N°. 65.

FORT S^{T} GEORGE, AND CITY OF MADRASPATNAM

A RECORD OF THE PROCEEDINGS OF THE HONOURABLE THE MAYORS COURT AT MADRASPATNAM BEGUN, AND KEPT BY ME JOHN STRATON REGISTER OF THE SAID COURT, THIS 17 DAY OF AUGUST. ANNO DOMINI. 1727.

This morning according to summons appeared at y^{e} Town Hall the Principall Inhabitants of the Place where Francis Rous^{r} Esq. the Mayor for the time being with the Aldermen, and officers of the Court, Proceeded to the Companys Garden On Horseback to receive from the President, and Councill the Royall Charter granted the United East India Company by his MOST SACRED MAJESTY KING GEORGE for Fort S^{t} George, Madraspatnam, and were received there by the Honourable James Macrae Esq^{r} President, and Governour &c^{a} Councill of this Place who Demanded the old Charter of Francis Rous Esq^{r}., which he delivered up, The President returned him thanks /and likewise in the name of y^{e}

Councill/ for his carefull and faithfull discharge of the trust that had been reposed in him; but as Richards Higginson Esq^r the nominated Mayor in the new Charter being Dead; The President, and Councill/ by Virtue of a Power giveng them in the Royall Charter/ conferred that Honor on John Powney Esq^r. a man well known in the Place ø for his Candour, and Abilitys. The President administred the Oath of Allegiance, and Oath of Office to him as also the oath of Allegiance, and Oath of Office, To Abraham Wessell, Francis Rous, Lewis de Maderas, Thomas Weston, William Monson, and Edward Brackstone, being all the Aldermen that could attend on this occasion after severall compliments had passed, The Mayor, & Aldermen returned to y^e Town Hall, and took their seats upon the Bench accordingly but it being Late the Charter was deferr'd readning till next Court day, and then y^e Court

adjourned to the 22d Instant.

AT A COURT HELD AT THE TOWN HALL ON TUESDAY THE 22D INST.

UESDAY

PRESENT

JOHN POWNEY ESQR MAYOR

ABRAHAM WESSELL, FRANCIS ROUS, LEWIS D MADERA, THOMAS WESTON, WILLIAM MONSON,

Aldermen.

Agreable to ye resolution of Last Court day the Inhabitants of this Place being duly summoned, The Royall Charter granted ye United East India Compa by his MOST SACRED MAJESTY KING GEORGE for Fort St George Madraspatnam was this morning Publickly read.

The Mayor administred the oath of Allegiance, and Oath of Office to the following Persons. --

Mr Charles Grey
Mr Ralph Mansell } Attorneys.

Thomas Pelling, William ~~S~~H.athaway } ~~Bailiffs~~ Baiylitts, and Court Serts.

Ordered that all causes under Tryall by Virtue of the former Charter, and not determined to be Entered afresh

---

AT A COURT HELD AT THE TOWN HALL ON FRYDAY THE 25 AUGUST 1727.

PRESENT.

JOHN POWNEY ESQR MAYOR

ABRAHAM WESSELL

FRANCIS ROUS

THOMAS WESTON, and

WILLIAM MONSON Aldermen.

THE PRESIDENT, AND COUNCILL of this Place, Recommends Mr John Straton to this Honble Court for ye Registers Place that is now Vacant, which they readily approved of, and ordered that the Oath of Allegiance, and Oath [redacted] Office be administered to him.

THE MAYOR administered the Oath of Allegiance, and Oath of Office to John Straton.

ORDERED THAT Mr Wesell do deliver up to the Register all Papers, and accounts, whatsoever belonging to this Honble Court.

REGISTER Sworn Examiner.

AT A COURT HELD AT THE TOWN HALL ON TUESDAY THE 29TH OF AUGUST 1727.

PRESENT

AY JOHN PAWNEY ESQR MAYOR

ABRAHAM WESSELL

FRANCIS ROUS, and EDWARD

BRACKSTONE Aldermen.

This Day Mrs Rebeca Fullagar ~~Deceas'd~~

~~the~~ Exhibited to this Honble Court

y. last Will, and Testament of John

Fullagar Deceas'd, the Witnesses to y^e^ same Mess^rs^ Andrew Petcher, and David Murray being sworn did upon their Oaths Declare they saw y^e^ Testator John Fullagar, Sign, Seal, Publish, and Declare that to be his Last Will, and Testament, and y^t^ he was then to all outward appearance of perfect mind, and memory, and they add further that they signed y^e^ same as witnesses in the presence of the Testator, and each other.

M^rs^. Rebeca Fullagar alledges that the Will thus Exhibited to be y^e^ last Will of John Fullagar Deceas'd, and her self to be y^e^ sole Executrix so appointed.

The Register Administers y^e^ Oath of an Executrix to M^rs^ Rebecca Fullagar, upon which the Court, Ordered a Probat to pass their Seal.

Petition of John Roach Read, and Filed representing that George Tullie Merchant

Late of this Place Died Indebted to your Orator's constituent, Joshua Draper late of Fort St George, the sum of Fourteen thousand six hundred Pags or thereabts Currant of Madrasspatnam, That the Trustees, or Executors of the said George Tullie Deceased have already made two Dividends of the Produce of part of ye said George Tullies Estate ~~whose~~ whereout your Orator Acct his constituent should have Receiv'd the sum of sixteen hundred Thirty five Pags. Seventeen fans, and Thirty nine cash, being the Amount of the two Dividends, which your Orator hath in behalf of the said Joshua Draper demanded payment of from John Emmerson, William Lecke, and John Lauder Executors of the said George Tullie Deceas'd, but hitherto without Effect they having stopp'd and refused Paying the same Unless your Orator will give them an obligation to oblige him self his heirs Executors, and Administrators, to refund the Said Dividend, or part

thereof, if hereafter other Creditors should appear ; by way of Indemnification to them for ye Payment thereof, They also Evade ye Payment upon Acct of a Debt of seven Thousand Pags or thereabts due from ye Testator George Tullie to ye Executors of Francis Hastings Esqr. Late Govvernour of Fort St George, as will appear by a Bond under his hand, and seal given the Revd Mr Thomas Wendy the remaining Executor in this Place, whereby he obliges him self his heirs, and Executors to refund ye said sum, In case the Commission drawn by the said George Tullie in his Life time as one of ye Executors of Francis Hastings Esqr. should be hereafter disputed, or Disallow'd on which Acct the remaining Executor of Francis Hastings Esqr hath serv'd them the said George Tullies Executors, with a Caveat, or Caution how they make any paymts out of the said Estate, which may any ways Impair the security given by the said George Tullie to the said Francis

Hasting's Executor as aforesaid, and further by reason of an Error in the said George Tullies Books wherein he hath given the said Joshua Draper Creditt for no more than the sum of nine Thousand Pags, or there abts., thô it may be Evidently made appear that the said Joshua Draper at his Departure hence for Europe left with the sd George Tullie ye. sum of Fourteen Thousand six hundred Pagodas, And upwards therefore humbly Prays a Generall Relief touching ye. Premisses.

ORDERED that Messrs. John Emmerson, William Lecke, and John Lauder be summoned to answer the Bill of Complaint the next Court Day.

Petition of Domingos Alvez, Read, and Filed, representing that on, or about the month of Aprill in the Year 1726 Tagapa Chittee now being, and residing in

Madrass did wrongfully Imprison your Orator at Junkceylone for the space of Fifteen days, and upwards insulting him in a Barbarous, and Inhumane manner, and that on the 19th following he put your Orator in the Gongo of Bamboes where he Continued in great Torture for the space of Fifteen hours by wch means he Extorted from your Orator sundry merchandizes, and Effects, as also defrauded him of his Wages amounting in the whole to nine hundred and two Pags Thirteen fans., and nineteen cash, and that he is now reduc'd to so great Indigency, and want, that he is afraid of being cast into Prison by his Creditors who Press him daily to discharge his just debts, which your Orator is unable to comply with, by reason of his havg been Plundered, and defrauded by ye Defendant unless aided, assisted, and Righted by the Justice of this Honble. Court; also Prays a Generall Relief touching the Premises.

ORDERED that Jagapa Chittee be summon'd to answer the Bill of Complaint the next Court Day.

THE REGISTER produces to this Hon^ble Court a List of Fees due to y^e severall officers, which are read, and approved off, and ordered that the same be Laid before the President, & Councill for their approvall.

ORDERED, that the Register, and Attorneys to goe to Triplicane Pagoda, and swear Paupa Braminy Interpreter of this Court in the most solemn manner, his Religion Possibly allows of.

AT A COURT HELD AT THE TOWN HALL ON FRYDAY THE 1^st OF SEPTEMBER 1727

YDAY

PRESENT

JOHN POWNEY ESQ^R MAYOR

ABRAHAM WESSELL, FRANCIS ROUS, WILLIAM MONSON, and EDWARD BRACKSTONE Aldermen.

Petition of Richard English &c^{a}.,
Respondentia Creditors, of Cap^{t}. James
Hurdis Deceas'd, read, and Filed, shewing
y. Cap^{t}. James Hurdis took up at respondentia
of your Petitioner's Constituents in
Bengall y^{e}. sum of seven Thousand Currant
Rupees, or there ab^{ts}. which was to run at
respondentia upon ship Charles to Bussora, and
back againt to this Port of Madrass pay^{e}.
twenty one days after her arrivall here, the
time of paym^{t} being now Expired, and Cap^{t}
James Hurdis who they Lent their money
to Dying in the Voyage, The care of his
Effect devolv'd upon Mess^{rs} Jonathan Windar
the Supra Cargoe of said ship, and M^{r} Joseph
Badman the succeeding officer, but they
refuses to comply with y^{e} Tenour of your
Orators Bonds, it being reported that Cap^{t}.
James Hurdis has left a Will behind him where-
in his Wife to left sole Executrix, and
alledges that they are Accountable to none

but her, Therefore, your Orators Prays as they are not willing to run any further Risque/ that the abovenam'd Gent. may be summon'd to appear at Court, also prays a Generall Relief touching the Premises.

ORDERED that Messrs Jonathan Windar, and Joseph Badman be summoned to Answer ye Bill of Complaint the next Court day.

Petition of John Roach Read a 2d Time.

The Defendants
~~THE DEFENDANTS~~ John Emmerson William Lecke, and John Lauder appears according to summons.

BETWEEN

John Roach of Fort St George Mercht Complaint

and
~~AND~~

JOHN EMMERSON, William Lecke, and John Lauder of the same Place Merchants Defendants.

Day is given unto the Defendants, untill the next Court day to answer the Complainants Bills.

Petition of Thomas Wendey Exhibited, and read shewing that yo^{r}. Orator having a Demand on y^{e} Estate of George Tullie late of Madras Merchant for y^{e}. Principall sum of seven Thousand Pag^{s}., which your Orator paid in his own wrong did on or abo^{t}. the Eight day of June in the Year 1725. Present a caveat to y^{e}. Executors of y^{e}. said George Tullie, advising, and Cautioning them not to make any payments from out y^{e}. said Estate, which might anys ways Impair, or Infringe y^{e}. security given to yo^{r}. said Orator, since which your Orator hath Demanded y^{e} above sum with y^{e} Interest due thereon of y^{e} said George Tullies Executors, but without Effect, Therefore

Prays a Gen^{ll} Relief touching y^{e} Premises

CAVEAT of Thomas Wendey Read.

ORDERED that John Emmerson, William Le^{c}ke, and John Lauder Defendant be summ^{o}nd to answer y^{e} Bill of Complaint the next Court day.

M^{r} Thomas Wendey withdraws, his Bill of complaint against John Emmerson, William Le^{c}ke, and John Lauder, Executors to George Tullie Deceased.

Petition of Charles Boddam Exhibited, and Read, shewing that your Orator did in the Year 1725, Lend to George Petty Late of Madrass Merchant y^{e} Principall sum of six hundred Pounds sterling for which he deposited in your Orators hand, as Security for the aforesaid sum, a Large Diamond, and drew Bills of Exchange for

y^e^ same pay^e^ to your Orator, which Bills not meeting with due honor were Protested, and remitted according to Form by your Orator. The Drawer M^r^. George Petty being since Dead your Orator hath applied him self to his Trustees now residing in Madrass, but without Effect, Therefore prays to be Relieved touching y^e^. Premises.

ORDERED that Rawson Hart, and Lewis Gray Defendants be summoned to Answer the Bill of Complaint y^e^ next Court day.

Petition of Domingos Alvez, Read a 2^d^ Time. ~~June~~.

The Defendant Tagapa Chittee appears according to summons.

BETWEEN

DOMINGOS ALVEZ of Fort S^t^ George Mariner Complain^t^.

and
~~AND~~

TAGAPA CHITTEE of y^e^ same Place Merchant Defendant.

Day is given unto y.e Defend.t untill y.e next Court day to Answer y.e Complainants Bill.

Petition of William Hathaway Exhibited, and read shewing that Isabella Murray Widow now being, and residing in Madraspatnam is Indebted your Orator upon Bond in the Principall sum of Thirty Pags with y.e Interest thereon w.ch he hath severall times Demanded but to no purpose. Therefore Prays to be relieved touching the Premises.

ORDERED that Isabella Murray Defend.t be summon'd to Answer y.e Bill of Complaint the next Court Day.

Petition of Rawlson Hart Exhibited, and Read, shewing that your Orator being appointed one of the Trustees to the last Will, and Testament of George Petty Deceas'd Late Supra Cargoe of y.e Deane Frigat, desires to know the oppinion of

this Honble Court if he can resign the same, it being a hindrance to his own private affairs.

The Hon^ble Court, are of opinion that as he has already acted by paying away money, and receiving he cannot now resign his Trust as a Trustee.

Petition with Drawn.

AT A COURT HELD AT THE TOWN HALL ON SATURDAY THE 2^D OF SEP-

TEMBER 1727.

PRESENT

AY JOHN POWNEY ESQ^R MAYOR

ABRAHAM WESSELL, ~~AND~~ and FRANCIS ROUS Aldermen ~~ALDERMEN~~.

Petition of Richard English &c^a Respondentia Creditors read a 2^d time.

Mess^rs Jonathan Windar, and Joseph Badman appears according to Summons.

The Honble Court acquaints them they were summon'd here, to answer a Bill of Complaint, Filed by the respond[a] Creditors of Cap[t] James Hurdis Deceas'd, therefore desires to know what Effects the Deceas'd has on Board ship Charles, Reply'd there was an Escrutore, and a Chest of Treasure, which they would deliver up to the Court, if they ordered them upon which the Honble Court

ORDERED that the Register do Issue out an order to Mess[rs] Jonathan Windar, and Joseph Badman, to bring, or cause to be brought ashore the Escrutore containing the Writings Papers &c.[a] belonging to Cap[t] James Hurdis.

AT A COURT HELD AT THE TOWN HALL ON MONDAY THE 4[TH] OF SEP-

TEMBER 1727

PRESENT

)NDAY JOHN POWNEY ESQ[R] MAYOR

ABRAHAM WESELL,

FRANCIS ROUS, THOMAS WESTON,

WILLIAM MONSON, ~~AND~~ and

EDWARD BRACKSTONE ~~ALDERMEN.~~ Aldermen

Mess^rs Jonathan Windar, and Joseph Badman complys with the order of Court, and the Escrutore is brought to the Town Hall.

Pe~~t~~tition of Richard English &c^a Respond^a Creditors Read a 3^d time.

The Honble Court Orders the Register to break ~~your~~ open the seals of the Escrutore, and to search if he can find any Will, or Writing, which the Deceas'd has Left behind him.

The Register acquaints the Court that here is a Letter Directed to M^rs Ellizabeth Hurdis, which he supposes to be the Will of the Deceased, upon which they order'd him to break it open, but it prov'd to be only a copy of a Will left by James Hurdis Deceased.

ORDERED that it be Read.

A Copy of the Last Will, and Testament of James Hurdis Deceas'd Head.

Mr Abraham Wessell one of the Judges of this Court Acquaints the Honble Court that as he Intends for England speedily his Business will not allow him to give his due attendance here. Therefore desire that he may resign his Place as one of the Judges of this Court.

AGREED that Mr Abraham Wessell do resign his place as one of the Judges of this Court.

The Honourable Court agrees to grant a Lett r of administration to John Powney Esq r Principal Creditor of Cap t James Hurdis Deceas'd to the amount of Five Thousand, nine hundred, and Forty Eight Madrass Rupees, upon which they

ORDERED that Mess rs Jonathan Windar, and Joseph Bradman do being, or cause to be brought a shore the chest of Treasure that is

on Board ship Charles, belonging to Capt James Hurdis Deceased and that the Register do issue out an order accordingly.

ORDERED that the Register do seal up the Escrutore belonging to Capt James Hurdis Deceas'd in the presence of Messrs Jonathan Windar & Joseph Badman, and that the Register do issue out an order to the abovenamed Gent. for receiving the same on Board.

Petition of Father Thomas Capuchin Exhibited, and Read shewing that Roza Maria Deas did on or abot the 1st of August Last Borrow, and Receive of your Orator the Principall Sum of Two hundred Pagodas, and for security thereof Assign'd, and made over a Recognizance, or Bill of sale of a house, and ground belonging to one Frances Labo of Madraspatnam Widow, with whom ye said Roza Maria Deas had agreed for and in consideration of the said House to pay the sum of two hundred twenty five Pags that the said Rosa Maria Deas sent to ye said Frances Labo for ye

George Petty Deceased appear according to summons.

BETWEEN Charles Boddam of Fort S^t^ George Mariner

~~And~~ and

Mess^rs^ Lewis Gray, and Rawson Hart of y^e^ same place Merch^ts^

Defendants.

Day is given unto the Defendants untill the next Court Day to answer the complainants Bill.

AT A COURT HELD AT THE TOWN HALL ON MONDAY THE 4^TH^ SEPTEMBER 1727 At four a Clock in the Afternoon.

PRESENT JOHN POWNEY ESQ^R^ MAYOR

Francis Rous, Thomas Weston, and William Monson Aldermen.

Mess^rs^ Jonathan Windar, and Joseph Badman agreable to an order of Court made

this morning, send the Chest of Treasure, belonging to Captain James Hurdis ~~x~~ Deceas'd to the Town Hall.

Agreed that the Chest be opened, and Treasure taken out of it to the amount of five Thousand, nine hundred Forty Eight Madrass rupees, having agreed the Last Court Day to grant John Powney Esq^{r} the Principall Creditor to that amount.

The Chest of Treasure is opened in the Presence of Mess^{rs} Jonathan Windar, and Joseph Badman, and Gold taken out to the amount of five thousand nine hundred forty Eight Madrass rupees.

ORDERED that the Chest be Nailed up in the Presence of Mess^{rs} Jonathan Windar, and Joseph Badman, and that the Register do Issue out an order to the above-named Gent for receiving the same on Board.

The Honble Court ordered the Register to write a Lett^{r} to Mess^{rs}. Elliz^{a}. Hurdis

to advise her that we had stopp'd here gold to the Amount of five thousand nine hundred, and forty Eight Madrass Rupees, to satisfy the Respondentia Creditors of James Hurdis Deceased, and that we had granted John Powney Esq^{r} the Principall Creditor a Lett^{r} of Administration to that Amount.

An Order Issued out to Mess^{rs} Jonathan Windar, and Joseph Badman to Receive on Board Ship Charles a Chest of Treasure and an Escrutore belonging to Cap^{t} James Hurdis Deceased.

AT A COURT HELD AT THE TOWN HALL ON TUESDAY THE 5TH OF SEPTEMBER 1727.

ESDAY PRESENT JOHN POWNEY ESQ^{R} MAYOR

Francis Rous, and William Monson Aldermen.

Petition of Charles Boddam Exhibited,

and Read a 3d Time.

The Answer of Lewis Gray one of the Trustees to the Last Will, and Testamt of George Petty Deceas'd Read, and Filed, representing that as Mr Rawson Hart Joint Trustee with him self refusing to act, This Defendt; will Lay before this Court ye Reasonableness of his objections for not paying the amount of ye Deceased George Pettys Respondentia Bill of Exchange to the Complainant Charles Boddam, that the said Bill was drawn upon ye Assigns of Mr Houssay in England for which the Deceased deposited in ye Complainant hands as a security a Large Diamond, and advised the assigns of his having drawn a Bill upon them to that amount, but as they had no advices from Mr Houssay, they refused to comply with the Tenour of the Bill as also to accept of the Diamond giving them for Answer that they could not warrant their so doing without Positive advises from Mr Houssay himself, and he could not be acquainted with Mr Pettys negotiation of the said

Diamond till March 1726 /at Byssora/ and it's no wonder y^t his Letter which could goe no other way, but over the Desarts of Arabia, and consequently by hazardous conveyances should be Liable to miscarriage; This Defend^t hath also reason to believe the Comp^t was fully satisfied with reasons given by M^r Houssays Assigns, when he tells M^r George Petty Deceased in a Letter dated the 24^th November 1726; that nothing could be done till advices should arrive from M^r Houssay, and that he was content the Diamond should remain as Security, and Interest to be allowed on the Amount of the Bill from y^e time it became due to the time of Payment, and well he might remain satisfied /and he may still/ when he has so ample a security as five thousand Pag^s in his hands to discharge little more than six hundred pounds sterling. This Defend^t therefore Proposes to Deposite y^e money the

the Comp^{t} demands provided y^{e} Assigns of y^{e} Comp^{t} give satisfactory security for the delivery of the abovemention'd Diamond, for otherwise he thinks it very unreasonable to pay the Amo^{t} of the Bill, not knowing, but it may before this time be paid in England.

