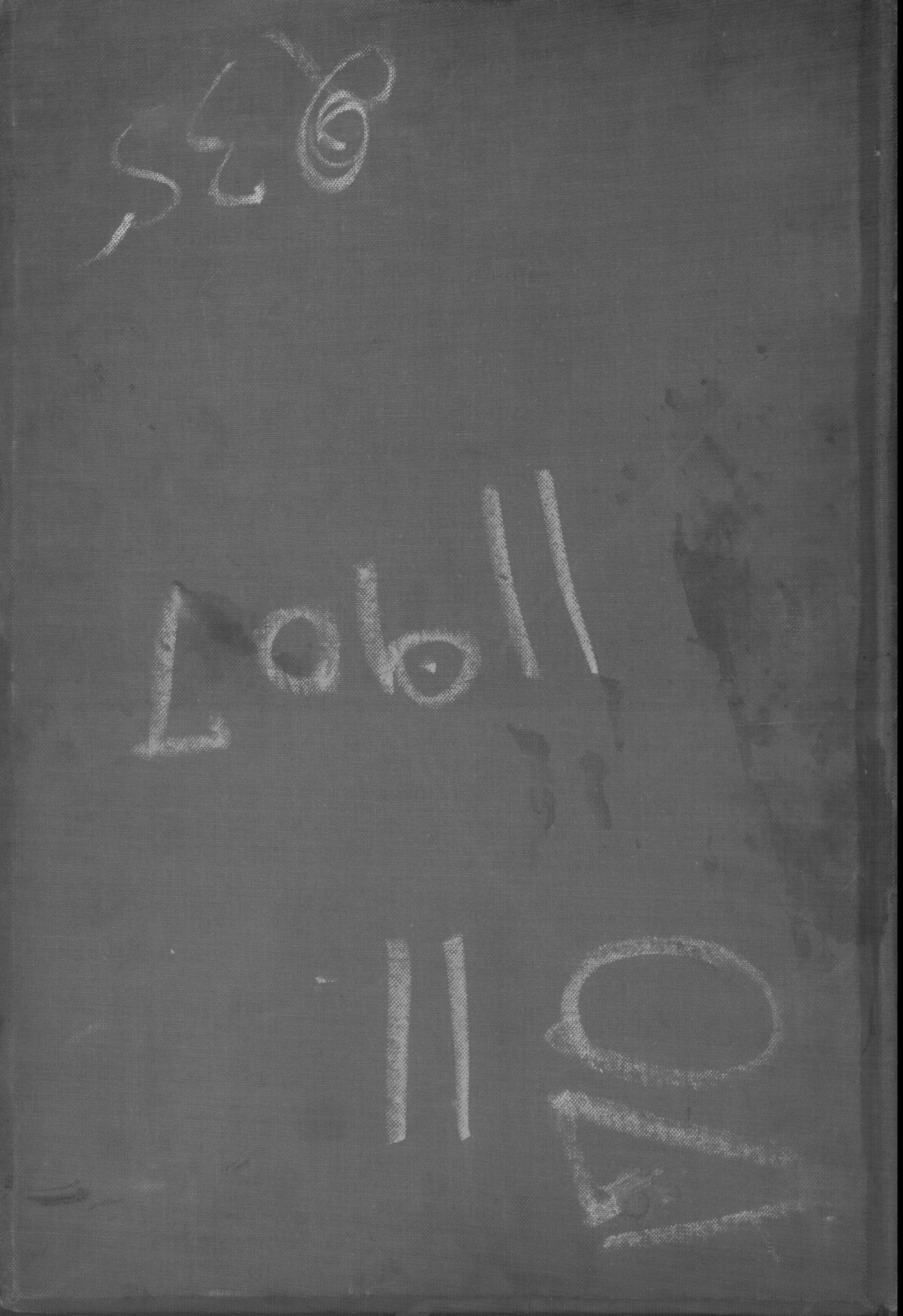


Andrew Peter
Vers.
Tesaporonaiul Chattee.

Day is given the Defendant till the 15th Instant to answer the Complainants Bill.

Robert Cummings
Vers.
Veneaty Theknah.

Further Day is given the Parties till the 27th Instant to Examine Witnesses.

Simon Da Fonseca
Vers.
Ragnah.

Mr. John Palmer, Attorney for the Complainant, prays that a Warrant of Execution may issue against the Defendants Effects, he not having satisfied the Decree of this Court passed the 29th November last.

The Complainant appears & acquaints the Court that he had demanded satisfaction of the said Decree but without effect.

Ordered that a Warrant of Execution do issue against the Defendants Effects returnable in one Month.

Baal Gnuah
Vers.
David Cann.

Mr. John Shannah Stone Attorney for the Defendant, says unto the Court that no Evidence have been had on the [illegible] last, when Publication [illegible] nothing having been [illegible] by the Attorney for the Complainant to [illegible] he therefore prays the Court that this Cause may be set down [illegible] Instant, & that in default of the Complainant proceeding on that day the Bill may stand dismissed with costs.

Ordered accordingly.

Richard Starke
Vers.
Sevenah Chittee.

Warrant of Execution issued against the Defendants Effects returned. Indorsed that the sum of Pags 47. 4. 2d had been levied.

The Court take notice that the said Warrant is returned by the late Sheriff George Stratton Esqr and endorsed by the present Sheriff Edward Edwards Esqr. who being in Court is asked the reason thereof.

Ho.

Mr Alderman Brooke acquaints the Court that he is Ordered by the President & Council to proceed to Pulicat about some Business of the Company, from whence he imagines he shall not return for some time.

The Mayor acquaints the Court that the Examiner had applied to him for leave to go to the Mount for a short time for the recovery of his Health, but had promised to be always ready to return to his Office immediately on notice given. Whereupon the Mayor had granted the Examiner leave of Absence.

The Court taking notice that the Book of Instructions at present made use of is much decayed, the Registar is directed to Inquire at what rate any Person writing a clear & distinct hand will undertake to copy the same, & the Registar is to the Business of the Court as the Kings Ordinary for granting Rehab. of Wills & Letters of Administration &c. together with the Standing Orders & Rules of Practice, and make his Report to this Court at their next Sitting.

Bill of Hebriano De Mayde, with an Obligation & an Account Current annext, read & filed, Attachd to be Summoned.

Bill of Charles De Mayde, with an Assignment annext, read and filed, Attachd to be Summoned.

Bill of John Davidson, with an Account Current annext, read and filed, Rob Lang to be Summoned.

Ordered That a full Court be Summoned to meet on Friday the 15th Instant, to take into Consideration the Proposal made by the Sheriff the last Court Day in regard his appointing Mr John Hanmer, one of the Attorneys of this Court, to the Office of Deputy Sheriff for the ensuing year.

Adjourned till Friday the 15th Inst.

Richard Harris,
Ver.
Servanah Chillee

Summons issued against the late Sheriff, George Stratton Esquire, returnd served.
He appears & being asked his reasons for having delivered over the Warrant of Execution issued against the Defendants Effects to Edward Edwards Esquire the present Sheriff, altho the same was Executed by him the said George Stratton, as also why he made over such Writs as remained unexecuted to the new Sheriff by Letter only & not by Indenture & Schedule, conformable to the Standing Order to that purpose.
He acquaints the Court that notwithstanding the said Warrant of Execution was Executed by him, yet the time limitted for the return thereof was not Elapsed and with regard to his not delivering over such Writs as remained unexecuted by Indenture & Schedule, He represents to the Court that he mistook the meaning of the Standing Order made for that purpose, & was led into such mistake by having received Several Writs from his Predecessor Edward Russell Esq. made over to him by Letter, & not by Indenture & Schedule —
The Court are of opinion that the Error committed by the said George Stratton appears to have happend thro mistake, & not design, but nevertheless do observe to him, that had he paid a due attention to the Standing Order relating to the above Particulars, the Mistake he has committed might have been prevented, since the meaning thereof is very plain & explicit; and he is now Ordered to deliver over all Writs, which remain unReturn at the Expiration of his Office unexecuted to Edward Edwards Esqr. his Successor, by Indenture & Schedule agreeable to the Standing Order for that purpose.
And it is Agreed that the Warrant of Execution which was issued against the Effects of the Defendant, be now received from the said George Stratton Esquire the late Sheriff

Master Reeve,
Lord
Ariat Fouace,
Et e contra,

Mr. John Palmer, Attorney for the Defendant, acquaints the Court that the time limitted for the Referees appointed by this Court to Examine & Inspect into the Accounts in dispute between the Parties in this Suit, & to deliver in their Report, Expires this day, and therefore prays that they may be called upon to deliver in their said Report —

Ordered

that the Court do require his attendance immediately —
The Serjeant being returned, acquaints the Court that the said John De Freez was gone to his own House on the Black Town —
Ordered that the said John De Freez the Portuguese Interpreter be summoned to appear before this Court on the 17th Instant —

Adjourned till the 17th Instant —

At a Court held at the Town Hall on Tuesday the 17th Day of January, Anno Domini 1758 —

Present

Samuel Ardley Esquire Mayor, George Mackay, Edward Burman, John Davidson and Charles Turner, Aldermen ——

Mayor Petrus,
Vast
Avial Forozi,
Ct & Contra,

Summons issued against the Referees appointed by this Court for Examining & Inspecting into the Accounts in dispute between the Parties in this Cause returned served.

They did not appear

To be summoned again —

Summons issued against John De Freez, the Portuguese Interpreter of this Court returned served

He appears, and is asked his reasons for not having given due attendance on the Court for some time past, & particularly the last Court day, when, at his sent for, and found at the House of Mr Henry Vansittart, instead of coming to the Court, to plead his Excuse, he desired that his attendance might be dispensed with, on account of an Indisposition, which it seems was attended, as to prevent his following his Business elsewhere.

He acquaints the Court that he was really much out of order, when the Court Serjeant came to call him, Viz on that account just then going to his own House and therefore

Andrews Robt.
Vers.
Vanapeenmaul Chittee,
Further days are given the Defendant till the 4th. Instant to answer the Complainants Bill,
Robert Cummings
Vers.
Poncaty Mutmah,
Further days are given the Pantee till the 24th. Instant to summon Witnesses—
Samuel Frontback,
Vers.
Pormaul Mondelaire,
& Contra
Mr. John Palmer, Attorney for the Complainant suggests to the Court, that he has committed an Error in the Bill of Complaint, by having made use of the Word Thereof instead of Credited, which has caused the Mistake to be carried on in his Replication, and therefore prays Leave to amend his Bill & Replication in those particulars.
In consequence of which, Mr. John Maxwell Stone, Attorney for the Defendant prays Leave to amend his Answer, with regard to the defence he has been Advised to, by the Error committed in the Bill of Complaint
Granted accordingly, the Attorney for the Complainant paying the costs of such Amendments.
Amended Bill, with an Account Current annext read,
Amended Answer, with an Account Current annext read,
Amended Replication read,
Rejoinder read,
Cross Bill read,
Cross Answer read,
Cross Replication read,
Cross Rejoinder read,
Interrogatories on the part of the Original Complainant read,
One Deposition taken thereunto read,
Two Exhibits on the part of the Original Complainant read,
Mr. John Maxwell Stone, Attorney for the Original Defendant represents to the Court that the Translate of an Agreement Entered into by the Original Complainant & Pantee Thepein, the Woman Turner, relating to the Account in dispute, wherein the Original Defendant is not even mentioned, was produced as an Exhibit in a former suit Depending in this Court, wherein the Parties in this Suit were Complainant & Defendant, He therefore prays

for what money Sylvanus Bleecker should receive on selling any of the Negroes entrusted to his disposal, than for the payment of his the said Sylvanus Bleecker's share of the said Wreck. This Court doth therefore think fit to order & decree, and doth accordingly order & decree that the Bill brought by the Original Complainant shall stand dismissed with costs. And it appearing to this Court that the said Brought by the Brief Complainant is altogether Litigious, since the demand he makes on the Brief Defendant has been already denied by this Board, in favour of the Brief Defendant, Which Decree is since confirmed by the Board of Appeals. This Court doth therefore think fit to Order and decree, & doth accordingly order & decree that the Bill brought by the Brief Complainant shall stand dismissed, & that he be taxed Costs for such his Litigiousness ——

Rogus Validus Catchick
Vers.
Tyanaeguin Mordelaise,

Ordered that this Cause be heard the 24th. Instant

Bill of Thaddeus Aga Berry read and filed,
John Welsh, & Henry Vanbibber to be Summoned

Adjourned till the 24th. Instant

At a Court held at the Town Hall on Tuesday

the 24th. day of January. Anno Domini 1758.

Present
Samuel Ashley Esquire Mayor, James Alexander, Edward Burman and Charles Turner, Aldermen

A Letter from the Secretary of the President & Council, by their order read, acquainting the Board that they had Elected Mr. Hugh Norris of Ind. Gorge Merchant, to be an Alderman & Judge of this Court in the place & stead of Mr. John Smith, whose Seat became vacant by resignation.

Ord. the usual notice be sent to the said Mr. Hugh Norris, informing him of his being appointed an Alderman and Judge of this Court.

Plaint

may be superseded, before the Demurrer is argued, be defer'd till the next Court day, as also whether the said Demurrer shall be received —

Marian Petrie,
Pet.
Aviat Fowze,
Et Contra,

Summons issued against the Referees appointed to Inspect & Examine into the accounts in dispute between the Parties in this Cause returned & read.

Pogue Gotchick & Jacob Jacob, the two Referees on the part of the Complainant and Mercartum Morgan, one of the Referees on the part of the Defendant appear'd & acquaint the Court that Petrus Jacob, the other Referee on the part of the Defendant is so much indisposed, that he cannot attend the Court this day

The three Referees present, being ask'd their reasons for not delivering in their Report, the 15th Instant

They acquaint the Court, that Mr. John Palmer, the Attorney who made the motion on the 15th Instant, was mistaken in regard to the time limited, as the same did not Expire 'till the 15th Instant

Reference being thereupon had to the Minute Book, it appears to be, as set forth by the Referees, & that the said Attorney was guilty of an Error.

The Referees were then asked, why they did not appear on the 15th Instant & deliver in their Report, as they were summoned so to do.

They represent to the Court that they could not deliver in the Report on the 15th Instant, as one of the Referees had not signd the same, being then greatly Indisposed, and further that it was their Christmas Day a very strict Festival among them, and that they were by the custom of their said Relign to attend at Church, but that they had desired their Attorney Mr. John Palmer, to Shew their Excuse to the Court

Which Excuse appearing to the Court, the Court admit thereof.

The Referees then delivered in their Report in the Armenian Language, together with a Translate thereof

Which is read — After which the following oath was Administered to them Viz.

"You Swear that you have inspected into & examined the accounts in dispute between the Parties in this Cause & that your Report now delivered into Court, contains a true & "just Statement thereof, to the best of your skill, & knowledge So help you God

[illegible]

of Complaint
Charles D'Alayde,
Vers.
Mottah,
Day is given the Defendant till the 5th. Instant to answer the complainants Bill.
Salomon Franco,
Vers.
Joshum Joze de Mello
Further day is given the Defendant till the 5th. Instant to answer the complainants Bill.
Samuel De Castro
Vers.
Isabella Contesse, Widow & Executrix of Francisco Contesse Deceased
Publication is past in this Cause
Francis D'Assumption, by his Attorney Manuel de Nugem Maria,
Vers.
Isabella Contesse Widow Executrix of Francisco Contesse Deceased
Publication is past in this Cause.
John Davidson, Administrator to the Goods Chattels & Credits of John Heath deceased
Vers.
Rose Lang,
Day is given the Defendant till the 5th. Instant to answer the Complainants Bill.
Nos. John Walsh & Henry Vansittart
Vers.
Noor Mahomed Baaby,
Mr. Archdale Palmer, Attorney for the complainants prays that a Warrant of
Execution may issue against the Effects of the Defendant, he not having satisfied
the Decree of this Court passed the 13th. Ultimo, the required so to do.
Granted, returnable in one month.—
No2 John Walsh & Henry Vansittart
Vers.
Noor Mahomed Baaby
Mr. Archdale Palmer, Attorney for the Complainants prays that a Warrant of
Execution may issue against the Effects of the Defendant, he not having Satisfied
the decree of this Court passed the 13th. Ultimo, the required so to do
Granted, returnable in one month—
Bill of Conveyance Entered read and filed
George Stratton Esquire, the late Sheriff to be Summoned

At a Court held at the Town Hall on Friday the 27th day of January, Anno Domini 1758.

Present

Samuel Ardley Esquire Mayor, Andrew Ross, Edward Bauman and Charles Turner Aldermen

The Register acquainds the Court, that he has received from the President & Council the sum of four hundred Pagodas, for which he drew upon them agreeable to an Order of the Corporation of this Instant, and desires the directions of the Court towards applying the same in discharge of the several accounts mentioned on the Minutes of that day, as some of them relate to the Court, as well as to the Corporation.

Ordered that the Bills of Mr. John Smith amounting to Pags. 6. for a Seal & Table, the Registers Bill for oil, amounting to Pags. 20. 28. and the Ballance due to him, from the Court Cash of Pags. 19. 22. 60. be paid out of the Pags. 400 above mentioned, as likewise the charges of fitting up the Mayors Pallanheen &c. since there remains no surplus out of the last Years monthly draughts of Seventy Pagodas for that purpose — But the discharging the sums of Pags. 58. 22. 60. the amount of Mr. John Smiths late Clerk of the Markets Bills, and of Pags. 19. 22. 60. the Master Bricklayers account, & likewise the sum of Pags. 46. 29. 13. the Carpenters not to be left to the Corporation to determine; the Court nevertheless take notice that the Bills of Christopher Machlin & John Lane the Bricklayer & Carpenter are for the Repairs of the Town Hall, & therefore consider whether the same ought not to be rather discharged out of the Corporation Cash, than out of the money advanced by the President & Council since the Court have both by their Address to the Court of Directors, by way of General Letter to the President & Council, dated the 6th June last, & by a Minute of Court the 6th day of August following expressed an intention that the rent of the two large Godowns under the Court House at Town Hall, should be assigned to keeping in repair the said Court House, so that the Company should not be at any charge or account thereof, & all the such design is only intimated, and might be construed as intended to be executed after the House was once put into proper repair, when the rent of the Godowns would perhaps be sufficient to keep it in repair, to do which as large a House as ever is required Yearly sum, as the remainder of those rents received to the 25th of last month is not sufficient to discharge the Bills for Work already done, Yet as the Town Hall has been solely purchased by the Corporation, which has Stock sufficient in hand to defray

Expen-

Thaddeus Aga Perry
Vst.
Ravvor Virago Chittee

A Minute made in this Cause the last Court day read, wherein it was Agreed to defer the consideration, whether or not the Demurrer offered by the Defendants Attorney should be received and in case the said Demurrer should be admitted whether or not the Defendant should be obliged to give special Bail before the Demurrer was argued.

The Court taking the same into their consideration do agree that the Demurrer shall be received, Provided Mootal Chittee, the Defendants Agent for the management of his Affairs at this Place, who is now in Court, will make oath,

"That he the said Mootal Chittee has resided in Madras for the last twelve months and that the Defendant Ravvor Virago Chittee, hath not been within the Jurisdiction of this Court, to his the said Mootal Chittees knowledge, since "the 12th of July last, the day the Bill of Complaint was filed against him."

The said Mootal Chittee having taken the above prescribed oath Agreed that the Demurrer be received, and filed.

Mr Strahan Attorney for the Complainant acquaints the Court that he finds upon examination, that the Warrant of Separation issued against the Defendants Effects was on the 5th day from returned by the Sheriff endorsed, that the Effects which the Complainant had desired to be separated, were already seized by him the Sheriff by virtue of a Warrant of Execution which issued at the suit of David Lopez Fernandez & Samuel De Castro & therefore prays that the Defendant may be obliged to give special Bail.

Mr Sheldon Palmer Attorney for the Defendant, prays that the Defendant may be admitted to special Bail, till the Demurrer is argued.

The Court taking the Prayers of the said Attorneys into consideration & finding that the Effects which the Complainant would have Sequestrated are already in the possession of the Sheriff by virtue of a Warrant of Execution which issued against the Effects of Ravvor Virago Chittee alias Ramen Calla Pulna, due to the present Defendant at the suit of David Lopez Fernandez, Samuel De Castro & that the sale of the Effects & return of the said Warrant were ordered to be suspended till this Court should give further orders therein, the property of those Effects being contested by John Woods & Henry Vansittart of this Place Merchants & relating to which, there is an Writ now

to try

Bill of Moodu Ramah Singa Chittee read & filed

Vincent Quintin De La Mottrie Attorney for Francisco Carvalho to be summoned

Pogoo Valida Catchick

Vers.

Tyanaiquim Mordelaire

Defd hearing this Cause till the 31st. Instant

Adjourned till Tuesday the 31st Instant

At a Court held at the Town Hall on Tuesday the 31st. day of January Anno Domini 1758

Present

Samuel Ardley Esquire Mayor, George Mackay, Edward Burman and John Davidson Aldermen

Comrapah Chettee

Cons.

George Stratton

Summons returnd servd.

The Defendant appears by his Attorney John Palmer

Moodu Ramah Singa Chettee

Cons.

Vincent Quintin De La Mottrie Attorney for Francisco Carvalho

Summons returnd servd.

