

28-12-1773

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Series
IX

(Mayor's Court records)
(Letters received)
(Vol No 15)

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Rack No.

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15

General No.

Letters Received

1774

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To Mr James Taylor
Registrar of the Honble the Mayor's Court
Sir

I am Ordered by the Honble the Court of Appeals
to acquaint you that Shrik Dauralge did yesterday lodge an Appeal
in the said Court from a Decree of the Honble the Mayor's Court dated
the 16th day of this Instant in a Cause wherein Seagapah Chitty by his
Attorney Serjeant Aweat Complainant and Shrik Dauralge Defendant
whereby you will please to signify to the Honble the Mayor's Court that
they may give Orders for laying before the Honble the Court appeals the
several Papers exhibited in the said Cause.

Fort St George
28th December 1773.

I am Sir
Your Obedt. Humble Servant,
Chas Oakley Clerk of Appeal

To the Honble the Mayor's Court
at Madraspatnam
Gentlemen.

I am Directed by the President and Council
to acquaint you that they have chosen Mr Andrew Majendicks
to an Alderman of the Mayor's Court to fill the Vacancy occasioned
by the Resignation of Mr John Holland.

Fort St George
28th March 1774.

I am
Gentlemen

Your most Obedient
Humble Servant,
Chas Oakley

To M^r James Taylor
Register of the Honble the Mayor's Court

Sir

I return You the several Papers received from You
in the Causes of,

Mina Chetty V^{rs} J. J. Harte
Annam Addapah V^{rs} M. J. Harte
Gaspah Chetty V^{rs} J. J. Harte
Paul Benfield V^{rs} Cottah & Parnain Chetty
Sheik Davaljee V^{rs} J. J. Harte

Dooney Cooley V^{rs} J. J. Harte together with the

Decrees of the Honble the Court of Appeals in the said Causes.

Fort St. George

23rd April 1774

I am

Sir

Your most Obedient

Humble Servant

Chas. Oakley

To the Honble the Mayor's Court
at Madraspatnam

Gentlemen

Paul Benfield of Fort St. George Merchant
having duly filed an Appeal from a Decree of the Honble the Mayor's
Court Dated 3rd day of August 1773 in a Cause wherein M^r Honale
Soverin at present of Madras Merchant Administrator to the Estate
and Effects of Cottah & Parnain Chetty late of Madraspatnam Merchant
Deceased Complainant and the said Paul Benfield Defendant, the
said Appeal came on to be heard the 20th Day of April 1774 last
when the Honble Court of Appeals were pleased to affirm the
Decree of the Honble the Mayor's Court, and also to Decree that the
said Appellant should pay the Additional Costs of this Court,

Forman

From both which Decrees the said Paul Benfield did on this Day lodge an
Appeal to the Kings most excellent Majesty in Council

Fort St. George

3rd May 1774

I am Gentlemen

Your most Obedient Servant

Chas. Oakley

To M^r James Taylor

Reg^r of the Honble the Mayor's Court,

Sir

I am Ordered by the Honble Court of Appeals to
acquaint You that Phillip Pittman Captain of Engineers in the Service
of the Honble United Company of Merchants of England Trading to
the East Indies did Yesterday lodge an Appeal in the said Court from a
Decree of the Honble the Mayor's Court held on Tuesday the 26th
Day of April last past in a Cause wherein Phillip Pittman Complainant
and P^rocaim Buchanan Surgeon of the East India man Defendant
which you will please to signify to the Honble the Mayor's Court that
they may give Orders for laying before the Honble the Court of Appeals
the several Papers Exhibited in this said Cause.

Fort St. George
2nd May 1774

I am Sir

Your most Obedient Servant

Chas. Oakley

To M^r James Taylor

Register of the Honble the Mayor's Court

Sir

I am Ordered by the Honble the Court of Appeals to
acquaint You that Casava Rajah did Yesterday lodge an Appeal in the
said Court from an Extract of the Minutes of Council Honble the Mayor's Court
held on Tuesday the 7th Instant in a Cause wherein Rangel Cottah
Bysopah Chetty by his attorney David Haleburton Complainant
and Casava Rajah Defendant which you will please to signify to the
Honble the Mayor's Court that they may give Orders for laying before
the Honble the Court of Appeals the several Papers mentioned in
the

The said Minute
Fort St. George
11th June 1774

I am Sir

Your most Obedient Humble Servant
Chas^r Oakley
Clerk of the Court

To M^r James Taylor
Reg^r of the Hon^{ble} the Mayor's Court
Sir

I am Ordered by the Hon^{ble} Court of Appeals to
acquaint you that Cashwah Rajah did Yesterday lodge an appeal
in the said Court from an Extract from the Minutes of a Court Held
on Tuesday the 11th Instant in a Cause wherein Saugol Cottah Rajah
son of Chetty by his Attorney David Haliburton Complainant
and Cashwah Rajah Defendant which you will please to signify
to the Hon^{ble} the Mayor's Court that they may give Orders for laying
before the Hon^{ble} the Court of Appeals the Several Papers Exhibited
in the said Cause.