Para of a Letter from Cap^{t} Charles Boddam to M^{r} Petty read.

MAYORS COURT AT MADRASPATNAM

BETWEEN Charles Boddam Mariner Complainant

&

MESS^{RS} Rauson Hart and Lewis Gray Trustees to the Last Will, and Testament of George Petty Deceased Defendants.

This cause coming this 5th Day of September Anno Domini 1727 to be heard, and Debated before this Court by the Clerks on both sides and upon hearing y^{e} Proofs taken in this cause, and upon Examination had of

the matters in this cause, and due consideration thereupon this Court doth think fitt to order, and Decree, and doth accordingly order, and Decree, that Messrs Rauson Hart, and John Lauder do give the Trustees to the Last Will, and Testament of George Petty Deceas'd security by Bond to ye amount of five thousand Pags; and that the Trustees to ye Last will, and Testament of George Petty Deceas'd do pay Capt Charles Boddam the amount of his Bill of Exchange with Interest at ye rate of 5 ℔ Ct ℔ Annum and the money to be paid at the rate of Eight shillings ℔ Pagoda, but in case ye money is paid in England the Principall with the Interest at ye rate of 5 ℔ Ct ℔ Annum is to be paid back and that the Trustees to ye Last Will, and Testament of George Petty Decd do pay all Costs, and Charges of Suite.

AT A COURT HELD AT THE TOWN HALL ON FRYDAY
THE 8TH OF SEPTEMBER 1727.

PRESENT JOHN POWNEY ESQR MAYOR

Francis Rous, Lewis D. Maderas,

Thomas Weston, William Monson,

and Edward Brackstone Aldermen.

Petition of John Roach Exhibited, and
Read a 3d time.

The Answer of John Emmerson William Lecke,
and John Lauder Executors to the Last Will,
and Testament of George Tullie Deceased,
read, and Filed; That these Defendants
saveing to themselves All benefitt of Excep-
tions to ye Errors, and ~~Inperctions~~ Imperfections (Imper-
fections) in the said Bill containted, for
answer thereunto say, that after Deducting
the sum of two hundred twenty two Pags and
fifteen fanams ye Produce of Curr Rupees
seven hundred Eighty four Received by
Sam ll Fowler one of Mr Drapers former

Attorneys of Richard Benyon Late of this Place, as the said Drapers First, Second, and Third Dividends of one Thousand Rupees Principal he was concerned and undr Your Take in the Triplicane Brigg to Batavia, There does by ye Dec d George Pullies Books, only remain due to Mr Draper in January 1722/3 ye sum of Pags Nine Thousand three hundred, and Forty six, Eight fans and sixty four Cash, and no more that these Defendts know of; wherefore these Defendts do utterly deny that part of the Bill wherein ye aforesaid George Pullie is said to have Died Indebted to your Orators constituent in the sum of fourteen thousand, one hundred Pags or thereabots Curr of Madraspatnam, and they these Defendants do further say that they are ready to Lay ye Books of ye Deceas'd George Pullie before this Honble Court if it be required, They these Defendants do further Say that it is very true they have already made two

Dividends of the produce of y^e said George Tullies Estate; One Dividend of Pag^s five thousand in January 1725/6 and another Dividend of Pag^s four thousand, two hundred in January 1726/7 at which Times they did pay to Mess^rs John Roach, and John Powney the Immediate Attorneys of Joshua Draper, the sums of Pag^s ~~the~~ seventeen hundred twenty two, Thirty five fan^s and fiftee cash, and of Pag^s fourteen hundred forty seven, Eleven fan^s; and fifteen Cash being the proportions that became due to y^e said Joshua Draper on his principal Debt of Pag^s nine thousand three hundred forty six Eight fan^s and sixty four Cash, due by the Deceased George Tullies Books to him as will appear by a copy of the said Joshua Draper's account Extracted out of them, they these Defend^ts do further say that at, or abo^t the time of making y^e aforesaid Dividends, the attorneys of y^e said Joshua Draper did shew them an Acco^t Currant entitled,

Mess^rs George T/ullie and Samuel Fowler
my Late Attorneys in India, which Account
they believe is sing^d with Joshua Draper's
own hand, and that the s^d Attorneys did
then Demand y^e Proportion of Pag^s fourteen
thousand one hundred sixty seven, twenty
seven fan^s; and fifty Eight Cash being
the Ballance of said Account, which
M^r Draper reckons due to him upon which they
these Defend^ts desired y^e said account
might be lodged with them in order to
compare it with the Books of the Deceas'd
which they readily granted, whereupon it
was found that the S^d Joshua Draper had
omitted to give the Deceas'd George T/ullie
Credit for the sum of Pag^s four thousand,
two hundred seventy nine two fan^s Sixty three
Cash being moneys partly remitted home and
partly paid away by the Deceased George
T/ullie for an on account /as they these
Defend^ts believe/ of y^e said Joshua Draper,

The Particulars of w^{ch} will appear by the Acco^{t} taken out of y^{e} said George Tullie's Books, and upon a further Examination of y^{e} Acco^{t} they haw these Defend^{ts} say that they find y^{e} Deceas'd George Tullie and Samuel Fowler Debted for, and charged with y^{e} sum of Pag^{s} fiveteen hundred seventy three sixteen fan^{s} on acco^{t} of y^{e} Diff^{ce} in the Exchange, between remitting home his money at nine shillings ℔ Pagoda and at Eight shillings ℔ Pagoda; now with submission these Defendants say that they do not look upon themselves to be justly Chargeable wth the aforesaid Difference, for they conceive that the not remitting home the foot of M^{r} Draper's account according to his orders will amount to no more than a personall tresspass in the said George Tullie their Testator, which they pray they may not be charged with; since according to the known, and received maxim in Law /Actio Personalis moritur

eum persona/ Therefore Prays that this
Honble Court will order the s^d sum of
Pag^s fiveteen hundred seventy three, and
sixteen fan^s to^gether w^th y^e sum of Pago-
das four thousand, two hundred, seventy nine,
two fan^s; and sixty three Cash y^e sum w^ch
the said Joshua Draper has omitted to give
their Testator Credit for, both Sums amounting
to Pag^s five thousand Eight hundred fivety
two Eighteen fan^s Sixty three Cash together
w^th what other sum, or sums y^e said Joshua
Draper, may have received from the
Attorney, or Attorneys of y^e said George
Pullie in England to be deducted, and taken
from y^e foot of y^e said Joshua Draper's
Acco^t and that all such sum, or sums of
money which have been rec^d from Samuel
Fowler, or any other person, or persons
by the attorneys of y^e said Joshua Draper
in India, may also be deducted from y^e
foot of his acco^t. The Dec^d George Pullie
being Debted by M^r Draper for the Amo^t

of all his Demands these Defendants come now to reply to that part of the Bill wherein they are charged with hav^g refused Payment of the sums of Pag^s Eight hundred Eighty Eight thirty fan^s and fivety seven Cash, and Pag^s seven hundred forty six twenty two fan^s Sixty two Cash both Amounting to Pag^s sixteen hundred thirty five seventeen fan^s thirty nine Cash, which is the Proportion of Pag^s four thousand Eight hundred twenty one Eighteen fan^s seventy four cash y^e Difference between the foot of Joshua Draper's acco^t; and the Deceased George Pullies Books, which said Proportions these Defend^ts humbly apprehend they will not Legally warranted to pay away till y^e afore said Difference could be adjust'd unless your Orators constituents would enter into Bonds to Indeminifie them in case y^e Creditors of George Pullie Dec^d should prosecute them for having made such payments, but what Particularly induced them Defend^ts

to act with this caution, and to insist upon haveing Bonds of Indemnification was a caveat, which they well served w^th at y^e Instance of y^e Reverend M^r Thomas Wendey in Relation to a Demand he has made upon the Estate of George Pullie Dec^d these Defend^ts do utterly deny y^e Latter part of y^e Bill which setts forth, that it may be Evidently made appear that the said Joshua Draper at his Departure hence for Europe left with y^e Deceas'd George Pullie the sum of Fourteen thousand, six hundred Pag^s; and upwards, and therefore Pray that the Plaintiff may prove y^e same, and these Defendants do also conceive that in case there had been no Caveat Lodged they were sufficiently warranted for Insisting upon Bonds to Indemnifie them in regard it is their duty to take care of themselves, and as the attorneys of your Orator declined entering into any. These Defend^ts for their own preservation were obliged to

reserve y^{e} two proportions already mentioned in their own hands till such time y^{e} Difference in Dispute could be Legally determined which they pray this Honble Court would be pleased to do, they being ready to pay y^{e} said proportions whenever they are thereunto Legally Required.

ORDERED that the Comp^{t} be served with a copy of the Defend^{ts} answer.

AN Acco^{t} Current taken out of y^{e} Deceased George Pullies Books by the Executors read & Filed.

ORDERED that the Comp^{t} be serv'd with a copy of y^{e} acco^{t} Curr^{t}.

The Honble Court do order that Mes^{rs} Francis Rous, and the Examiner, do Examine y^{e} Acco^{ts} of M^{rs} Joshua Draper, and the Dec^{d} George Pullie, and report y^{e} same to the Court as soon as Possible.

Petition of Father Thomas Capuchin Exhibited, and Read a 2d time.

The Defendant Rosa Maria Deas appears accordi
ding to summons.

ORDERED that she do putt in Bail.

Between
~~BETWEEN~~ Father Thomas Capuchin of Fort S^t George

Comp^t

&

Røza Maria Deas of the same Place Defend^t

Day is given unto the Defend^t untill y^e
next Court day to answer y^e complainant's
Bill.

Petition of Domingos Alvez Read a 3^d time.
Answer Read, declaring that he never
Extorted any Goods, or merchandize from y^e
complainant, but that they Lived in a
Friendly manner at Junckceylone, but upon
some dispute which hapn'd between the
Chief Pilot of ship Chintadre Jagaria,
and the Comp^t; The Complainant deserted
the said ship, which as soon as was made
known to y^e Defendant he Immediately sent
out People to look after him but could not

befound till ten days after the ship was sail'd upon his return this defendant Demanded the sum of fifty Pags he had taken up at Respondentia of Mootu Vincatty Chittee a Merch^t in Madras, which was to Run upon y^e above said ship to Junkceylone, and back again to this Port of Madrass, which he refusing to pay the Defend^t caused him to be put in the Gongo y^e usuall Imprisonm^t of that Country, but at the request of some English and other Christians the Comp^t was released and the affair made up upon his paying four Candy of Tin to discharge his Respondentia Bond which he did not Comply with, and only paid one Candy, and a Quarter.

ORDERED that y^e answer be sworn to against next Court day.

BETWEEN Domingos Alvez of Fort S^t George Mariner Comp^t

&

JAGAPA CHETTEE of the same Place Merchant Defendant

the 8th day of September 1727.

ORDERED ~~THAT~~ that M^r Abraham Wessell the Late Register do deliver in an acco^t of y^e Deposited Estates, as also an acco^t of y^e Corporation Cash y^e next Court Day.

Petition of Coja Amerasat Exhibited, and Read shewing that your Orator in y^e Month of March in y^e Year of our Lord one thousand seven hundred, and twenty five Richard Carter merchant now being, and residing at Fort S^t George afore said applied to your Orator to Lend him y^e sum of one thousand Pag^s at Interest for the Term of one month as will appear by a note under his hand bearing Date y^e 10^th, March 1725/6 that your Orator hath severall times demand'd y^e said sum of one thousand Pag^s to gether w^th y^e Interest due thereon, but hitherto without Effect. Therefore Prays to be Relieved touching y^e Premises.

ORDERED ~~THAT~~ that Richard Carter be summon'd to answer the Bill of Complaint y^e next Court day.

Principall by George Tullie Late of Madras-
patnam Merchant for ye security of ye sum of
five thousand odd hundred Pagodas which your
Orator paid in his own wrong out of the
Commission drawn upon ye Estate of Francis
Hastings Esqr of the aforesaid Place, did
therefore for his further security on or
abot ye Eight day of June in the Year 1725.
Present a Caveat to the Executors, of ~~xxxx~~ ye
said George advising, and cautioning them
not to make any paymts from out ye said Es-
tate, which might Impair, or Infringe the
same since which ye abovemention'd Executors
having made two dividend of the said Estate
amongst ye Creditors, and your Orator /who
abot the time of ye first Dividend delivered
in ye amount of his Demand/ was allotted
his Proportion out of the said Estate by
the Executors and your Orator do now pray
that the said Proportion may be paid him
according to the said Dividends, also prays
a Generall Relief touching the Premises.

Principall by George Tullie Late of Madras-
patnam Merchant for ye security of ye sum of
five thousand odd hundred Pagodas which your
Orator paid in his own wrong out of the
Commission drawn upon ye Estate of Francis
Hastings Esqr of the aforesaid Place, did
therefore for his further security on or
abot ye Eight day of June in the Year 1725.
Present a Caveat to the Executors, of ~~xxxx~~ ye
said George advising, and cautioning them
not to make any paymts from out ye said Es-
tate, which might Impair, or Infringe the
same since which ye abovemention'd Executors
having made two dividend of the said Estate
amongst ye Creditors, and your Orator /who
abot the time of ye first Dividend delivered
in ye amount of his Demand/ was allotted
his Proportion out of the said Estate by
the Executors and your Orator do now pray
that the said Proportion may be paid him
according to the said Dividends, also prays
a Generall Relief touching the Premises.

ORDERED that Messrs John Emmerson Willm
Leeke, and John Lauder the Executors to
ye last Will, and Testament of George
Fullie Deceased be summoned to answer
the Bill of Complaint the next Court day.

Petition of William Lindsey Exhibited, and
read, shewing that Daniel Eden Caverly
Late of Madraspatnam Deceased Borrowed and
took up of your Orator's Constituent then
residing in this Place the Principall sum
of four hundred Pags Current of Madraspatnam
and gave your Orator's Constituent three Bills
of Exchange drawn upon Thomas Caverly of Lon-
don for ye sum of two hundred pounds sterling
money of England as will appear by the said
Bills bearing date ye 23d day of July
1723, and further ye said Daniel Eden Caverly
gott Mr George Fullie to Enter into a Bond
Bearing the same date wherein the said George
Fullie hath Engaged himself his heirs Execu-
tors, and Administrators to pay, or cause
to be paid the sum of four hundred pags

ORDERED that Messrs John Emmerson William Lecke, and John Lauder the Executors to ye last Will, and Testament of George Pullie Deceased be summon'd to answer ye Bill of Compt the next Court day.

Oth FATHER Thomas Capuchin withdraws his Bill of complaint against Rosa Maria Deas.

AT A COURT HELD AT THE TOWN HALL ON TUESDAY THE 12TH OF SEPTEMBER 1727.

PRESENT JOHN POWNEY ESQR MAYOR

Lewis D. Maderas Thomas Weston, John Buckley, and Edward Brackstone Aldermen.

Petition of Messrs John Emmerson, and John Lauder Exhibited, and Read, shewing that your Orators being appointed Executors to the last Will, and Testament of David Pyot Deceased, which Will they now tender to this honourable Court, and declare that

they now Renounce y^e^ said Trust; Therefore desires this Honble Court will Receive y^e^ said Will with y^e^ Papers, and Effects belonging to David Pyot Deceased now in y^e^ Custody of your Orators.

THE Honble Court Accepts of y^e^ Trust upon which they

ORDERED that Mess^rs^ Jn^o^ Buckley, Edward Brackstone, and the Register do take an Inventory of all M^r^ Pyot's Effects now in the hands of John Emmerson, and John Lauder, and that the Register do receive y^e^ same into his custody.

Petition of Coja Amerasat, Exhibited, and Read a 2^d^ Time.

Summons Returned, non Est Inventus.

Coja Amirazat desires Liberty to withdraw his Bill of Complaint against Richard Carter, agreed he pay^g^ all charges.

Petition of Coja Petrose Exhibited, and Read a 2d Time.
Summons Returned non Est Inventus.
Coja Petrose desires 49\ Liberty to withdraw his
Bill of Complaint against Richard Carter.
Agreed he paying all charges.

Petition of William Lindsey Exhibited,

and read a 2d Time.

The Defendants, John Emmerson, William

Lecke, and John Lauder appears according

to summons.

BETWEEN William Lindsey of Fort St George Compt

&

JOHN ~~EMMERSON~~ Emmerson, William Lecke, and John Lauder

Executors to the Last & Will, and Testament
of George Pullie Decd Defendants.

Day is given unto the Defendants untill

ye next Court day to answer the

Complainants Bill.

Petition of Thomas Wendy Exhibited, and

read a 2d time.

The Defendts John Emmerson, William

Lecke, and John Lauder appears according

to summons.

ORDERED that the register do serve ye

Defend^ts with a copy of M^r Wendy's Bill

of Complaint.

BETWEEN Thomas Wendy of Fort S^t George Complainant.

And

John Emmerson
~~JOHN EMMERSON~~, William Lecke, and John Lauder

Executors to y^e last Will, and Testament

of George Fullie Dec^d Defend^ts

Day is given unto y^e Defend^ts untill y^e

next Court day to answer y^e Complainants

Bill.

Petition of William Hathaway Exhibited,

and read a 2^d time.

The Defendant Isabella Murray appears

according to summons.

The Defendant acknowledges the Debt.

Judgment is given for the Plaintiff.

Petition of Mootu Vencatee Chittee

~~Chittee~~ Exhibited, and read, shewing

that your Orator did on the 6^th day of July

1725 Lend unto Domingos Alvez of Madrass Mariner y^e^ sum of Fifty Pag^s^ which was to run at respondentia on y^e^ ship Chintadre Pagaria from this Port of Fort S^t^ George to Junkceylone, and back again at y^e^ rate of twenty six ℔ C^t^, and it was further agreed that in case he did not return that Munsoon that the Interest of 10 ℔ C^t^ ℔ annum should be allowed on y^e^ Bond that the aforesaid ship Chintadre Pagaria arrived safe at this Port on or abo^t^ y 28 of Aprill 1726 by y^e^ arrival of which ship your Orator's risque ceased, and the Principall, and Interest become due, w^ch^ at this time amounts to Pag^s^ 71 23 56; out of which your Orator hath received only twenty Eight Pag^s^ being y^e^ amount of one Candy of Tin paid by Domingos Alvez to your Orator's serv^t^ Pagapah Chittee, then residing at Junkceylone, Therefore Prays to be Relieved touching the Premises.

ORDERED that the Defendt Domingos Alvez be summon'd to answer the Bill of Complaint ye next Court Day.

Messrs Abraham Wessell, and William Monson pays into this Honble Court Pags 1454 31 26 on Acct of Mr Rogue Weathy.

Petition of Anundashee Chittee Exhibited, and read shewing, that China Moota Chittee, now being, and residing at Madrasspatnam is indebted to your Orator upon Bond the Principall sum of sixty Pags; which he hath severall times Demanded with ye Interest due thereon, but without Effect. Therefore Prays to be relievd touching the Premises.

ORDERED that China Mootah Chittee be summon'd to answer the Bill of Complaint ye next Court day.