The defendant appears by his Attorney Archdale Palmer

Mr. Archdale Palmer Attorney for the defendant acquaints the Court that the Summons did not serve against his Client till Friday last & was not servd on him till Yesterday, and therefore prays that he may not be excluded the benefit of demurring, in case his Client shall conceive it necessary, for altho the Rule of Practice made by this Court regarding Pleas & Demurrers doth direct, that no Demurrer shall be receivd, unless put in on the day appointd for the appearance of the defendant, it is nevertheless provided, to be in case that the Summons shall be servd on the Defendant four days before the time limitted for his appearance

&c.

Pundanulla Chuddeapah
Vers
Edward Freeman
Day is given the Complainant till the 1st February next to reply
Mr Abbeman Berman returns to his Writ
Solomon Franco
Vers
Joshim Soze de Mello
Answer read & filed
Thaddeus Aga Perry
Vers
John Walsh & Henry VanSittart
Day is given the Defendant till the 1st February next to answer the Complainants Bill
Charles De Mayde
Vers
Mottah
Further day is given the defendant till the 1st February next to answer the Complainants Bill
Father Carapet
Vers
Aviral Soeze & Gregorio Miguel Executors to the last Will & Testament of Miguel Gregorio
Days is given the Parties till the 8th February next to examine Witnesses
Simea dos Fonseca
Vers
Razpah
Petition of Venkaty Narrain read & filed Praying for the reasons therein set forth to have a House at St Thome restored to them which was sold as belonging to the defendant Rayput by virtue of a Warrant of Execution which issued out of this Court
Ordered that a Copy of the above Petition be sent to the Plaintiffs Executors that he may answer the same or do whatever thereon as he shall think necessary, & likewise Ordered that the Sheriff be directed to postpone the sale of the Premises till the further order of this Court
Mr John Palmer Attorney for the Complainant prays that the return of the Warrant of Execution may be prolonged
Ordered that the return of the said Warrant of Execution be postponed till the further order of this Court
Pegue Vallido Castelick
Vers
Ignacium Pendelaire
Dismissed hearing this Cause till the 1st February next
Adjourned till the 1st February

may have an opportunity of consulting their Client
Whitehorne
Thaddeus Aga Conny
Vers
Ramoo Nivage Chitlee
Day is given the Complainant till the 15th Instant to make a Tender
Comonapah Chitlee
Vers
George Stratton
Day is given the Defendant till the 15th Instant to answer the Complainants Bill
Charles D'Altayde
Vers
Mottah
Further day is given the defendant till the 15th Instant to answer the Complainants Bill, in
default of which Judgment will be given for the Complainant
Solomon Franco
Vers
Joachim Joze de Mello
Day is given the Complainant till the 15th Instant to reply
Robert Cummings
Vers
Vencaty Kistnah
A Note from the Examiner to the Register read accompanying the depositions in this Cause
Mr John Palmer Attorney for the Defendant delivers in one Exhibit in this Cause
Publication past
Victoriano D'Altayde
Vers
Avenegedala Sawanayde
Mr John Palmer Attorney for the Complainant acquaints the Court that the Warrant of
Arrest issued against the Defendant is not returned into Court by the Sheriff, tho the same is
returnable this day, & prays that the Sheriff may be called upon for the return of the said
Warrant
Ordered that the Sheriff be summoned to appear before this Court on the 15th Instant, to shew
cause why he did not return the said Warrant of Arrest, agreeable to the time limited
from & for which the Sheriff attended in Court & being called upon to answer for not
returning the said Warrant of Arrest, he acquaints the Court, that as he proposed to
attend

Chinnawondundy, This Court doth therefore think fit to order & decree, and doth accordingly order and decree, that the Complainants Bill shall stand dismissed, & that each Party do pay his own costs of suit since the Depositions of Mungawaud Tora Pomaul, & Thitma pillah two Witnesses produced on the part of the Complainant, shew that they having been sent to the defendant to demand the amount of the Obligations now sued for, the defendant endeavoured to prevail them for payment to Poreauwundy the lawfull Heir of Chinnawondundy deceased, and ably promised to discharge what might appear to be due upon stating Accounts between the Estates of Chinnawondundy Deceased & Mutathachapah Chitty by whom the Obligations were transfered to the Complainant & thereby might at first have led the Complainant to imagine that the defendant was himself the lawfull Heir of Chinnawondundy Deceased.

Pegues Cockerick, Attorney for Johannes Gaspar.

Versus

Joannes Nagar.

Ordered that this Cause be heard the 14th. Instant.

Sriial Touze

Versus

Joannes Nagar.

Ordered that this Cause be heard the 14th. Instant.

The Register acquaints the Court that the Oil supplied by him for lighting the Lamps of the Court House since the 1st. Inst. — to which time he was paid for what he had expended on the same account amounts to Rds. 7. 2. 6.

Which is ordered to be paid him out of the Courts monthly draught, & charged in the Cash Account — And it is Agreed that in future, that the sum of Two Rixdollars & Half be allowed for lighting up the Town Hall, or Court House, out of the monthly draught on the Company —

Proceedings on Petty Causes

Daniel M'Coy.

Versus

Christopher Clapton

Mr. John Peters Attorney for the Complainant prays that a Warrant of Execution may issue against the Effects of the Defendant he not having satisfied the decree of this Court passed the 25th. November last.

The Complainant appears & requests the Court that he had demanded satisfaction of the said decree.

Ordered that a Warrant of Execution do issue, returnable the 1st. Monday next

Adjourned till that Day 1st. Instant

Jacob Vanderhoorden wroot by his Attorney Henry Van Dillen
Versus
Anna, the Widow of Sultan David, & Shawonoir Sultan.

Mr. Archdale Palmer, one of the Attorneys of this Court, says before this Court a Letter directed to him, & Mr. John Palmer, who are both Attorneys for the Defendant, which he acquaints the Court, he received from Mess.rs George Duncan & John Cleary, Commissioners appointed to take the Deposition of a Witness in this Cause at Fort St. David, by a Tappee or Letter Cover, in which, being Opened were found the Commission sent from this Court, the Interrogatories administered to the Witness & the Deposition thereunto taken, which he now delivers in to Court; and which are Ordered to be sealed up till Publication pass.—

The Court take notice that the said Commission, which has frequently happened in the like Commissions being delivered to Tappees, who change often on the road, whereby the same cannot be brought to the Court, by the Person who received it from the Commissioners as directed by the Book of Instructions, for very improper, & liable to great irregularity, And do therefore Order that in future, the Parties who apply to this Court for a Commission to examine Witnesses, shall take care to provide some proper Person at the Place where the Commission is to be executed, who shall receive the same from the Commissioners, & deliver it to this Court when sitting, or one of the Judges thereof, who shall make oath in the manner prescribed by the said Book of Instructions.

And it being likewise observed, that several Commissioners who have executed Commissions issuing out of this Court, have omitted to sign their Names opposite their Seals, without which the Commission is not valid, & have also omitted to endorse the same, It is therefore Ordered that in future, the method prescribed by the Book of Instructions, relating to the sealing up, Endorsing & returning of Commissions be strictly observed & adhered to, & that the Attorneys do not fail to acquaint the Commissioners with those Instructions.

The Register acquaints the Court, that he had agreeable to an Order of the 7.th Instant, made application to a Person, who wrote a fair good hand, to Copy the Book of Instructions, Standing Order Vol.r and that he had asked the sum of thirty Pagodas, to make out fair Copy thereof. Ordered that the Register do find out some fit Person to Copy the same, at a more reasonable rate.

Solomon Isaacs
Esq.r
Graham Frere & Co.rs Atto.rs
Application read & filed.
Mr. Alderman Burman gives off the Bench—

Bindamulla Chandagopal
Versus
Edward Burman

Application read & filed.
Mr. Alderman Burman returns to his seat—

The said Packet being now opened, was found to contain a Commission from this Court directed to Mrs Rowland Vice & Simmins Barker Esqrs & Notaries, for the Examination of a Witness in this Cause, together with a Letter from one of the Commissioners, representing for the reasons therein set forth, that the said Commission was not executed.

The said Attornies being asked, why they did not examine the contents of the said Packet, when published past in this Cause, but permitted it to lye unopened notwithstanding the Cause was set down to be heard this day.

Mr Archdale Palmer, one of the Attornies for the Defendant, acquaints the Court that he had by him a Packet sealed, or Declaration of the Witness, who was to have been Examined, which he believed contained the substance of such Answers, as the said Witness would make to the Interrogatories that were to have been administred to him, and therefore he did not think there was any necessity to peruse the Depositions 'till this morning, when the Cause came to be heard.

Mr John Maxwell Stone, the other Attorney for the Defendant acquaints the Court, that it entirely slipt his memory, that any such Commission had issued, 'till mention was made thereof this morning in Court, the management & forwarding of the Commission having been left to Mr Archdale Palmer, the other Attorney.

The Court taking into consideration the neglect committed by the said Attornies, do Ord. that Mr Archdale Palmer, who it appears undertook the management & forwarding of the said Commission, shall be fined, to our Sovereign Lord the King in the Sum of five Pagodas, for the neglect of his duty, especially as his Fault is aggravated, by his offering to the Court, Equivocative, & Evasive Answers.

But as the other Attorney Mr John Maxwell Stone did ingenuously confess his omission, It is Agreed that he be only reprimanded for such misdemeanour to his duty. And he is accordingly reprimanded by the Mayor.

The Attornies for the defendant move the Court, that another Commission may issue for the examination of the said Witness at Sadras, upon the same Sett of Interrogatories. Granted returnable in one months.

Rogue Catchick, Attorney for Shamier Gazipur
Ven.t
Joannes Nazar.

Mrs Archdale Palmer & John Maxwell Stone, Attornies for the defendant pray the Court that the hearing of this Cause may be deferred for the space of one month, as they are not prepared to argue it at this time, & may furnish them with material Arguments to make use of, at the hearing of the suit, & desire at this time to communicate to them how they have left this Cause immediately after the Answer was filed in Court, which in Justice they apprehend the Defendant has a right to, as the Complainant did not think proper

without being first drawn to the Register to be by him examined, As Order, and Direct that in future all Bills, Answers, & other Proceedings shall be lodged with the Register before the hour of nine o Clock in the Forenoon of the day preceding the sitting of the Court that the Register may examine whether the same are any way wanting in form & that no Paper offered contrary hereunto shall be received without a special reason given.

Victorians D. Hayde

vs.

Avenegadala Ravanayah.

Mr John Palmer Attorney for the Complainant prays that a Warrant of Sequestration may issue against the Defendants Effects on his Clients making oath to the justness of his demand.

Bill with an Account Current, a Translation & an Obligation, & an Assignment annexed read.

The Complainant being called upon to make oath to the Justness of the Account Current annexed to the Bill of Complaint, he appearing in the Court, that he has no other knowledge of the Articles stated in the Account Current, (altho' he has signed the same) than what he received from the Person, who transmitted the debt now sued for to him.

Which not being satisfactory to the Court, It is Agreed that a Warrant of Sequestration shall not be granted upon the Effects of the Defendant.

And it being likewise observed, that in the Assignment granted to the Complainant No mention is made of the Account Current annexed to the Bill of Complaint, nor of any particular sum owing. This Court doth therefore think fit to order, & doth accordingly order, that the Complainants Bill shall stand dismissed, the same being altogether irregular & imperfect. Unless there appears to be some certain foundation for the Suit.

Bill of Advocates Charges with a note annexed read & filed.

No. 5.

Carrol De Lange

The Complainant appears in Court & makes oath to the justness of his demand, & that he has reason to believe the Defendant will abscond, on hearing this Bill is filed against him.

Ordered that a Summons returnable immediately do issue Warrant of Arrest do issue

Boyce Cockburn Attorney for Johannes Jantze

No. 6.

Johannes Nanjee

The Complainant appears in Court & prays that the Order made the last Court day, for putting the hearing of the Causes may be removed & that the Causes may be immediately set down for hearing at the Court, with the Issue of the Suit.

Ordered

Attorney for the management of the Complainants affairs at this place; & the time appointed by the Charter for the Defendants appearance being elapsed, On due consideration had. This Court doth think fit to order & decree, & doth accordingly order and decree, that the Defendant shall pay unto the Complainant the full & just sum of one thousand four hundred Pagodas, together with such Interest as may appear to be due thereon, also all costs of this Suit. And that in default of payment at or before fourteen days from the date hereof, the mortgaged premises shall be sold, & the produce thereof paid to the Complainant in towards the discharge of his debt & costs.

The Register acquaints the Court, that he had agreeable to an order of the last Court day, applied to a Person who wrote a fair good hand, to copy the Book of Instructions, Standing Orders &c. & he had Agreed to make a fair Copy thereof for the sum of Twenty five Pagodas.

Which the Court consent to.—

Salomon Soares
Esqr.

Joachim Joze de Mello
Day is given the defendant till the 28th Instant to appear.

Philippus Chavannes
Esqr.

Anat Souze
Days given the Parties till the 28th Instant to examine Witnesses.

Thaddeus Agatoony
Esqr.

Thanoor Virago Chetty
Defend arguing the Demurrer & Order till the 26th Instant.

Bill of Isaac Dupré & Isaac Abercrombie read & filed.
Great Remedy to be summoned.

Bill of Rego Vallo Catchick with Translates of Accounts of hand & an Assignment read & filed.
Peracauvandy Mordelliar to be summoned.

Bill of Charles Knowles, George Mackay, the Revd Father Severino, & Vencaly Chetty read & filed.
Venca Vaddy Mother Chetty to be summoned.

The Letter from Mr Alderman P. J. delivered in the last Court day read a 2d time & filing forth, how long & due attendance in the discharge both of the offices of Alderman & Mayor, the unreasonableness that other Inhabitants should be further taxed in the Cantons of publick offices & the interruption that this Application must have caused in his own private affairs

Demurrer read

Joinder to the Demurrer read

The Demurrer & Joinder coming on to be argued this day, in the presence of the Complainant and the Attorneys on both sides. On hearing the Pleadings made use of by the Attorneys and due consideration had thereon. It appearing to this Court, that the Account Current upon which the Complainant sues, is not only of a very uncertain nature & greatly liable to be combated, but that the Complainant thro' by suing upon such Account Current in the Name of a third person is contrary to Equity & Law. Since there may be Debts due from the Assignee to the Demurrant which the Demurrant might have an opportunity of setting off against the Assignee, were he to sue in his own name & thereby have redress, but which he cannot have against the Complainant. This Court doth therefore unanimously think fit to order and decree, & doth accordingly order and decree, that the Complainants Bill shall stand dismissed with costs.

The Court observe that the Complainant did on the 4th day of October last, in order to obtain a Warrant of Sequestration against the Defendants Effects make oath to the justness of the Debt mentioned for as certainly owing to him, the transactions of which it appears he could have no further knowledge of, than several Articles stated in the Account Current being taken for him as the Year 1725 & the latest in the Year 1747. Many of which may be liable to be contested and the said Account not being signed or passed by the Defendant but only by the Assignor. The Complainant in this case asked by the Court how he was entitled to make oath to the justness of the Debt?

He answers the Court that the Answer of this oath was, that the said Francis Wright stood indebted unto him in the sum of £97 17 3 & 12 as set forth in his Bill of Complaint which represents the Ballance of the Account Current as due to him, by virtue of the Assignment thereof to him made by Maurice Dejean Esqr.

The Court taking the premises into consideration, & duly debating thereon, do agree that for this time, the Complainants behaviour in this matter, & not proceed against him with such rigour as the nature of his Conduct might require, but he is nevertheless told that he must be very cautious in future of making oath to the justness of a claim which may be of any doubt, as the swearing to the truth of a Debt ought to be positive & without reservation, unless where Executors or Trustees who have a collateral Interest are allowed to make oath to the best of their knowledge and belief.

Matthews Aga Curry

vs.

John Walsh & Henry Vanbibber

Withdrawn.

Adjourned till the 28th Instant.

filing the Bill of Complaint, how appears that the Defendant is now residing at Port St. David, & prays that a Summons may issue returnable in one month.

Granted accordingly

Abraham Clayton

Solr.

Carol De Lange.

Thereby acquainted the Court that Mr. Archibald Falconer, Attorney for the Defendant, did on the 25th Instant file a Demurrer in this Cause, which was within the five days limited for demurring.

Demurrer read.

Mr. Alderman Burman goes off the Bench.

Upon Said Motion made by his Attorney Edward Burman

Vizt.

Mandidah Varaja

Mr. John Maxwell Stone Attorney for the Complainant, prays that a Warrant of Execution may issue against the Defendants Effects & acquainted the Court that search has been made after the Defendant in order to demand satisfaction of the decree, but that he was not to be found.

Granted returnable in one Month. — Mr. Alderman Burman returns to his Seat.

Catchick Gregnes & Arratt Mazar, Executors to the Last Will & Testament of Gregnes Paulus Vizt.

Arratoon Padramy.

Et Contra

Arratt Mazar, One of the Complainants appears & prays that a Warrant of Execution may issue against the Defendants Effects Satisfaction of the Decree having been often demanded by him the Complainant but without Effect

Granted returnable in one Month. —

Mordu Hannah Lunga Chatter

Vizt.

Vincent Quentin De La Motterie.

Days given the Complainant till the 7th March next to make an Answer.

Solomon Francis

Vizt.

Jeshuan Isez Lestrille.

Further day is given the Defendant till the 7th March next to rejoin, in default of which this Cause will be heard on the Proceedings already had.

Father Comfort.

Vizt.

Arratt Saroze & Gregnes Miguel Executors to the Last Will & Testament of Miguel Gregnes Deceased.

Further day is given the Parties till the 7th March next to Examine Witnesses.

David

to the said Isaac Dupré does appear to be the original Debt, that the same is of full sufficient authority for the Board to grant an Order for the aforesaid sum of £[illegible] 6. 8.

Ordered therefore that the said sum of £[illegible] be paid to the said Isaac Dupré out of the Company's Cash; the same has been deposited as aforesaid, on account of the Estate of Stephen Holloway Esquire Deceased. / That the Accomptant General do draw for the same on the President & Council —

Agreed that the several Members be summoned to meet tomorrow morning at the Majors Apartments, to take into consideration the Extracts of the General Letter from the Court of Directors received this day from the President & Council. & such other matters as are necessary to be represented to the Court of Directors —

Proceedings in Petty Causes

Johnd'Ebe Dupremier,

Vers.

Seemenarchiak,

Summons returnd servd

The defendant appears.

John Peter Dupremier,

Vers.

Gopaloorden Vishanpailly, & Bramagerah Mackyah,

Summons returnd servd

The Defendants appear.

Daniel McCoye

Vers.

Christopher Upton

The Sheriff returns the Warrant of Execution issued against the Defendants Effects Endorsed, that he has no Goods or Chattels in his district whereby he could Levy the Debt & Costs or any part thereof.

Bill of Anthony da Costa read & filed.

Cuppayah, & Ramayah to be Summoned —

Adjourned 'till Tuesday the 3d March next

Philippus Chairman by reason of the Reverend Father Superior

Test

Ariat Jones

Ordered that this Cause be set down for hearing

Petition of Jacob Bonsey Mariner delivered in the 5th January last & Read time

Bond of Simon de Fonseca with Translation of an Award, a Penalty Bond & two Obligations annexed read, and filed

Bill of Sundries Memorandum with a Decree of the former Mayor Court annexed read, & filed.

Lord of Mandeloft to be Summoned.

John Macfarling

Test

Ramsaran Cockaday

The Registrar acquaints the Court, that the Defendant had neglected to pay him his stipulated Fees, for which he hath demanded, & represents to the Court, that the same became due before making the standing Order of Court that the Attorneys should discharge all Fees due to the Officers of the Court & therefore prays a Warrant of Attachment against the Defendant.

Granted.

Mr. John Maxwell Nunes, Attorney for the Defendant likewise acquaints the Court, that the Defendant had neglected to pay him his stipulated Fees for which he hath demanded, and therefore prays that a Warrant of Attachment may issue against the Defendant

Granted.

The Registrar acquainting the Court, that several Persons who had applied to him to register their Bonds had objected to having them attested by the Mayor & the Court seal affixed thereto, alledging that they look upon their original Bonds to be sufficiently authentick, without that Attestation, which is attended with an Expence. The Court having thereupon taken into consideration the Standing order, or rule of Practice made by this Court, expressed in the following terms "That all Papers registered in this Court shall be attested by the Mayor, & the Court seal affixed thereto" do agree, that by such order shall be understood, that the Copys only of Papers which have been registered & taken up & filed for, are to be attested as abovementioned, since the same may be verifying by an Authentick Copy, that is no ways essential for an original.

Father Seezaro

Test

Anthonia Delgomah Deputy Principal

meaning of the Charter, that the orders of the Court of Directors concerning the rules & practice of this Court should be addressed immediately to the Court, or whether they are sufficiently authentick when conveyd thro the Channel of their President & Council. And upon due consideration resolved, that it does not appear absolutely necessary, agreeable to the intent & meaning of the Charter, that the Orders of the Court of Directors concerning the rules & practice to be observed by this Court should be addressd immediately to the Court, but that the same may be sufficiently authentick, conveyd thro the channel of the President & Council.