Fort St. George
21st June 1774

I am Sir

Your most Obedient
Humble Servant
Chas^r Oakley
Clerk

To M^r James Taylor
Register of the Hon^{ble} the Mayor's Court
Sir

I am Directed by the Hon^{ble} the Court of Appeals
to send you an Extract from their Minutes of the 6th Instant,
and to desire you will lay the same before the Hon^{ble} the Mayor's
Court

Fort St. George
5th July 1774

I am

Sir

Your most Obedient Humble Servant
Chas^r Oakley
Clerk

Extract

Extract from the Minutes of a Court of Appeals
Held the 5th July Anno Domini 1774

Read a Letter from the Register of the Mayor's
Court accompanied by two Extracts from the Minutes of the said Court
Dated the 24th Ultimo, which being taken into Consideration, this Court
is of Opinion that the Papers applied for by their Clerk, and upon which
Judgment has passed being the Original Bill of Complaint, the Demurrer
Finder, and Amended Bill of Complaint, ought to be laid before them
that they may be enabled to decide upon the two appeals which have been
filed from the interlocutory Orders of the Mayor's Court of the 7th and 11th
Ultimo. If any Doubts arise with the Mayor's Court in respect to the
Propriety of such appeals, this Court is of Opinion that the Charter is
sufficiently explicit to remove them, as it expressly declares that the Court
of Appeals is constituted in the intention that any Party aggrieved by
any Judgment, Sentence or Decree of the Mayor's Court, may find Redress
in the Court of Appeals, and a Letter also from the Court of Directors dated
the 9th March 1763 Extract of which is now in the Mayor's Court, clearly
points out the Right of Appeal from interlocutory Orders. The Opinion
of the Mayor's Court that the Papers ought not to be sent, because they are
superseded by an Amended Bill of Complaint, is in the Judgment of this
Court not well founded. The Quashing of any Papers produced in a Cause in
the Mayor's Court is a Judgment of that Court, but it seems not that such
Judgment can be Definitive, for if it were, the intention of establishing
a Court of Appeals must be totally frustrated, as it would be impossible
for such Court to redress the Wrong which a Party may suffer by the
Quashing of a Paper or Evidence in the Mayor's Court if such Paper
or Evidence be not Submitted to their Judgment. Ordered that a Copy
of this Minute be transmitted to the Mayor's Court to the end that they
may cause the said Papers being the Original Bill of Complaint the
Demurrer Finder and Amended Bill of Complaint to be sent up
to this Court.

Minute Extract
Chas^r Oakley
Clerk of the Court

To Mr James Taylor
Register of the Honble the Mayor's Court

Sir

I return you the several Papers received from the
the Causes of

Philip Pittman vrs Picaire Buchanan
Casava Rajah vrs Wangel Cottah Rajasapah
Chetty.

with the Decrees of the Honble the Court of Appeals in the said Causes.

Fort St George

2nd November 77th.

I am

Sir

Your most Obedient Humble Servant

Chas Oakley

Clerk of App^{ls}

To the Honble the Mayor's Court

at Madraspatnam

Gentlemen

Casava Rajah having duly filed an Appeal
from an Extract from the Minutes of the Honorable the Mayor's Court
dated 11th June 77th in a Cause wherein Wangel Cottah Rajasapah Chetty
by his Attorney David Haliburton at present of Fort St George a Merchant
Complainant and the said Casava Rajah Defendant the said Appeal came
on to be heard 2nd November 77th last when the Honble Court of Appeals
were pleased to reverse and set aside the Order of the
Honorable the Mayor's Court contained in the said Minutes also
to Decree that the said Respondent should pay all the Costs in both
Courts from both which Decrees the said Wangel Cottah Rajasapah
Chetty by his Attorney David Haliburton did on the 15th November
lodge an Appeal to the Kings Most Excellent Majesty in Council.

Fort St George

6th December 77th

I am

Gentlemen

Your most Obedient Humble Servant

Chas Oakley

Clerk

To the Honble the Mayor's Court

at Madraspatnam

Gentlemen

Casava Rajah having duly filed an Appeal
from an Extract from the Minutes of the Honble the Mayor's Court
dated 1st June 77th in a Cause wherein Wangel Cottah Rajasapah Chetty
by his Attorney David Haliburton at present of Fort St George a Merchant
Complainant and the said Casava Rajah Defendant the said Appeal came
on to be heard 2nd November 77th last when the Honble Court of Appeals
were pleased to reverse and set aside the Order contained in the Minutes of
the Honble the Mayor's Court also to Decree that the said Respondent
should pay all Costs in both Courts from both which Decrees the said
Wangel Cottah Rajasapah Chetty by his Attorney David Haliburton
did on the 15th November lodge an Appeal to the Kings most Excellent
Majesty in Council.

Fort St George

6th December 77th

I am

Gentlemen

Your most Obedient Humble Servant

Chas Oakley

Clerk

To the Honble the Mayor's Court

at Madraspatnam

Gentlemen

I am directed by the President and Council to inform
you that they have chosen Mr James Hedges (who with Mr Andrew
Majorie was this Day presented to them agreeable to the Charter) to be
Mayor of Madraspatnam for the ensuing Year
and that the President in his Absence the two Senior of the Council
Resident at this Settlement will be ready on the 20th Instant at 10
o'clock in the forenoon to administer the Oath prescribed by the
Charter

Charter to the Mayor &c.

I have likewise their Directions to Acquaint You that
they have elected Mr Charles Mordaunt of Fort St George
Merchant to be Sheriff of Madraspatnam and the Districts
thereof for the Year ensuing.

Fort St George

I am

6th December 1774

Gentlemen.

Your most Obedient
Humble Servant
Chas Oakley