Petition of Vencattee Gongo, Conachema &ca Vencatumma, Exhibited, and read, shewing that your Orators Father dying in ye year

1723 left behind him moneys, and Effects to
y^e amo^t of one thousand three hundred
Pag^s ; and upwards, and did before his Decease
make his Will, and Testament and devis'd
his Estate as follows, One third to your
Orator Vincatt~~a~~y his son, and y^e remainder
between your Orators, Gongo Canachema, and
Vencatumma his Daughters, as will more
plainly appear by their Father's said Will
upon reference thereunto had; that your
Orator's Mother dying also presently after,
and they being still Infants All y^e moneys,
and Effects chanced to fall into y^e hands
of Managalore Paupia, who through a pertence
of Friendship to y^e Deceaseds took your
Orators for a little time under his charge,
and y^t your Orators being Informed, and
well assured that their said Father died
seized of an Estate to y^e aforesaid amount,
do therefore request this Honble Court
/as they are now come to years of Discretion/

that y^e said Mangalore Paupia be obliged to produce, And prove their said Father's will, and acco^t upon Oath for what moneys, and Effects were left by him that y^e same may be appropriated to their respective benefits consonant to their said Father's last Will, and Testament, and y^t he likewise acco^t for y^e Interest of y^e said money from y^e Decease of your Orator's Father, and further y^t he do Acco^t for his haveing got Possession of your Fathers Chest in a Clandestine manner And Conveying it away to a Certain Garden, and taking thereout y^e family Jewells, Bonds, Writings, Papers, and acco^ts to a considerable amount, and for money received by him by Virtue of y^e aforesaid Bonds, All which your Orators can make appear, Therefore prays to be relieved touching the Premises.

ORDERED that Mangalore Paupia be summoned to answer y^e Bill of Complaint y^e next Court day.

AT A COURT HELD AT THE TOWN HALL ON TUESDAY THE
19TH OF SEPTEMBER 1727.

PRESENT JOHN POWNEY ESQR MAYOR

Francis Rous, Thoms Weston, John Buckley, &
Edward Brackstone Aldermen.

Mr Abraham Wessell Late Register deliveres in a Ballance Paper of condemn'd Estates, and Estates of Deceased persons, and pays into Court ye sum of Pags ; One thousand seven hundred Thirty Two, Three fans, and Twenty one Cash ye Ballance thereof as follows Vizt --

Estate of William Veale	14	26	65
Estate of Timothy Wittwrong	9	31	19
House of Ninapa	5	7	-
Estate of Joan Symons	30	-	5
Lattamum Pottassar	31	34	50
Camphire	53	29	52
Emerald's Acct John Richardson	36	4	-
Estate of Julia da Costa	9	30	-
Estate of Nachepa	16	35	56

Francisco Andrade	75	17	-
Thome Mexia	6	31	40
Nellapa	11	-	-
Joseph Tom#s	18	1	30
Capt Francis Stains	304	25	41
Lewis Henriques	5	14	49
William Towers	21	24	33
Aarum Chittee	9	13	43
Aringer mi G Postlin	92	5	49
Thomas Cooke	30	11	9
Jeremiah Bonnell	32	33	9
Estate of Stephen Jedderee	139	11	7
Estate of Sarah Pontanell	124	15	16
Estate of William Mansfield	10	23	-
Estate of Stephen G Fibbon	10	2	62
Estate of Christian Knoes	6	22	36
Briggantine Meramaddud	345	19	-
Ismael Syrang	53	8	30
Joan Ovefzee	26	-	11
Coja Merkatoon	41	9	24
George Smith	21	14	28
Chinnia	-	5	44

Metcap Nina Chittee	26	-	11
James Berriman	43	17	11
~~Jame~~ Yaggapah Chittee	42	30	71
Comboma	24	23	-

M^r Abraham Wessell Late Register delivers in also an Acco^t of y^e corporation Cash for last Year the Ballance thereof as follows Viz^t ..

M^r Edward Croke his Bond, dated y^e 24^th December 1724 @ 8 ℔ C^t 500 - -

Cash standing out un collect'd for y^e sea Gate Banksall, and measuring duty for w^ch y^e Court Conicoply is accountable 221 18 15

Cash in the Chest 27 3 45

748 21 60

PAGODAS 2480 25 1

Which said money is now p^d into Court, and he is accordingly Cleared of all Accounts.

Mess^rs John Buckley, Edward Brackstone, and the Register delivers in an Inventory of y^e Dec^d M^r David Pyot's Effects it being what they received from Mess^rs John Emmerson, and John Lauder.

Mess^rs John Emmerson, and John Lauder, being present did upon theirs Oaths declare y^t what was mentioned in y^e Inventory delivered in by Mess^rs John Bulkley, Edward Brackstone, and the register was all that they rec^d on acco^t of y^e Estate of David Pyot Deceased.

Petition of Thomas Wendey Exhibited, and read, a 3^d Time.

The Answer of John Emmerson, William Lecke, and John Lauder read, and Filed, that these Defendants sa^ve^ing to themselves all benefitt of Exceptions to y^e Errors, and Imperfections in the said Bill Contain'd say,

That it is a very true they were served with a Caveat on or abo^{t} y^{e} 8 day of June 1725 at y^{e} Instance of y^{e} Complainant whereby they were cautioned, and advised not to make any Payments of any sum, or sums of money out of y^{e} Estate of y^{e} Dec^{d} George Tullie, which might infringe the security given to y^{e} Plantiff by a Bond from y^{e} Deceased. Dated y^{e} 6th Feb^{y} 1722/3, and these Defend^{ts} do further say that at or abo^{t} the time of their making a Dividend of y^{e} Dec^{d} George Tullies Estate, they did amongst other Claims, And Demands Receive one from y^{e} Complainant for Pag^{s} five thousand five hundred thirty nine, three fan^{s}, and nineteen Cash principall money, but as these Defend^{ts} were not then fully satisfied with the Justness, and Legality of y^{e} said claim, and that y^{e} other Creditors might not suffer by having their money detained from them \

They these Defend^ts proceeded to make y^e
Dividend of y^e said Estate, and did amongst
other claims Include y^t of y^e complainants,
But deferr'd paying him any Proportion of
y^e Divid^d till such time as he should
prove, and ascertain his claim to be Legall,
and just, w^ch these Defend^ts do now humbly
Pray this Honble Court will oblige him to do
in y^e most particullar manner, because it
does not appear to these Defend^ts by y^e Bond
given to y^e complainant that y^e Deceased
George Tullie did Ever Receive any sum, or
sums of money as is sett forth in his Bill,
But on y^e Contracy they these Defendants
found amongst y^e Papers of y^e Dec^d George
Tullie a mutually agreement sign'd by y^e
complainant and the Deceased George Tullie
whereby the said Complainant does freely
and voluntarily of his own accord promise
to pay unto y^e Dec^d George Tullie one half
of y^e commission to be drawn on the Estate

of y^e Deceased Fran^s Hastings Esq^r as will more fully appear by the said agreem^t

Therefore Prays y^t the Comp^t may be obliged to comply with y^e aforesaid agreement, and that they may be hence dismissed with their reasonable Costs, and Charges.

The Comp^t desiring a copy of y^e Defend^t answer,

Agreed, and Ordered that y^e Register do serve y^e complainant with a copy of y^e Defend^ts answer.

The agreement Bond between Thomas Wendey, and George Tullie Read.

M^r Tullies Bond which he gave to M^r Wendy Read.

The Petition of William Lindsey Exhibited and Read a 3^d Time.

A Bond given by George Tullie to John Dawson Read.

A Bill of Exchange with y^e Protest Read, as also, a Lett^r from Daniel Eden Caverly

to his Father Read.

The answer of John Emmerson William Lecke, and John Lauder Executors to y^e^ last Will, and Testament of George Tullie Deceased, read and Filed, that these Defendants saveing to themselves, all benefit of Exceptions to y^e^ Errors, and Imperfections in y^e^ said Bill contain'd say; That it is not, Improbable, but that Daniel Eden Caverly Late of this Place Deceased might have Borrowed and taken up of y^e^ Comp^ts^ Constituent the sum of four hundred Pag^s^ currant of Madrass, and that the said Daniel Eden Caverly might have given Bills of Exchange for that amount as is sett forth in y^e^ Complainants Bill, But these Defendants do not find by any acco.^ts^ of y^e^ Dec^d^ George Tullie, that he even received any valuable consideration for y^e^ Bond which y^e^ complainant, says he entred into, and these Defend.^ts^ do further say that the said Bond Expresses no valuable consi-

deration read by y^e Dec^d George Tullie, and therefore they humbly Pray that y^e complainant may be obliged to prove that there was a valuable consideration p^d to y^e Dec^d George Tullie, because they do not find that any such things appears even by the Bill of Exchan^a these Defend^ts do further say y^t by y^e Laws of Great Brittain they humbly conceive y^e said Bond to be forfeited by reason of y^e Extortionate interest of ten ℔ C^t therein required, and they these Defendants do further say th.t one year, and a Day was Expired before they made any Divid^d of y^e Deceased George Tullie's Estate, and that then they gave Publick notice by affixing a note at y^e sea Gate requiring all the Creditors of y^e Deceased George Tullie to make their Demands, before they proceeded to make any Divid^d; an these Defend^ts say that they never heard, or knew of this Demand till abo^t two or three months agoe, wherefore they these

Defend^{ts} humbly apprehend that they are not in y^{e} Least Culpable, or chargeable for any neglect in y^{e} complainants not making his Demand in time by which means he has been Excluded y^{e} benefitt of y^{e} two Dividends already made to y^{e} Creditors of y^{e} Deceased George Fullie, all which matters, and things these Defend^{ts} are ready to prove, and aver, Therefore prays to be hence Dismissed with their reasonable Costs, and Charges.

The complainant desiring a copy of y^{e} Defend^{ts} answer.

Agreed, and Ordered, that y^{e} register do serve y^{e} complainant with a copy of y^{e} Defend^{ts} answer.

Petition of Vencattee Gongo conachema &c^{a} Vencatumma Exhibited and read a 2^{d} time.

The Defendant mangalore ~~Pai pai~~ Paupia appears according to summons.

The Defend^{t} is ordered to give Bail for his appearance, as also to answer all Costs,

and Damages.

ORDERED that y^e Register do serve y^e Defend^t with a copy of y^e Complainants Bill.

E

BETWEEN Vencattee Gongo Conachema &c^a Vencatumma of Fort S^t George,

and

MANGALORE Paupia of y^e same Place Merch^t Defend^t

Day is given unto y^e Defendant W untill y^e next Court Day to answer the Complainants Bill.

Agreed, and ordered that all Papers which are not Read in Court y^e Attorneys are to serve y^e Comp^ts, or Defend^ts with y^e Copys.

--

AT A COURT HELD AT Y^E TOWN HALL ON TUESDAY THE 26^TH SEPT^R 1727.

ESDAY

PRESENT JOHN POWNEY ESQ^R MAYOR

Francis Rous Lewis D. Maderao, Thom^s Weston, William Monson, John Bulkley, and Edward Brackstone, Aldermen.

Agreed, and ordered by the Judges of this Hon^ble Court, that when any Alderman is chosen, if he refuses to stand he is to be find fifty Pag^s.

Mess^rs Paul Foxley and Thom^s Norman chosen by the Majority of y^e Judges Aldermen of this Honble Court in the rooms of Abraham Wessell, and Richard Carter.

Petition of Domingos Alvez, Exhibited, and Read a 4^th Time.

Answer Read a 2^d Time.

Interrogotaries Read and Filed on y^e part of y^e complainant.

Depositions Read, and Filed on y^e part of y^e complainant.

Interrogotaries, Read and Filed on the part of y^e Defendant.

Depositions Read, and Filed on y^e part of y^e Defendant.

An Acco^t Current, between Domingos Alvez, and Jagapah Chittee Read.

ORDERED that the Register do deliver the

Complainant, his Chest of apparells.

The Chest d^d him.

MAYORS COURT AT MADRASSPATNAM

BETWEEN Domingos Alvez of Fort S^t George

Mariner Comp^t

and

~~JAGAPAH CHITTEE~~ Tagapah Chittee of y^e same Place Merch^t Defendant.

This cause coming this 26^th day of Sep^r

Anno Domini 1727 to be heard, and Debated

before this Court by the Clerks on both

sides, and upon hearing y^e Proofs taken in

this cause, and upon reading the Interrogo-

taries, and Depositions, as also Reading an

Acco^t Current between y^e Complainant, and

Defend^t; and upon Examination had of y^e

matters in this cause, and due considera-

tion thereupon y^e Court doth think fitt

to order, and decree, and doth accordingly

order, and Decree, that the Defend^t to pay

the Complainant Pag^s 191.12.- w^th all

Costs of suite, but that the Complainant do take his Oath that he Demanded y^e^ Jarr of Oil of y^e^ Defend^t^ at Junkceylone and that y^e^ same was denyed him, as also that the Jarr contained Twenty five Gallons of Oil.

The Defendant desires Liberty to appear to the Governour, and Councill,

Agreed that it be granted him.

Petition of Thomas Wendey Exhibited, and read a 4^th^ Time.

Answer read a 2^d^ time;

The Replication of Thomas Wendey Complainant To the Answer of John Emmerson William Lecke, and John Lauder Executors to the last Will, and Testament of George Tullie Deceased Defendants Exhibited read and Filed, that this Replyant being appoint'd Joint Executor with Joshua Draper to the Estate of Francis Hastings Esq^r^ as by his last Will, and Testament will appear, and

the aforesaid Joshua Draper being to go to England in a short time after the Decease of y^e^ said Francis Hastings Esq^r^ was severall times desired, and Importuned by this replyant to remove the writings, and Papers belonging to y^e^ aforesaid Estate into his Possession, which y^e^ said Joshua Draper refusing in generall, and in partticularly the Cash Book being brought to this reply-ant's House, who would have had it inspected into, and Examined. This replyant; Therefore Employ'd M^r^ George Tullie as his Attorney to procure him in a Legall way, The Books, writings, Papers, Cash &c^a^ from out of y^e^ said Joshua Draper's hands, which he being some way or other acquainted with, drew off y^e^ said George Tullie, whom this Replyant had before Retained in behalf of y^e^ Estate; which he Effected by appointing the said George Tullie his own Attorney, and Pretended Co-Executor with this

replyant, and by putting him into Possession of y^e^ Books, writings, Papers, Cash &c^a^ belonging to y^e^ said Estate, which this replyant attempting to recover from y^e^ said George Fullie found it Impracticable y^e^ said George Fullie at that time denying his being in Possession of y^e^ Books, Pappers, cash &c^a^., and this replyant, not being then able to make a Legall proof of their being in his Custody by means of the clandestine delivery of them by the aforesaid, Joshua Draper to him y^e^ said George Fullie, and to prevent the severall great Inconveniences and Damages that might follow, was obliged to sign, and agreement to allow part of y^e^ commission drawable on y^e^ aforesaid Estate with y^e^ Proviso, he would deliver up, the Cash, Writings, &c^a^ belonging to the said Estate, which this replyant was Induced to to present the

Embezlement of y^e^ cash, which was very considerable, and to remove the hindrance and abstructions to y^e^ Business of the Estate which at that time required, Dispatch, and upon condition that the said George Tullie would be aiding, and assisting upon all occasions to the affairs of the Estate, and by way of Reply to y^e^ most material articles in y^e^ Defendant's answer; that it does not appear to these Defendants by the Bond given to y^e^ Plantiff that the said George Tullie did ever Receive any sum, or sums of money from him as is sett forth in y^e^ Bill. On the contrary they these Defend^ts^ find amongst the Papers of y^e^ Dec^d^ George Tullie a mutual agreement signed by y^e^ Plantiff, and y^e^ Deceased, whereby y^e^ said Plaintiff does freely, and voluntarily of his own accord promise to pay unto y^e^ Dec^d^ George Tullie y^e^ one half of y^e^ com-

mission to be drawn on y^e Estate of y^e Deceased Francis Hastings Esq^r., as will more fully appear by y^e said Agreement. To y^e former of which this Replyant saith, as he humbly conceives y^e Caveat Vindicates y^e Bill of complaint so y^e Bond Justifies y^e Caveat, the validity of which Bond he offers to make appear from the acco^ts kept belonging to y^e said Estate, and that the sum mentioned in this replyants Bill was virtually p^d him y^e said George Tullie in a Comp^t, and to y^e Latter this replyant doth aver that he did not freely, and voluntarily of his own accord came into y^e said Agreement, but was as much compell'd, and Forced to do it as any man might be should another by force, or stratagem divest him of his Property, or Effects, upon w^ch his whole fortune depended, and afterwards oblige him to

sign a gratuity Bond for the Restoring of them, and does further humbly offer two Extracted Para; out of Lett^rs by which it will Appear that notwithstanding your Orator this replyant entered into such an Agreement with y^e said George Fullie for payment of part of y^e Commission, yet as this replyant paid it in his own wrong the Said George Fullie had no right, or title to it by law, or Equity.

Extracted Para : of Letters Read, and Filed.

An account Curr^t between George Fullie, and Thomas Wendy Read, and Filed.

Extracts of Journall Entrys, Read, and Filed.

Ordered that y^e cause depending between Thomas Wendey comp^t., and John Emmerson, William Lecke, and John Lauder Defendants be deferr'd till next Court day.

Petition of Maria Deverger Widow Exhibited, and Read shewing that by ye Death of her husband there has fallen into her hands some Accots., and money belonging to John Du Terbre', now residing at Manhila, and not knowing any Body that has a power to receive the same, request the favour of this Honourable Court to accept of ye same.

Petition of Peter Laborde Tausvas Exhibited, and Read, shewing that your Orator being constituted, and appointed by John Duterbre of Manhila Mercht his said attorney Jointly, and seperatly, with Benoist Duverger Late of Madrasspatnam Decd as will appear by a power, and Instructions under ye said John Dutertre own hand writing to transact the Sd. Dutertre's affairs in these parts, and that ye. Said Duverger being Decd. ye whole power of acting devolves upon your Orator, and there being due from ye said

said Benoist Duverger's Estate to your Orator's Constitutent the sum of Pag^{s} 1785.17.21 which said sum your Orator hath Demanded from out the said Duverger's Estate by virtue of y^{e} abovementioned power, and Instructions given him by y^{e} said Dutertre the relict of y^{e} said Benoist Duverger defers y^{e} payment untill ordered from this Hon^{ble} Court; Therefore Prays to be relieved touching y^{e} Premises.

Extracts of 2 Letters Read.

Extracts of 3 Para: of Instructions Read.

It's the Opinion of this Hon^{ble} Court that Mons^{r}. Peter Laborde D. Fauseas has power to Receive from Maria Duverger the Ballance of Mons^{r}. Dutertres account.

9th.

Agreeable to an order of Court of y^{e} 26th Instant Domingos Alvez took his Oath before Father Thomas Capuchin, and in the

Presence of John Straton Register that he Demanded a Jarr of Camphire Oil of Jagapah Chittee at Junkceylone, and that the same was Denyed him, also that the Jarr cnn-tained twenty five Gallons of Oyall, or thereabouts.

AT A COURT HELD AT THE TOWN HALL ON TUESDAY THE 3D OCTR 1727.

PRESENT JOHN POWNEY ESQR MAYOR

Francis Rous, Thomas Weston, and William Monson Aldermen.

Petition of Thomas Wendey Exhibited, and read a 5th time.

Answer read a 3d time.

The Replication of Thomas Wendy Complainant.

To ye Answer of John Emmerson, William Lecke, and John Lauder Defendants, Exhibited and read a 2d time.

Extracted Para of Letters Read a 2d time.

Extracts of Journall Entrys, Read a 2d time.

An Acco[t] Current, between George Tullie, and Thomas Wendy Read a 2d time.

MAYORS COURT AT MADRASPATNAM.

Between ~~BETWEEN~~ Thom[s] Wendy of Fort S[t] George Complainant

and

John Emmerson ~~JOHN EMMERSON~~, William Lecke, and John Lauder Executors to y[e] last Will, and Testament of George Tullie Dec[d] Merchants Defendants

This cause coming this 3[d] day of Oc[r] Anno Domini 1727 to be heard, and debated before y[e] Clerks on both sides, and upon hearing the Proofs taken in this cause, and reading four Extracted Para: of Letters one from y[e] Rev[d] M[r] James Wendey to his Brother, dated the 5[th] of February 1722/3, one from Edward Harrison Esq[r] to M[r]s Thomas Wendy, dated y[e] 30[th] January 1724/5, another

from Edward Harrison Esq^r^ to M^r^ Thomas Wendey, dated / Dec^r^ y^e^ 2^d^ 1726, also two Journall Entrys, one dated p^mo^ Nov^r^ 1722, and the other dated January 22^d^. 1722/3, and an account Curr^t^ between George Fullie, and Thomas Wendy, dated y^e^ 25^th^ Aprill 1723; and upon Examination had of y^e^ matters in this cause, and due consideration thereupon this Court doth think fitt to order, and Decree, and doth accordingly order, and Decree, that y^e^ Executors of George Fullie Dec^d^ do pay y^e^ amount of y^e^ two Dividends reserved by them for acco^t^ of M^r^ Thomas Wendey into Court, on account of Commission paid by M^r^ Thomas Wendey to George Fullie out of y^e^ Estate of Francis Hastings Esq^r^ and that M^r^ Thomas Wendey do swear to his accounts, and do deposite his Originall Bond in Court.