Mr Edward Bateman desires to be paying any regard to the Orders of the Court of Directors concerning rules of Practice which are to be put in execution by the Court, unless such Orders are lodged in the Court under the hands of Watson or some of the Court of Directors, since the Charter expressly that the orders of Practice prescribed by the Court of Directors, are to be under the hands of Watson, or some of them. Consequently such orders ought to be lodged with the records of this Court.

It being then considered, Whether the Extracts from the Company's General Letter attested by the Secretary of the Council containing their orders to this Court be sufficient authority to ground their acceptation of those orders upon, or whether it be not necessary to require a sight of the original Letter, in order for more regular satisfaction, by comparing the Extract with the Letter.

Agreed, that it is necessary to require a sight of the original Letter, in order for more regular Satisfaction, by comparing the Extract with the Letter, as the Court are of opinion, that the Secretary of the President & Council cannot be deemed in the Eye of the Law a publick Officer, consequently the attestation can be of no force or validity. And

Ordered that the Register do write a Letter to the President & Council, to that effect.

Friday, March 2 1758.

The same Members being present as Yesterday, (except Mr Judge Mackay) The Paragraphs of the General Letter from the Court of Directors of the 25 March 1757 were read. Viz was resolved to reply thereto as follows.

That the Court of Directors having in a General Letter to their President & Council, dated the 1st February 1756 by Capt Abercrombie to the Court from the President & Council, the 18 October following signified it as their pleasure, that all Addresses from this Court should be to their President & Council. In consequence whereof this Court have already addressed the President & Council under date the 6 June last, & now continues so to do. But in respect to the orders made by the Court of Directors as rules of Practice, all this Court have come to a resolution

That in the Letter from this Board to the Court of Directors dated 2d March 1758 mention was made of some of this Boards, & Members of the former Mayors Court being wanting & did not receive a Commission, & hoping desired from England, of which request this Board not finding any Notice taken, must therefore again repeat it. & further that a List of sundry Law Books be inclosed, which in order to the better understanding there already have as well as to discover parcels, which Ware do not speak of the Court thank it may easy to apply for —

It being then debated, whether any Notice should be taken of the Letter wrote to the Board & Council of the 5th November last regarding the Election of Sol Hoare & Wm Mainwaring Judges of the Mayors Court, & the subsequent Letter on that head, It was Agreed that the Subject of those Letters being concluded, No Answer should be made thereon, in this Boards General Letter —

At a Court held at the Town Hall on Tuesday the 14th day of March Anno Domini 1758 —

Present

Samuel Ardley Esquire Mayor, James Alexander, Charles Purnell and Hugh Norris Aldermen —

John Macfarling
Gent.

Ramasawe Cathalley

Warrant of attachment issued against the Defendants Body for Contempt returned served.

The Register acquainted the Court that he did on the 11th Instant receive a Note from Mr. John Maxwell Stone Attorney for the defendant, intimating that the Defendant had paid him his fees & therefore desired that a Counter Warrant might issue for the Defendants release And the Register also acquainted this Court, that the defendant had discharged his fees & that he therefore applied to the Mayor for a Counter Warrant for the Defendants release.

Which was accordingly issued on the 11th Instant —

Father Severini
Gent.

Anthonia Defumah Village Cabocero Principal

Warrant of Attachment issued against the Cabocero Principal, returned served against Anthonia

D.

Summons returned served.

The defendants appear by their Attorney Mr. John Maxwell Stone

John Davidson, Administrator to the Effects &c. Credits &c. of John Keith Deceased.

Vers.

Rufus Lacey

Further day is given the defendant till the 25th. Instant to answer the Complainants Bill.
in default of which Judgment will be given for the Complainant

Pundaroselle Chuddeyah

Vs.

Edward Burman,

Non-joined.

Day is given the Parties till the 21st. Instant to Examine Witnesses

Cumarpah Chetter

Vers.

George Stratton,

Withdrawn.

Petition of Marcky Marrian delivered on the 21st. January last read a 2d. time

Answer of Sinna da Fonseca to the said Petition delivered in the 4th. Instant read a 2d. time.

Mr. John Palmer, Attorney for Sinna da Fonseca, prays the Court that several Witnesses
may forthwith be produced to clear up the Point in dispute may be Summoned to appear
before this Court on the 28th. Instant, the names of whom he will deliver to the Reporter in
due time.

Granted accordingly —

Aviat Soroze

Vers.

Joannes Nazar.

Mr. Archdale Palmer Attorney for the defendant prays that the return of the Commission
issued to Madras for the Examination of a Witness which is returnable this day, may be
prolonged for the space of seven days, he having received a letter Yesterday from the
Commissioners, intimating, that the Witness after being sworn, desired that the space
of ten days might be allowed him, in order to bring the several matters upon which he
was to be examined the better to his memory, & the said Attorney alledges as a reason
for the said Commission not being returned before that he was Obliged to write to the
Governor at Negapatnam, for leave to examine the said Witness at Madras —

The Complainants Attorney not being prepared for the hearing of this suit, This Agreed to
prolong the return of the said Commission till the 21st. Instant on which day this Cause is ordered to be heard

Pogue

This Cause coming on to be heard, and debated this day in the presence of the Attorneys on both sides. On reading the Complainants Bill with the Account Current annexed, the Answer, Replication & Rejoinder. On hearing the Proceedings made in writing by the Attorneys, & on due consideration had thereon. It Appearing to this Court, that the defendant has not produced any Proofs that there are Debts due from the Estate of the deceased Francisco Cortejo of a higher nature than that claimed by the Complainant, nor even a positive more than a bare Suspicion thereof, and he who does not deny the having Assets of the said deceased sufficient to discharge the Complainants demand, This Court doth therefore think fit to order, and decree, and doth accordingly order, and decree, that the defendant shall pay unto the Complainant out of the Estate of the deceased Francisco Cortejo the full & just Sum of Three Hundred & Eleven Pounds, nine Shillings & seventy Cents, together with such Interest as now is, or shall hereafter become due thereon, until full Payment is made, also all costs of this Suit.—

Adjourned till Tuesday the 28th Instant.

At a Court held at the Town Hall on Tuesday the 28th day of March Anno Domini 1758 —

Present

Samuel Bradley Esquire Major Edward Burman, John Davidson, and Hugh Norris Aldermen —

Esther Sovereine,
Pltf.
Anthonius De Spanneth & Mary his wife
Defts.

The Register acquaints the Court that he did on the 17th Instant receive a note from Mr. John Palmer Attorney for the said Principal, intimating that they had discharged his fees, & that he therefore desired a Counter Warrant might issue for their release.

Which was accordingly issued on the 18th Instant under the hand and seal of the Mayor.

Mr. Alderman Davidson gave up his Trusts
John Davidson Administrator to the Goods Chattels & Credits of John Hoth Deceased,
Pltf.
Hope Lang
Answered & filed.

of Merchants of England trading to the East Indies, and that the Accomptant General be acquainted therewith by the President & Council's Letter of—

Pogose Catchick, Attorney for Johannes Gaspar

Vers.

Johannes Nazar.

Defend leaving this Cause till the 28th Instant

Aviat Sarge

Vers.

Johannes Nazar.

Defend leaving this Cause till the 28th Instant

The Seat of Mr Andrew Pope as an Alderman and Judge of this Court being become vacant by resignation, Ordered that the Register do write a Letter to the President & Council acquainting them therewith, that another may be Elected in his Stead. And since the President & Council have not taken any notice of the Letter from this Court of the 2d Instant, intimating their desire of having a Sight of the General Letter from the Court of Directors of the 26th March 1731 in order to Compare the Extracts Sent to this Court, therewith, the Register is also directed to repeat that Application, and to desire that the Same may be complied with.—

Proceedings in Petty Causes

Anthonio Da Costa,

Vers.

Bapajah and Ramajah.

Days given the defendants till the 28th Instant to answer the Complainants Bill.

Bill of Exchange thereon with an Account Current annexed read & filed.

Peons, alias Jagarwallas to be Summoned.—

Adjourned till Tuesday the 28th Instant.

to take the Deposition of a Witness on the part of the Defendant in this Cause at Chatham
Deceased.

Mr Archibald Palmer Attorney for the Defendant acquainting the Court that upon Examination
of the return of the said Commission he finds that the same has been executed in a very irregular
manner & on that account by the Counsel thereof advised, it is otherwise to the Client, he
therefore to avoid the unnecessary Expence, prays Leave to Withdraw the same.
Which is Granted —.
Bill, with an Answer thereto & Translate of a Corpus Juris Bond annexed read.
Answer read
Replication read
Rejoinder read
Interrogatories on the part of the Complainant read
Four Depositions taken thereunto read
Interrogatories on the part of the Defendant read
One Deposition taken thereunto read.
This Cause coming on to be heard & debated this day in the presence of the Defendants
Solicitor & of the Attorneys on both sides. But no Body appearing for the Complainant. It is Ord.
Accord Consent & Translate of a Corpus Juris Bond annexed the Defendants Answer
the Replication & Rejoinder the Interrogatories & four Depositions on the part of the
Complainant & the Interrogatories & one Deposition on the part of the Defendant
Be hereby made use of by the Attorneys. Upon due consideration had
thereon. This Court doth Unanimously think fit to Order and decree & doth accordingly
order & decree that the Defendant shall pay unto the Complainant the full & just
sum of One hundred & fifty two Pounds eighteen Shillings Sterling, being the Sum owed
together with such Interest as now is or shall hereafter become due thereon until
full payment be made. Appearing by the Terms of the Corpus Juris Bond annexed
to the Bill of Complaint & which is prayed to be received as part thereof, that the Complain-
ants Voyage on the Voyage, in the said Bond specified, is limitted to a Season only,
which appears to have Expired before the Repell was last / after which time the
Defendant engages, in case the said Corpus Juris is not paid, that nine p Cent
p Annum shall be allowed till payment which can be understood as no more
than Lawful Interest for the money lent on Corpus Juris, after the said Corpus Juris
should become due & not as an Equivalent for the Continuance of the Voyage:
This the Parties are to be at Liberty, This Cause coming on to be heard upon Bill Answer
Interrogatories & Depositions taken in the Cause & Exhibits thereto Annexed
Upon reading the Bill of Complaint & Answer thereto & Translate of a Corpus Juris Bond
annexed the Replication & Rejoinder the Interrogatories & four Depositions on the part of the
Complainant & the Interrogatories & one Deposition on the part of the Defendant
Upon hearing the Pleadings made use of by the Attorneys. Upon due consideration had
thereon. This Court doth Unanimously think fit to Order and decree & doth accordingly
order & decree that the Defendant shall pay unto the Complainant the full & just
sum of One hundred & fifty two Pounds eighteen Shillings Sterling, being the Sum owed
together with such Interest as now is or shall hereafter become due thereon until
full payment be made. Appearing by the Terms of the Corpus Juris Bond annexed
to the Bill of Complaint & which is prayed to be received as part thereof, that the Complain-
ants Voyage on the Voyage, in the said Bond specified, is limitted to a Season only,
which appears to have Expired before the Repell was last / after which time the
Defendant engages, in case the said Corpus Juris is not paid, that nine p Cent
p Annum shall be allowed till payment which can be understood as no more
than Lawful Interest for the money lent on Corpus Juris, after the said Corpus Juris
should become due & not as an Equivalent for the Continuance of the Voyage:
This the Parties are to be at Liberty, This Cause coming on to be heard upon Bill Answer
Interrogatories & Depositions taken in the Cause & Exhibits thereto Annexed
Upon reading the Bill of Complaint & Answer thereto & Translate of a Corpus Juris Bond
annexed the Replication & Rejoinder the Interrogatories & four Depositions on the part of the
Complainant & the Interrogatories & one Deposition on the part of the Defendant
Be hereby

Attorney may first inform the Court whether his Client acknowledges that he did agree to Give up half the Premises in dispute or not, that in case he should deny it, he the Complainants Attorney may Examine Witness for touching that matter.
The Attorney for the Demurrant acquaints the Court that his Client does acknowledge that he did agree that half the Premises in dispute should be given up to the Complainant
Ordered that the Demurrer and Joinder come on to be argued as soon as the Cause of Philippus Charriman against Ariet Sooze shall be determined.

Adjourned till Tuesday the 4th April.

At a Court held at the Town Hall on Tuesday the 4th day of April Anno Domini 1758—

Present

Samuel Ardley Esquire Mayor, James Alexander, Edward Burman and Charles Turner Aldermen—

Touchoma Sheveramiah,
Vers.
Louis de Monteleon.

Further day is given the defendant till the 18th Instant to answer the Complainants Bill—

Charles D'Wayde,
Vers.
Mollah

Day is given the Complainant till the 12th Instant to reply—

Pundamvilla Chuddrapah,
Vers.
Edward Burman,

A Note from the Examiner to the Register read, desiring him to acquaint the Court that the Witnesses in this Cause were all Examined.
Publication is past—

Bill of Gooch Smith with an Account Current & Translation of an Obligation annext read and filed.

Cyamondaly & Others Praier to be examined—

Petition Capt Stevenly Receivd read.

Answer of Simon de Fonseca with Translate of the Obligations & Penalty Bond, and an Award annext read—

the Deponent / informd him, that Ragoe had brought a Lawyer with her, who told him / the Deponent / that all matters had been amicably adjusted between him, the Petitioner / and Ragoe, which induced him to deliver her up the Bill of sale.

Qu: Do You know of any Award having been made relating to the Premises in dispute?

Ans: There was an Award made.

Qu: Who were in possession of the House at the time the Warrant of Execution issued out of this Court, on the effects of the said Ragoe?

Ans: Venerable Stanwix / the Petitioner / Ragoe, & several others of that family.

Qu: Who do You imagine to be the Legal Proprietor of the House at present?

Ans: The Family of Fairbairn & Appathorty —

Chimpbourg Mordelaire Esq[r] Examined on the part of Simon de Jonaca.

Qu: Did Ragoe ever live with your father, as a Mistress?

Ans: Yes / the Deponents / father did keep her as a Mistress for some time.

Qu: Did not your said Father make a Present of the House in dispute to Ragoe?

Ans: Yes / the Deponents / Father did buy the House now in dispute, & gave it to Fairbairn and Appathorty as his said Dancing Master belonging to the Church built by his said Father, & that the said House was given to them, on their own proper account.

In order to Invalidate the foregoing Evidence of the said Chimpbourg Mordelaire, Mr Johnstone Attorney for Simon de Jonaca, acquaints this Court, that he has just now been informd by Mr John Maxwell Stone one of the Attorneys of this Court, that the Petitioner had declared before him, that he did not know that he had any right to the House in dispute, & therefore should not have carried on the present suit, had he not been persuaded thereto by one Monopath, & the said Chimpbourg Mordelaire, who promised to pay the Expences thereof, to the truth of which the said Mr John Palmer desires that Humphrey Lawrence one of the Deputys of this Court & Venerable Attorney of Middlesex Duberd may be examind.

Humphrey Lawrence Sworn & Examined as follows —

Qu: Do You understand the Methodist Language so as to be able to Interpret it?

Ans: Yes.

Qu: Was there any discourse passd in your hearing between Mr John Maxwell Stone one of the Attorneys of this Court & Venerable Attorney / the Petitioner / of Yes. & if so the same?

Ans: During one day at the Chambers of the said Mr John Maxwell Stone, some time since the Warrant of Execution issued against Ragoes Effects, he heard the said Mr Stone ask the Petitioner if he was one of the Venerable Attorneys Duberd / how he came to lay claim to the House now in dispute & the Petitioner answerd that he knew nothing of the matter, nor had he any right to the House but that Monopath & Chimpbourg Mordelaire had persuaded him to carry on the present suit promising to Indemnify him from any charges that might arise by reason of the prosecution thereof —

Ans^r After Nagra had redeemd a Bill of sale of his Horses, which were mortgaged to Chungbury Mordelaire, Sincerely Narrain (the Petitioner) & his Sister Lady Letchmee went to the said Chungbury Mordelaire & Inquired his reasons for delivering up the said Bill of sale to Nagra, to which Chungbury Mordelaire made answer that one Collatapah had told him that the (Petitioner) & the said Nagra had in security together, which induced him to deliver up the Bill of sale upon her discharging the mortgage; After which Chungbury Mordelaire finding he had been misinformed by Collatapah Ordered the said Collatapah to carry the money back to Nagra & to desire him to restore the Bill of sale; Collatapah went accordingly & having returned, informed Chungbury Mordelaire, that Nagra would not give back the Bill of sale, alledging that the same was mortgaged to some other Person.

Mordt. Confirmed on the part of Sincere the Petitioner

Qu^s Was you a Relation of Chungbury Mordelaire, or his Servant?

Ans^r Neither.

Mr Rochdale Palmer Attorney for the Petitioner acquaints the Court that his Client consents to give up his Claim on the Horses in dispute, provided three of the Heads of the last who gave the Award in favour of Nagra, will make oath to the Justness thereof, but desires that the oath may be administred to them at Triplicane Pagoda Verapah Chetter, Vizianna, & Venkatachelum, the three Principals of the last being called upon, & informed of the above motion made by the Attorney on present to the Court, that as the Award was Unanimously agreed to, by all the Heads of the Cast, & was presented the morning thereof, acknowledged the same, to the Number of fourteen, Caste, and by whom known the Petitioner & Nagra Choice themselves (by a Deed Signed & Sealed) they therefore Ordered it to be entered on the Court as before the said Award may not be received as authentick, without their making any oath to the Justness thereof, unless the Petitioner shall not soon offer to produce the best proof that they have been guilty of any Corruption therein.

The Court having the Matter under their serious consideration do Unanimously Agree & Order that the said Award shall be admitted as Evidence without oath being made thereto, since the Petitioner does not dispute the reality thereof, & it appearing to this Court not only by the said Award, but also by the Declaration of the Petitioner himself as well as by the Depositions of Humphry Edwards & Thomas Gray, Sworn in open Court, & above, that the said Nagra is the person, to whom the Horses in dispute of right belongs. This Court do therefore Unanimously think fit to Order & do accordingly Order, that the Horses in dispute shall be Sold by vertue of the Warrant of Execution issued against the Effects of the said Nagra, & towards the discharge of the debt & Costs due from the said Nagra, to Sincere the Petitioner, upon a Decree of this Court & that the Petitioner do pay all costs which have accrued or shall accrue to the Defendant Veeraiya And Order that the Sheriff do return the said Warrant & Execution

At a Court held at the Town Hall on Friday
the 5th day of April Anno Domini 1738.—

Present

Samuel Ardley Esquire Mayor, Edward Burman & John Davidson
Aldermen.—

Elizabeth Jenkins
Pltf.
Claud Rupell and John Palmer Administrators to the goods Chattels & Credits of
John Crumpton Deceased.
Answer read and filed.
Mr. John Maxwell Stow Attorney for the defendants acquaints the Court that Mr.
Claud Rupell one of the Defendants is indisposed
Mr. John Palmer the other Defendant makes oath to the Answer in Court.
Ordered that the said Claud Rupell do make oath to the Answer before one of the
Judges of this Court.
Salomon Franco
Pltf.
Ibrahim Ibez de Mello
Deft. pmtd.
Adrian Cloyster
Pltf.
Carl de Lange
Demr. read & filed.
Ordered that the Demurrer & Demr. come on to be argued the 14th Instant
Mr. John Palmer Attorney for the Complainant prays the Court that some Writs for
necessary to be recommended to clear up the Point in dispute may be Summoned to Appear
on the 14th Instant the Names of whom he will deliver to the Registr in due time
Granted accordingly.—
Mordichiamah Linga Chitter
Pltf.
Vincent Quinton De la Metter
Ordered that the Demurrer & Demr. be argued the 14th Instant.

Philippus

that he is at liberty to bring a Bill of Complaint in behalf of his Client against the Representatives of Philippus Charmare, for all Loss he hath Sustained through depositing the amount of the Sum he was Sued for, in Lieu of Bail.

Adjourned till Friday the 14th Instant.

At a Court held at the Town Hall on Friday the 14th day of April Anno Domini 1758.

Present

Samuel Ardley Esqure, Mayor, James Alexander, Edward Burman, and Charles Turner, Aldermen.

Gereck Jacob
Vers.
Cyamoodally & Ameau Naidoo

Summons returnd servd.

Ameau Naidoo, one of the Defendants appears for himself & on behalf of the other Defendant Cyamoodally, Who is Indisposed.

Mr. John Palmer, Attorney for the Complainant prays that the Defendants may give Bail.

Tennapah, of Madras Merchant, & John Roe become Bail for the personal appearance of the Defendant, or to answer all costs & damages, taken and acknowledged in Court.

John Davidson, Administrator to the Goods, Chattels & Credits of John Falk deceasd
Vers.
Rob. Laing

Replication read & filed.

Charles D'Alayde
Vers.
Mottah

Replication read & filed.