M^r^ Ralph Mansell Attorney for Maria Duverger

acquaint this Honble Court y^t the said Maria Duverger, had been serv'd with a copy of their opinion concerning her Paying y^e Ballance of Mons^r John Dutertre's acco^t to Peter Laborde D. To Josseaas, but that she had refused to pay the same without their order, and Decree . Therefore request the favour of this Honourable Court that she may pay y^e same into Court, for she do not think Mons. Peter Labor de Josseaas's power sufficient to secure her from any Demands, that may hereafter be made on this acco^t

Ordered that Maria Duverger do pay the Ballance of Mons^r John Dutertres acco^t into Court.

Petition of William Lindsey Exhibited, and read a 4^th time.

The answer of John Emmerson, William Lecke, and John Lauder Defend^ts, Exhibited,

and read a 2d time.

A Bill of Exchange with the Protest

Read a 2d time.

A Bond of Indemnification, given by

Daniel Eden Caverly to Mr George Tullie

Read, deferr'd till the next Court day.

4th. Agreeable to an order of Last Court day the Revd Mr Thomas Wendey took his Oath, before John Powney Esqr. Mayor that the Accounts which he delivered into Court were fair, and just to ye best of his knowledge, and that the sums, which he Debted Mr George Tullie Decd. in said Accounts were paid him in said Accounts as money.

AT A COURT HELD AT THE TOWN HALL ON TUESDAY THE 10TH OCTR 1727.

SDAY PRESENT JOHN POWNEY ESQR MAYOR

Francis Rous, Thos Weston, William Monson,

John Bulkley, Edward Brackstone, Paul Foxley, and Thomas Norman, Aldermen.

Petition of John Straton, Register, Read, and Filed in behalf of y^e^ Honourable James Macrae Esq.^r^ requesting y^e^ favour of this Honble Court to grant him a Letter of Administration Annexed to y^e^ Will of David Pyot Dec^d^ as the Executors nominated in said Will have renounced their Trust, and y^t^ he will enter into such Bonds for y^e^ due administration of y^e^ Goods Chattles, and Creditts of David Pyot Dec^d^. as this honble Court shall think proper.

Agreed that his Petition be granted him, and that the Register do draw out a Lett^r^ of Administration, and annext y^e^ same to y^e^ Will of David Pyot Dec^d^.

Agreed, and ordered that y^e^ Honble James Macrae Esq^r^ do enter into a Bond of ten thousand Pag^s^ for y^e^ due administration of

y^e Goods Chattles, and Creditts of David Pyot Dec^d. ~~as this honble Court shall think proper~~.

Agreed that his Petition be granted him, and that the Register do draw but a Lett^r of Administration, and annext y^e same to y^e Will of David Pyot Dec^d.

Agreed, and ordered that y^e Honble James Macrae Esq^r do enter into a Bond of ten thousand Pag^s for y^e due administration of y^e Goods Chattles, and Creditts of David Pyot Dec^d.

Petition of Mootu Vincattee Chittee, Exhibited, and read a 2^d time.

The Defend^t Domingos Alvez Appears according to summons.

Ordered that y^e Defend^t Domingos Alvez do give Bail to answer all Costs, and Charges of Suite.

Ordered that y^e Register do serve the

Defend^{t} with a copy of the complainants

Bill.

Between
~~BETWEEN~~ Mootu Wincattee Chittee of Fort S^{t}

George Merch^{t} Comp^{t}

and

Domingos Alvez
~~DOMINGOS ALVEZ~~ of y^{e} same Place Mariner Defendant.

Day is given unto y^{e} Defend^{t} untill y^{e}

next Court Day to Answer the Complainant's

Bill.

Anundashee Chittee desires Liberty to

withdraw his Bill of Comp^{t}. against China

Mootah Chittee.

Agreed he paying y^{e} Court Charges.

Petition of James Hubbard Exhibited, and

Read, shewing that in y^{e} Month of January

in y^{e} Year of our Lord 1726/ China Cootee

Chittee Merch^{t}., then being, and residing

at Madraspatnam Borrow'd of your Orator

y^e sum of three hundred Pag^s ; which sum was to run at Respondentia on a Vessell by name Champauca to Columbo, and back again at 15 ℔ C^t ~~y~~ Your Orator running y^e Risque of y^e said money during y^e Prosecution of ~~y~~ye said Voyage, which risque ceased in case y^e said Vessell did not Arrive before the Latter end of July 1727 that y^e aforesaid Vessell hath been long since arrived on this Coast at Porto Novo, where y^e said China Cootte Chittee was, and is since gone up y^e Country without giving your Orator the Least Satisfaction, and there being one Chitta Coote Pone Chittee Brother to y^e said China Cootte Chittee within y^e Jurisdiction of this Honble Court, who is jointly Concern'd in Trade with his said Brother, makes Payments, Receives Money, gives Bonds in y^e name of China Cootee Chittee, and as it has been time

out of mind y^e Custom and Law of this Country for such persons trading as aforesaid to be Liable, And answerable jointly, and seperately, and in particular amongst the Chittee Cast. Therefore Prays that y^e part defend^t may be summoned, also prays a Gen^ll relief touching y^e Premises.

ORDERED that the China Cottee Pone Chintee be summoned to answer the Bill of Complaint y^e next Court day.

Petition of George Torriano, and John Lauder Exhibited, Read, and Filed, shewing that William Hastall of Bengall Merch^t did on or abo^t the Twenty fourth Day of August last past Laid on Board ship Peters field a Ball of Goods for account and risque of Richard Carter late of Madrasspatnam Merch^t; and did by Bill of Lading consign y^e same to the said Richard Carter, or his assigns as will by the

Said Bill of Loading, sign'd by Cap^{t} Roger Laye more fully appear, and your Orators further say that they have often times Demanded the $\not{P}^{d}$. Bale of Cap^{t} Roger Laye, But without Effect, Therefore Prays to be relieved touching the Premises.

ORDERED, that Cap^{t} Roger Laye be summoned to answer the Bill of Complaint the next Court Day.

Petition of John Emmerson, Exhibited, Read and Filed, shewing that John Dutertre late of this Place, took up and receiv'd of your Orator's Constituent at Bengall the full, and just sum of two thousand, six hundred ninety three Rupees, two annas Curr^{t} of Calcutta, w^{ch} was to run at Respond^{a} on the Brigg^{t} S^{t} Vincent to the Port of Manhila, and back again to y^{e} Port of Calcutta in Bengall at the rate of 40 $\not{p}^{r}$ C^{t} and your Orator do further

say that ye above said Brigg^t has been long since Arrived at this Port of Madrass, and disposed of hereby the Consent of the owners, by wch means your Orator's Bond is become due, and Understanding that Father Thomas Capuchin has money of John Dutertre's in his hands demanded the amount of his Bond of him, who refuses to comply wth the Tenour of it, without he is Ordered by this Honble Court, Therefore Prays that the Party Defendant may be summoned, also Prays a Generall relief touching the Premises.

ORDERED, that Father Thomas Capuchin be summon'd to answer ye Bill of Camplaint the next Court Day.

Petition of Vincattee, Gongo, Conachema &ca Vencatumma Exhibited, and read a 3d Time.

Mangalapore Paupia Refusing to give Bail

to answer all Costs and Damages of Suite.

A Warrant of Arrest taken out and served against Mangalapore Paupia.

Committed to the Custody of the Marshall.

Agreed, and Ordered by the Majority of ye Judges of this Honble Court, that Messrs Francis Francis Rous, and Thoms Weston be Cash Keepers of this Court.

Petition of Peter Laborde D. Tosseas, Exhibited, Read, and Filed, shewg that your Orator being Constituted by John Dutartre of Manhila Mercht Joint Attorney with Benoist Duverger late of Madrass-Patnam Merchts, who Dying on or abot the month of April Last Intestate upon which ye aforesaid power from John Dutertre devolved upon your Orator, who on or abot the 16th Day of September Last preferr'd his Bill of Compt in this Honble Court, setting forth the matter herein spe-

cified, and that there was then in the
hands of Maria Duverger the Widow and
relict of y^e^ aforesaid Benoist Duverger the
sum of 1700 and odd Pag^s^, or there abo^ts^
belonging to your Orator's Constituent
in consequence of w^ch^ M^r^ Mansell Attorney
in behalf of y^e^ said Maria Duverger pre-
ferr'd a Cross Bill Praying the Opinion of
this Hon^ble^ Court, touching y^e^ matter,
then in Dispute; whereupon, and upon
hearing what was alledged, and argued
by the Attorneys on both sides, and after
perusing severall Exhibits this Hon^ble^
Court were pleased to give it as their
Opinion, that as your Orator had a
power from y^e^ said John Dutartre the Court
would not Interfere, and that the said
Maria Duverger might pay y^e^ Ballance
Belonging to John Dutartre to your Orator,
and on y^e^ 3^d^ of Oct^r^ following upon a
further debate in referrence to Interest

charged in Acco^{t} by your Orator, which being overruled it was further Ordered that the Ballance /since the Decease of the said Duverger/ be deposited in Court, and your Orator to aply in form for the same. Therefore your Orator, now prays for a further Order, and Decree, and that the Ballance, or Deposite in Court belonging to John Dubartre be forthwth paid as he is the Only person Legally Impowered by the said Dubartre to receive, and pay away the same.

Agreed, and ordered that the Ballance of John Dutartre's acco^{t} now in Court be paid to Peter Laborde D. Josseas, M^{r} Madeyras promising the Court to be bound for him on acco^{t} of their paying him y^{e} same, also ordered that the Estate do pay the Charges of suite.

The Honourable Court Orders the register

read that part of the Charter Relating
to Persons dying Intestate within
the Limitts of Fort S^t George.
That Part of y^e Charter Read, Relating to
Persons Dying Intestate within y^e Limitts
of Fort S^t George.

Father Thomas Capuchin Curatte, and
Minister of y^e Catholick Church of
Madrasspatnam having hitherto taken
the Administration upon himself
of All persons Estates that Dyed
Intestate of y^e Romish Religion
The Honourable Court are now of opinion,
that ~~the~~ he has nothing to do with the
same unless authorized by them, there-
fore its Agreed and ordered, that
Father Thom^s Capuchin be summoned to
appear the next Court day, and advised
of the same.

AT A COURT HELD AT THE TOWN HALL ON TUESDAY THE
17TH OCTR 1727.

PRESENT JOHN POWNEY ESQR MAYOR

Francis Rous, William Monson, John Bulkley,
Edward Brackstone, Paul Foxley, and
Thomas Norman Aldermen.

Petition of John Emmerson Exhibited,
and Read a 2d Time.

The Defendant Father Thomas Capuchin
Appears, according to Summons, upon
which ye Court desires to know if he has
any money in his hand belonging to
John Dutartre Reply'd, that he had
sufficient in his hand to discharge Mr
Emmerson Respa Bond, which he would do if
they ordered him But as the Original Respon-
dentia Bond was at Bengall, and the Bond
which Mr Emmerson sued for only a Copy,
the Same might be already discharg'd in

Bengall.

MAYORS COURT AT MADRASPATNAM

Between
~~BETWEEN~~ John Emmerson of Fort S^{t} George Merch^{t}

Complainant

and

Father Thomas Capuchin
~~JOHN THOMAS CAPUCHIN~~ of y^{e} Same Place Defendant.

This Cause coming this 17th day of Oct^{r} 1727 to be heard, and debated by the Partys on both sides, and upon Examination had of y^{e} matters in this Cause, and due consideration thereupon, this Court doth think fitt to order, and Decree, and doth accordingly order, and Decree, that Father Thom^{s} Capuchin do discharge John Dutartre Respondentia, given by him to M^{r} John Emmerson's Constituent in Bengall, M^{r} Emmerson giving him a Bond that in Case y^{e} money is already paid in Bengall, to repay the Same.

Petition of George Torriano, and John Lawder, Exhibited, and Read a 2d Time.

Mr Morse who is to appear for the Defendt Capt Roger Laye sends word, that as there is a Consultation this morning, he desires this affair may be Defferred till the next Court Day. Agreed to Petition of Coja Petrose, Exhibited, Read, and Filed, Shewing that John Dutartre Late of this Place took up, and receiv'd of your Oraor's Constituent Coja Nazar of Bengall Mercht the Principall sum of One thousand Rupees, which sum was to run at Respondentia on the Briggtt St Vicent to Manhila, and back again to the Port of Calcutta in Bengall at ye rate of 40 ℔ Ct that the aforesaid Wessell having been long since arrived, and the Voyage made up at this Port, and your Orator's Bond still unpaid, and Understanding, that there is money belonging

to John Dutartre now in the Possession of this Hon^ble Court, Therefore prays that y^s Hon^ble Court will discharge his Bond w^th the Int. due thereon also pray a Generall Relief, touching y^e Premises.

M^r Ralph Maynsell Attorney for the Complainant produces a Copy of Mons. John Dutartre's Respondentia Bond, and Acquaints this Honourable Court that the Original Bond was still in the hands of his Clients Constituent there, as he did not Expect the Brigg^t S^t Vincents Voyage would be made up at this Port, that there were two Armenians that Signed as Witnesses to its being a true Copy, upon which the Court ordered him to get the same Translated into English against y^e next Court day.

The Petition of James Hubbard, Exhibited, and read a 2^d Time.

The Defendant China Coste Pone Chittee appears

according to Summons.

The Defendant is ordered to give Bail to Stand to the Decree, & order of this Court.

Between
~~BETWEEN~~ James Hubbard of Fort S^{t} George Merchant
& Complainant
China Coote Pone chittee
~~CHINA COOTE PONE CHITTEE~~ of y^{e} Same Place Merchant Defendant.

Day is given unto the Defend^{t} untill y^{e} next Court day to answer the Complainant's Bill.

Ordered that the Register do Serve the Defend^{t} wth a Copy of the Compt's Bill.

Father Thomas Capuchin being summoned by an order of Court made the Last Court Day appear accordingly.

The Honble Court acquaints Father Thomas Capuchin that accord^{g} to y^{e} Charter granted y^{e} United East India Comp^{y} by his most Sacred Majesty King George for this Place

all Persons Dying Intestate within the Limitts of Fort S^{t} George the administration of their Affairs devolves upon them. Therefore they order for y^{e} future that in case any one of y^{e} Romish Religion Dyes Intestate y^{t} he Immediately acquaints the Court of y^{e} Same that they may appoint proper Persons to take Care of their Effects, They likevise order that All Wills of Persons Dying in the Romish Religion, that the same be proved in this Honourable Court.

Father Thomas Capuchin promises to obey this Honourable Court's orders and returns them many thanks, for the trouble they have taken of his hands upon Acco^{t} of their administring to the Deceased Persons Estates that Dyes Intestate of his Religion.

MEMORANDUM that on y^{e} 14.th day of Oct^{r} Anno Domini 1727.

Joseph Books of Fort S^{t} George Merch^{t} in his proper person came before John Powney

Esq^r the Mayor of Madrasspatnam, and under took that Domg^os Alvez of Fort S^t George Mariner should abide by, and performe such final order, and Judgment, as should be made, or given by the Mayors Court of Madrass patnam in a Certain Cause wherein Mootu Venca~~h~~ttee Chittee of Fort S^t George Merch^t is Complainant, and the said Domingos Alvez is Defend^t or should abide by such finall order, and Judgm^t., as should be made or given upon any appeal to be Brot in the said Cause, or should surrender himself to y^e said Court to be Charged in Execution till y^e said order or Judgment should be satisfy'd, or performed, or indefault thereof that he y^e said Jozeph Brooks would ~~be~~ do the same for y^e said Domg^os Alvez.

19.~~th~~ M^r Thomas Wendey deposited his Original Bond agreable to an order of Court made the 3^d Instant.

Warrant of Arrest taken out, and served against China Coote Pone Chittee.

MEMORANDUM that on the 19th day of Oct^r Anno Domini 1727.

Somadrue of Fort S^t George Merch^t in his proper person came before John Powney Esq^r the Mayor of Madrasspatnam, and undertook that China Coote Pone Chittee of Fort S^t George Merch^t should abide by and performe such finall order, and Judgment, as should be made, or given by the Mayors Court at Madrasspatnam in a Certain Cause, wherein James Hubbard of Fort S^t George Merch^t is Complainant, and the said China Coote Pone Chittee is Defend^t, or should abide by, and performe such finall order, and Judgment as should be made, or given upon any Appeal to be Brought in the said Cause, or should surrender himself to y^e said Court to be Charged in Execution till y^e said order or

Judgment should be satisfy'd, or performed, or indefault thereof he the said Somadrue would do the same for the said China Coote Pone Chittee.

AT A COURT HELD AT THE TOWN HALL ON TUESDAY THE 24th OCTR 1727.

PRESENT JOHN POWNEY ESQR MAYOR

Francis Rous, Levis D. Maderas, William Monson, Edward Brackstone, Paul Foxley, and Thomas Norman, Aldermen.

Petition of John Roach, Exhibited, and read a 4oth Time.

Answer read a 2d Time.

Account Current Read d in by the Executors of George Fullie Deceased Messrs Francis Rous, and the Examiner's Report, as also an Accot Currant drawn out by them, Exhibited, read, and Filed, the Contents as follows.

TO THE HONBLE THE MAYORS COURT

OF MADRASSPATNAM

Gentlemen

Agreable to an order of this Honble Court, dated the 8th Sept^r 1727 Wee have Examined all the Accounts, Between M^r Joshua Draper, and M^r George Tullie Dec^d, and have drawn out an Acco^t Curr^t /which is hereunto annexed/ by which you'll perceive, M^r Draper has amitted to give M^r Tullie Creditt for severall sums, w^ch he paid away by his orders, and Humbly offer y^e same to this Honble Court for their approvall. In the Account Curr^t hereunto annexed you'll observe wee have given M^r Draper Creditt for 1 mō 12 days Interest on Pags 9337-14-32 being from the 25^th Sep^r 1724 to the 7^th Nov^r following y^e time M^r Tullie Died, so that supposing the Ballance of M^r Draper's acco^t Currant dated the 28^th Oct^r 1724 to be

Pagodas 14167-27-58 there will now/after deducting the sum, which wee have Debted him/ remain due to him no more than Pagodas 9524.3.6, and there must also be deducted from that the Int on Pags 173.11. which wee should have done had, wee known the time Mr Draper recd that sum of Mr Raiworth Mr Tullie's Attorney in England, and as it's reasonable to suppose M.r Draper would be gladd to know our reasons for Debting him wth the sums mention'd in our accot Currant, wee have thought proper to Incert ~~insert~~ them, and are as follows. Mr Draper in his Instructions to Mr Tullie when he left this Place advises him of his Owing Capt James Berriman ye sum of Pags 567.15.24, which wee find Mr Tullie to have paid him with the Interest thereon, but omitted to Debt Mr Draper for ye same in any accot produced us by either Party; Wee have also Debted Mr Draper for Pags 914.17; Money Paid by Samuel Fowler

to Major John Roach his Attorney here,
M^r Tullie not being Creditted for y^e
same in any acco^t., Wee have in another
Article Debted M^r Draper for Pag^s 173
~~172~~.11 being so much which he received of M^r
Raiworth M^r Tullies Attorney in England,
which wee suppose he forgott to give
M^r Tullie Creditt for, as he did not men-
tion it in his acco^t Currant The amount of
of Mess^rs Fowke, ~~and~~ and Court Children's
Leagacys, wee are supprized M^r Draper
should Debt again M^r Tullie for in his
Acco^t Currant dated y^e 28^r Oct^r 1724 when he
accepts of y^e same, by Drawing his Ballance
from an Acco^t Currant sent by Mess^rs Tullie,
and Fowler dated the 10^th January 1722/~~23~~3
But wee are Informed that in a Letter to
his Attorneys here, he tells them that he
will keep y^e aforesaid Assignments for a
further security, so that wee have thought
it, but Justice to debt him again for y^e

of y^e Interest on D^o being 79.24

M^r Fowler being accountable to him for

y^e other half as he received the same.

Wee have also Debted M^r Draper for Pagodas

45.1.71: Being money paid by Mess^rs

Fullie, and Fowler to Severalls, y^e

Particulars wee beg leave to refer you to

our Acco^t Curr^t. Wee come now to y^e Arti-

cle of Pag^s 1573 :16 which M^r Draper has

debited M^r Fullie for upon Acco^t of his

not remitting home his money, when the

Pagoda was at nine Shillings, To this

wee shall only say, that as M^r Draper in a

Letter to Mess^rs Fullie, and Fowler dated

y^e 11^th July 1723. Excuses their not

sending home his Money, wee Cannot think

it Injustice if he is debted again for the

Same. The Para of that Letter wee Beg

Leave to Incart and is as follows :

"I Observe in Generall how ill I have been

used by your Sett of Monsters in power, I

am glad neither my Estate nor Person has
been in their power, or Lain at thier Mercy
you have Subjected yourselves to some
reflection by not remitting my Ballance
by the Latter ships at Least, however I have
been silent, or rather Excused the thing on
acco^{t} of your stedfast adherance to my
Interest at Bottom, But I hope on that
Score I shall not be rendered unsafe, or
disappointed at Last, so that wee have agai n
Debted M^{r} Draper for the above sum of
Pag^{s} 1573.16; The Pagoda being reduced by
the Comp^{y} the 21st Dec^{r} 1722 as will appear
by Part of a Parã. of their Letter, to their
Presid^{t}; and Councill of this Place, which
we have hereunto annexed, but wee are also
of Opinion that if M^{r} Draper had not Excused
their not remitting home his money, when the
Pagoda was at nine shillings, it would now
amount to no more than a Personall Trespass
in the Testator George T/ullie, all which

wee humbly offer to the Opinion of this

Honourable Court, and are

Gentlemen

Your most humble servants,

S
FRAN ROUS.

JOHN STRATTON

Examiner.
~~EXAMINER~~

RT S T GEORGE

R e th
T y 24 . 1727

R
M JOSHUA

M^r JOSHUA

To Cash paid Cap^t James Berriman 567 15 24

Interest on D^o from 10^th June to this day @ 8 ℘ C^t ℘ ann. 33 10 48 — 600 25 72

To Cash paid Major John Reach by M^r Samuel Fowler 914 17 -

To Cash paid you in England by M^r Ra[u]worth M^r George T[u]llies Attorney 173 11 -

To the amount of Mess^rs Fowke, and Court Childrens Legacys you keeping the Assignments in your hands .. 1000 - -

Int. on D^o for Year 1 Mo. 8 days 15 @ ℘ C^t ℘ annum ... 136 24 -

To half of y^e Commission not allow'd by you in your acco^t Curr^t., which M^r Fowler is to be Accountable for as he received the same. .. 287 6 18

C R

28th	By the Amount of an acco^{t} Currant			
	of this Days Date ...			14167 27 58
	By Interest on Pagodas 9337.14.32 from			
	the 25^{o} Sep^{r}. 1724 to the 7^{o} Nov^{r}.			
	1724 the time of M^{r} Fullies Death			
	being	Mo^{s} 1	Days. 12	@ 8 ℔ C^{t}
	℔ Ann.			87 5 29
	PAGODAS ..			14254 33 7

Extract of Part of y^e 30^th Paragraph of a Lett^r received from y^e Court of Directors of y^e United East India Company, dated the 21^st Dec^r 1722 received in Madras the 7^th June 1723, Read, and Filed the Contents as follows :

This Brought us to consider more nicely of y^e Exchange from Madrass, and the true worth of our Pagoda That by silver sent out from hence to Madrass, and sold for Pag^s the Pagoda doth not stand us in above seven shillings, and three pence reckoning y^e silver at five shillings, and six pence the Ounce, and adding to this our Late Losses the hardships on the ~~M~~ Trade, and other Discouragements, wee cannot afford to let others run away with so Large a proffitt which the Price of Goods will not answer, and therefore have determined, and ordered, and do hereby order, and Direct, that for the future wee will not allow any

money to be Drawn on us for what paid into our Cash at more than Eight Shillings a Pagoda, which wee find to be fair encouragement

A True Copy

George Torriano, Secry.

Mr Charles Gee Attorney for ye Complainant, acquaints this Honble Court that he has some Exceptions to make to the Acco Currant. Therefore desires that he may be served wth a copy.

ORDERED that the Register do Serve him with a Copy of the Report, and Account Currant.

The Petition of William Lindsey Exhibited, and read a 5th time.

The Answer of John Emmerson William Lecke, and John Lauder, Executors to the Last Will, and Testament of George Fullie Deceased, Exhibited, and read a 3d time.

MAYOR'S COURT AT MADRASSPATNAM

Between
~~BETWEEN~~ William Lindsey of Fort S^{t} George Merch^{t}

and Complainant,

John Emmerson Will^{m} Lecke
~~JOHN EMMERSON WILL- LECKE~~, and John Lauder

Executors to the

Last Will, and Testament of Geoge T~~F~~ullie

Dec^{d} Defendants.

This cause Coming this 24~~o~~ day of Oct^{r}

Anno Domini 1727 to be heard, and Debated before the Clerk's on both sides, and upon hearing the proofs taken in this cause, and upon Examination had of the matters in this cause, and due consideration there upon this Court doth think fitt to order, and Decree, and doth accordingly order, and Decree that the Complainant do come in for all Dividends that shall be made hereafter upon M^{r} George T~~F~~ullies Estate, Exclusive of all Dividends already made, and that M^{r} George T~~F~~ullie's Estate do pay all

charges of suite.

Petition of James Hubbard Exhibited, and read a 3d time.

Between
~~BETWEEN~~ James Hubbard of Fort St George

and Merch^{t} Comp^{t}

China Coote Pone Chittee
~~CHINA COOTE~~ ~~PONE CHITTEE~~ of ye same Place Merch^{t} Defendant.

Further day is given to the Defendt untill ye next Court day to answer the Complainant's Bill, and in Default of answer.

Judgment will be given for the Complainant.

The Petition of Mootu Vencattee Chittee Exhibited, & read a 3d time.

Between
~~BETWEEN~~ Mootu Vencatee Chittee of Fort St George Merch^{t} Comp^{t}

and

Domingos Alvez
~~DOMINGOS ALVEZ~~ of the same Place Marriner Defendt

Further day is given to the Defendt untill the 2d day of Novr to answer the Complainant's

Bill and in Default of answer Judgment will be given for the Complainant.

The Petition of Maria Duverger Exhibited, read, and Filed shewing that upon the Death of your ~~Oratpr~~ Oratrixs's ~~ixs~~ Husband /who Died Intestate/ Father Thomas Capuchin now of this Place took upon him the administration of his affairs, and Disposed of severall Goods &c^{a} to a Large amount, which he has duly accounted with your Oratrix Excepting the sum of Pag^{s}. three hundred, thirty three, twelve fan^{s}., which he refuses to pay though often Demanded under pretence of keeping the same for y^{e} good of y^{e} Church, and Charitable uses for the good of y^{e} soul of y^{e} Dec^{d}., and builds his Pretensions for his detaining the same on a marriage Contract, which upon reference thereunto had will plainly shew that it was drawn with a Design to hinder either party

from Leaving too Large Leagaeys, and
therefore it Expressly says that the first
which departs this Life shall not dispose
of more than a third of one thousand Pag^{s}
for the good of their soul, or any other
Benefitt, or Charitty, The Marriage
Contract also further says that in case
at the Death of either of the Partys the
Estate shall not be found worth one thou-
sand Pag^{s} then an Inventory shall be taken,
and a third of that they shall have Liberty
to dispose of, and your Oratrix further
says, that as her husband did not dispose
of any sum either by word, or Deed as
y^{e} marriage Contract gave him a Liberty
to do, there is no one new can Lay a
more just Claim to the same than herself
Therefore Prays that the Party Defendant
may be summoned, also Prays a Generall
relief touching the Premis^{s}es.

ORDERED, that Father Thomas Capuchin
Be summoned to answer the Bill of
Complaint the next Court Day

The Petition of Father Thom^s Capuchin,
Exhibited, read, & Filed, Shewing that
one Francisco Fernandes late of Madrass-
patnam Dec^d had in his Lifetime Sundry dea-
lings in Merchandize with one Conacassaba
of Madrasspatnam Merch^t., that upon a
dispute between them abo^t a Ballance of
an Acco^t to the Amo^t of one hundred, and
thirty Pag^s., being Justly due from the
said Conacassaba to the said Francisco
Fernandes. The Latter Commenced his suite
in the Latte Worship^ll the Mayors Court,
which was then prosecuted and Judgment
given in favour of the Plaintiff, But it
so hapn'd, that the Party Defend^t appearing
only by Attorney did after Judgment given
under pretence of appealing run away
purely to Evade the Justice of that

Worship^{ll} Court, and hath absconded for a Long time since, so that y^{e} said Judgment hath never yet been Comply'd with The Ball according to the Process of that Court being freed upon Judgment given, and your Orator do further say that the S^{t} Francisco Fernandes being since dec^{d} and having left behind him a Wife and Children he in behalf of them humbly applys to this Honourable Court for redress, and that the said Connacassaba who is Late come into the Limitts of Fort S^{t} George may be summoned, and that the Interest may be allowed on the above said sum to this time, also Prays a Generall relief touching the Premises.

ORDERED, that Conacassaba be summoned to answer the Bill of Complaint the next Court Day.

The Petition of Domingo Markine, Exhibited,

read, and Filed, Shewing, that John Gango Pixiote Late of Madrasspatnam Decd. did on or abot the sixth day of July in the Year of our Lord 1726 Mortgage, assign, and make over unto your Orator for and in consideration of ye Principall sum of three hundred Pags, two Houses, one Situated in the Pedda Naique's Petta, and the other within the Town of Madrass-patnam, that the time of payment being Long since elapsed, and the Mortgager dead; your Orator Prays to be relieved touching the Premises, and that you will Cause Sell to be made of ye two above-mentioned houses in order to Satisfie your Orators just Demands with wt Interest shall become due thereon.

ORDERED that the two abovementioned Houses be sold at the Sea Gate in twenty days from the date hereof.

Note affixed at ye Sea Gate accordingly

sold y.e 15.th Novr for 321 Pags.

Petition of Aaron Franks &ca Creditors of Isaac Hanson, Read, and Filed, shewing that, Capt Isaac Hanson Late of Madrasspatnam Mercht being Indebted your Orator's in a very considerable sum of money, as pr their severall Bonds, or Instruments in writing upon reference thereto had more plainly will appear, that the said Isaac Hanson having been on a Voyage these five years, and upward, and having violated his solemn promise in making Annual remittances towards satisfying his Creditors in their Just Demands; Your Orator, now pray that as there are two Houses within the District of this Honble Court, belonging to the said Isaac Hanson, that the same may be sold at Publick Outcry towards discharging part of their Debts.

Ordered that the Register do acquaint Mrs Rebecca Fullagar of the abovesaid Demand, as the Houses are now under her

Care, to know if she has anything to object, why the two Houses belonging to Capt Isaac Hanson should not be sold at Publick Outcry.

Petition of Somadrue Moodelare, Exhibited, Read, and Filed, Shewi that James Tobbin, Late of Madrasspatnam Merch^t Borrowed, and ~~that J~~ and Received of your Orator the Principal sum of six hundred Pagodas, for Security of which sum, he the said James Tobbin, mortgaged, assigned, and made over to your Orator a house, and ground situated in the Chapauca and your Orator further sheweth unto this honble Court, that there appearing some time after a Prior Mortgage upon the same House, duly Registered in this Honble Court, The said House was by an order of the Late Worship^ll the Mayors Court, sold at Publick outcry in order to discharge it, by which means your Orator Came only in for the Ballance remaining,

which amounted to no more than Pags.
One hundred, and Fivety, thirty five fans
and thirty six Cash, so that there is still
a Considerable sum remains due to your
Orator, and your Orator now Understanding
that there are Effects, and Demands now in
the Possession of this Honble Court, belong-
ing to the said James Tobbin, Humbly Prays
that the same may be sold at Publick
Outcry towards, dischargeing the remaining
part of his Bond, also Prays a Generall
relief touching the Premises.

Agreed, and ordered that the above affair
be Deferred till the next Court day.

Petition of Coja Petrose, Exhibited, and
read a 2d Time.

Agreed, and ordered that this Honble
Court do pay him the amount of his res-
pondentia Bond, he giving them security
by Bond, that in case the money is already

paid in Bengall to repay the same with Interest.

This day was produced and read the Last Will, and Testament of Thomas Hill, The Witnesses to the same, Stephen Worlidge, Samuel Fowler, and Fran^s ^T ing, being all Dead, the hand Writing of all of them were Examined into, and its the firm belief of the Judges of this Honble Court, that the same is the hand signing of the said Stephen Worlidge, Samuel Fowler, and Francis T ing, upon which this Honble Court Ordered that a Probat ^C do pass their seal.

This Day the Honble James Macrae Esq^r Exhibited to this Honble Court the Last Will, and Testament of David Pyot Dec^d two Witnesses being present. Viz^t Holland Goddard, and John Savage, being sworn did upon their Oaths, Declare that they saw the Testator David Pyot, Sign, seal, Publish, and declare the Will thus Exhi-

bited to be his Last Will, and Testament,
and that he was then to all Outward
appearance of perfect mind and memory, and
they add further y^t they sign'd the same
as Witnesses in the Prefence of the Testator
and each other.

Petition of Vencattee Gongo, Conachemma,
&c^a Vencatumma, Exhibited, and redd a
4^th Time.

The answer of Mangalapore Paupia, read,
and Filed, That this Defend^t saveing to
himself all benefitt of Exceptions to the
Errors, and Imperfections in the said
Bill Contained say that Pangalattee /the
Father of the Complainants/ and this
Defend^t being very Intimate, he sent
for him some time before he Died, and
recommended to him y^e Care of his Wife, and
Children, and then delivered him two Bonds,
as also sent for those People upon the
Bonds was due, and desired them to pay the

amount of them to this Defend^{t}., and this Defend^{t}. further saith that abo^{t} six months after the Decease of Pangallat^{t}ee, the Wife also Died upon which the whole Care, and Charge devolved upon this Defend^{t}., and he this Defend^{t} say that he has maintained the Comp^{ts} till within these four months past also this Defend^{t} further sheweth unto this Honble Court that he has been at the Charge, and trouble of marrying all the Children Except one, as also at the Charge of Burying both the Father, and mother, and that Immediately upon the Death of Pangalatee's Wife, he Caused the Chest of the Dec^{d}. to be sent for, and Opened before the heads of the Cast, and some other People of Veracity, he Likewise sent for a Gold Smith who weighed, and delivered the Jewells to this Defend^{t} and he this Defend^{t} do now say that he is ready to have the accounts Examined, if

this Honble Court shall Judge meet and to pay the Ballance as ordered Therefore Prays to be hence Dismissed with his reasonable Cost, and Charges unjustly Sustained.

Mr Charles Gee Attorney for the Complainants desire, that he may be served with a copy of the Defendants answer.

Ordered ~~ORDERED~~ that the Register do serve him with a Copy of the Defendts answer :

Between ~~BETWEEN~~ Vencattee Gongo, Conachema &ca

Vencatumma of Fort St George

Complainants

and

Mangalapore Paupia ~~MANGALAPORE PAUPIA~~ of the same Place Taylor Defendant

Further Day is given to the Defendt untill the 2d Day of Novr next to produce his Witnesses.

AT A COURT HELD AT THE TOWN HALL ON TUESDAY THE 31ST OF OCTR. 1727.

PRESENT JOHN POWNEY ESQ^{R}. MAYOR

Francis Rous, Lewis D' Maderas, William Monson, Paul Foxley, and Thomas Norman Aldermen.

Petition of John Roach Exhibited, and read a 4th Time.

The answer of John Emmerson, & William Lecke, and John Lauder Executors to the Last Will, and Testament of George Tullie Dec^{d}. Exhibited and read a 2^{d} time,

Mess^{rs} Rous, and the Examiners Report Read a 2^{d} time.

Mess^{rs} Rous, and the Examiners Account Curr^{t} read a 2^{d} time.

M^{r} Charles Gee Attorney for the Plaintiff having been serv'd with a Copy of the referees Report and Acco^{t} Currant /accor^{g} to his desire/ in order to make what Exceptions he thought proper to it, and was now asked what he had to urge in behalf of

his Client; Reply'd that he observed the referees had Debted M^r Draper in their Acco^t Currant for the amo^t of Mess^rs Fowke, and Court Childrens Legaeys, when it was plain by M^r Draper's Acco^t Currant, that he had delivered over the Assignm^ts . to M^r Tullie's Attorney in England, upon which M^r Lauder one of the Executors desired that the Attorneys might be obliged to produce a Lett^r they received from M^r Draper of a Later date than the acco^t wherein he receives it is said there that he keeps the aforesaid assignments for a further security, which the attorneys refusing to Comply with, the Court Proceded to Judgment.

MAYORS COURT AT MADRASSPATNAM

Between
~~BETWEEN~~ John Roach of Fort S^t George Merch^t. Complainant

and

John Emmerson
~~JOHN EMMERSON~~, William Lecke, and John

Cap^{t} Roger Laye Ø

Ordered that the Register do serve the

Defend^{t}. with a Copy of the Complainants

Bill.

--

BETWEEN George ~~F~~orriano, and John Lauder

of Fort S^{t} George Merch^{ts} Complainants,

and

Capt Roger Laye

~~Cap~~ ~~ROGER~~ LAYE of the same Place Mariner

Defendant

Day is given unto the Defend^{t} untill the

next Court Day to answer the Complainants

Bill.

Petition of Maria Duverger Exhibited and

read a 2^{d} time

The Defend^{t} Father Thom^{s} Capuchin appears

according to summons.

Ordered

~~ORDERED~~ that the Register do serve the

Defend^{t} with a Copy of the Complainants

Bill.

Between
~~BETWEEN~~ Maria Duverger of Fort S^t George

Complainant.

and

Father Thomas Capuchin
~~FATHER THOMAS CAPUCHIN~~ of the same

Place Defend^t

Day is given unto the Defend^t untill the next Court Day to answer the Complainants Bill.

Father Thom^s Capuchin, desires Liberty to withdraw his Bill of Complaint against China Cote Pone Chittee.

Agreed he paying the Court Charges.

Agreed, and Ordered that in the Cause Depending Between Thomas Wendey, and the Executors of George Fullie Deceased, that the Plaintiff, and Defend^ts pays their own Charges of Suite .

M^r Lewis D'Maderas refusing to be Bound with Peter Labordec D'Tosseas on acco^t of this Honble Court's paying him the Ballance of John Dutertics Acco^t Father Thom^s

Capuchin was proposed by Peter Laborde D'Iosseas to be Bound with him which was agreed to.

Agreed, and Ordered that the Ballance of John Dutertre's Account be paid to Peter Laborde D'Iosseas, and Father Thos Capuchin upon their giving this Court a Bond of Indemnification upon Acct of their paying them the same.

Petition of Corpah Chittee, Exhibited, read, and Filed Shewing that one Venca-tee puttee of Madrasspatnam Merch^t is Indebt'd to your Orator abo^t the sum of three hundred, and Fivety Pags which your Orator ~~abo^t the sum of three hundred, and~~ hath ~~severall~~ severall times Demanded But without Effect. Therefore Prays to be relieved touching the premises.

Ordered that Vencattee Puttee be summoned to answer the Bill of Complaint the

next Court Day.

AT A COURT HELD AT THE TOWN HALL ON FRYDAY THE
10TH OF NOVR 1727.

PRESENT JOHN POWNEY ESQR MAYOR

Francis Rous, Thomas Weston, William

Monson Edward Brackstone and Paul

Foxley, Aldermen.

Petition of Corpah Chittee Exhibited,
and read a 2d Time.

The Defendt Vencattee Puttee appears

according to Summons

Ordered
~~ORDERED~~ that the Register do serve the

Defendt with a Copy of ye Complainants

Bill.

Between
~~BETWEEN~~ Corpa Chittee of Fort St George

Mercht Complainant

&
Vencattee Puttee
~~VENCATTEE PUTTEE~~ of the same Place

Merchant Defendant.

Day is given unto the Defendt untill

the next Court day to answer the Com-
plainants Bill.

Petition of George Forriano, and John
Lauder, Exhibited, and read a 4th time.

Between
~~BETWEEN~~ George Forriano, and John Lauder
of Fort St George Merchts
Complaints

Capt Roger & Laye
~~CAPT ROGER LAYE~~ of the same Place
Mariner Defendant.

Further day is given unto the Defendt
untill the next Court Day to answer the
Complainants Bill, and in Default of
answer Judgment will be given for the
Complainants.

Petition of Samadrue Exhibited and read
a 2d Time.

ORDERED that what Effects the Register
has in his Custody be sold at Publick
Outcry.

Petition of Maria Duverger Exhibited, and read a 3d time.