Mr. Archdale Palmer, Attorney for the Defendant repeats his Prayer made the 21st of February last, that the original Bond refered to in the Bill of Complaint & upon which the Complainant

The Demurrer and Joinder coming on to be argued this day in the presence of the Attornies on both sides. On hearing the pleadings made use of by the Attornies and on due consideration had thereon, This Court doth think fit to Order & doth accordingly Order that the Defendants Plea shall be overruled with Costs & that the Defendant shall answer the Complainants Bill ——

Purdamalla Chuddeapah
Vers.
Edward Burman

Ordered that this Cause be set down for hearing

David Lopez Fonseca & Samuel Delastier
Vers.
John Walsh & Henry Vansittart

Ordered that this Cause be set down for hearing

Adjourned till Tuesday the 18th Instant

At a Court held at the Town Hall on Tuesday the 18th day of April Anno Domini 1758 ——

Present

Samuel Ardley Esquire Mayor Edward Burman and Charles Turner Aldermen ——

Gorach Jacob
Vers.
Oyamadally & Hucau Naidoo

Day is given the Defendants till the 25th Instant to answer the Complainants Bill

Adrian Cloyter
Vers.
Carol de Lange

Day is given the Defendant till the 26th Instant to answer the Complainants Bill

Moodie Ramnah Singa Chittee
Vers.
Vincent Quintin De La Metrie

Day is given the Defendant till the 26th Instant to answer the Complainants Bill

Fourteen

Causes, & that their Report now delivered in contains a true & just account thereof to the best of their skill & knowledge, & which only differs from their first Report, delivered in the 24th January last, in being more particular, & explicit —

So help them God —

The Attorneys on both sides acquaint the Court, that they have reason to imagine they shall be able from the above Report, to adjust an Account Current between their Clients before the next Court day, & therefore pray that the determination of these Causes may be deferred till then —

Which is Granted —

Seara Cheitte.
Vers.
Joval Trouze,

Ordered that this Cause come on to be heard the 25th Instant —

Agostinho Souza Leal,
Vers.
Junca Vencato Ramah

Ordered that this Cause be set down for hearing —

The Court observing that Mr. Alderman Mackay has not attended at Court, since the 1st Instant; Ordered that the Register do write a Letter to him, Signifying that the Court do require his attendance —

Adjourned till Tuesday the 25th Instant —

At a Court held at the Town Hall on Tuesday the 25th day of April, Anno Domini 1738 —

Present

Samuel Ardesoif Esquire, Mayor, James Alexander, John Davidson and Charles Turner, Aldermen —

George Mackay
Vers.
Azarat Mahomed Bojas Cawn,

Bill with an Account Current annexed read

The President & Council for leave to resign his office of Alderman, which Leave he soon afterwards obtain'd, & which is the reason he has not attended at Court since.

A Letter from the Secretary by order of the President & Council read, Setting forth that in consequence of an application from Mr. George Mackay, to resign his office of Alderman and Judge of this Court, they had accepted his resignation thereof, & that they purpose shortly to fill up the vacancy occasion'd thereby, as well as the vacancy made by the resignation of Mr. Andrew Ross, late one of the Aldermen & Judges of this Court:

Ordered that the Register do write a Letter to the President & Council, acknowledging the receipt of their Secretary's Letter, & to acquaint them that it is the earnest desire of this Court that the vacancies occasioned by the resignation of Mr. Andrew Ross Esq. & Mr. George Mackay, should be filled up as soon as possible, and at the same time to represent to them the particular hardships a few Members of this Court (on whom the burthen of Attendance is thrown) labour under, occasioned by the ill State of health of Messrs. Claud Russell & Hugh Norris, & the absence of Mr. Henry Banks, appointed Resident at Cutwaa, by which & the resignations above mentioned, the Number of Members capable of attending, is reduced to five only, two of whom being interested in suits now depending are thereby disqualified to sit as Judges when any matter relative to those Suits occurs, the Case of which has been frequently defeated thro' the want of other Members to compose a Court, as Some, even of the remaining Members, thro' the nature of their Employs in the Company's service, have, at certain times omitted giving their attendance — Which several matters this Court offer to the consideration of the President & Council, lest they should prove the means of further impeding the due Administration of Justice, to the discredit of the Company, & perhaps to the utter dissolution of the Charter.

Seeva Chetties,

Inc.

Avaal Sooryz,

Mr. John Maxwell Stone Attorney for the Complainant acquaints the Court, that in the month of July last he pray'd leave to amend the date of the Translate of the Note of hand which is annexed to the Complainants Bill of Complaint, which was Granted: but he at the same time omitted to pray for leave to Amend the same Error in the Account Current, likewise annext to the Bill of Complaint, and therefore desires that he may be now permitted to alter the same —

Which is Granted —

Ordered that this Cause be heard the 2d. day of May next —

Simon

Ordered that the hearing of these causes be deferred till the 2d May next, when the same will be peremptorily determined

Avzat Mirzan Executor to the last Will & Testament of Mirzacawn deceased deceased and Ignesch Jacob Attorney for Avzat Gregorie appear in Court, & pray leave to withdraw their Petitions filed the 22d day of March 1757 for a dividend of money deposited in this Court on account of the Estate of Miguel Lucio deceased but which has been lately paid out to Philippus Agapomy who obtained Letters of Administration to the Goods, Chattels & Credits of the said Deceased & who is about to make a Dividend and they likewise pray that the original Allegations which he were delivered in with their Petitions may be restored to them as the same were only produced for the Inspection of any Party as he might be concerned.

Which prayer is granted —

Simon da Fonseca

Ved:

Ragoo

The Sheriff returns the Warrant of Execution issued against the Effects of the Defendant Endorsed, that he had found the sum of three hundred & fifty eight Pagodas eleven fanams that he is ready to render at the time & place therein mentioned the sum of one hundred & forty nine Pagodas twenty eight fanams & twenty four Cash to the Complainant for his debt & costs & the residue of the said sum of three hundred & fifty eight Pagodas eleven fanams to the Defendant

The Register prays the Consideration of the Court what Gratuity they will please to allow the Person, who was to come Extraordinary Express for at the dispatch of the last Ship to Europe to be annexed to the Courts General Letter

Agreed that he be allowed the sum of two Pagodas —

Mr Claud Russell one of the Aldermen & Judges of this Court appears & acquaints the Court that he intends in a short time going to China, for the recovery of his Health which is much impaired, and which has been the Cause of his not having attended at Court for so long a time past —

Adjourned till Tuesday the 2d May next

Catharina Bourchier, Executrix to the Last Will & Testament of James Byrne Deceased,
George Mackay, and the Reverend Father Severino, Executors to the Last Will & Testament
of Ochon Hacan Deceased.
Vers.
Vecanee Vande Kistna Chetter.

The Sheriff returns the Warrant of Sequestration issued against the Effects of the
Defendant, Endorsed, that he had sequestrated the sum of four hundred & thirty one Pagodas
nine fanams & seventy four cash, part of the sum of two thousand four hundred & thirty eight
Pagodas thirty nine fanams, but that the Defendant had no other Goods or Chattels, within his District.

Samuel De Castro.
Vers.
Isabella Comdesfro, Widow & Executrix to the Last Will & Testament of Francisco Carbyfo Deceased
The Sheriff returns the Warrant of Execution issued against the Effects of the said Francisco Carbyfo
Deceased that he had Levied the sum of four hundred & ninety four Pagodas thirty five
fanams & seventy five cash; that he was ready to render at the time & place Mentioned the
the sum of three hundred & fifty five Pagodas twenty eight fanams & fourteen cash
to the Complainant, for his debt & costs, & the residue of the said sum of four hundred
and ninety four Pagodas, thirty four fanams & seventy five cash to the Defendant.

Bill of George Mackay with a Bill of Exchange annext read & filed.
Chipparawl Chetter to be Summoned.

Bill of John Adams, by his Attorney Andrew Ross read & filed.
Joannes Nazar to be Summoned.

Philippus Agaperry, Attorney for Nazar Coja Mauk, appears & prays Leave to Withdraw
two Bills of Complaint & one Petition filed on the names of the said Nazar Coja Mauk, as
also one Petition in the name of Ainal Aga de Aga Nazar, for money deposited on account
of the Estate of Miguel Paulo Deceased, but which has been since paid to him, the said
Philippus Aga Perry, who obtained Letters of Administration to the Goods, Chattels, &
Credits of the said Deceased, & likewise that the original Obligations, which were
delivered in with the said Bills & Petitions, for the Inspection of any Party interested,
may be restored to him., Ord.

Mr. John Maxwell Stone, Attorney for Mowarbram Marjan also prays Leave to
withdraw a Petition filed in the name of the said Mowarbram Marjan for
money deposited on account of the Estate of Miguel Paulo Deceased, but which has been
since paid out to Philippus Aga Perry, who obtained Letters of Administration to the
Goods, Chattels, & Credits of the said Deceased, & that the original obligation, which was
delivered in with the said Petition, for the Inspection of any Party interested, may be restored to him
Both which the same are accordingly

the ballance appearing to be due on the Stated Account Current drawn out from the Report of the Referees, & to which he has appealed as abovementioned, together with such Interest, as money in Stock hereafter become due thereon, untill full payment is made, also all costs of this Suit

Seeva Chetty
for

Aviat Joze

Bill, with a Note of hand, & an Account Current annexed read.
Answer with a List of sundrys annexed read.
Replication with an Account Sale, & an Account Current annexed read,
Rejoinder read,
Interrogatories on the part of the Complainant read,
Three Depositions taken thereunto read,
Two Exhibits on the part of the Defendant read
Mr. John Palmer, Attorney for the Defendant offers to the Court an Extract from the Report of the Referees delivered in the Causes between Marcar Petrus & Aviat Joze in order to shew the Profit gained on the Adventure to China, & which Report may be received,

Extract from the Report of the Referees in the Causes between Marcar Petrus & Aviat Joze read and filed,

This Cause coming on to be heard, & debated this day in the presence of the Complainant & of the Attorneys on both sides, on reading the Complainants Bill with a Note of hand & an Account Current annexed the Answer with a List annexed, the Replication with an Account Sale & an Account Current annexed, the Rejoinder, the Interrogatories on the part of the Complainant, & three Depositions taken thereunto, and also two Exhibits on the part of the Defendant, together with the Extract from the Report of the Referees delivered in the Cause between Marcar Petrus & Aviat Joze, on hearing the pleadings made use of by the Attorneys, & on due consideration had thereof,

It Appearing to this Court by the Extract from the Replication of Marcar Petrus, delivered in as an Exhibit in this Cause, that the said Marcar Petrus did take an Indemnification from the present Defendant Aviat Joze, about the same time, he the said Aviat Joze did settle the Accounts of the same Adventure, with the present Complainant, specifying that if the Adventure to China should not produce a profit of 22 p.r Cent, that he the said Marcar Petrus should be answerable for no more than the said sum thereof, but since the Defendant did not procure

such

The Register acquaints this Court that the Corporation having Lift the Sum of One hundred & forty nine Pagodas thirty eight fanams, for making the Bench & Rose and the Stirrup Irons to be paid for out of the Court Cash, which sum added to the general monthly expence occasions a ballance of thirty eight Pagodas and forty three fanams more than there is Cash remaining in the hands of the Court Ordered that the Register do draw on the President & Council for the said sum of thirty eight Pagodas & forty three Cash, at the time he delivers in the Copy of the Court Cash Book, for the four Last months which is to be sent agreable to Standing Order made to that purpose.

Robert Cummings
Vers
Venatty Kistnah.

Ordered that this Cause be set down for hearing.

Adjourn'd till Tuesday the 16th Instant

At a Court held at the Town Hall on Tuesday the 9th Day of May Anno Domini 1758.

Present.

Samuel Peddey Esquire Mayor James Alexander Edward Burmann John Davidson & Charles Turner Aldermen.

George Mackay
Jun.
Chupperwaud Chittee

Summons returned served
The Defendant does not appear

John Adams by his Attorney Andrew Sgt.
Versus
Joannes Nazar

Summons returned served
The Defendant appears

Elizabeth Jenkings
&c.
Claud Russell & John Palmer, Administrators to the Goods, Chattels & Credits of
John Crompton Deceased.

Mr. John Maxwell Russ Attorney for the Defendants prays that a peremptory rule
may pass for the examination of Witnesses in this Cause, as Mr. Claud Russell
one of the Clients is shortly about to Leave this Place.
Granted, with the consent of the Complainants Attorney
Day is given the Parties, till the 16th Instant to examine Witnesses, when Publication
will peremptorily pass.

Petition & proofs Robert Orme, one of the Administrators to the Goods Chattels & Credits
of William Lindsay deceased, with an Account Current annexed read, praying leave
to Deposite the sum of Three thousand, & forty eight Pagodas, twenty seven fanams
and twenty Cash, being the Ballance of the Estate of the said deceased
Agreed that the Prayer of the Petition for depositing the aforesaid Sum of three
thousand & forty eight Pagodas, twenty seven fanams & twenty Cash be complied
with and Ordered that the Accomptant General do certify the same to the President
& Council, that they may receive the said Sum into the Company's Cash: But
it appearing to the Court that the abovementioned Account Current, being signed
by the said Robert Orme, as Administrator, seems to be by him Intended as
the Account of his Administration, which ought to have been delivered into
the Ordinary upon oath, by him & Joseph Austin, the other Administrator; and
it is found upon Inspection of the Records that the said Robert Orme and
Joseph Austin have neglected to deliver into the Ordinary, either the Inventory
or Account Current of the above said Estate, agreeable to their Oath of Administration
Ordered therefore that the said Account Current be not received by this Court & that the
Petition only be filed.

Mr. Alderman Plumer in Court off the Bench
Ricardanulla Chuddeerpah
Edward Brumsen
&c.

Bill read
Answer read
Replication read
Rejoinder read
Interrogatories on the part of the Complainant read
Two Depositions taken thereunto read
Additional Interrogatories on the part of the Complainant read
One Deposition taken thereunto read

Interrogatories

Jn Chancery Between

Jos.r

Dennings Spencer

Further day is given the Defendant till the 16th Instant to rejoin gratis & default of which this Cause will be heard on the Proceedings already had

Adjourned till Tuesday the 16th Instant

At a Court held at the Town Hall on Tuesday the 16th day of May Anno Domini 1758

Present

Samuel Astley Esqure Mayor Edward Burman, Isaac Davidson and Charles Turner Aldermen

A Letter from the Secretary of the President & Council by their order read, acquainting with that they had elected Mr. Walter Spencer of Fort St George Merchant to be an Alderman & Judge of this Court, in the place & stead of Mr. George Mackay, & that they Purpose speedily to fill up the vacancy occasioned by the resignation of Mr. Andrew Pigot late one of the Aldermen and Judges of this Court

Let the usual Notice be given to the said Mr. Walter Spencer

A Note from Mr. Isaac Dupre Clerk of the Court of Appeals to the Register, acquainting that Stuart Snape of Madras Merchant has appealed from a Decree of this Court pass'd the 2d Instant, in a Cause wherein Isaac Dupre was Complainant & the said Stuart Snape Defendant

Ordered that the Proceedings in the said Cause be sent to the Court of Appeals

Mr. Eleazer du Pre produced Exemplars of Council Determinations for Court on account of the Balances of Deposits belonging to the Estate of this Court remaining the Hands of Wm. Wilkins in the charge of the President & Council & settled by the President & Council Exemplars Jurnal & Register of this Court

Bogus Catchick

Pltf.

Bentinck Chester Mordelair

Defendt

Swindon read & filed

Charles D'Wayte

Pltf.

Hallah

Defendt

George

Salomon Isaacs

Vers.

Joakim Jozy da Motta.

A Note from the Examiner to the Register read, desiring him to acquaint the Court that the Deposition of Manuel da Cruz, a Witness produced on the part of the Defendant in this Cause, is ready.

Publication is past & ordered that this Cause be set down on the List for hearing.

Moodie Ramiah Lenga Chettee

Vers.

Viviant Durrieu de Lattretine

Mr John Maxwell Stone, Attorney for the Complainant produces a Certificate from the Register that the usual order had issued for the Defendant to answer the Complainants Bill, but that he had neglected so to do

Bill read.

It appearing to this Court that the Defendant had been served with the usual Exigit to answer the Complainants Bill, but not fully & effectually respecting so to do, This Court doth therefore think fit to order & decree & doth accordingly order & decree, that the Defendant do deliver up to the Complainant the Deeds of Purchase prayed for in the Bill of Complaint & that the Defendant shall pay unto the Complainant the sum of Two hundred & eighty three Pagodas together with such Interest as now is, or shall hereafter become due thereon, until full payment is made, or so much thereof, as the Produce of that half of the Bungalow, which is now sold & is to be sold by virtue of the Warrant of Execution, that has issued from the Hon'ble Court of Appeals will suffice to discharge. And that the Defendant do pay all costs of this suit.

David Lopez Fernandes & Samuel de Castro

Vers.

John Walsh, & Henry Vanhilart

Petition of Henry Vanhilart for himself & in behalf of his Partner in Trade John Walsh delivered in the 12th July last read.

Bill read.

Answer with an Allegation, & two Notes annext read.

Replication read,

Rejoinder read,

Interrogatories on the part of the Defendant read.

Two depositions taken thereunto read.

Mr John Maxwell Stone, Attorney for the Complainants represents to the Court, that the Interrogatories administered to the Defendants Witnesses appear to be very binding, & particularly [illegible] that the Depositions taken thereupon [illegible]

Ordered that the said Cornly Nunnyah be summoned to appear before this Court on the 20th Instant till which day the Hearing of this cause is deferred —

Proceedings in Petty Causes

John Peter Paymeer

Vers.

Domingo Gomez

Rejoinder read and filed

Anthonio da Costa

Vers.

Paupayah & Ramayah

Further day is given the Defendant till the 20th Instant to answer the Complainants Bill in default of which Judgment will be given for the Complainant

Adjourned till Tuesday the 23 Instant

At a Court held at the Town Hall on Tuesday the 23d day of May Anno Domini 1758 —

Present

Samuel Ardley Esquire Mayor Edward Burman, Charles Fowler and Walton Stevens, Aldermen —

The Register acquainted the Court that he had seen the usual oaths administered by the President to Mr Walton Stevens as an Alderman & Judge of this Court Mr Walton Stevens took his seat at the Bench —

George Stratton & William Stratton Executors to the last Will & Testament of John Shatton deceased & George Mackay & Sarah his Wife also Executrix to the deceased

Vers.

Cheneyalroyah

Summons on hand said

The defendant appears

Geneck

Bill of Complaint the Word [illegible] being therein inserted, instead of the Word [illegible] and prays that the same may be amended.

The said Translate being compared with the original by Consent, the Gentⁿ Translator of this Court, is found to be erroneous in the aforementioned respect. Ordered Thompson that it be amended in this Court.

Bill with Translate of powder of Attorney and mark

Answered.

Replication

Rejoinder

Interrogatories on the part of the Complainant filed

Commission taken thereupon and

Summons issued to Examine Witnesses to be produced before the Examiner, on the part of the Complainant returnable

The Witnesses and their evidence is examined as follows

Qu: Were you present at the time of the execution of the Deed of Gift from Mr. Hamilton to the Defendant?

Ans: I was present at the time of the execution of the Deed of Gift from Mr. Hamilton to the Defendant.

Qu: Did you see the Deed executed by Mr. Hamilton?

Ans: I did see the Deed executed by Mr. Hamilton.

Qu: Did you see the Deed delivered by Mr. Hamilton to the Defendant?

Ans: I did see the Deed delivered by Mr. Hamilton to the Defendant.

Qu: Did you see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses?

Ans: I did see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses.

Qu: Did you see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant?

Ans: I did see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant.

Qu: Did you see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses?

Ans: I did see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses.

Qu: Did you see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses and the Witnesses?

Ans: I did see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses and the Witnesses.

Qu: Did you see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses and the Witnesses and the Witnesses?

Ans: I did see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses and the Witnesses and the Witnesses.

Qu: Did you see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses and the Witnesses and the Witnesses and the Witnesses?

Ans: I did see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses and the Witnesses and the Witnesses and the Witnesses.

Qu: Did you see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses?

Ans: I did see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses.

Qu: Did you see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses?

Ans: I did see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses.

Qu: Did you see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses?

Ans: I did see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses.

Qu: Did you see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses?

Ans: I did see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses.

Qu: Did you see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses?

Ans: I did see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses.

Qu: Did you see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses?

Ans: I did see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses.

Qu: Did you see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses?

Ans: I did see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses.

Qu: Did you see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses?

Ans: I did see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses and the Witnesses.

Qu: Did you see the Deed delivered by Mr. Hamilton to the Defendant in the presence of the Witnesses and the Defendant and the Witnesses

At a Court held at the Town Hall on Tuesday
the 30th day of May Anno Domini 1758.

Present

Samuel Hadley Esquire Mayor James Alexander
John Davidson Charles Turner & Walton Stevens
Aldermen

David Lopez Fernandes & Samuel De Castro
Exrs
Ravcor Virago Chittee

The Register acquaints the Court that he had received a Note from Mr John Maxwell Atto
Attorney for the Complainants setting forth that the Defendant had satisfied the Com
plainants demand & therefore desiring that he might be discharged from Prisone
Whereupon a Counter Warrant is ordered under the hand & seal of the Mayor for his release

George Stratton & William Stratton Executors to the last Will & Testament of
John Stratton deceased & George Mackay & Sarah his Wife also Executrix to the
Deceased
Exrs
Chengalroyah

Mr John Palmer Attorney for the Defendant appeared in this Court & Demurrer & prays that
the same may be read & being read & filed in the Registers Office within four days from
the service of the Summons on the Defendant
Demurrer read & filed
Gerack Jacob
Exrs
Cyamoodally & Nucau Naidoo

Answer read & filed

Nucau Naidoo one of the Defendants makes oath to the Answer in Court & acquaints the
Court that the other Defendant is so much disordered as not to be able to attend this day
Ordered that he make oath to the Answer before one of the Judges of this Court
Gerack Jacob
Exrs
Richard Fraley

Explanation read & filed
George Mackay
Exrs
Azarel Mahomed Dyar Cawn

Withdrawn

Obligation the same not being made payable to the order of the Obligee which from is by Law requisite to make a Bill. Note or Obligation endorsable so as to be assigned by the Endorsee or Person to whom the same is transfer'd. This Court doth therefore unanimously think fit to order & decree & doth accordingly order & decree that the Complainants Bill shall stand dismiss'd with costs.