The answer of Father Thomas Capuchin Curate, and Minister of ye Catholick Church of Madrasspatnam, Exhibited, read, and Filed. That this Defendant Saveing to himself all benefitt of Exceptions to the Errors, and Imperfections in the said Bill Contained say, that being Curate, or Minister of the Church of the Catholicks of Madrasspatnam it belongs to him according to his Laws to take Care of the affairs of Dying Christians, in order to render a just Acco[t]. to their Friends, and relations, when they are absent as it frequently happens in these Countrys, that Maria Duverger by the Instigation of some Certain imbroiling Persons, endeavours unjustly to usurp an Estate that does not belong to her, I say that this Widow not having any other Authority Cannot be an

absolute heiress to the Effects of her Husband, but by only of her marriage Contract, which is Mutuall and is of equal force as well to one as to the other. If she will enjoy as she has hitherto done all the Privilidges of this marriage Contract, her husband ought also to have the same Liberty and Enjoy the same Priviledge, since this Contract is Equall to both of them as aforesaid. This Defendant do further say that it is said in the marriage Contract the Person who should Dye first reserves the Disposall of a third part of one thousand Pags for the Good of his Soul, and other Pious work, Leaving the remainder to the survivour, and to shew the authority that the Person who ~~dye~~ should Dye first pretends to have over this portion of his Goods it is repeated in the same Contract, and said, suppose there be not found among the Couple or Family by the Death of either of them the

sum of One thousand Pag^{s}. there should be an Estimate made of all that shall be found and the third part shall be upon the account and at the Disposall of y^{e} Dec^{d} which being granted it Cannot be denied that these 333 Pag^{s}., and 12 fan^{s};, which makes a third part of the thousand mentioned in the said marriage Contract do by right belong to the Dec^{d} Duverger, and that his Widow has no authority to Claim or appropriate y^{e} same, for of two things, one is to be defined, either this marriage Contract is good, and authentick, or Invalid, If it is good, and the Widow has a right to declare herself absolute heiress to all the Goods of her husband by Consequence those that act in behalf of her Dec^{d} husband have also a Right, and authority for his part to take Possession of his Portion of his Goods which were Reserved by the reason above mentioned, that the Contract is of Equall force to both of them, this Defend^{t} also

says, that if this marriage Contract be not good, he request the favour of this Honble Court to declare it, & then the Widow will be obliged to give an acco^{t} of all the Goods, & Cannot be heiress but to half according to all the Laws of France, Spain Portugall, &c^{a} the other half belongs by right to the Dec^{d} relations that are in Europe. ~~In~~ It may be said that 'tis true, and Cannot be doubted that this Portion of 333.12 Pag^{s} f^{s} - belongs, and ought to be upon the acco^{t}. of the Dec^{d}., But since he Died Intestate the Disposall is Doubtfull, and Uncertain, this Defend^{t} in answer thereunto saith, that in all Last Wills, & Testament made amongst the Roman Catholicks Christians, it is sufficient y^{t} the Testator declares he assigns such a Portion of his Goods, for the good of his Soul, and Pious works, it is understood well enough what ~~it~~ I it Implies very body

knows to what use this Portion of his
Goods ought to be applied, there being no
need of any other Explanation, and if there
be any Difficulty what wee do upon this
Occasion is a Little more, or less like to
what is Practised in the English Church
& this Clause for the good of his soul, and
other pious works, is in such a manner
consecrated among us, that it serves to
ratifye and authorise the Last Wills, and
Testaments in the Conclusion whereof wee
usually Read these words "I will that
"this my Last Will and Testament be done and
"fulfilled, the w^ch^ " if it be not of force
I will that it may
be of force as a Codicill to pious works"
of all these Reasons, ~~I will that it may~~
be not sufficient to Convince this Honble
Court, that it belongs to us, and that it
is our Right as being Ministers of the
Church aforesaid to dispose of these
Pagodas 333.12 - which the Dec^d^ Benoist

Duverger has reserved by his Marriage Contract and notwithstanding all the rigor of the Laws, This Portion of the Goods of the Dec^{d} belongs to his relations in Europe: this Defendant^{s} therefore Prays that the sum of Pagodas 333.12 - be Deposited in his hands to do what should be Right, & reasonable, and further this Defend^{t} requests this Honble Court will please to Consider that this marriage Contract is in some Measure a Contract, and a Will, It is a contract because it was made as a mutuall agreement between two Persons that were to be married. It is a Will because both of them dispose actually what should be done with their Goods after their Decease, and Determine to what use these Goods should be Distri/buted, as it may be seen in the Clauses of the Contract; where it is said in the first Place, "The Person who shall Dye first may not dispose of more than a

third part of one thousand Pag^{s}". This is the Contract, now what follow has the force of a Will, because he Immediately after added, "That this third part of one thousand Pag^{s} shall be, for the Good of his Soul, and other pious works", which this Defendant presumes is as good as a Last Will, or Testament, and it is Certain had Benoist Duverger made a will it Could not be Explained after another manner upon this (matter like as when he said About Issue. I declare they are) my heirs as well in Europe as in India, and that then my Wife cannot be heiress, Except to half of the Goods that shall be found in India, all these things being an absolute Determination by the Consent of Both Parties. This Defend^{t} saith it hath the force of a Testament, and further this Defend^{t} saith had Benoist Duverger said in his marriage Contract these Words, The first that shall Dye first cannot dispose of more than a third part of

one thousand Pags without adding anything else, This Defendt declares that not withstanding the right he might have yet had according to their Laws he would not have acted any way soever, but would have left all to the Will & disposall of the Widow, But because he added, and said that this third part of one thousand Pags is For the good of the Soul and other pious Works This being an absolute Determination is as good as a Last Will, and Testament, and belongs to the ministers of this Church to prevent the ~~Wid~~ Widow usurping of this Portion of the Goods, which the Decd has reserved for himself for the good of his Soul, and other pious works, and to afford our Assistance to the End the Last Will of the Decd may be performed.

FATHER Thoms Capuchin Produces the Govr and Councill of Pondicherrys oppinion of this

Affair which he desires may be read.

The Governour, & Councill of Pondicherry's Oppinion of this affair read, wherein they say as follows : Having read the said marriage Contract, wee give our Oppinion, that although it be not specify'd there shall be a Community of Goods between the Bargainers yet for all that the said Community subsist and takes place /no Clause being found to the Contrary / and that Consequently if no mutuable gift had been specify'd by the said marriage Contract, there should be an Inventory made of all the Goods of the Community by the Death of y^e^ said Duverger, having in the first Place taken the Widow's Oath, whereby she was obliged to give an Acco^t^ of all the Goods, without withdrawing or absconding any thing, submitting herself /if any thing should be found to the Contrary/ to the

punishments established in such a Case
to the End that half of the Goods Specify'd
in said Inventory may be given her as
holding the goods in Common, all Debts
in the first place being paid, and the
other half to the heirs of her Dec^{d} hus-
band. Touching the Clause of the said
marriage Contract to hereby 'tis said
that the Dec^{d} Duverger has reserved the
Disposall of a third part of one thousand
Pagodas for the good of his soul, and other
pious works, if this disposall had not been
made by the said Duverger who Died Inte-
~~INTE~~ state had it been a mutual gift,
or any other specify'd by the said
matrimoniall Contract, this Clause might
take place, and our Oppinion is that in such
a Case~~ff~~ " "This third part of one thou-
sand Pag^{s} belongs to the hiers of the
said Duverger.

It is the Opinion of the Judges upon the

Bench that the Portugueze Church has no right or Title to the Pags .333.12 stopped by Father Thomas Capuchin on Accot of the said Benoist Duverger.

MAYORS CHOURT AT MADRASPATNAM

Between
~~BETWEEN~~ Maria Duverger of Fort St. George Complainant

&

Father Thomas Capuchin
~~FATHER THOMAS COPUCHIN~~ of the same Place Defendant

This Cause Coming this 10th day of Novr Anno Domini 1727 to be heard, and Debated before the Clerks on both sides, and upon hearing the proofs taken in this Cause, and upon Examination had of the matters in this Cause, and due Consideration thereupon, This Court doth think fitt to order, and Decree and doth accordingly order and decree that Father Thoms Capuchin do pay to Maria Duverger the sum

of Pag^{s}. three hundred, thirty three and twelve fan^{s}, being so much which he has stopped out of the Estate of Benoist Duverger Dec^{d}, and that Maria Duverger be summoned to appear next ~~cont~~ Court day in order to take out Letters of Administration.

APPEAL'D TO THE GOV^{R} & COUNCILL

Petition of Aaron Franks &c^{a} Creditors Exhibit'd,&read a 2^{d}. time.

The Register Acquaints the Court, that according to their orders he had spoke to M^{rs} Rebecca Fullagar, Concerning the Demand made by Cap^{t} Isaac Hanson's Creditors, desiring that his two Houses might be sold at Publick Out Cry who reply'd that the rent of those Houses she paid away towards the maintenance, of his Wife, and Children, and that if the Court sold them, his

Family must starve, for she had not any thing else in her hands. Therefore desired that the Court would defer selling the Houses till the China Ship Arrived, for she then Expected Advices from Capt. Hanson.

Agreed, and Ordered that the Houses belonging to Capt. Isaac Hanson, be Deferred selling till advices arrives from China Severall Complaints being made abo^t the Quantity, and Quality of Bread and that the Bakers abuse the Inhabitants therein, one of the Court, ~~Serj^tts~~ Serj^tts is now Ordered to goe Directly to all the Baker's Houses, and bring their Bread along with him to Court.

The Court Serj^tt returns with severall Basketts of Bread, and it appearing to this Court that the Bread made by Moortapillah Moortepah, and Allagapah to be very bad, The Register is ordered to summon the 3

abovenam'd Bakers to appear next Court

Day.

Ordered
~~ORDERED~~ also that all the Bakers in Gene-

rall be Summoned to appear next Court day.

AT A COURT HELD AT THE TOWN HALL ON FRYDAY THE17~~TH~~ OF

NOVEMBER 1727.

PRESENT JOHN POWNEY ESQ^R MAYOR

Francis Rous, Lewis D^r Maderas, Thom^s

Weston, William Manson John Bulkley,

and Thomas Norman, Aldermen.

Petition of George Torriano, and John

Lauder, Exhibited, and read a 5^th Time.

The answer of Nic^s Morse, Attorney for

Cap^t Roger Laye, Exhibited, read, and

Filed, that this Defend^t saving to himself

All Benefitt of Exceptions to the Errors

and Imperfections in the Said Bill Contained

for answer thereunto say, that the Complain^ts

n. having Demanded of Cap^t Roger Laye

Commander of ship Peter's Field the Ball [sic]

of Goods mentioned in the Bill of Complaint

he this Defend.^t desired the S.^d Cap.^t Roger Laye

not to deliver the Ball, till he Received further orders from him, and the reason y^t Caused this Defend^t to Act in that manner is : That this Ball came up from Bengall Consigned to M^r Richard Carter from M^r Will^m Hastoll w^th Directions from him to the said Carter to make good the amount of its Cost to his Acco^t with M^r. Carter ~~to make good the amount ofits Cost to his acco^t with M^r Carter~~, and this Defend^t /being the Attorneys of the said William Hastoll/ But M^r Carter having left this Place, and the Persons Employed in the management of the said Carter's Affairs unwilling to Comply w^th the Order of the Lett^r Received from M^r. Hastoll by paying it's Cost, this Defendant therefore requests that on the delivery of the Ball, according to the Bill of Loading insisted upon by the Complainants, that this Honble Court

will order that the Complainants be accoun-
table for the s^d Ball, or the produce
thereof this Defend^t Expecting to have
acco^ts in a short time from Mess^rs Hastoll
and Carter, when he shall pay a further
hearing in this Cause before this Honble
Court.

The Judges that are now Present upon the
Bench are of opinion, that as M^r Carter
became Insolvent before the Ball of Good
sent up here by M^r Hastoll was Laden on Board
~~Thy's~~ Ship Petersfield, it ought to be Delivered
to M^r. Hastoll's Attorney here.

MAYORS COURT AT MADRASPATNAM

~~BETWEEN~~ Between George Torriano, and John Lauder
of Fort S^t George Merch^ts Complainants

and

~~ROGER LAYE~~ Roger Laye of the same Place Marriner
Defendant.

This Cause Coming this 17. day of Nov.r Anno Domini 1727 to be heard, & debated before, ye. Clerks on both sides, and upon hearing the proofs taken in this Cause, and upon Examination had of ye matters in this Cause, and due Consideration thereupon this Court doth think fitt to order, and Decree, and doth accordingly by ~~ORDER~~ Order, & Decree, that the Ball of Goods sent up here by Mr Hastoll be delivered to his Attorney here, and that Mr Carter's Estate do pay the wholl Charges of Suite.

APPEALED TO THE GOVR & COUNCILL

The Register produces a Demand made by Michael Jedderee upon the Estate of Stepen Jedderee for Sps. Drs 75.1.81 Agreed, and Ordered that the Demand be paid.

Petition of Mootu Vencattee Chittee

Exhibited, and read a 4th time.

The answer of Domingos Alvez Defendt Exhi-

bited, read & Filed, that this Defendt

saveing to himself all benefitt of Exceptions

to ye Errors, and Imperfections in the said

Bill Contained, for Answer thereunto say:

That true it is that this Defendant Borro-

wed at Respondt at the Complainant the sum

of Fivety Pags to Junckceylone, and back

again; That this Defendt was drove, and

forced away from his trust and office, and

afterwards missused and Barbarously treated

by the Complainant's son T Jagapah Chittee

on Accot the Respondt /now indispute/ taken

up by this Defendt of the Compt as aforesaid

and all his Goods, Merchandize, & Effects

were Seized upon by the Said T Jagapah

Chittee accot the said Bond as the Compla-

inant himself (in part) acknowledges in

his Bill of Complaint to this Honble Court where he says "He has only rec^d twenty Eight Pag^s paid by this Defend^t when at Junkceylone. This Defend^t further saith that there are five months arrears of Wages due to him from the Comp^t for the Ships Service, which at the rate of six Pag^s. ℔ month, amounts to thirty Pag^s, and this Defend^t doth Likewise ~~ANER over~~ aver that he did the Complainants business a^shore at Junkceylone after the Said Ships Depar-ture till his Arrivall this year at Madrass, during all which time he this Defend^t was in the Complainants service, and hath rec^d no pay which was for y^e space of a Year, or thereabo^t which at the rate of six pag^s ℔ month will amo^t. to seventy two Pag^s so that after the Deducting the Principall Respond^a and the Interest, as also the twenty Eight Pag^s. the Complainant himself

acknowledges in his Bill of Complaint to have rec^{d} in part there will become due to this Defend^{t} a Ballance of Thirty Pag^{s} or thereabo^{ts}, Therefore Prays to be hence Dismissed wth his reasonable Cost, and Charges.

Respondentia Bond Produced, and read, which the Defendant acknowledges to be his hand signing.

MAYORS COURT AT MADRASPATNAM

Between
~~BETWEEN~~ Mootee Vencattee Chittee of Fort S^{t} George Merch^{t} Comp^{t}

&
Domingoes Alves
~~DOMINGOS ALVES~~ of the Same Place marriner

Defendant.

This Cause Coming this 17^{o} day of the Nov^{r} Anno Domini 1727 to be heard, and debated before y^{e} Clerks on both sides, and upon hearing y^{e} proofs taken in this

Cause, and upon Examination had of y^e^ ma-
tters in this Cause, and due Consideration
thereupon this Court doth think fitt to
order, and Decree, and doth accordingly
order, and Decree, that Domingos Alvez
do pay y^e^ amo^t^ of his Respond^a^ Bond with
Charges of Suite.

Petition of Coropah Chittee, Exhibited,
and read a 3^d^ time.

The Answer of Vencaty puttee Exhibited,
read, and Filed, that this Defend^t^ saving
to himself all benefitt of Exceptions to
y^e^ said Bill Contained say, that he should
be Glad if the Comp^t^. would Lay before this
Hon^ble^. Court in what manner he this
Defend^t^ is indebted to him, the sum of
three hundred, and Fivety Pag.^s^, he this
Defend^t^ denying that he Owes him any money
But on y^e^ Contrary he Can prove the Com-
plainant indebted to him in a much greater

sum, therefore Prays to be hence dismissed with his reasonable Cost and Charges unjustly sustain'd.

Between
~~BETWEEN~~ Corpa Chittee of Fort S^t George

Merchant Complainant

&

Vencatty Puttee
~~VENCATY PUTTEE~~ of the same Place Merch^t

Defendant

Day is given to the Plantiff untill y^e 25^th Ins^t to prove his Demand.

Maria Duverger being summoned by an Order of Court made the 10^th Instant appears Accordingly, upon which she requests the favour of this Honble Court to grant her Letters of Administration.

Her request granted, and the Court Order that she do give security, for y^e due administration of y^e Goods Cattles and Effects of Benoist Duverger Dec^d.

Maria Duverger request the favour of this Honble Court to Let her deposite in their Cash the sum of Pags 333.12.- being so much which she is abot to receive of Father Thoms Capuchin by anø order of Court made ye 10th Inst on Accot of the Estate of Benoist Duverger.

AGREED that she do pay the same into our Cash.

Mootapilla, Mortepah, and Allagapah Bakers being summoned by an Order made the Last Court day, appears accordingly

ORDERED that the three abovenamed Bakers be Fined five Pags each upon which the Court Order that the Interpreter do acquaint all ye Bakers that were summoned, and are now present that the occasion of ye Finity the 3 abovenamed Bakers was upon account of their not making Bread according to the standard, Therefore

they are ordered to take Care that they do not does the like, but make Bread according to the Standard, being 1/3 Surrat Wheat & 2/3ds Bengall Wheat.

Memorandum that on the 18th day of November Anno Domini 1727 Sattena, and Narrain of Fort St. George Merchts. in their proper Persons Came before John Powney Esqr. the Mayor of Madrasspatnam, and undertook that Vencattee Puttee of Fort St George Merchant should abide by and performe such finall order and Judgment as should be made or given by the Mayors Court of Madrasspatnam in a Certain Cause wherein Corpa Chittee of Fort St George Merchant is Complainant, and the sd Vencattee Puttee Defendant, or should abide by such finall order and Judgmt. as should be made or given upon any Appeal to be Brot. in the sd cause, or should surrender himself to the said

Court to be Charged in Execution till y^e^
said order or Judgment should be satisfy'd
or performed, or indefault thereof that
wee the s.^d^ Sattena and Narrain would do
y^e^ same for y^e^ said Vencattee Puttee.

AT A COURT HELD AT THE TOWN HALL ON TUESDAY THE
28^TH^ of November 1727.

PRESENT JOHN POWNEY ESQ^R^ MAYOR
Francis Rous, and Thomas Norman Aldermen.

Petition of James Hubbard Exhibited read,
and Filed Shew^e^th that Coja Mana Sattunda
Late of Madraspatnam Merch^t^ being indebted
to the Estate of Coja Phanose of Bombay
Dec^d^ the sum of four thousand one hundred
Rup^s^ Principall money besides the Interest
thereon, which your Orator is Empowered
by y^e^ Executors of y^e^ said Phanose to
Demand, and recover from the said Coja
Mana Sattunda, and in their behalf humbly

request a Gen.[ll] relief touching the

Premises.

Ordered that Coja Mana Sattunda be summoned

to answer the Bill of Complaint the next

Court day.

The Judgment of y[e] Court of Appealls betwe-

en Domingos Alvez and Tagapah Chittee

Read

Tagapa Chittee Appell.[t]

Versus

Domingos Alvez Defend.[t]

JUDGMENT

Upon Comparing these resolutions it

appeared that y.[e] Appell.[t] Tagapah Chittee

is justly indebted to the Defend[t] Domingos

Alvez in the sum of Fivety two Pag[s].,

Nine fan[s]., which sum the Court award to

be paid to the said Domingos Alvez,

and that the Cost of Suite, both in this,

and the Mayors Court be Equally divided

between the two parties Tagapah Chittee,

and Domingos Alvez, and that the Jarr of Oyll be Delivered to Domingos Alvez.

This is a true Copy of y^e^ Original record

GEORGE TORRIANO
Cl. of y^e^ C^t^ of App^lls^.

The Judgment of the Court of Appealls between Father Tho^s^ Capuchin and Maria Duverger Read.

Between Father Thomas Capuchin Apellant

&

Mary Gillyt Widow of John Duverger

Benoist Defendant.

JUDGMENT

The Court having thoroughly Considered the tenour of the aforesaid Petition, and answer, as also the proceedings of the Mayors Court, and other matters Laid before them came to the following resolutions.

That there is nothing in this Contract of Marriage which divest how the Estate shall be disposed of, and Consequently that it is to be done agreable to the Provision made in such a Case by Law.

That the abovesaid John Duverger Benoist not having Left any Children the said Estate is by Law to be divided the one half to y^e^ Widow, and the other half to the nearest of kin to the Deceased in Equall degree.

That the three hundred thirty three Pag^s^ twelve fan^s^ w^ch^ the Dec^d^ was by Contract of Marriage permitted to give away for pious uses, not being so given away they remain to the Estate, & are to be divided w^th^ the rest, and that y^e^ Estate do pay the Charges.