Robert Cummings

Vers

Venaby Histead

The Register acquaints the Court that application was made to the Mayor between the days of Adjournment by the Defendant for a Summons to issue against one Hobspath a Witness produc'd before the Examiner on the part of the Complainant in order that the said Hobspath might appear to be re-examined touching his Deposition & that a Summons did accordingly issue upon such application returnable this day.

Summons returned Not to be found

Mr Isha Calvert Attorney for the Defendant prays that the hearing of this Cause may be deferr'd till the next Court day & that the said Hobspath may be again summoned to appear on that day.

Granted accordingly

The Register acquaints the Court that he had receivd the sum of Ten Pagodas from Cavally Naraupah on account of the Fine impos'd on him the last Court day.

Adjourned till Friday the 2d day of June.

At a Court held at the Town Hall on Friday the 2d day of June Anno Domini 1758.

Present

Samuel Ardley Esquire Mayor Charles Turner and Walton Meebons Aldermen

Robert Cummings

Vers

Venaby Histead

Bill, with an Injunction annexed read

Answer with Translate of an Agreement & Assignment thereto annexed read

Replication read

Interrogatories

Qu: What becomes of the Defendants memorandum of his having received the forty three &
fifty Pagodas?
Ans: He does not know?
Qu: Did you see any receipt given to Sangamyah?
Ans: The Defendant gave Sangamyah a receipt for ninety three Pagodas.
Qu: Did Sangamyah give the Defendant a note of hand, or any writing or agreement for the
remaining two hundred Pagodas?
Ans: Not to his knowledge.

The said Sadapah having in his Deposition given before the Examiner set forth, that on Friday 27th forty three, & fifty Pagodas were made in the Defendants Books & now being referred to that Point, declares that no Memorandum only was made on a piece of Paper & having alledged before the Examiner, that Sangamyah gave the Defendant a note of hand for two hundred Pagodas, & now in Court, deposes that he does not know of any note of hand having been given, Ordered that he be committed to the Custody of the Sheriff, for a further such contradictory Evidence there to remain till the further order of this Court.

Mr John Palmer, Attorney for the Defendant prays leave to withdraw the additional Interrogatories administered to Annapah & the Depositions taken thereunto, as he finds the same to be no ways essential to the Suit.

Which is granted with the consent of the Complainants Attorney.

This Cause coming on to be heard & debated this day in the presence of the Defendant & the Attorneys on both sides on reading the Complainants Bill, with an Agreement annexed the Defendants Answer, with the Examinations of an Agreement on Record thereto & the Exhibits & Interrogatories & Depositions & Exhibits, the Interrogatories on the part of the Complainant with the Depositions taken thereunto, the Interrogatories on the part of the Defendant with the Depositions taken thereunto & one Exhibit on the part of the Defendant in hearing the Witnesses made use of by the Attorneys & on due consideration had thereon, Appearing to the Court that notwithstanding the Lease in the pleadings mentioned by the Defendant, at a private instead of a publick sale, compounded for the Tenure of the Agreement entered into by Sangamyah with the Defendant pleaded & since it is apparent from the Depositions of two Brickmakers & other Evidence that the said Premises sold for more than the consideration thereof, which the Defendant had pleaded to be made & likewise for more than it was bought by Sangamyah on whose account the Defendant sold it, by virtue of the aforesaid Agreement, This Court doth therefore unanimously think fit to order & decree, and doth accordingly Order & decree that the Complainants Bill shall stand dismissed with Costs

Touching

2. To Examine Gregorio de Arras & Roque de Ortuno, whether they were present or not when the aforesaid Avrial Jacques executed the said Account, in the Complainants presence, and what is the Custom of Pegu, in regard to Landing of Goods —

Agreed that the Order made the last Court day, relating to the Issuing of the said Commission to Pegu be stand confirmed, but in case the Complainant does acknowledge any Debt to the Defendant then declared he intends to Examine Witnesses to the Defence of that Defendant shall have an account of the Defendant, provided he is made acquainted therewith, before the said Commission is sent —

George Mackay
Com.t
Thelma Colony Vengajaw Pondadar & Chavanga Cobalino
Summons Issued the last Court day returned & immediately returned Non Sunt Inventi.
Isaias Roque, Executor to the Last Will & Testament of William Roque deceased
Pet.r
Shanmoir Sullivan
Ordered that the Cause come on to be heard this 6.th Instant.

Adjourned till Tuesday the 6.th Instant

At a Court held at the Town Hall on Tuesday the 6.th day of June Anno Domini 1758 —

Present

Samuel Ardley Esquire Mayor, Edward Burman and Hallan Stevens Aldermen —

Bill of Andrew Ferguson & filed
Subpœna Ducas pad Tables to be summoned —
Bill of Thomas Vanbittart on behalf of himself & on Mercy for John Walsh read & filed,
Subpœna Scandis to be summoned —
Pandamutta Chuddapad
Pet.r
Edward Burman
Receipt proved the last Court day against the Complainant for payment of the Defendants costs ordered & decreed that the said Receipt be taken assigned & the costs demanded, but that the Complainant had not discharged the same.

before the Notary Publick at Manitba. was also the Copy of the Obligation and Bond
by Solomon Massan the Defendants Factor which are annexed to the Bill of
Complaint

Elizabeth Jenkings
Ass.
Edward Shrapnell & John Palmer Administrators to the Goods Chattels & Credits
of John Crampton Deceased

Ordered that the Cause come on to be heard the 15th Instant

Adjourned till the 15th Instant

At a Court held at the Town Hall on Tuesday the 13th day of June Anno Domini 1758

Present

Samuel Ardley Esquire Mayor, John Davidson, Charles Turner, and Walton Stevens, Aldermen

Andrew Ross
Vers
Mulgrave Cunningham Chittie

Summons returned sworn

The Defendant appears

Mr. John Maxwell Jones Attorney for the Complainant prays that the Defendant may give Bail

Mulgrave Chittie & Nicho. Meeks Chittie became Bail for the Personal appearance of the Defendant or to answer all costs & damages, taken & acknowledged in Court

John Walsh & Henry Van Sittart
Vers
Calipha Saunders

Summons returned sworn

The Defendant appears

Mr. Archibald Colvear Attorney for the Complainant prays that the defendant may give Bail

The defendant appearing in the Court that he has no Effects under his charge belonging to
Wm Mahomed Esqr & the Court having notice that the suit commenced by the
Complainant

Thos Hayes acquainted the Court that application had been made to him by Elizabeth the Person confined the 2d Instant by order of this Court for exhibiting contradictory Evidence to be heard allledging that he is very poor & infirm & having no Family to supply him with Necessarys the Confinement is particularly hard upon him, and desires it to be consideration of the Court whether he may not be discharged.

Agreed that an Order be issued to the Sheriff for his release—

Elizabeth Tenbrings

Vers

Edward Russell & John Palmer Administrators to the goods Chattels & Credits of John Compton deceased.

Bill with an Account Current annexed read.

Answer read.

Replication read.

Rejoinder read.

Two Depositions on the part of the Defendants read

Mr Peter Maxwell Stone Attorney for the Defendants acquainted the Court that his Clients admit as is alledged in their Answer that the Principal sums sued for, do correspond with accounts of the deceased John Compton but as no accounts can be procured of later date than the year 1760. which is about eight years before the said John Comptons death. he therefore prays as the defendants have shewn in their Answer, that the Complainant may produce oath that she has no knowledge of any sum, or sums of money having been paid or part of the Sum, exclusive of the one thousand Rupees mentioned in the Account Current annexed to the Bill of Complaint.

The Complainant being in Court, acquainted the Court that agreeable to what she has alledged in her Replication she is willing to make oath to the above effect & does accordingly make oath as follows Viz.

"That she knows knowledge of any sum, or sums of money having been paid as part of "her dowry, exclusive of the one thousand Rupees inserted in the Account Current "annexed to the Bill of Complaint, except what might have been laid out by the "deceased John Compton, in the maintenance & education, till the time of her Marriage"

So help her God.

"

Whereupon coming on to be heard & debated this day in the presence of the Complainant, Mr John Palmer (one of the Defendants) & the Affidavits & Orders reading the Complainants Bill with the Answers thereto, the Defendants Answer, the Replication & Rejoinder & Depositions taken on the part of the Defendants, & hearing the pleadings made use of by the Parties Now the same being fully understood by this Court doth

Each Party, their Attorneys, together with much Interest as now is or shall hereafter become due thereon, until full Payment be made, also all Costs of this Suit

Sabina &c. Spencer

Vers.

Abraham Isacs &c. Mellé

Ordered that the Cause come on to be heard the 28th Instant.

John Davidson, Administrator to the goods Chattels & Credits of John Fritth deceased

Vers.

Hugh Laing

Ordered that the Cause come on to be heard the 28th Instant.

Adjourned till Tuesday the 27th Instant.

At a Court held at the Town Hall on Tuesday the 20th day of June, Anno Domino 1758.

Present

Samuel Addley Esquire Mayor, Edward Burrows, John Davidson, Charles Turner, and Walton Stevens Aldermen.

Charles Turner

Vers.

Comingoe Shenewanchaka Commun Augeny Chittie, & Commidala Ravanapah.

Summons returned one to against Comingoe Shenewanchaka & against Commun Augeny Chittie, Hommidala Ravanapah, Non Sunt Inventi.

The said Comingoe Shenewanchaka does not appear.

The Defendants to be summoned again.

Henry Brooke, by his Attorney Isaiah Dupuy & James Alexander

Vers.

Ammagicoby & Comingapah Chitte.

Summons returned executed

The defendants appear

Mr. Silas Talmage Attorney for the Complainant says that the Defendants may give Bail.

Pettinpah Chittee & Nicholas Mackie Chittee become Bail for the personal appearance of the defendants to answer all Costs & damages to be ascertained by the Court.

Tho. Fowler

The Sheriff returns the Warrant of Execution issued against the Defendants Effects, Levied
Debt & Costs satisfied.

David Lopez Fernandez & Samuel de Castro
Vers.
Ramon Verag Cubillos.

The Sheriff returns the Warrant of Execution issued against the Defendants Effects, Levied
Debt, & Costs satisfied.

Robert Cunningham
Vers.
Timothy Hedrick.

Mr. Silas Palmer Attorney for the defendant acquaints this Court that the Complainant
has not been satisfied the defendant his costs of suit, the decree as to do, & therefore prays
that a Precept may issue against the Complainant, requiring, & directing him to pay
the said costs
Granted accordingly.

Solomon Forand
Vers.
Graham Joos de Medts

This Cause being long Contested, & the Members not having all perused the Papers
Agreed to defer the Consideration thereof till the 25th Instant.

John Davidson, Administrator to the Goods, Chattels, & Credits of John Pitts deceased
Vers.
Hopes Lewis

Mr. Ellsworth Davidson gave off the Bond.
To this Mr. Ellsworth Spooner being a Creditor to the Estate of the Deceased
Bill with an Account Current annexed read
Answer with an Account Current annexed read.
Replication read
Rejoinder read
Two Exhibits on the part of the Complainant read
This Cause coming on to be heard & debated this day in the presence of the Complainant
and of the Attorneys on both sides, Decreeing the Complainants Bill with an Account Current
annexed the Defendants Answer with an Account Current annexed the Replication & Rejoinder with
five Exhibits on the part of the Complainant, the hearing the Pleadings made out of by the
Attorneys, Upon due consideration had thereon, It appearing to the Court that the deceased John
Pitts did act as Agent for Captain Coulson Company to which Account he added the sum of
£47

in order to amend the same.
Which is granted, with the consent of the opposite Attorney.
Bill amended read & filed.
John Peter Zenger
Vers.
Domingos Gomez
Mr. John Chambers Attorney for the Complainant Obtains rule to Court now Exhibit in this Cause.
Bill of Discovery Continued & filed.
Lawrence de Lacy to be Summoned.

Adjourned till this Tuesday the 27th Instant

At a Court held at the Town Hall on Tuesday the 27th day of June, Anno Domini 1758.

Present

Samuel Ardley Esquire Mayor James Alexander, Edward Burrows and Walter Stevens Aldermen.

The Mayor acquaints the Court that the Sheriff has between the days of Adjournment applied to him to order the ordinary Allowance & Office to Mr. Philip Francis Speonhake, to whom the Sheriff hath nominated his Deputy, to the end he may have time to make return to some Writs issuing out of this Court which are returnable this day, & which the Sheriff himself cannot conveniently attend, this is a great Inconvenity in the Year, which request the Mayor complied with for the reasons aforementioned, and he had no reason to believe the Court would disapprove of the Sheriffs choice.

The Court do therefore Agree that Mr. Philip Francis Speonhake be admitted to act as Under Sheriff.

Rondamuella Chandegrah
Vers.
Edward Burrows.

The Mayor acquaints the Court that he did on the 15th Instant receive a Note from the Defendant

Warrant of Attorney returned Not found.

Withdrawn —

John Welsh, & Henry Van Dillard,

Versus

Noor Mahomed Canby.

The Plaintiffs returned the Warrant of Execution issued against the Defendants Effects endorsed, That the defendant had no Goods or Chattels in his Bailiwick whereby he could levy the Debt & Costs or any part thereof.

Henry Brooke by his Attorney Isaiah Diggs & James Alexander,

Versus

Ammapolley & Cannapoolah Chetter.

Day is given the defendants till Wednesday next to answer the Complainants Bill.

Gooreh Jacob,

Versus

Richard Finley,

Day is given the defendant till the 4th July next to reply.

Robert Cummings

Versus

Venerby Thirtadah.

Mr Johnstone Cruse Attorney for the defendant requires the Court that the Complainant has not satisfied the Defendant his costs pursuant to the Decree pleaded to & that purpose & therefore prays that a Warrant of Attachment may now issue.

Granted accordingly —

Soochoma Showcarmiah

Versus

Soondeep Mondledeep.

Mr John Palmer Attorney for the Complainant requires the Court that a claim has been made on all Lands &c by virtue of the Warrant of Execution issued against the defendants Effects & therefore prays that the return of the Warrant of Execution may be perused for the space of one month that the Foundation of the said Claim may be examined into.

Which is Granted —

Seeva Chitter

Versus

Ariel Fenze.

The Clerk of the Court of Appeals returned the proceedings in this Cause by Letter with the Decree of the Court.

demand payment of this Respondentkis Bond. Yet he hath not renounced his right thereto. This Court hath unanimously thought fit to order and decree, & doth accordingly order and decree that the Defendant shall pay unto the Complainant the full & just sum of one Thousand Seven Hundred Pounds, together with such Damages & Interest, as now is, or shall hereafter become due thereon, until full payment is made, agreeable to the tenour of the Bond. And all Costs of this suit —

Petition of James Solomon Solomons entered in the last Court day read & 1st time.

Mr. John Palmer, Attorney for the Petitioner prays leave to withdraw the said Petition, in order to amend the same;

Which is granted.

Petition amended & read 1st & 2d time.

Ordered that the said Petition do lye on the Table till the 20th Instant, when a full Court is to be Summoned to take the same into consideration —

Proceedings in Petty Causes —

Churchill Chittle

Vers.

Lawrence Babcock,

Summons returned served.

The defendant appears

Mr. John Palmer, Attorney for the Complainant prays that the Defendant may give Bail.

Mr. Nicholas Palmer, Attorney for the defendant prays that the defendant may be admitted to Genral Bail, as the Action does not amount to the sum of Ten Pounds sterling, under which sum the Law does not require Special Bail to be given.

The Complainants Attorney moves the Court that the defendant may be obliged to give special Bail, as there have been instances in this Court of Defendants being held to special Bail, where the sum sued for did not amount to Ten Pounds.

The Court having taken the Motions of the Attorneys into consideration, do agree that the Defendant shall be held to Special Bail

Drawings & John Doe become Bail for the personal appearance of the defendant, or to answer all Costs & damages taken & acknowledged in Court.

The Hon.ble defends to the above resolution, notwithstanding there having been instance in this Court of Defendants being held to special Bail under Ten Pounds, he does not acknowledge it.

Bill of Solon Spratt read & filed.

Summons thereon to be summoned.

Bill of Solon Spratt read & filed.

Recognizance Summons Bills to be summoned.

Petition Capt. Solomon Solomons delivered in the last Court day read a 2d time, Setting forth, that since making the first dividend of the Estate among the Creditors which was appointed by this Court, on the application of the Creditors, & with the consent, and by some of money have come to his hands, which he hath at the instance of the said Creditors divided among such of them as were on the spot, at the rate of two Pagodas & twenty four fanams per every hundred Pagodas that remain of their respective debts undischarged by the aforesaid first dividend, but as some of the Creditors who are not here, have no Agents to receive their shares of the said second dividend, and as those lays deposited in the Company's Cash, a certain sum of Money, under the Head of this Estate, a part whereof was what became payable to the said Creditors who are absent, on account of their shares of the said first dividend, therefore Praying that this Court would order the sum of four hundred & twenty eight Pagodas, twenty two fanams & sixty cash, being the amount of what is due to the said absent Creditors, by virtue of the said second dividend to be deposited with the Company's Cash under the Head aforesaid, that the same may be received by his said Creditors when they come to demand it from him; The Court having taken into Consideration the said Petition, & that the Dividend therein mentioned to be made by the said Solomon Solomons at the instance of his Creditors, is a private transaction between themselves, which has not come before this Court by way of suit, and perusing upon perusal of the Instructions sent out by order of the Court relating to Deposits to be made in the Name of the Accomptant General, that the same are spoke of as what may be lodged into Court, or to be deposited for safe custody on behalf of Suitors only; And the Court of Directors having in their general Letter, both of the 11th February 1755, & 25th March 1756 declared that this Court hath no authority to order for the Affairs of Persons Insolvent, in the manner it has here-tofore done in the case of the said Solomon Solomons; All this a Part of the Estate of the said Solomon Solomons deposited with this Court, by Trustees nominated by this Court to collect in the Estate of the said Solomon Solomons, this nomination in the Honble Company's Cash in the Name of the Accomptant General, under the Head of the Estate of Solomon Solomons Insolvent, being the Reputations allotted thereby to Creditors

of

At a Court held at the Town Hall on Tuesday
the 4th day of July Anno Domini 1758—

Present

Samuel Fridley Esquire Mayor Charles Turner and
Walton Stevens Aldermen ——

John Spratt
Vers.
Ammanjeeboy

Summons returnable forth
The Defendant does not appear.

John Spratt
Vers.
Bavulacotty Pasawapah Chitter

Summons returnable forth
The defendant does not appear

Robert Cummings
Vers.
Pencaly Pleatnah

Warrant of Attachment issued against the Complainants Body returnable forth
The Deputy Sheriff attending in Court acquaints the Court that the said Robert Cummings
is under custody of the Sheriff but so much indisposed as not to be in a condition to
be brought to Court.

The defendant Pencaly Pleatnah appears & acquaints the Court that the Complainant
has satisfied him the defendants costs & therefore prays that the Complainant may
be discharged from Prison.

Ordered that the Sheriff be Directed to release the said Robert Cummings.

Robert Orme, William Bonsal, Andrew Morris & Solomon Francis, Trustees
to the Estate of Solomon Salomons Insolvent.
Vers.
Pallyah

Mr. John Palmer late Attorney for the Complainants acquaints the Court that as this
Court has thought fit for ye to decline any further management of the affairs of the
said

Charles D'Utrayde

Vers

Mottah

Day is given this Parties till the 14th Instant to examine Witnesses

Pandamalla Chiddayah

Vers

Edward Burman

Mr John Palmer Attorney for the Complainant requires the Court that the Compt and Court would be pleased to pay him his Stipulated fees this frequently required as to do it Therefore prays that a Warrant of Attachment may issue against the Complainants Body.

Granted returnable the 14th Instant

Joanna Petrose

Vers

Father Severini, Curator to the last Will & Testament of Petros Gregorio deceased

The Attorneys on both sides Pray that this Cause may be now heard on the Proceedings already had.

Bill with Translation of a Certificate & of a Letter annexed read

Answer read

The Court takes notice that the Names mentioned in the Deceased Will are Frances Cardoza and Sagorn but in the Translation of the Certificate annexed to the Complainants Bill Frances and Sagorn, with Gothicks instead of Cardozas & the Defendants Attorney being asked how that Difference arose, acquainted the Court that the Translator proceeds from some Mistake in the Person who wrote the Will.

This Cause coming on to be heard & debated this day in the presence of the Defendant & the Attorneys on both sides, Recording the Complainants Bill with Translate of a Certificate & of a Letter annexed & the Defendants Answer, the hearing the pleadings read & by the Attorneys and due consideration had thereon. The Defendant having by his Answer admitted the Executors produced by the Complainant to be sufficiently authentick to induce him the Defendant to believe the Complainant to be the only surviving Child of his the Defendants Testator. He having bequeathed the residue of his Estate to his three Children by Name only, one of whom being the Complainant without any limitation, whereby the same became a Joint Estate, which by Law devolves to the surviving Legatee before payment. This Court doth therefore Unanimously think fit to Order & decree & doth accordingly order & decree that the Defendant shall after discharging the

he always discharged the amount thereof to the said Summons Parties except the present demand of the Complainant, which was discharged in the manner aforesaid, & in that manner only, & with respect to the Complainants assertion that the Statutes pleaded by the defendant is not sufficient to set aside the Complainants demand, as the time therein mentioned is not elapsed, but that the said Statute would render the defendants demand void, the defendant shews proof of such assertion

Exhibit on the part of the Complainant read, being an account produced by the Complainant with an intent to prove that accounts were settled between the Complainant & Defendant the 19th December 1765, and therefore that the demand made by the Defendant can have no foundation.

Summons issued to Candapah a Witness for the part of the Complainant returned duly appear.

Mr Abraham Palmer, Attorney for the Complainant delivers into Court the original of the aforementioned Exhibit & prays that the said Candapah may be examined touching the same.

Mr Archdale Palmer, Attorney for the defendant moves the Court that the Complainants Attorney may set forth what matters he purposes to examine the said Witness to, especially the defendant may allow the truth thereof.

The Complainants Attorney represents to the Court that he intended to ask the Witness by whom the original Exhibit was made, & whether it was not by one Arnold Basse, who frequently transacted business for the Defendant.

The defendant being in Court, acquaints the Court that he acknowledges that the said original Exhibit is in the hand writing of Arnold Basse, at the defendants direction, but denies that he ever signed it, or caused it to be signed, as signed by him.

The Complainants Attorney thereupon acquaints the Court that he will waive the examination of the said Witness.

Mr Archdale Palmer, Attorney for the defendant produces to the Court Andrew Slater of Madras Taylor as a Witness on the part of his Client & desires that he may be examined whether the Complainant did not some short time after the restoration of Madras, apply to some of the Gentlemen of Council for the recovery of a small bill of a similar nature with the present demand.

The Complainant being in Court acknowledges that he did make such Application.

The Defendants Attorney thereupon acquaints the Court, that he will waive the examination of the said Witness.

This

Mr. John Palmer Attorney for the Complainant acquaints the Court that the Complainant has come to exchange this free & therefore prays that the Complainant may be relieved from Arrest

Ordered that the Sheriff do release the Body of the said Pandamutto Chuddapah Coundapah

Vers.

Coja Ibrahim

The Bill of Complaint having been shewn to the Hon.ble Mayor for his approbation between the days of Adjournment, and oath made to the Justness of the demand a Summons returnable immediately, & a Warrant of Arrest issued

Summons served

The Defendant appears by his Attorney Mr. Archdale Palmer

Warrant of Arrest returned Executed

Coja Bungsha & John do become Bail for the personal appearance of the Defendant to answer all Costs & damages taken & acknowledged before Mr. Edward Davidson one of the Aldermen and Judges of this Court

Gerrick Saunt

Vers.

Richard Tenley

Rejoinder filed, Issued

Henry Brooke by his Attorney Joined Issue Mr. James Alexander

Vers.

Ammagerloy & Cannapah Chitter

Further Day is given the Defendants till the 18th Instant to answer the Complainants Bill in default of which Judgment will be given for the Complainant

Bill of Thomas Hebbitt filed, Issued

Process by Cannapah Chitter to be summoned

George Mackay

Vers.

Christna Pooley Venugopa Pondadar & Cheruzza Chitter

Mr. John Maxwell Stone Attorney for the Complainant prays that Tatamalla Pillah the Person who has laid claim to goods attached by Writ of Execution issued against the Effects of the Defendants may be ordered to appear before this Court and that the Sale of the said Goods may be postponed till further Order of Court Pence &c

At a Court held at the Town Hall on Tuesday the 18th day of July Anno Domini 1758—

Present

Samuel Ashby Esquire Mayor James Alexander Charles Turner and Mullins Stevens Aldermen—

Thomas Hobull

Vers.

Bavelacooly Bassavapah Chetty

Summons returnd served

The Defendant does not appear

Withdrawn

Gereck Jacob

Vers.

Bavelacooly Bassavapah Chetty

The Bill of Complaint with an Account Current annext having been shown the Mayor for his approbation between the days of Adjournment a Summons issued thereupon returnable this day

Summons returnd served

The defendant does not appear

Soothma Shevaramiah

Vers.

Soorido[illegible] Moodidoss

Warrant of Commitment issued against the defendants Body returnd served

The Defendant being brought to bar, & asked his reasons for not discharging the decree of this Court passed against him this day of April last acquaints the Court that he is not able to pay the same

Ordered therefore that he be sent back to Prison

Gereck Jacob

Vers.

Pyamoodally & Hossaw Naidoo

Replication read and filed

Henry

At a Court held at the Town Hall on Tuesday the 25th day of July Anno Domini 1758

Present

Samuel Ridley Esqr Mayor James Alexander, Isaac Davidson, Chas Lee Sumner and Walton Mowers Aldermen

Bill of Plts dat Mayor by his Attorney Charles Campbell exhibited against Edward Bandon & filed

The said Edward Bandon being the present Sheriff Ordered that the Summons which shall be issued out of this Court be directed to the Coroner

Bill of Marmaduke Post with Translate of a Mortgage Obligation annexed against Edward Bandon & filed

Mr. John Palmer Attorney for the Complainant prays that a Summons may issue against the said Bandon Double returnable immediately, and that in default of appearance a Warrant of Sequestration may issue against the Effects of the said Bandon Double, upon the Complainant's making oath to the justness of his demand and that he has reason to believe the Defendant has withdrawn himself out of the Jurisdiction of this Court agreeable to the Prayer of the Bill of Complaint.

Ordered that in default of the Defendants appearance on return of the Summons a Warrant of Sequestration do issue against the Effects upon the Complainants making oath in manner aforesaid to support the Prayer.

Cundapah Chitty

Versus

Coja Ibrahim

Withdrawn with the Consent of the Defendants Attorney.

George Mackay

Versus

Moodie

Withdrawn The Defendant not having appeared

Proceedings in the Petty Causes

Anthonio da Costa

Versus

Pacpayah & Thomasiah

Answered & filed

Adjourned till the 1st Augt next

Interpreter of this Court in the Portuguese Language, & that such interpretation was to the best of his Skill & Knowledge"

The said Attorney having omitted to set forth in the Bill of Complaint that the Client has reason to believe that the Defendant will abscond on hearing this Bill is filed against him prays leave to withdraw the said Bill in order to amend the same.

Which is granted.

Bill amended read & filed.

Order'd that a Summons returnable immediately & a Warrant of Arrest do issue the Complainant having made oath to the purport of his demand, & that he has reason to believe the Defendant will abscond on hearing this Bill is filed against him, if not prevented by an Arrest.

The Register acquainting the Court that he is out of order, the Court permit Mr. Archibald Palmer, one of the Attorneys of this Court, to act for the Register

Jeresh Jacob

Vers.

Richard Tinley

Ejectment

Father Campbell

Vers.

Agawathey Sabor & Jacob Pathoom

Mr. John Palmer, Attorney for the Defendants represents to the Court that one Lucas Fannes a material Witness on the part of his Clients is shortly about to depart from this Place & therefore prays that a Rule may issue to the Examiner to take the Deposition of the said Witness

Which is Granted and Order'd that the Complainant be served with a copy of this rule that he may have an opportunity of cross examining the said Witness if he shall think proper

Henry Brooke by his Attorneys Josiah Dupree & James Alexander

Vers.

Ammagerbay & Comrapah Chetty

Mr. John Palmer, Attorney for the Complainant represents to the Court that he has by an Order under the hands & seals of the said Josiah Dupree & James Alexander demanded payment of the Decree of this Court for Cost against the Defendants the 8th

Instant

Sommons & Chingunah Cummo Bail for the personal appearance of the Defendant to answer all costs & damages taken & acknowledged before Mr. John Davidson one of the Attorneys and Judges of this Court

Warrant of Arrest returned Non Est

Rasmus Bang

Vers.

Innagee Sing

Bill of Complaint filed between the days of Appearance read

Summons issued thereupon returned served

The Defendant does not appear.

Withdrawn

Rasmus Bang

Vers.

Tamboo Chetton & Nina Chetter

Bill of Complaint filed between the days of Appearance read

Summons issued thereupon returned served

The Defendants do not appear.

Withdrawn

John Spratt

Vers.

Innagelay

Withdrawn, the Defendant not having appeared.

John Spratt

Vers.

Bussawapah Chetter

Withdrawn, the Defendant not having appeared

Bill of Complaint with an Account Current and Translation of an Obligation annexed read and filed,

Separately Enclosed to be summoned.

John De Morgan by his Attorney Charles Campbell

Vers.

Edward Edwards

Demurrer amended read & filed

Talboys

Summons issued thereupon returnable instanter.
The Defendant appears by his Attorney Mr. Archibald Palmer.

Ovanjekee
Versus
Vedgerally Krishnaiah

Summons returnable Mint Let Inventus.
To be summoned again.

Edward Burman
Versus
Pundamalla Chuddapah

Warrant of Commitment issued against the Defendants Body returnable instanter.
The Defendant is brought into Court & declaring that he is not capable of paying the Complainants Debt, is therefore remanded back to Prison.

John De Morgan by his Attorney Charles Campbell
Versus
Edward Edwards

Joinder read & filed.

George Stratton, William Stratton, George Mackay and Sarah his Wife Executrix to the Last Will & Testament of John Stratton Deceased
Versus
Cherinja Chetty

Joinder read & filed.
Ordered that the Demurrer & Joinder thereon to be argued the 22d. Instant.

Sutton Cauapet
Versus
Agavalley Satoor & Sarah Calhoun

Further day is given the Complainant till the 22. Instant to reply, in default whereof this Cause will be heard on the Proceedings already had.

Gerrock Jacob
Versus
Oganoodalley & Ducoste Naidoo

Further day is given the Defendants till the 22d Instant to rejoin, in default whereof this Cause will be heard on the Proceedings already had.

Gerrock Jacob
Versus
Richard Tenby

Days given the Parties till the 22d Instant to Examine Witnesses.

Blacker

At a Court held at the Town Hall on Tuesday
the 22d. day of August Anno Domini 1758.

Present

Samuel Bradley Esquire Mayor John Davidson and
Walton Stevens Aldermen

George Mackay
Defd.
Perramoodundee Moodelly & Hunmanaw Setty Ironengadum
Summons returnd seald
The Defendants do not appear
To be Summoned again.

Orangjohn
Defd.
Sedgenally Christniah
Summons returnd Non Est Inventus

Rasmus Bang
Defd.
Casas Sing
Bill of Complaint filed between the days of Adjournment read
Summons issued thereupon returnd seald
Mr. John Maxwell Stone Attorney for the Complainant acquaints the Court that upon the
Summons being served upon the Defendant he had satisfied the Complainant his
demand.
Warrant of Arrest returnd Not found
Withdrawn

Thomas Helsall
Defd.
Venkatas Ketturn
Bill of Complaint filed between the days of Adjournment read
Summons issued thereupon returnd seald
Mr. John Maxwell Stone Attorney for the Complainant acquaints the Court that upon
the Summons being served upon the Defendant he had satisfied the Complainant his demand.

Thomas Powney
Defd.
William Dyson Administrator to the Goods Chattels & Credits of James Duff deceased
Answer read and filed.

Tallois

Mr. John Maxwell Sims Attorney for the Complainant prays leave to withdraw the suit.

Mr. Archdale Palmer Attorney for the Defendant acquaints the Court that he has not yet settled with the Complainants Attorney concerning the payment of costs but that he is willing that the suit should be withdrawn, provided the Complainant will pay all Costs

Which the Complainants Attorney agrees to

Withdrawn accordingly —

George Skatton William Skatton, George Mackray and Sarah his Wife Executrix to the last Will & Testament of John Skatton Deceased

Vs.

Cheengatawyah

Bill with an attested Extract from the Books of John Skatton deceased annexed read.

Demurrer read.

Joinder to the Demurrer read

Mr. John Maxwell Sims Attorney for the Complainant acquaints the Court that he has a Book in the Joinder to the Demurrer to Demurrer "That it is notorious "that any Comptroller employed by this Company to purchase any thing on the "Company's account, they always charge the Company for the same".

But as He the Attorney has been since otherwise informed, he is willing to give up that Plea.

The Demurrer & Joinder coming on to be argued this day in the Presence of the Attorneys on both Sides on reading the Complainants Bill with an Extract from the Books of John Skatton deceased annexed the Demurrer & Joinder, & hearing the Pleadings made use of by the Attorneys, & on due consideration had thereon This Court doth unanimously think fit to order & decree, & doth accordingly order and decree, that the Complainants Bill shall stand dismissed with costs For as much as the Extract from the Deceased John Skattons Books annexed to the Complainants Bill of Complaint expressly shewing that the Paddy for the payment of which the Complainants sue the Defendant was sold & delivered to him for the use of the Company, whose Servant he was at the time he is said to have received the same, and the Complainants not having produced the least proof, or even any presumptive evidence to support a supposition that the Defendant made himself answerable for the said Paddy in no other manner than they themselves suggest from the Entry in the Deceased's Books as afraid the Complainants might find it difficult upon the Company to discharge what may be due for the Paddy said to be purchased for their use, and to prove which the Complainants may Examine the Defendant as a Witness, and if after such proof against the Company it should appear that the Defendant

Pitts Causes

	Bills dismd
Arrabow Badenoy Vers. Arrabow Morgan.	29th Aug.
Andrew Peter Vers. Peter Arnaud.	29th Aug.
Joaquim Gregorio Vers. Alexis Gerry Arnaud	6th Dec. 1757.
Adrian Benjamin Depeme Vers. Chevalier.	29th Aug. 1757.
John Peter Pasmore Vers. Seaman's Chest.	21 Feb. 1758.
John Peter Pasmore Vers. Goodbody Richard Pulley & Barnagean Wardyard.	21 Feb. 1758.

Ordered that the List do lye on the Table & that the Register do summon the Attorneys with rules to prosecute the said Causes or shew cause why they should not be dismissed the next Court day And Ordered that a Table Court be summoned to take the same into consideration —

Adjourned till Tuesday the 29th Instant.

At a Court held at the Town Hall on Tuesday the 29th day of August Anno Domini 1758 —

Present

Samuel Ardley Esquire Mayor James Alexander John Davidson Walton Stevens Peter Marielle and Francis Taylor Aldermen —

The Register requests the Court that he had seen the usual oath be administered by the President to Mr. Peter Marielle & Francis Taylor as Aldermen & Judges of this Court

Mr. Peter Marielle and Francis Taylor Esqrs. then took the oath at the Bench &

Geo. Ge

Appointment & filed.

Issue joined.

Day is given the Parties till the 5th September next to Examine Witnesses.

Father Sargent.

Vers.

Against Thy Sabre & Jacob Ashborne.

Mr John Palmer Attorney for the Defendants represents to the Court that a peremptory rule passed the last Court day for the Complainant to reply & therefore prays that the Complainants Attorney may be called upon for the Replication.

Mr John Maxwell Stone Attorney for the Complainant acquaints the Court that he did since the last Court day wait upon his Client but that he was so much indisposed as not to be able to furnish him, the Attorney, with the substance of the Replication.

Which Reason the Defendants Attorney admits of & consents to a further time being granted the Complainant to reply, on account of his indisposition —

Gyreth Jacob.

Vers.

Ryamondally & Duncan Naylor.

Issue joined.

Gyreth Jacob.

Vers.

Richard Finlay.

Further day is given the Parties till the 5th September next to Examine Witnesses.

Marmaduke Wrest

Vers.

Francis Searle.

The Writ of Sequestration issued against the Defendants Effects, indorsed that he had sequestered a Parcell of Old Ship Timber.

Fuchma Shovenamiah.

Vers.

Sorrodeep Mookerjee.

Mr John Palmer Attorney for the Complainant acquaints the Court that the Defendant had satisfied the Complainants demand & therefore prays that an order may issue for the Defendants release

Ordered accordingly

is dead, whereby the Suit is abated, & the Warrant of Sequestration which was issued against the Defendants Effects being returnd. No Goods or Chattels to be found, &c. the Attorney has not received any Instructions to revive the suit.

Ordered that the same do stand dismissed. No Proceedings having been had therein since the 8th. January 56. the day the Warrant of Sequestration was returnd.

William Forward Attorney for James Villeneuf

Versus

John Smith Executor to the last Will & Testament of Dugald McEachern deceasd.

Mr. Archibald Stone Attorney for the Complainant acquaints the Court that his Client James Villeneuf has been dead some time whereby the Suit is abated, but that his Attorney has not received any orders to revive it.

Ordered that the same do stand dismissd. No Proceedings having been had therein since the 15th July 1756.

John Fellows

Versus

Allaton Nagapak

Mr. John Palmer Attorney for the Defendant represents to the Court that this suit was at this sitting over the 21st day of June 1757 in order to be amended, but has not been proceeded in since, wherefore he prays that it may be now dismissd.

Mr. John Maxwell Stone Attorney for the Complainant acquaints the Court that the delay in the prosecution of the above suit has proceeded from his not receiving any Instructions from his Client to carry on the same.

Ordered that it do stand dismissd. No Proceedings having been had therein since the 21st June 1757

Philip Jacob Dominicus by his Substitute Isaias dupre & Samuel Moscandoe

Versus

Domingo Saul Ruiz

& Co Contra

Mr. John Palmer Attorney for the original Complainant & cross Defendant acquaints the Court that he has been but lately employd on these suits & prays the Court would allow him the space of fourteen days to deliver in the Reply to the original suit & the Answer to the cross suit & gives a reason for asking so long a time, that a Commission must issue to Cadiz to swear the cross Defendant to his Answer &c.

Mr. John Maxwell Stone Attorney for the original Defendant & cross Complainant represents

since departed this life whereby the suit abated, but that his Attorney has not received any orders to move it.

Ordered that the same do stand dismissed, No Receipt having been had thereon since the 23d October last when day was given for the Defendant to answer.

Robert Cummings

Versus

Ranegaeyah

Mr John Watson Attorney for the defendant prays that this suit may be set down for hearing or that it may be dismissed.

Mr John Maxwell Nunez Attorney for the Complainant informs the Court that he has not received any Instructions from his Client to proceed in this Suit, nor has he been paid any fees for the Drawing of already done.

Ordered that this Cause do stand dismissed, & that the Complainant do pay the costs thereof. No Receipt having been had thereon since the 15th November last when the Defendants Answer was filed.

John Peter Papsmick

Versus

Lemeus Shiah

Withdrawn the Defendant not having appeared.

John Peter Papsmick

Versus

Goodewater Vanhardpatty & Bonnegarew Wordyak

Withdrawn with the consent of the Defendants Attorney.

Petty Causes

Proceedings in Petty Causes—

Peternella Parera

Versus

Anthonio Calamianes & Rosa de Monte his Wife

Bill filed between the days of Adjournment read.

Summons issued thereupon returnd served.

Warrant of Arrest returnd executed against Anthonio Calamianes the Husband.

Mr Archibald Johnson Attorney for the Complainant prays that the Defendants may give Bail.

The Defendant Anthonio Calamianes not being able to give Bail is remanded back to Prison—

Adjourned till Tuesday the 5th September next

and two hundred & ten Mercalls of Rice gave the Property of Hoja Hosam Beg for whom the Petitioner is Attorney, therefore praying to have the same restored &c.

Mr. John Maxwell Stone Attorney for the Plaintiff in Execution acquaints the Court he hath been already in possession of the claims of the said Petitioners & desires they may be ordered to produce their Proofs to support the same which the Attorney for the Petitioners says he will do the next Court day & prays Summons may issue for the Witnesses.

Which are ordered to be granted when applied for.

Marmaduke Best.

Pro.

Brander dowle.

Mr. John Palmer Attorney for the Complainant acquaints the Court he is informed that the Parcells of Ship Timber seized by virtue of the Warrant of Reprizal herein issued against the Defendants Effects is mortgaged to one Balthasar Dias Senatorea and therefore prays that an order may issue to the Sheriff to take his seals off the same.

Ordered accordingly.

Charles D'Alayde.

Pro.

Mottahe.

Mr. John Maxwell Stone Attorney for the Complainant prays that the Cadjans which were produced for the satisfaction of the Defendant may now be delivered back to the Complainant, as the Suit is withdrawn.

Granted accordingly.

George Mackay.

Pro.

Bernardo Bandeira Mendelley & Thomaram Betty Trevengadum.

Mr. John Palmer Attorney for the Complainant represents to the Court that he has by an order under the hand & seal of his Client demanded payment of the decreed Bond passed against the Defendants the 29th Ultimo but without effect & therefore prays that a Warrant of Execution may issue against their Effects.

The Defendants having acknowledged the debt the last Court day, Agreed that a Warrant of Execution do issue against their Effects conformable to the standing Rule.

The Attorney for the defendant being asked whether he believes his Client will remain at this place till the issue of the suit be determined & Execution can be had thereon in case of a Judgment acquaints the Court that he believes his Client will not stay here so long.

The Complainant being in Court is asked whether he will make oath to the justness of his debt & that the defendant is as he believes about to depart from this place & he acquaints the Court that he is willing to take such oath & accordingly takes the following oath.