Ordered that this resolutions be Immediately signify'd to the Honble the Mayors Court that they may proceed

herein agreable to the Charter, and if the Widow Can not find sufficient security that they appoint persons to take an Inventory of y^e^ Estate, and do secure one entire half of y^e^ wholl for the relations in Europe.

A true Copy

GEORGE TORRIANO

Sec^ry^ to the Court of Appealls.

Extract of an Order made at the Court of Appealls the 20^th^ of November 1727 read.

Ordered that it be a Standing Rule of Practise, for the Mayors Court that in all Administration Bonds, they do oblige the administration to pay the Ballance of all Intestate Estates, which shall remain in their hands after Debts in India are discharged into y^e^ Company's Cash to be by them paid to the Legall Claimants, unless such Claimants are upon the Place, or

proper powers from them, in w^ch case the Administrators may pay the same.

By order of the Court

GEORGE TORRIANO

Sec^ry

ORDERED that the Charter be Examined into against y^e next Court day.

Petition of the Rev^d M^r Thomas Wendey, Exhibited read, and Filed, shewing that he Lately Exhibited a Bill of Complaint in which he sett forth that he did in Own wrong pay a Considerable Sum of Money as part as Commission drawn upon the Estate of Francis Hastings Esq^r Deceased to M^r. George Tullie Late of Fort S^t George merchant praying an Equitable relief from this Honourable Court touching the Premises, and this Honble Court having upon due Examination of the Case, Ordered and Decreed that

that therefore a proportion of the Dividends made of the Estate of the said George Tullie be paid into the cash of your Honourable Court, Your Orator with due submission Request that the said Dividends may be deposited in his hand to Extenuate the Loss suffered by your said Orator from the abovementioned payment of Commission to Mr George Tullie, he giving sufficient security for ye repayment of the said Dividends in Case the heir of the above mentioned Francis Hastings Esqr shall allow the full Commission as drawn, or if it be hereafter Legally adjudged that the aforesaid share of Commission did of right belong to the said George Tullie, and was not paid in your Orator's Own wrong.

Ordered
~~ORDERED~~ that this afair be Deferred till the next Court Day.

Petition of Corpa Chittee, Exhibited and

and read a 4th time.

The answer of Vencattee Puttee Exhibited,

and read a 2d. time.

Between Corpa Chittee of Fort St George
Merch^t Complainant

&

Vencattee Puttee of the same Place
Merch^t Defend^t

This affair is Deferred till the next
Court day.

Petition of Vencatty Puttee Exhibited
read, and Filed, shewing that your Orator's
Father being very Intimate with one Corpa
Chittee of Fort St George Merch^t he did
Instrust him the said Corpa Chittee with
a Quantity of Gold, which he your Orator's
Father had bro^t with him from Cudda it being
one Jarr Cont^a Gold Dust value abo^t five-
teen hundred Pags., as your Orator is well
Informed as also two Wiss, & one seer of
Gold of Five touch, the produce of all

which your Orator hath often times demanded of the said Corpa Chittee, but was putt of from time to time, till abo^{t} five Years agoe, Your Orator made a Complaint, to M^{r}. Hubbard one of the Justices of the Choultry, who ordered them to decide it by arbitration, and your Orator further sheweth unto this Honble Court, that when this affair was under the Inspection of y^{e} Arbitrators, he the said Corpa Chittee deny'd, that he ever received any Gold from your Orator's Father, But when the Arbitrators told him he must take his Oath of it, he then Confessed, that he had received a small matter, and accordingly produced a small peice of Gold, which was delivered then into the Choultry, after he had deny'd his ever receiving any Gold for many Years, Your Orator Therefore Prays a Generall relief touching the Premises.

Ordered that Corpa Chittee be summoned to answer the Bill of Complaint the next Court day.

Between Vencatty Gongo, Conachema &c[a] Vencatumma of Fort S[t] George Comp[ts]

and

Mangalapore Paupia of the same Place

Defendant.

This affair is Deferred till the next Court day.

Dec[r]y 1[st]

An Execution Warrant taken out against Domingos Alvez for Pagodas 80 Eighty Pagodas.

AT A COURT HELD AT THE TOWN HALL ON TUESDAY THE 5[o]. of DEC[R]. 1727.

PRESENT JOHN POWNEY ESQ[R]. MAYOR

Thomas Weston, and Thomas Norman Aldermen.

Agreed, and ordered that the Register do take an Inventory of the Goods Chattles and Effects of Benoist Duverger Decd that this Court, may Judge what security will be sufficient for the administratrix to enter into.

Petition of James Hubbard Exhibited, and read a 2d time.

Summons returned, non Est Inventus.

Petition of John Lauder &ca Creditors of Stephen Orme Deceased, Exhibited, read, and Filed/ shewing that the Estate of Stephen Orme deceased is Considerably indebted to the Owners of the Tartar Brigantine, and to severall other Gentlemen who Lent the said Stephen Orme money at respondentia, and it appearing to your Orator's, that the said Stephen Orme was Concerned in the stock, and block of ship

Samuell there having been a dividend of Pagodas 866.7 and Rup^{s} .671.11.3 paid into the Late Worship^{ll}. Mayors Court of this Place on acco^{t} of that Voyage by Nathaniel Elwick Esq^{r}. late of this Place, which sums your Orator observes by the Ledger belonging to this Honble Court have been Carried to the Creditt of Alexander, and Stephen Ormes Acco^{t} being their Proportions of Pag^{s} 12895.17.20 and of Rup^{s} .10000 - Divided amongst the Owners of the ship Samuel, But that Stephen Ormes Proportion o^{e} y^{e} aforesaid dividend has never been Carried to the Creditt of his Account as will fully appear by the Court Ledger reference being had thereto; Your Orator beggs Leave to represent further to this Honble Court, that they find there has been two other Dividends made to the Owners of the ship Samuell Viz^{t} One in Aprill 1724

of Pags .8038.21.36 whereof Alexander, and
Stephen Ormes Proportion is Pags .566.8.27
and another in May following of Pags .988.14.
32; whereof Alexander, & Stephen Ormes
proportion is Pags 70.12. The amot of
both which Proportion is Pags 636.2.27 which
sum your Orators humbly Conceives ought
to have been paid into this Honble Court
long since as well as the first Dividend,
but since upon Examining the Court Ledger
your Orators finds it does not appear ever
to have been paid into the Court// Cash, your
Orators therefore humbly Prays that this
Honble Court as Administrators to Stephen
Orme will Call for the said sum with Interest
thereon, from the time that it ought to
have been paid into the Cash of this
Honble Court and that a Dividend thereof
together with the Pags 866.7 and Rups
671.11.3 may be according to Equity made

amongst the Owners of the Tartar Briggantine,
and the Respondentia Creditors of the
Deceased Stephen Orme, they having already
been Large Sufferers by having been detained
out of this money now almost four Years, and
your Orator further shew unto this Honble
Court, that as the Late Worship[ll] Court of
this Place acted as Administrators to
Stephen Orme deceased, the Owner of y.[e]
Tartar Briggantine, and Creditors of Ste-
phen Orme Dec[d] have thereby been deprived
of making any demands, otherwise then by
means of y[e] Late Worship[ll] Court and it
Appearing to your Orators by the Journall
belonging to the Dec[d] Stephen Orme now in
this Honble Court that there remains due
to his Estate from Alexander Orme a
Ballance of Rup[s].5022.12.2 Your Orator
beg Leave for the more Immediate View of
this Honble Court, to Lay a State of the

Acco^{t} between them before you as he find it

in the Deceased Stephen Ormes Journall

Viz^{t}

ALEXANDER ORME TO Y^{E} ESTATE OF STEPHEN ORME C^{R}

21st	To sundry Left wth him to be disposed of Viz^{t}			By rice for 100 bags ..	302 8 -
	Ophium 8 Chests @ Rup^{s} 390 ℔ Chest	3120 - -		By Ballance	5022 12 2
	Hummums Damaged 57 p^{s}	150 14 11			
	Gurrahs d^{o} 1 p^{s}	1 12 -			
	Chittegong Sannoes 9 p^{s}	10 5 7			
		3483 - 6			
	To Raw silk for 3 ba sold to him	1842 3 8			
	RUPEES ..	5325 4 2		RUPEES ..	5325 4 2

Besides which Ballance it further appears to your Orators by the Dec^{d} Stephen Ormes Journall, that the follo-

wing Persons are Indebted to this Estate

Viz[t]

John Erasmus for 6 Chests of Ophium the produce of which, he had orders to remitt to M[r] Alexander Orme the amount is Rupees ..	2340 - -	
Stephen Law for 4 Chests of Ophium @ 450 Rupees each ..	1980 - -	
William Spinkes Viz[t]		
To stock for the Ballance of his acco[t] of this day date ..	231 10 -	
To Gold Doorias ..	225 - -	
	---------	456 10 -
	RUPEES ..	4776 10 -
which w[th] M[r] Alexander Ormes Ballance being		5022 12 2
makes Rupees		9799 6 2

which sum the Creditors of the Deceased Stephen Orme, are likely to loose unless this Honble Court will as being his Administrators oblige Alexander Orme /in Case it has not been already done/ to come to ~~a~~ a just ~~just~~, and true Acco[t]

with the Dec^{d} Stephen Ormes Estate, now
your Orators Conceive it will easily
appears to this Honble Court how Tardy
Alexander Orme has been in this affair,
and also how frivilous his pretensions
are, in relation to what he urges abo^{t}
Stephen Ormes being indebted to him,
for your Orator do not find that he has
ever so much as tendered any one Voucher
for his Demands, so that if the acco^{t}
can them be fairly stated, w^{ch} way
between them be fairly stated,
can Stephen Orme be in Alexander Ormes
Debt, for it is evident from his own
Acco^{ts} that he has never given Stephen Orme
Credit for the Ballance of Rup^{s} 5022.12.2
neither has he yet accounted for the
Rup^{s} .2340 - - which John Erasmus was
ordered to remitt to him, he being
Stephen Orme's Attorney. It is also
Probable he might have rec^{d} the Rup^{s}

1980. from M^r Law, for he has never de-
nied it but on the Contrary declines
Answering any Letters which is a Strong
presumption, w^ch wee must submitt to the
Judgment of this Honble Court, and as for
M^r Spinkes Debt it does not appear to have
been ever discharged. Your Orators there-
fore Prays to take the Premises into
Consideration, and to Cause the amount of
y^e three Dividends of ship Samuel, which
ought now to be in the Cash belonging to
this Honble Court to be forthwith
divided according to Equity, and further
to take such measures as may prevent
the Creditors from being defrauded of
y^e Rupees 9799.6.2.

Ordered that the Attorneys of Nathaniel
Elwick Esq^r be summoned to appear the
next Court day.

The Late Worship^ll the Mayors Court having
severall times wrote to M^r Alexander Orme

Chief of Anjengo desiring he would send them /as they acted as Administrators to Stephen Orme's Estate/ all Books Paper &c^a any way relating to the Deceased Stephen Ormes Estate that were in his Custody as also that he would send in his Acco^t Curr^t with Stephen Orme, but as he never Answered any of their Letters, and the Creditors now requesting a Dividend may be made of his Effects, supposing the Late Worship^l Court has received severall sums of Money that were due to him upon the Mallabar Coast, This Honble Court do now order /as they are Administrators to his Estate, and supposing that M^r Alexander Orme will serve them after the same manner /that the register do ~~with~~ write a Letter to the Court of Bombay desiring them to Call M^r Alexander Orme to Acco^t with the Deceased Stephen Orme's Estate, and that whatever Accounts ~~the~~ he deliver them they do oblige him to

swear to the truth of them, and that they do transmit us the same by the first Conveyance.

Ordered that the Register do Lay before this Honble Court the first Court day of every month a state of the Deposited Estates, and Corporation Cash.

Petition of Thomas Wendey Exhibited, and read a 2d time.

His Request not Granted this Honble Court, not thinking themselves secure if they should part with the money Lodged by Mr Tullie's Executors as there has been an order of Court already made for the same to Lye in their Cash.

AT ~~A~~ A COURT HELD AT THE TOWN HALL ON FRYDAY THE 15th DECR 1727.

PRESENT JOHN POWNEY ESQR MAYOR

Francis Rous Thomas Weston, William Monson,

Paul Foxley, and Thomas Norman, Aldermen.

Petition of John Lauder &c[a] Creditor of Stephen Orme Dec[d] Exhibited, & read a 2[d] time.

The Attorneys of Nathaniel Elwick Esq[r] /Mess[rs]. George Torriano and Samuel Pa/ks/ appears according to summons.

M[r]. Torriano desiring a Copy of the Creditors Bill of Complaint in order to answer the same the next Court day.

Ordered that the Register do serve him with a Copy of the Creditors Bill of Complaint.

Between John Lauder &c[a] Creditor of Stephen Orme Dec[d] Comp[ts]

&

George Torriano, and Samuel Parks, Attorney of Nathan(e)l Elwick Esq[r] of Fort St George Merchants Defendants.

Further day is given unto the Defendants untill the next Court day to answer the Compts Bill.

Petition of Nathaniel Turner, Exhibited read, and Filed, shewing that William Dutton Late of Fort St George, Dying Intestate his money, and Effects were taken Care of by the Late Worshipl the Mayor's Court who on or about the month of July in the Year of our Lord 1720 divided part of the Deceased Estate amongst his Creditors herein Fort S.t George, and reserved ~~referred~~ the sum of Pagodas 304, or there abt in case there should be any other Creditors in England, and your Orator further sheweth unto this Honble Court that as there has been no Demands from England made he in behalf of his Constituent Francis Hugonin humbly Conceives it now proper to apply to this Honble Court for an order for the payment of such a sum from out the aforesaid Deposit of 304

Pagodas as will Discharge in full the Principall with Interest of y^e^ Bond.

Court Ledger Produced where it appears the Ballance of M^r^ Dutton's Estate was paid away amongst his Creditors June the 24^th^ 1720 whereof M^r^ Francis Hugonin then Came in for his proportion.

Petition Dismissed.

Complaints being made about the Quality of Bread, and that the Bakers still continue to abuse the Inhabitants therein thô(there were Lately some find for it, Bread was produced of Murtepa's making, which appearing not to be according to the standard,

Ordered that he be find 2 pag^s^ and Confind till he pays the same.

Petition of Vencatty Gongo, Conachema &c^a^ Vencatumma Exhibited and read a

5~~o~~ time.

Answer read a 2d time.

Interrogotaries on the pt of the Compts

read, and Filed.

Depositions of Witnesses on the part of

the Compts read, and Filed to 5 People.

Interrogotaries on the part of the Defendt

read, and Filed.

Depositions of Witnesses on the part of

the Defendt read, and Filed to seven

People.

List of Effects produced, and read.

Ordered that the same be translated against

the next Court day.

Between Vencatty Gongo, Canachema &ca Vencatumma of

Fort St George Compts

and

Mangalapore Paupia of the same Place

Defendant.

This affair is Deferred till the next Court day, and the Attorneys Ordered to get their Witnesses, and everything else ready against the same.

Petition of Charles Peers, Exhibited read, and Filed.

Requesting an order for the sale of two Houses, and Gardens mortgaged to him by Nellacanta Rangana of ~~X~~ Triplicane Painter for and in Consideration of the sum of 250 Pagodas.

Mortgage Bond produced, and read.

The time for payment of the money being Elapsed/

Ordered that the Houses and Gardens be sold in ten days from the date hereof, if the mortgage Bond be not discharged in that time and that the register affix a note at the Sea Gate to advise thereof.

Petition of Vencattee Puttee, Exhibited,
and read a 2^{d} time.

The Defendant Corpah Chittee appears
according to summons.

Ordered a Copy of the Bill of Complaint.

Between Vencattee Puttee of Fort S^{t} George Merchant
Comp^{t}

&

Corpa Chittee of the same Place
Merchant Defendant.

Further day is given unto the Defendant
untill the next Court day to answer the
Comp^{ts} Bill.

18th Warrant of arrest taken out, and served
against Corpa Chittee.

Memorandum that on the 18^{o} day of December
Anno Domini 1727 Bashua Chittee of Fort
S^{t} George Merchant in his proper person
came before John Powney Esq^{r} the Mayor of

Madrasspatnam and undertook that Corpa Chittee of Fort S^{t} George Merchant should abide by and perform such finall order, and Judgment as should be made, or given by the Mayors Court of Madrasspatnam in a Certain Cause wherein Vencatty Puttee of Fort S^{t} George Merchant is Complainant and the said Corpa Chittee is Defend^{t} or should abide by such finall order and Judgment, as should be made or given upon any appeal to be brought in the said Cause or should surrender himself to the said Court to be Charged in Execution till the said order or Judgment should be satisfied or perform'd, or in default thereof that he the said Bashua Chittee would do the same for the said Corpa Chittee

TUESDAY AT A COURT HELD AT THE TOWN HALL ON TUESDAY THE 19^{o} DECEMBER 1727.

PRESENT JOHN POWNEY ESQ^{R} MAYOR

Francis Rous Thomas Weston, William Monson, John Bulkley, Edward Brackstone, Paul Foxley, and Thomas Norman Aldermen Messrs Stephen Newcombe, and Ralph Mansell Sworn, appraisers.

Agreable to an order of Court made the 5th Instant the register delivers in a List of John Duverger Benoist's Goods, and Effects Ordered that Messrs Stephen Newcombe, and Ralph Mansell sworn.

Appraisers do appraise the Goods, and Effects of John Duverger Benoist, and that they do deliver into this Honble Court an acct of the same as soon as they Can Conveniently.

Petition of Vencattee Gongo Conachema &ca Vencatumma Exhibited, and read a 6o time.

Answer read a 3d time.

Mr Mansell Attorney for the Defendt.

/Mangalapore Paupia/ produces an attested Copy of the List of Effects he was ordered to get Translated which is now read.

Severall Persons appears who acknowledges that they signed to Originall List of Effects now produced, and that the same was a Just & true account of Pangalette's Effects to the best of their knowledge

This Honble Court desires to know if any one Can inform them if Pangalattee Left a Will behind him, and in whose hands it was now in.

Mr Charles Gee in behalf of the Compts acquaints the Court that he has now a Copy of Pangalatee's Will by him which he is ordered to produce.

Copy of the Will produced, and read, wherein there is no mention made of any Particular sum or sums of money given away

by the Deceased, only that one Vencattee an adopted son shall come in for an Equall proportion of his Estate w^th his natu^rall Children.

MAYOR'S COURT AT MADRASSPATNAM

Between Vencattee Gongo, Conachema &c^a Vencatumma of Fort S^t George Complainants

and

Mangalapore Paupia of the same Place Taylor Defendant.

This Cause Coming this 19^th day of December Anno Domini 1727 to be heard, and debated before the Clerks on both sides, and upon hearing the Proofs taken in this Cause, and due Consideration thereupon this Court doth think fitt to order, and Decree, and accordingly order, and Decree, that Mangalapore Paupia do go to Triplicane Pagoda and

swear in the most solemnest manner his Religion allows of, that the List of Pangalate's Effects which is now produced in Court was taken the first time of his opening the Dec^{d} Pangalates Chest & that it was also taken in presence of the severall Witnesses which are now present he is Likewise ordered to deliver to the Comp^{ts} all the Jewells he received belonging to Pangalattes Estate, and to swear to y^{e} truth of what he so Deliver Paying also the sum of Pag^{s} 36.19.75 being the Ballance of his account, and that the Plaintiffs do pay all Charges of Suite.

Petition of John Lauder &c^{a} Creditors of Stephen Orme Deceased, Exhibited, and read a 3^{d} time.