"You swear that the Estate of James Duff deceased to which the defendant is Administrator is justly & truly indebted unto you in the sum of Cury £ 977. 13. 2d & that you believe the defendant will depart from this place before the determination of the suit, and execution can be had thereon, in case of Judgment?"

So help you God.

Tho.s Rooney

The Court having duly deliberated on the Prayer of the one Attorney & the arguments made use of in opposition thereto by the other Attorney & considering that altho' the defendant hath given Security for the faithfull administration of the deceased Estate, Yet should he carry the Effects of the deceased to Britain, from whence it appears the deceased came & the defendant is likely to go, and he be thereby legally discharge debts of the deceased to the full amount of his Estate, this not of a higher nature than that claimed by the Complainant it might not be deemed a Defendant for which the Security might be sued, & as the defendant has not pleaded any debt of a like nature to that demanded by the Complainant by which the Effects of the deceased would be exhausted: and the defendant himself declaring that he is willing to leave in the hands of some private Person sufficient to discharge the Complainants demand should a Decree pass against him: the Defendant altho' special Bail is not generally required of Executors or Administrators, In the present instance it is Unanimously Resolved and Ordered that the said William Dunn do deposite in this Court immediately the sum of Cury £ 977. 13. 2d being the principal sum in said for, together with thirty Pounds towards Costs of suit or so much thereof as the defendant shall make oath does remain in his hands on account of the deceased Estate as aforesaid, otherwise that he do give special Bail, or in default thereof that a Warrant of Arrest do issue.

The

The Mayor acquaints the Court that the Defendant did on Thursday last instead of giving the Bail proposed offer to deposite the sum of one thousand Pounds agreeable with the privity of the Complainants Attorney, & that the Accomptant General was ordered to receive the same & the Defendant thereupon to have received the said sum into the Companys Cash.

Mr. Archdale Palmer Attorney for the Defendant moves the Court that the order made the last Court day for the Defendant to make a Deposit or give special Bail for a security for the performance of any Decree that might pass against him in this suit may be reconsidered & that the same may be vacated altho the Defendant has made a Deposit agreeable to the said Order.

It being laid down as a rule both in the Law Books & Book of Instructions that on application for a rehearing the Lawyer who solicits the same should acquaint the Court with his opinion that such matter is proper to be reconsidered Mr. Archdale Palmer Attorney for the Defendant is therefore asked whether he conceives the matter proposed by him proper to be reheard.

The said Attorney acquaints the Court that he does conceive such matter proper for a rehearing, and represents that he has received directions to make the above Prayer from Mr. Andrew Hope of this place Merchant with whom the Defendant being obliged to proceed to Europe has left a Power of Attorney.

The said Mr. Andrew Hope appears & producing his Power of Attorney informs the Court that his Constituant (the Defendant) did direct him to desire this Court would reconsider their order made the last Court day as aforesaid, since the Defendant was of opinion his being obliged to deposite a sum of money or give Bail shewed that the Court suspected a distrust of his duely administering the Deceased James Duffs Estate which is so injurious a reflection as he apprehended there was no room for, when the Court had accepted the Security he gave for his faithfull administration; & therefore was desirous to offer reasons which he hoped would persuade the Court to alter their resolution, which his Attorney Mr. Archdale Palmer is instructed to make use of.

The Attorney being thereupon asked if he has any reasons to urge in favour of his Client further than those by him pleaded the last Court day, acquaints the Court that he conceives it to have been a particular hardship on his Client to be obliged to make a Deposit or give Bail, since he has already entred into a Bond with Security for his faithfull administration of the Deceased Estate, in the usual manner & to the satisfaction of the Court whereby his Security are always liable & must be supposed to be so if the defendant should at Batavia or elsewhere do any thing contrary to the duty of an

Petitions of Vadamalle Pillah read a 2d time.

Summons ispued to the Witnesses on the part of the Petitioner returnd servd.

They appear — A Minute made the last Court Day read.

Singapah Naig being duly sworn is interrogated as follows.

Qu: Do you, or do you not know of the Petitioner being possessed of any Cattle? if yes what Number & Quality & who had the charge of them when seizd by the Sheriff?

Ans: The Petitioner was the Proprietor of eight Plowing Oxen, eleven Cows & Calves & four Buffaloes all which were kept together with some Cattle belonging to Thalwai Pulay one of the Defendants in Sequestration, who was entrusted with them by the Petitioner, but to the Deponents knowledge nothing of them having been seizd by the Sheriff.

The Witness cross examined on the part of the Plaintiff in Sequestration

Qu: How the Petitioner any other Cattle?

Ans: Not to his the Deponents knowledge

Qu: How do you know that the Cattle you have mentioned were the Petitioners Property?

Ans: The Petitioners Servant took care of them, notwithstanding they were kept with Thalwai Pulays Cattle.

The Mark ✓ of Singapah Naig

Tondawerry Pillah being duly sworn is interrogated as follows

Qu: Do you, or do you not know of the Petitioner being possessed of any Cattle? if yes, what Number & Quality & who had the charge of them when seizd by the Sheriff?

Ans: The Petitioner had Cattle of different kinds to the number of Twenty three, which were seizd by the Sheriff & that he the Deponent, at the time they were seizd told the Sheriffs Officer that those Cattle were the Petitioners Property & did not belong to the defendant in Sequestration, Thalwai Pulay.

The Witness cross examined on the part of the Plaintiff in Sequestration

Qu: How did you know those Cattle were the Petitioners Property?

Ans: They were kept by the Petitioners Servant in the same Compound with Thalwai Pulays Cattle, but a little apart from them.

Mr Johan Maxwell, Sworn Attorney for the Plaintiff in Sequestration acquaints the Court that he is satisfied with the testimony of the above Witnesses & therefore prays that an Order may issue to the Sheriff to restore the said Cattle to the Petitioner.

Ordered accordingly, & that the Plaintiff in Sequestration do pay all costs which have accrued by reason of the seizure & detention thereof.

Petition

Summons returnd servd

The Defendant appears

Bill read setting forth that the Defendant was indebted to the Complainant the sum of sixteen Pounds with interest Therefore praying relief in the Premises

The Defendant being in Court & acknowledging the Justness of the Complainants demand. This Court doth therefore think fit to order & decree & doth accordingly order & decree that the Defendant shall pay unto the Complainant the said Sum of sixteen Pounds together with the interest due thereon, also all costs of this suit.

Sobley.

Vs.

William Dunn

Sobley

Vs.

William Dunn Administrator to the Goods chattels & credits of James Auchmuty

Mr. John Cabinis Attorney for the Complainant prays Leave to withdraw the above suit, as the Complainant will have a better opportunity of suing the Defendant in the Mayors Court at Calcutta, to which place the Defendant is gone, & whither the Complainant will shortly proceed.

Withdrawn accordingly, with the Consent of the Defendants Attorney.

Adjourned till Tuesday the 19th Instant

At a Court held at the Town Hall on Tuesday the 19th day of September Anno Domini 1758.

Present

Samuel Ardley Esquire Mayor, James Alexander, John Davidson, Hugh Norris Walton Stevens, Peter Manvile, and Francis Taylor Aldermen

A Letter from the Register of the Worshipful the Mayors Court at Bombay by their order read, desiring this Court would cause Administrations to be granted, requiring the Creditors of Francis Stevens late of Bombay Merchant Deceased to lay their claims before this Court in order that the same may be transmitted to the said Mayors Court &c

"Person, against any Person or Persons then resident, or who at the time when Cause of
"Action arose was or were resident within the said Fort or Town, or the Precinct, District,
"or Territories thereof, of any of the Causes of Suit aforesaid, already accrued, or which
"shall or may hereafter accrue, Summons shall issue to the Sheriff &c."
From which Passages of the Charter it is pretty plain the Mayors Court do from thence derive
an authority only to try Actions the Causes whereof shall arise within its Jurisdiction;
But then arises the Question, Where is to be deemed the Cause of Action, and what
the Jurisdiction? It has been hitherto held (and practised accordingly, which seems
a good Construction of that Clause) that where the Party sued is found resident there,
the Cause for which he is prosecuted, have arose wheresoever Country, tho' even under the
Government of a foreign Power, unless a Demand made on the Person when present or
Affidavit of Debt taken when absent, can be called the Cause of Action, he is obliged to
stand the suit. Indeed where an Agreement or an Engagement has been entered into or
is to be performed at a Country subject to a foreign Power (such where the British
Flag is hoisted) as the Factories in China, the Settlements at Bengal &c. (where they
have no English Courts of) may be deemed not improperly within the Jurisdiction
of any of the Mayors Courts in India, constituted by his Majesty's Charter, as many
Business contracts arising at Sea where the Defendants afterwards arrive at any of
the Company's Settlements where there is a Court established, But how far in either
case this Court hath Jurisdiction to hold Pleas, it is wished were made more clear
and indisputable.
The Mayors Court having in the 6th Paragraph of their Letter to the Court of Directors
dated the 2d of March 1768 put a Question to them in regard to a Practice of the Natives
transferring Bonds between themselves to such Persons as are capable of suing
in this Court, which the Court of Directors have in their 12th Paragraph of their Letter
to the Bengal Council dated the 26th day of March 1767 replyed to in such a manner
as might seem to imply a discouragement of all kinds of Transfers. And as by virtue of an
Act of Parliament the 3d & 4th of Queen Anne, Chap. 9th Sect. 4th Promissary notes are
transferable so as to be sued for in the name of the Assignee, in the same manner as
Bills of Exchange are by the custom of Merchants. The Court desire to be informed
whether such Transfers or any other Legal Assignments made by a Native of India
to any Person capable of suing in this Court can be allowed consistent with the
Restriction of the Charter with respect to Natives to prosecute their claims in this Court &
on the other hand whether they can or shall then be entitled to be sued pursuant to the Laws of England.

The

Mr. John Palmer, Attorney for the Complainant prays that this Cause may be
set down for hearing the 26th Instant, & that a Summons may issue to the Witnesses
on the part of the Complainant to appear on that day.
Mr. John Maxwell Stone Attorney for the Defendants likewise prays that a
Summons may issue for the Witnesses on the part of the Defendants to appear
on that day.
Both which Prayers are granted, & Ordered that this Cause do come on to be heard
the 26th Instant.

Adjourned to the Court Sitting the 26th Instant

At a Court held at the Town Hall on Tuesday the 26th Day of September, Anno Domini 1758.

Present
Samuel Ardley Esquire, Mayor, Hugh Norris
and Francis Taylor, Aldermen.

The Register acquaints the Court that he has, agreeable to an Order of the last Court day, affixed
Advertisements at the most publick places, relating to the Goodsin of Jowah Holmes late
of Bombay, Merchant Deceased.
Ordered that the Register do write a Letter to the Worll the Mayors Court at Bombay
acknowledging the receipt of their Letter, and to acquaint them that this Court have
complied with their request in causing the abovementioned Advertisements to be
affixed.

Aaron Ames, by his Attorney James Innes
vs.
Singapah
Summons returned executed
The defendant does not appear.
Nonsuit Forteiture & Gregaria Mejud. Laundress to the Late Worll Establishment of the Royal Regiment
vs.
Pallagrah
Further day is given the Defendant till the 1st day of October next to answer the Complainants Bill.

Agreed

At a Court held at the Town Hall on Tuesday
the 10th Day of October Anno Domini 1758

Present
Samuel Sedley Esquire Mayor Walton Stevens and
Francis Taylor Aldermen
Achilles Preston
Gent.
Guntoor Venkatachilum
Bill with a Note annexed filed between the days of Adjournment read
Summons issued thereupon returned Non Est Inventus
To be Summoned again
Nirnan Chitlee
Gent
v.
John Sealy
Bill with a Note annexed filed between the days of Adjournment read
Summons issued thereupon returned served
The Defendant appears by his Attorney Mr. John Maxwell Stone
Warrant of Arrest returned Not Served
John Maxwell Stone & John Doe become Bail for the personal appearance of the
Defendant or to answer all costs & damages taken & acknowledged before Mr.
Peter Marielle one of the Aldermen and Judges of this Court
Nirnan Chittee
Gent
v.
John Robertson
Bill with a Note annexed filed between the days of Adjournment read
Summons issued thereupon returned served
The Defendant appears by his Attorney Mr. John Maxwell Stone
Warrant of Arrest returned Not Served
John Maxwell Stone & John Doe become Bail for the personal appearance of the
Defendant or to answer all costs & damages taken & acknowledged before Mr.
Peter Marielle one of the Aldermen and Judges of this Court

Abraham

Proceedings in Petty Causes

Anthonio da Costa

Dr.

Rayapayah & Ramayah

Mr. John Talmé Attorney for the Complainant prays that the hearing of this cause may be deferrd, as one of the most material Witnesses on his behalf is unavoidably absent & not to be able to attend the Court this day.

Ordered at the desire of the Attornies on both sides that the hearing of this Cause be deferrd till such time the said Attornies do move the Court for the same to come on to be heard.

Adjourned till the 17th Instant

At a Court held at the Town Hall on Tuesday the 7th day of October Anno Domini 1758

Present

Samuel Ardley Esquire Mayor, Charles Turner Walton Stevens, Peter Marsalle, and Francis Saylor Aldermen

Mr. James Alexander Junior Alderman appears & acquaints this Court that he is appointed by the President & Council to go to Vizagapatam one of the Northern Settlements on the Companys affairs where he is likely to remain some time and therefore purposes to resign his Seat of Alderman & Judge of this Court to the President & Council.

Achilles Preston

Dr.

Gunjoor Vencatachilam

Summons returnd Non Est Inventus

Father Carapet

Dr.

Agavalley Sastry & Jacob Pathroon

Further day is given the Complainant till the 24th Instant peremptorily to reply in default of which this Cause will be heard on Bill & Answer

Agavalley

Interrogatories on the part of the Complainant read.
Three Depositions taken thereunto read.
Additional Interrogatories on the part of the Complainant read
two Depositions taken thereunto read.
Three Sets of Interrogatories on the part of the Defendant read,
Six Depositions taken thereunto read.

Mr Nicholas Pelham Attorney for the Defendant moves the Court that exceptions may be had to the Interrogatory administered to Robert Jackson one of the Witnesses on the part of the Complainant, as he conceives it to be leading, & therefore that the Deposition thereto might not be guarded.

Mr John Maxwell Stone Attorney for the Complainant acquaints the Court that his having omitted in the beginning of the said Interrogatory to follow the usual form "Do you or answer not pursuant" the imagines is not material, the Interrogatory as it now stands he imagine is not too leading upon the whole.

The Court taking the above matter into consideration, do unanimously Agree that the said Interrogatory is not too leading, & therefore that the Deposition thereto shall not be guarded.

The Attorney for the Defendant likewise objects the Court to the Interrogatory administered to Chippenham Chester, another Witness on the part of the Complainant which he is of opinion is also too leading, & therefore desires that the Deposition thereto may be set aside.

The Attorney for the Complainant represents to the Court that he really does not conceive that the said Interrogatory can be construed to leading.

The Court taking the same into consideration are unanimously of opinion that the Deposition thereto ought to stand, and directed accordingly.

The Complainant being in Court represents to the Court, that as the Defendant has in his Answer required that he the Complainant should make oath to the Identity of the Title in dispute, or produce other satisfactory Proofs thereof he is now willing to make oath as have been desired by the Defendant.

The Attorney for the Defendant thereupon acquaints the Court that altho' his Client has in his Answer required the proof of the Identity of the Title to the Complainants oath, or such other proofs as might be satisfactory, Yet he conceives it will appear unnecessary for the Complainant to be put upon his other proofs & leaves it to the consideration of the Court whether taking the Complainants oath will be sufficiently satisfactory

Ellis

At a Court held at the Town Hall on Friday
the 25th day of October Anno Domini 1758—

Present

Samuel Ardley Esquire Mayor, Charles Turnor, Walton Stevens,
Peter Manville, and Francis Taylor, Aldermen.—

Mr. Hugh Norris taking of the Aldermen and Judges of this Court appears, and acquaints the Court that he has been lately admitted to Council, by which means his seat in this Court is vacated.

A Letter from Edward Edwards Esquire Sheriff read, setting forth that by the Situation of his affairs requires his going down to Bengal upon a Vessell now under dispatch, and therefore praying the permission of this Court on to do, Alledging that he will take care his place is properly supplied by his Deputy.

Which is Granted accordingly.

Thomas Emney
Esq.

William Dunn Administrator to the Goods Chattels & Credits of James Duff deceased Summons issued to Robt Jackson, Edward Edwards, Thomas Mauleverer & Thos Lapsley Whitney, to appear & explain their depositions taken before the Examiner in this Cause, returned served.

They appear'd.

Robert Jackson Sworn and Examined as follows.

Int: Were you present at the purchase of any & what Gold, made by the Complainant of James Duff deceased, if yes; What?

Ans: He was present at the purchase of Gold dust & Bar Gold, made by the Complainant of James Duff deceased & which purchases were made in the [illegible] deponents House, at Fort Marlborough.

Int: What Quantity was there of each sort purchased?

Ans: He does not know the Quantity of either.

Int: Do you know the Price that was paid for each?

Ans: He did not see any money paid, but that to the best of his remembrance the Price agreed upon was twenty Spanish dollars p' Tola, for the whole without distinguishing the Bar, from the Dust Gold.

Int: Was there any other Agreement past in your hearing relating to the Purchase?

Ans: The Complainant made some objections to buying the Bar Gold alledging that he was ignorant of the Quality thereof & for that reason had refused to purchase some at the

Antecedent

Chappenmaul Chettee requesting that the taking an oath in open Court as a Brahmony that neither he nor any of his family ever undermined, as it would be look'd upon by his Cast, of which he is one of the Heads, in such a light as would be highly prejudicial to him, Prays the Court would indulge him to the answering in private before one of the Judges that he will give true answers to such Questions as shall be asked him by the Court in this Cause.

Agreed that the Register, the Court Interpreter, and Brahmony do attend Mr Alderman Taylor to Administer the said oath to the said Chappenmaul Chettee in the Mayors Apartment.

The said Chappenmaul Chettee being sworn is examined as follows.

Qu: Did you, or did you not on purchasing the Gold dust, & Bar Gold mentioned in your Deposition in this cause taken before the Examiner of this Court, to be by you bought of the Complainant try the value of each, if you, how did you try the same, & what was the true value of each as situated by such Trial?

Ans: He tried the value of the Bar Gold with the Touchstone & Needles, & the Dust Gold he judged of by looking upon it, which is the usual method of purchasing that Gold unless there is great reason to doubt of its Quality. By which Touch the Bar Gold appeard to this Cast of his knowledge 70 Touch, & the Dust Gold by carefully looking upon it appeard to be 92 Touch.

Qu: Did you, or did you not after you had bought the Bar, & dust Gold by the same pure, and unmixed each seperately. If you, how did you try the same, & what was the exact outturn of such Trial?

Ans: He did not try them seperately after they were bought.

The Deponent having in his Deposition taken & for the Examiner set forth that he did assay the Bar Gold after it was bought & melted, & that it turn'd out 70 Touch, and in his Deposition now given alledges that he did not assay the Bar Gold above

Qu: after it was bought: he is therefore asked how such difference in his depositions arose?

Ans: The Difference must proceed from some Mistake in the Examiner, since what he now says is the real truth, & that he meant to tell the Examiner the same.

The Examiner thereupon desired to be sworn for & appearing is asked how the said Error happened in the Deposition taken by him.

The Examiner acquaints the Court that he believed as the Deponent told him, that he (the Deponent) understood the English language, whereupon he (the Examiner) administered the Interrogatories, & took the Deposition without the assistance of an Interpreter, whereby the Deponent may probably have misunderstood some Question put to him. But that he (the Examiner) did according to his usual custom after he had taken the full Deposition read the same over to the Deponent, & did also when it was drawn out fair read it over to him again, when he seemed thoroughly satisfied with the Deposition, and signed it.

The

presence of Chr Kapple Chiller, & both have confirmed the same upon oath, may nevertheless be erroneous by two or three Couch, Yet there being no reason to imagine that they valued the said Gold so much under its real worth as the difference between what it has sold for, & the Prime Cost. But the Complainant having neglected to prove the true difference between the value of the said Bar Gold, and the Gold dust, for which he has commenced this Suit; And as the Complainant might have obtained the same at Bencoolen to the Amount, if he had there discovered the deficiency & then had the use of the Purchase Money. This Court doth therefore think fit to order and decree and doth accordingly order and decree that the Defendant shall pay unto the Complainant out of the Estate of the said James Duff Deceased so much as will make good the difference between the price of the 322: 13. of Bar Gold which he bought of the said James Duff at twenty Spanish dollars p Tale, and what he sold the same for to Chrpermaul Chiller at the exchange of 16 p Ct Sp. dollars for Rupees 10. together with Interest at the rate of 8 p Cent p Annum upon the whole Prime Cost of the said 322: 13. at 20 Sp dollars p Tale from the 5th day of May last to the 5th day of August last when Chrpermaul Chiller bought the same, and that the Costs on each side be paid out of the Estate of the said James Duff and by the Complainant respectively ——

Adjourn'd till the 24th Instant ——

At a Court held at the Town Hall on Tuesday the 24th day of October Anno Domini 1758.