The answer of George Torriano, and Samuel Pa$\not{k}$ks, attorneys of Nathaniel Elwick Esq^{r} Exhibited, read, and Filed, that these

Worship, 1/ the Mayors Court as belonging
to Alexander, and Stephen Orme j/ oyntly
and further that the said Nathaniel
Elwick did make two other dividends of
the said ship's stock, and did Place in
his Books the sum of 636.20.27 to the
Credit of the said Alexander, and Stephen
Orme for their Proportion of the said
two Dividends, yet these Defendants do
deny that any part of the same doth belong
to the said Stephen Orme as in the sequell
of this Answer they hope fully to make d
appear these Defendants do further say
that it doth not appear by the Dec[d]
Stephen Orme's Books that Alexander Orme
is indebted to him the sum of five
thousand and twenty two rupees12 annas
and 2 pice as is sett forth in the Bill
of Complaint and for Proof these Defendants
say that by Stephen Ormes Books it appears
that Stephen Orme doth Charge Alexander

Orme the sum of 3283.0.6 as the prime
Cost of Goods Left in his hands to be
disposed of, and as a Factor is not
accountable for the price putt on the
Goods left with, or Consigned to him,
but only for the produce of the same it
is not agreable to reason to Charge the
said Goods to the account of Alexander
Orme since it is no where to be proved that
he has sold the same & although the Late
Worship^{l} Court did order their Register to
write to the said Alexander Orme demanding
an Acco^{t} of the proportion w^{ch}. Stephen
Orme held in the Samuel, yet it doth not
appear that they ever demanded any other
account from him, and therefore his not
having given any acco^{t} of the said Goods
Left with him, is no Contempt of the Court
or dilitoriness of the said Alexander
Ormes since his having answered to what
was Demanded of him is a good argument

to prove he would have answered anything
more if it had been asked of him, and
further these Defendants do say that the
Acco^{t} stated in the Bill of Complaint is
wrong Cast up Two hundred rup^{s} to the
prejudice of the said Alexander Orme,
and that therefore the Ballance of the said
account is no more than 4822.12.2 suppo-
sing the account to be allowed good as
stated in the Bill of Complaint, but if
the said sum of 3283.-.6 be deducted out
of the beforementioned Ballance there will
then remain only 1539.11.8 due from the
said Alexander Orme, and if this Honble
Court think fitt to strike out of the
account the sum of 1842.3.8 Charged him
for three Bales of Raw silk due as these
Defendants are Informed to M^{r} Mandeville
Bengall & for which the said Mandevill's
attorney has received out of the Late
Worship^{l} Mayors Court a Dividend of the

Estate of the s^{d} Alexander Orme there will then remain a Ballance of R.3028.- due from the said Stephen Orme to Alexander Orme instead of y^{e} 5022.12 due on the other side as is sett forth in the Bill of Complaint, these Defendants do further beg Leave to represent to this Honble Court that it is very unreasonable to Charge the said Alexander Orme with the Debts due from John Erasmus and Stephen Law since there is no manner of Proof that they were ever received by the said Alexander Orme having thus stated these facts these defendants pray leave to draw out and present to this Honble Court an acco^{t}. of this Dispute drawn from the Pre^{t}mises, Viz^{t}

ALEXANDER ORME IN ACCOUNT WITH THE ESTATE OF STEPHEN ORME. C^{R}.

				By M^{r} Spinks's Debt	
				which is not direc-	
9799	6	2		tly charged in the	
o Ballance as by y^{e}					
Bill of Comp^{t} ..					

~~ught Forward~~	~~9799~~	~~6~~ ~~3~~	Bill of Comp^{t} to Alex-		
Ballance due			ander Orme ...	456	10 -
o Alexand^{r}			By John Erasmus's Debt		
Orme	302	8 -	w^{ch} doth not appear		
			to have been received		
			by Alexander Orme ..	2340	- -
			By Stephen Laws's Debt ..	1980	- -
			By an Error in Casting		
			up y^{e} D^{r} side of y^{e}		
			Bill of Complaint ..	200	- -
			By 3 Bales of Raw silk		
			belong^{g} to M^{r} Mande-		
			ville for w^{ch} he has		
			been allowed a Claim		
			in y^{e} Court ..	1842	3 8
			By sundrys left in the		
			hands of Alex^{r} Orme		
			of which no Account		
			has ever been Deman-		
			ded, and therefore		
			there is no Account		
			whither they are		
			sold, or not ..	3233	- 6
			RUPEES	10101	14 2
RUPEES	10101	14 2			

So that Alexander Orme is really a Claimant on the Estate of Stephen Orme the sum of Rupees 302.8 - instead of being indebted to it, and these Defend^{ts} having thus answered the Bill of Complaint begs leave to Lay before this Honble Court the state of the affair of ship Samuel and to prove that the said Stephen Orme was not Concerned therein in the Year 1721 Mess^{rs} Alexander, and Stephen Orme Came to this Place in a large Ship called the Lusitanica, which ship they sold to Mess^{rs} Elwick, Benyon, Hugonin, Theobald, and others to these Defendants unknow the said Ship went to Pegue Valued as these Defendants remember at Pag^{s}.8000 wth a stock of 8000 more to repair, and refitt her, and as these Defendants remember it being so long since, and M^{r} Elwick having Carried his Books home, they Can now only rely on their memories the Account stood, one half in the name of Alexander,

and Stephen Orme, but by the Account sent to the Late Worship^{l} Court by Alexander Orme to be the Same, it appeared, that Stephen Orme did give Alexand^{r} Orme Creditt in account for the Dividend made of that ships stock on her return, which M^{r} Hugonin did Place to the Creditt of Stephen Orme in Acco^{t} with him by which it is plain that Stephen Orme had no Concern therein but that Alexander Orme bore it All but it Appearing that the 8000 ⨍ Pagodas were not sufficient for that ships Disbursements, Alexander Orme prevailed to get an addition on her stock which was 4000 more, and then Stephen Orme did advance 1500 Pagodas in part thereof which sum he was really Concerned in that ship, but at his going afterwards to Anjengo he prevailed on Alexander Orme to take it off of his hands, and accordingly ~~abts~~ *debts* him for the said 1500 Pagodas, and gives him Creditt for the

Loss being 573 Pags which Loss the said Stephen Orme bore in Consequence of which his Cousin Alexander Orme took on himself the proportion of the said ships stock for the future, these Defendants having thus stated the Case of the Lucitania proceed to Lay before this Honourable Court the Case of the Samuel. The Lucitania was designed to Pegue to refitt, and from thence to proceed to Bengall, but she Missing her Passage in December 1721 came to this Port, when she was Called the Samuel, Messrs Orme not having left any Particular Account of their Proportions of the ships stock, Mr Elwick made the Dividend, and Carried their Proportion thereof to their joynt acco.t Leaving the two Cousins to account with one another for their shares, and at the out sett of the Samuel to Bengall Concerned them agreable to their Contract the same sum, or thereabots in the same

manner by the name of Alexander, and Stephen Orme, and Consequently at the return of the said ship from Surat made the Dividends in the same manner now therefore as it appears by the said Stephen Orme's Books, that Alexander Orme had the whole Concern in the Lucitania that by this Account it Appears the produce of the Concern in the Lucitania was putt into stock of the Samuel, and that the Dividend of the said Stock was Carried to the Creditt of them joyntly thô only Alexander Orme was Concern'd and that therefore the said Dividend ought to have been Carried to the Creditt of Alexander Orme only. It will follow that these Defendants have no monys in their hands belonging to Stephen Orme, and therefore having been wrongfully summoned and putt to Expence, Prays to be hence Dismissed with their reasonable Cost, and Charges wrongfully sustained.

Between John Lauder &c[a] Credittors of Stephen Orme Dec[d] Comp[ts]

and

Mess[rs] George Torriano, and Samuel Parks /Attorneys of Nathaniel Elwick Esq[r] / Defendants.

Day is given unto the Comp[ts] untill the next Court day to Reply.

AT A COURT HELD AT THE TOWN HALL ON FRYDAY THE 29[th] DEC[R] 1727.

PRESENT JOHN POWNEY ESQ[R] MAYOR

Francis Rous Thomas Weston Paul Foxley, and Thomas Norman Aldermen.

Petition of John Lauder &c[a] Credittors of Stephen Orme, Exhibited, and read a 4[th] time. Answer read a 2[d] time.

The replication of John Lauder of Fort S[t] George Complainant to the answer of George

Torriano, and Samuel Parks Defendants,

Exhibited read, and Filed, that the said

replyant saving to himself all advantages

to the insufficiencys &c^a in the Defendants

answer say, that the same is in many parti-

culars evasive Imperfect, and insufficient,

and he further says that it does Appear by

Stephen Ormes Journall now in this Court

that Alexander Orme is and ought to be

Accountable to the Dec^d Stephen Ormés

Estate for the Goods left with him to be

disposed of amount to Rupees 5125.4.2

for he Conceives it /and so he hopes this

Honble Court will/ to be but Exactly Conso-

nant with reason that a Factor is accoun-

table for Goods Left with, or Consign'd

to him and when sold for the produce of them,

and he further says tha That part of the

Defendants answer wherein they say, and

although the Late Worship^l Court did order

their Register to write to the said Alexander

Orme demanding an acco.t of the proportion
which Stephen Orme held in the Samuel,
yet it doth not Appear that they ever De-
manded any other Acco.t from him, and there-
fore his not having given any account of the
said Goods left with him is no Contempt
of the Court, or dilatorines of the s.d
Alexander Orme since his having Answered
what was demanded of him, is a good argument
to prove he would have answered any thing
more if it had been asked of him is alto-
gether fabulous and untrue, and framed as
this Replyant believes on porpose to detain
the money now in their hands, and to Skreen
Alexander Orme from the just Demands this
Honble Court has on him for the goods left
with him by the Dec.d Stephen Orme to be
disposed of, for that it appears to this
Replyant that the Late Worship.l Court have
frequently Demanded from the said Alexander
Orme all the money Goods, and Effects be-
longing to y.e Deceased Stephen Orme, as well

as all the Books, Papers, and Accots which
might any ways Concern his Estate, but
hitherto without any Effect, and for proof
here of this replyant begs Leave to Incert
~~these~~ three Letters wrote by the Late Worship[1]
Court to Alexander Orme on this subject
the Mayors Court having taken Charge of the
Estate, and Effects of Mr Stephen Orme
Decd sometime since wrote a Letter demanding
all the Effects that were in your hands at
the time of his Decease they were Informed
the answer you sent were Lost by the Peon
that was to ~~bring~~ bring it, which occasions our
giving you this second trouble requesting
you will give us an account of all the Eff-
ects belonging to the said Estate and to
remitt us the produce of what you have
sold by Bill of Exchange and what Goods
may remain, that may sell better at this
Place you'l Please to send them hither by
the first Conveyance Consigned to the Mayors

Court on account, and risque of the Estate of M.r Stephen Orme Dec.d; and we further request you to forward to us all Books accounts and Papers thay any ways Concern t the said Estate.

Ma Richard Higginson having wrote you a Letter of the 2.d of January Last Copy of which comes herewith, and Pattamar having Lately arriv'd from Anjengo without answer thereto, I am oblige to trouble you again on the same subject by desiring you would Comply with the Contents of that Letter for the Creditors of M.r Stephen Orme have frequently Complained to the Court of their being unreasonably keept out of their money, the Cause of which delay must entirely Lye at your ~~Dr~~ door and as it Concerns to put a stop to their Legall Demands by remitting whatever, money, Goods, or Effects you may have of the said Stephen Orme to the Court, that the produce thereof may be divided

amongst them, so you will Likewise do well
in sending all such Books, Papers, or accots
as any ways concern his Estate which to-
gether with your speedy answer to this and
what has been formerly wrote you abot
this affair may in some measure be a sort
of satisfaction to the Creditors, and in
the End safe both you, and us any further
trouble. This to Enclose Copy of my Last
bearing date August the 20th 1724 as Like-
wise triplicate of what wrote you by Mr
Richard Higginson the 2d January 1723/4 to
which I have received no answer nor to
the others formerly wrote you, and most
again trouble on the same subject by de-
siring you will send all the money, and
Effects, Books and Papers that any ways
relates to the said Estate, the Creditors
dayly making their Complaints of being
unreasonably keept out of their money, you
answer to this as well as to the other two
will in some measure putt a stop to the

does still insist that Alexander orme is
and ought to be ~~accountable~~ *accountable* to the Dec^d
Stephen Orme's Estate for the Goods left
with him to be disposed of amounting to
Rupees 5125.4.2 without these Defendants
can make it appear that the said good have
already been accounted for, which with
submission will be of greater service to
them as well as to the Creditors of Stephen
Orme than any frigned answers they can
make which this Replyant hopes is now
visible to this Honble Court since it has
been plainly proved that Alexander Orme
has altogether neglected, and evaded coming
to any account with the Dec^d Stephen Orme's
Estate this replyant does acknowledge that
there is a mistake of 200 Rupees to the
prejudice of the said Alexander Orme, and
agrees with the Defendants as to the Ballance
℔ of Rupees 4822.12.2 being due from him
to the Deceased Stephen Orme's Estate, But

this Replyant Cannot agree to the deducting of Rupees 3283 - 6 since it does not appear that Alexander Orme has ever accounted for them, neither does he know any reason why the 1482.3.8 should be struck out of of the Account, since it is Evident from the Ledger belonging to this Honble Court, that the Dividend which these Defendants say in their answer was paid to M.r Mandevill's Attorneys out of the Estate of the said Alexand.r Orme was paid out of the money then lying in the Late Worship.l the Mayors Court belonging to Alexander, and Stephen Orme of which money there has never any proportion been brought to the Creditt of Stephen Orme's Account. This Replyant beggs Leave further to observe that, that part of y.e Defendants answer whereinathey say that it is very unreasonable to Charges Alexander Orme with the Debt due from Stephen Law, and John Erasmus, is equally evasive, and untrue with the rest of their

Answer for that this Replyant in his Bill of Complaint to this Honble Court, has only represented, that there were such Debts due to Stephen Orme's Estate, and that ~~there~~ might be a probability of their having been received by Alexander Orme in which case it would be, but just, and reasonable that he should acco^t for them if he received them, and here is a fresh instance of Alexander Orme having been tardy, because he has never as yet as this replyant knows of, declared to this Honble Court wither he has received them or not This replyant comes now to that part of the Defendants answer wherein they state the Acco^t between M^r Alexander, and stephen Orme & says, that as the Arguments upon which they ground their acco^t are very imperfect uncertain, and untrue, it will Consequently follow, that their Acco^t must be so Likewise, which this Replyant proves by the first part of

their own answer wherein they say, that they do not know what, or what manner of accounts may be depending between Alexander Orme, and Stephen Orme, but thay they do believe there may Possibly be Demands from the one to the other, from whence this Replyant Conceives that the accot. as stated by them is only Imaginary and fictitious. Whereas the accot as stated in the Bill of Complaint is Genuine, and Real, as it stands in the Decd Stephen Ormes Journall Excepting in the Article of 200 Rupees with which Alexander Orme is overcharged by a Mistake so that this Replyant must now Leave it to this Honble Court to determine weither a true & Just account ought not to have the preference to an Imaginary, and fictitious one, drawn up by these Defendants according to their own Imaginations and suppositions, which this Replyant hopes will be found by this Honble Court to Carry nothing of

weight, or truth with them, This Replyant proceeds now to that part of the Defendants answer wherein they undertake to prove that Stephen Orme was not concerned in the ship Samuel, and says, that by the Dividd Paper of that ships Stock which is signed by Nathniel Elwick Late of this Place, and by the severall Owners when they receivd their Dividends /which Dividend Paper this Replyant is now ready to Lay before this Honble Court/ it does appear to him that Alexander, and Stephen Orme were Joyntly Concerned in the stock, and block of ship Samuel, and he hopes it will plainly Appear to this Honble Court after they have Examined the said Dividend Paper, wherein they may be pleased to observe that Richard Riggson in the ~~their~~ then Register of the Late Worship Court, signs the said Dividend Paper, and receives into the Cash of this Honble Court the sum of Pags. 866.7.2 and

Rupees 671.11.3 being the joynt Proportion of what became due to Alexander, and Stephen Orme on that Dividend and this Replyant apprehends the reason why the Late Worship[l] Mayors Court received this money was but in consequence of their being Administrators to the Deceased Stephen Orme, and as Alexander Orme was at that time, and now is Considerably indebted to the Dec[d] Stephen Orme's Estate this Replyant Conceives that might be the reason why they rec[d] Alexander Ormes' proportion as it was a Joint concern between him, and Stephen, that thereby the said Alexander Orme's Debt to y[e] Dec[d] Stephen Orme might be secured, and made forth coming to his Creditors, This then being the state of the Case between Alexander and Stephen Orme where upon that money was paid into the Late Worship[l] Mayors Court, who no doubt had a right to receive it as being administrators to the Dec[d] Stephen

Orme it will therefore follow that the same right is still incherent to this Honble Court for receiving the other two dividends now in the hands of these Defendants, and therefore supposing as they do for they have offered nothing to prove that Stephen Orme hath transfered his Concern in the Samuel to Alexander Orme, yet it is not nor cannot be proved that ever Alexander Orme has accounted for the Goods left with him by Stephen Orme to be disposed of, and therefore this replyant humbly hopes this Honble Court, will take Effectuall means for the securing of that Debt with which Alexander Orme is very justly Chargeable since as yet he has rendered no acco^{t} of the said Goods, nor of the other moneys which it is probable he may have rec.^{d} and further this replyant says that he hopes this Honble Court as administrators to Stephen Orme and Injustice to his severall

Creditors who have already been Large
sufferers will before they admitt of the
transferr of y.e Samuel Stock to Alexander
Orme as mentioned by these Defendants .
order the same to be strictly Examined
into in order to which this replyant humbly
Conceives, that the said Alexandr Orme
Ought to be obliged to produce to this
Honble Court a state of his Acct with the
Decd Stephen Orme upon Oath, Because this
replyant apprehends it has already been
made fully appear to this Honble Court how
unjustly the said Alexander Orme has
dealt by the said Stephen Orme, and this
Honble Court in not rendering an Acct.
of the Goods left with him to be disposed
of, from whence this Honble Court may
Learn, how much Credittmay be given to
any of the said Alexander Orme's accounts,
and these Defendants do allow in their

answer that they Cannot rely, on their memories for the truth of w^{t} they now urge, this replyant thinks that this part of their answer is of a piece with the rest, and only artfull, and evasive since they do by their answer Acknowledge that Mess^{rs} Ormes not having left any particular account of their proportions of the ships stock, M^{r} Elwick made the Dividend, and Carried thier Proportions thereof to their Joynt acco^{t} Leaving the two Cousins to acco^{t} with one another for their Shares and all the out sett of the Samuel to Bengall concerned them agreable to their Contract the same sum, or thereabo^{ts} in the same manner by the name of Alexander, and Stephen Orme, and consequently made the divid^{ds} in the same manner. From all which it is allowed that Alexander and Stephen were Joyntly Concerned in the said ship in Case M^{r} Elwick had their orders for doing so which

this replyant much doubts, and therefore

Prays this Honble Court, that the ~~Court~~

Contract mentioned by these Defend^ts may be

produced as well as Mess^rs Ormes orders

for concerning them in the Samuel at her out

sett to Bengall, for if this replyant re-

~~REXES~~ member right he believes there was

a protest made by one of the Ormes abo^t

this affair, which he prays may be strictly

Examined into, This replyant further

says that without scraps of Paper, and an

old rough acco.^t Currant neither Closed nor

signed by Stephen Orme Can be Called books

it does not appear that Alexander Orme

had the whole Concern in the Lucitania,

and that though the produce of the Concern

in the Lucitania might be put into the

stock of y.^e Samuel it does not from thence

arise that y.^e whole belonging to Alexand^r

Orme, or that the said Dividend ought to

have been wholly Carry'd to his Creditt

for that the said Alexander Orme has never as yet given any satisfactory acco^{t} to this Honble Court Concerning this affair wth whom this replyant thinks he cannot only acco^{t}., as being the administrators to Stephen Orme Dec^{d}., and doubts not but that this Honble Court will oblige him to do y^{e} same upon Oath, as also to Campell these Defendants to pay in y^{e} two Dividends into the Cash of this Honble Court in y^{e} same manner y^{e} first was p^{d} for their having detain'd y^{e} same in their hands from this Honble Court is as this Replyant believes y^{e} occasion of their being summoned at y^{e} Instance of the s^{d} Stephen Ormes administrators and not of this replyant who in his Bill of Complaint only represent'd to this Honble Court the case as it stood between them and Stephen Orme's Creditors, whom this replyant Conceives are no ways Concern'd in y^{e} Article of Expence, or Charges in this

suite, and this replyant says y^{t} all, and singullar y^{e} matter, and things in the replyants said Bill Contain'd are true as y^{e} same are there in alledged excepting in y^{e} article of 200 Rup^{s} with W^{m} Alexander Orme is Charg'd by a mistake, and that y^{e} answer to y^{e} said Defendants to the said Bill is very untrue imperfecfect &c^{a} to be reply'd unto.

An order of Court made the 3^{d} of March 1726; Read for the Attorneys of Nathaniel Elwick Esq^{r} to pay the Ballance of Alexander, and Stephen Orme's Acco^{t} into Court, and that the Court do Indemnifie them an acco^{t} of their paying the same.

Ordered that the Register do write to Stephen Law Concerning 4 Chests of Ophium Left in his hands by Stephen Orme.

Agreed that the Dividends belonging to

Alexander, and Stephen Orme, now in M.r
Torriano hands do still remain there,
till we have advices from M.r Alexander
Orme.

APPEALED TO THE GOVERNOUR & COUNCIL

Vera Copia

JOHN STRATTON

Reg.r