Present

Samuel Ardley Esquire, Mayor, Charles Turner, Walton Stevens and Francis Taylor Aldermen ——

A Letter from the Secretary of the President & Council by their order read, setting forth that Mr Hugh Norris late one of the Aldermen and Judges of this Court having been appointed to be one of the Council of Fort St George and having taken the oaths & his seat as such, his place in this Court became vacant the 16th Instant; as also that Mr James Alexander who was also one of the Aldermen & Judges of this Court having been ordered on the Company's service to the Northward had resigned his place and office of an Alderman. To fill which two vacancys the President and Council have Chosen Messrs John Lewen Smith & Maxwell Dalrymple Merchants of Fort St George Merchants.

8th. There being a standing rule of Practice relating to Petty Causes that the Witnesses therein shall be Examined in Court Viva Voce, It is Unanimously Agreed & Ordered that for the more ready & regularly performing the same, the Attorneys do in future prepare annexe & pertinent Interrogatorys to be delivered to the Register on the day of hearing, & that the Witnesses be Examined to such Interrogatories only, unless to make the Answers thereto explicit the Court find it necessary to put any particular Questions, the whole of which Interrogatories to be inserted on the Minutes with the Replys thereto.

9th. The Register acquaints the Court that since the allowance of two Pagodas p.r Month was made by the Court for Lighting the Lamps of the Town Hall the 7th. February last the Price of oil has risen fifty p.r Cent, & therefore prays the direction of the Court concerning that Article.

It is Unanimously Agreed that the difference already expended be made good, & that in future the sum of three Pagodas p.r Month be allowed for the Lighting the Town Hall.

Adjourned till the 21st. Instant.

At a Court held at the Town Hall on Tuesday the 25th. day of October Anno Domini 1758.

Present

Samuel Ardley Esquire Mayor, Walton Stevens, Peter Manelle, and Frances Taylor, Aldermen.

Mercartoon Morgan,

Vers.

Arnagery Chittee,

The Sheriff returns the Warrant of Execution issued against the Defendants Effects Executed, Debt & Costs satisfied.

Gereck Jacob,

Vers.

Cashava Chittee, Jagannaicalow

Day is given the Defendant till the 7th. Instant to answer the Complainants Bill.

Achilles Watson,

Vers.

Gunloor Vencatachalum,

Mr. Fickdale Palmer Attorney for the Defendant represents to the Court that the Summons issued against the Defendant was returned Non est Inventus, & therefore prays the Ist. Warrant of Sequestration may issue against the Effects as upon the Complainant making oath to the Justness of his demand.

The

Anthonio da Costa,

Vers.

Rayparyah & Ramarayah.

Bill read setting forth that the Defendants stand indebted to the Complainant in the sum of Ten Pagodas twenty one fanams & forty reas, being money advanced the Defendants to make sundry Joys but never accounted for.

Answer read setting forth that the Complainants Mother did advance the Defendants the sum of Pag.ps 8 and Rup.s 7. to make a Pair of Bracelets, a pair of Buckles & a Pin for the Hair, which were accordingly made & carried Home, when the Complainants Mother told the Defendants that the said Joys were not made sufficiently strong, nor well enough polished, whereupon the Defendants took them back in order to alter them, but before the Defendants had finished them they were taken together with several other things, which the Dancer obliged the Polygar to make good the amount of, which method the Complainants Mother ought likewise to have followed, the defendants also deny that they ever altered the Quality of the Gold, or Promised to make good the Loss of the said Joys. Summons issued to the Witnesses on the part of the Defendants returned executed.

They appear.

Mr. John Palmer Attorney for the Complainant acquainted the Court that his Witnesses were all present & accordingly delivers in the following Interrogatories.

Int.y 1st. Do you know the Parties Complainant & defendants if yea how long have you or known them.

Int.y 2d. did the Defendants or either & which of them apply to you, or discourse with you about any matter or thing relating to the present suit if yea, what was such application, or also what was the discourse that passed between you & them Declare.

To Marcal Lal

Int.y 3d. Do you know if the Complainant ever advanced a sum of money to the Defendants, if yea, what sum, How it or was it not to make any Joys, or what, did the Defendants or did they not make & tender the same to the Complainant, and did or did not the Complainant receive the same, if not what was the Cause thereof and what did the Defendants say to the Complainant after he refused to receive the same, did or did not the Defendants make a second tender of the same, if not what was the Cause thereof, Was any Complaint made against the defendants, if yea, on what account, & to whom was the Complaint made, & what was the Result of such Complaint, Did or did not the defendants make any Promise to the Complainant, if yea, what was such Promise, Declare.

Marcelino de Monte
Francisco de Jaques
Leonardo Johnson
Thomas de Costa
Anna Jaques

Int.y 4th. Do you know of any other matter or thing material for the Complainant if yea declare the same, as if particularly Interrogated.

John Palmer
Att.y for the Compl.t

Francisco de Vozarce Sworn & Examined as follows

To the first Interrogatory this Deponent saith that he has known the Complainant 4 Years and the Defendants 2 Years or thereabouts

To the third Interrogatory this Deponent saith that he saw the Complainant advance the Defendants Fifty Pistoles at which time the Complainants Mother was present for which money the Defendants were to make some Gold Beads, a Gold Spray for the Head, a Ring and some Bracelets but that he, the Deponent, does not know that they were ever made

And this Deponent saith nothing further

Leonard Johnson Sworn & Examined as follows

To the first Interrogatory this Deponent saith that he has known the Complainant from his Infancy & the Defendant about 12 Years

To the third Interrogatory this Deponent saith that he did hear the Complainant had demanded the Defendants Fifty or 60 but does not know it of his own knowledge

To the last Interrogatory this Deponent saith that being upon his departure from Fort St David about ten months ago, the Complainants Mother desired this Deponent to recommend the Complainant, who was come to Madras, to procure payment of Fifty or 60 from the Defendants which he, the Deponent, did accordingly upon his arrival at this place, that the Complainant did in his, the deponents presence, demand payment of the said sum from one of the Defendants, and which the said Defendant promised to pay

The Defendants being both in Court the deponent is asked which of them it was that the Complainant demanded payment of?

He acquaints the Court that they are so much alike that he really cannot distinguish which of them it was.

Leonard Johnson

Thomé da Costa Sworn & Examined as follows

To the first Interrogatory this Deponent saith that he has known the Complainant from his, the deponents Infancy & the Defendants about one Year and an half.

To the third Interrogatory this Deponent saith that he saw the Complainant advance the Defendants Fifty Pistoles at which time Francisco de Vozarce & the Complainants Mother was likewise present that the said money was advanced to make Gold Beads, a Gold Spray and a Pair of Bracelets that the Defendants did make the same & brought them to the Complainant who received them, that two or three days after the Complainant suspecting they were of a bad quality desired the deponent & Anna Joaquim the Complainants Mother to carry them to a Shroff & to have them touched which they accordingly did & found that the said Toys were of an inferior Quality to what they

Mr. Elias Maxwell Clerk Attorney for the defendant deliver in the following Interrogatories.

1st Do you know the Parties Complainant & defendants in this Cause or either of them; if yea, how long have you or known them or either of them. Declare

2d Were you or either of you at Fort St. David's when the defendants were robbed of sundry Goods. If yea, in what capacity were you there, and at what time did it happen. And do you know to what Persons the said Goods belonged. Was the Polygar obliged to restore the value of any of the Goods stolen to any Person. If yea, to whom did he restore the same. The whole of that affair to the best of your knowledge, or belief declare.

To Veerabysy Pully & Mootiah,

3d Do you know of the defendants being at any time robbed, if yea, when & where did it happen. Had you any Goods in the hands of the defendants at the time they were robbed, if yea, what were they, and did you believe the defendants were really robbed of the same and did you imagine the defendants were accountable to you for the same, and was the Polygar obliged to restore the value of any of the Goods stolen to any Person, if yea, to whom did he restore the same, the whole of that affair to the best of your knowledge or belief declare

To Charles D. Hayes

To the Witnesses

4th Do you know of any other matter or thing in this Cause material for the defendants

J. Maltone
Atty for the Defendants

Veerabysy Pully a Witness produced on the part of the defendants sworn & examined as follows
To the first Interrogatory this Deponent saith that he has known the Complainant 5 or 6 years, and the Defendants 4 or 5 years or thereabouts.
To the second Interrogatory this Deponent saith that the most Fort St. David where the Defendants were robbed, & that he at that time served them in the capacity of a Cooly Gold Smith, that the Robbery happened about two years ago, but of what things he the deponent cannot take upon him to say, nor to whom they did belong: that it is the duty of the Polygar, or Town Watchers, to make good the value of all stolen goods, but whether he made good the defendants Loss of their own or any other Persons property, he, the deponent cannot tell. And this Deponent saith no thing further

Mootiah sworn & examined as follows.
To the first Interrogatory this deponent saith that he has no knowledge of the Complainant but has known the defendants 15 Months, or thereabouts.

[illegible]

At a Court held at the Town Hall on Tuesday the 7th day of November Anno Domini 1758.

Present

Samuel Addey Esquire Mayor Charles Turner, Thelton Stevens, Peter Manvielle, Francis Taylor, John Lewen Smith & Marmaduke Best Aldermen

The Register acquaints the Court that he had sworn the usual oaths administered by the President to Mr. John Lewen Smith & Marmaduke Best as Aldermen & Judges of the Court.

Mr. John Lewen Smith & Marmaduke Best take their seats at the Bench accordingly.

Ariat Jones

Vers.

Father Downing & Ariat Nazzar

Joinder read and filed.

Gerrish Jacob

Vers.

Cashava Chilla Jagannaicalo.

Further day is given the defendant till the 14th Instant to answer the Complainants Bill.

Thomas Downey

Vers.

William Dixon Administrator to the goods chattels & credits of James Duff deceased,

Mr. Archibald Palmer Attorney for the defendant prays that an order may issue on the Accomptant General for the sum of Cay £1000 ---- deposited by the defendant in this suit, & that the said order may be made payable to Mr. Andrew Rose the defendants Substitute.

Mr. John Maxwell Shore Attorney for the Complainant acquaints the Court that the defendant has satisfied the decree of this Court, & therefore he has no objection to the sum deposited being paid back to the defendants Attorney.

Let an Order issue on the Accomptant General to draw on the Bundent & Council for the said amount payable to the said Mr. Andrew Rose the defendants Substitute.

Bill of Jagannaicalo Nargan read & filed.

Gerrish Jacob to be summoned.

Bill of Christopher Mackleroth and Account Current & an Obligation annext sworn to

Edward Edwards read & filed.

The said Edward Edwards being the present Sheriff Ordered that this Summons which was

Journal of the Members present. & Mr. Archdale & Palmer one of the Attornies of this Court not concerned in the present suit, recollecting that the said Wm. S. did at the time of his Examination set forth, that he, the deponent, & the Complainants Mother only were present at the advance of the money, the said deposition is therefore allowed in that particular.

This Cause coming on to be heard & debated this day in the presence of the Attornies on both sides, - On reading the several Proceedings had in this Cause, on hearing the pleadings made use of by the Attornies, & on due consideration had thereon. This Court doth unanimously think fit to order, & decree, & doth accordingly order, & decree that the Defendants shall pay unto the Complainant the full & just sum of Ten Pagodas, twenty one fanams, & forty Cash, with interest till Payment and costs of suit, since it not only appears by the Answer of the defendants themselves that the Toys they had to make, were returned to & received by them, to amend defects therein, So that had they been finished properly, they would not have been lost out of the hands of the defendants, But the Deposition of Manoel Leal shows that the Defendants thought they were liable to the Payment of the Complainants Demand.

Adjourned till Tuesday the 14th Instant

At a Court held at the Town Hall on Tuesday the 14th Day of November Anno Dominus 1758

Present

Samuel Ardley Esquire Mayor, John Davidson, Charles Turner, Francis Taylor, John Lewin Smith, & Barnaduke Best Aldermen ——

Jaganaicolo Naique

vers
Gerrick Jacob

Summons returned served
The Defendant appears by his Attorney John Palmer
Demurrer read & filed.

Christopher Machlin

vers
Edward Edwards

Summons returned served
The defendant appears by his Attorney John Maxwell Esqr

At a Court held at the Town Hall on Tuesday
the 28th Day of November Anno Domini 1758.

Present

Samuel Ardley Esquire Mayor, Walton Stevens,
Peter Marrette, and John Lewen Smith Aldermen.

A Letter from the Secretary of the President & Council by this order, dated the 16th Instant
read, setting forth that they had sent inclosed a copy of the 18th Paragraph of the
Company's General Letter of this Year, the original of which was ready to be produced;
That Mr Proctor being daily expected at Madras to succeed them to desire a
resolution on the Letter wrote by this Court the 16th Instant, & that Mr John Davidson
having resigned his seat of Alderman they have elected in his stead Mr James
Innes of Fort St George Merchant 6

Ordered that the usual Notice be sent to the said Mr James Innes of his being
appointed an Alderman & Judge of this Court.

The Paragraph mentioned in the President & Councils Letter being read, appears to contain
Instructions from the Court of Directors relating to the office of Accountant General, in
answer probably to Questions put by the President & Council, since this Court did under-
stand the Instructions sent to them upon the Records first established to comprehend
all that the aforesaid 18th Paragraph purports, except that part thereof which directs the
filing the receipts given either by the President & Council, or the President for Deposits
made by Suitors, with the Accountant General instead of the same being lodged with
the Register of this Court, as is directed by the first Instructions, & which practice
has hitherto been followed.

But as this Alteration is a new rule of Practice to which the Aldermen must give
place, the Court are of opinion for the reasons mentioned on the Minutes of the 16th day
of March last that the original Letter should be produced before the Court, from
whence the aforesaid Paragraph is extracted. And it is ordered that the Register
do acquaint the Secretary of the President & Council, that it is desired the said Letter
may be produced before the Court at its next Meeting.

The Register lays before the Court an account of the Deposits belonging to the Suitors of
this Court remaining the 30th Ultimo in the charge of the President & Council, certified
by the President & Council, Accomptant General & Register.

David

Mr Archdale Palmer Attorney for the Complainant prays leave to amend the Bill of Complaint he having made a mistake in the calculation of the Rupees in order to bring them and the Pagodas into one sum.

Which is granted.

Bill amended filed.

Charles Bourchier Executor to the last Will & Testament of James Cope deceased,
George Mackay & the Reverend Father Severini Executors to the last Will & Testament of Petrus Uscan deceased,

Contra

Vecarer Vando Krishna Chitte,

Mr John Maxwell Stone Attorney for the Complainant produces a Certificate from the Register that six months have elapsed since the return of the Warrant of Sequestration issued against the Defendants Effects & therefore prays that a Decree may now pass.

The said Attorney delivers in an attested copy of the Defendants obligation to the Complainant George Mackay also Translation of an Account Current between the Deceased Petrus Uscan & the Defendant & of a note of hand from the defendant to Dussary Venkaty Thirnanna Naick on account of Captain James Cope deceased as well as on his own account, both which are duly attested & now filed.

Register Certificate read.

Bill with the above mentioned attested copy & translation read.

Mr John Maxwell Stone Attorney for the Complainants represents to the Court that the Sheriff had only sequestered Pags 631. 9. 75 in Cash belonging to the Defendant which falls greatly short of the Complainants demand, therefore prays that this Court will be pleased to order the Sheriff after fourteen days to pay unto each of the Complainants so much of the said sum of Pags 631. 9. 75 as shall be in proportion to his respective demand.

It Appearing by the Records of this Court that the Defendant has been summoned to appear & answer the Complainants Bill of Complaint, & that he the said Defendant was not to be found within the Jurisdiction of the Court and that therefore the Sum of Pags 631. 9. 75 Cash belonging to the said Defendant was sequestered by the Sheriff of Madras, & the time limitted by the Charter for the Defendants appearance being elapsed, This Court on due consideration had of the premises doth think fit to order & decree, and doth accordingly order, & decree that

A Court held at the Town Hall on Tuesday the 18th day of November Anno Domini 1758.

Present

Samuel Ridley Esquire Mayor, Charles Thornor, Walton Stevens, Peter Marrette, Francis Taylor, John Lewen Smith & James Jones, Aldermen

The Register acquaints the Board that he had sent the usual notice administered by the President to Mr James Jones, as an Alderman & Judge of this Court

The said Mr James Jones now takes his seat at the Board.

A letter from the Secretary of the President & Council, by their order, dated the 21st Instant read, Setting forth that Mr Henry Franks having arrived from Pulicat, did this day tender to the Board his resignation of his Office of an Alderman of this Court and as he is again shortly to return to Pulicat to reside there for some time on the Company's affairs, the President & Council have in consequence of this Courts Representation of the 14th Instant, accepted the said Resignation, & in his place & stead have chosen Mr George Shelton Merchant of this Place

Ordered that the usual notice be sent to the said Mr George Shelton of his being appointed an Alderman and Judge of this Court

John Lewen Smith

vs

Amaindatto Tevargatore

Bill filed between the days of Adjournment read

Summons issued thereupon entered read

The Defendant does not appear

To be Summoned again

Henry Vansittart

vs

Coola Sangaraah

Bill with an Account annexed filed between the days of Adjournment read

Summons issued thereupon entered read

The Defendant appears

The Defendant being on bond, & acknowledging the Justness of the Complainants demand, This Court doth think fit to rule & do & doth accordingly order & decree &c.

Replication read.

Rejoinder read.

Interrogatories on the part of the Complainant read.

Five Depositions taken thereunto read.

Interrogatories on the part of the Defendant read.

Five Depositions taken thereunto read.

The Deposition of Upper one of the Witnesses on the part of the Defendant appearing not to be clear and explicit. It is Ordered that he be summoned to appear before this Court on the 5th day of December next in order to explain the same, till which time the Consideration of the above Cause is deferred.

Ordered that a General Court of the Mayor & Aldermen, be summoned to meet on Tuesday next the 5th of December, to Ballot two Members to be presented to the President & Council for them to elect one to be Mayor for the Ensuing Year, agreeable to the Charter.

Adjourn'd till Tuesday the 5th of December

At a Court held at the Town Hall on Tuesday the 5th day of December Anno Domini 1758.

Present

Samuel Ardley Esquire Mayor, Charles Turner, Walton Stevens, Rbt Charlette, Francis Taylor, John Lewin Smith, Marmaduke Bird, Saimes Jones & George Stratton Aldermen.

The Register acquaints the Court that he had seen the usual oath administered by the President to Mr George Stratton as an Alderman & Judge of this Court.

The said Mr George Stratton now takes his seat at the Bench.

Edmund Pearce

&

Ino Lovegrove,

The Register acquaints the Court that he did on the 4th Instant receive a Note from the Complainants Attorney, telling him that the Defendant had satisfied the Complainants demand, & therefore desiring that the Defendant might be discharged from Custody.

Whereupon a Counter Warrant issued under the Hand & Seal of the Mayor for his release

Ditto

past the 28th. Ultimo the required so to do.
Granted returnable on next Month.

An Order made the 28th. Ultimo for Summoning a full Court to be held this day to Ballot for two Members to be presented to the President & Council for them to elect one to be Mayor for the ensuing Year, read.

The Mayor & all the existing Aldermen being informed as unable to the said order proceeded by Balloting to the Choice of two Members to be presented to the President & Council for them to elect one to be Mayor for the ensuing Year, and the Ballots appearing to be in favour of Samuel Ashby Esquire, the present Mayor, & Mr. Charles Turner, The Register was thereupon ordered to acquaint the President & Council, that the Mayor & Aldermen were ready to present two Persons to them.

The Register being returned, acquainted the Mayor & Aldermen, that the President & Council were then sitting in Council, & ready to receive them, whenever the Court should think proper.

Upon which notice the Mayor & Aldermen went in the usual State & Ceremony from the Town Hall to the Council Board, and presented the said Samuel Ashby Esquire, and Mr. Charles Turner, to the President & Council for them to choose one of the said two Persons to be Mayor for the ensuing Year, and being returned again to the Town Hall, the several Members resumed their Seats upon the Bench, and proceeded to the Business of the day.

Ninian Whillee
Esq.
William Robertson
&
Ninian Whillee
Esq.
John Sealy.

Mr. John Palmer, Attorney for the Complainant acquainted the Court that he had received Instructions from his Client to exhibit his Information complaining of the above Suit, and for he had prepared this Form for presenting the same to Court, but that since the Complainant to be sent & appear before the Court on the 12th. Instant, to whom cause only he does not give directions for prosecuting the said Suit until such time as the said Attorney may be assured of an attention to his duty from the Defendant with which he the said Attorney may be assured of an attention to his duty from the Defendant & that the Complainant may be then obliged to pay the charges incurred.

Granted.

Ordered accordingly.

Interrogatories on the part of the Complainant, with five Depositions taken thereunto, & the Interrogatories on the part of the Defendant, with three Depositions taken thereunto. On hearing the Pleadings made use of by the Attorneys, & mature consideration had thereon, This Court doth unanimously think fit to order & decree, and doth accordingly think fit to order & decree that the Defendant shall Pay unto the Complainant the full and just Sum of Ninety eight Pagodas, being the sum sued for, together with such Interest after the rate of Eight \% Cent \% Annum, as now is, or shall hereafter become due thereon untill full Payment is made, also all costs of this Suit. Since it is apparent from the Evidences produced that the Defendants Negligence in not duly forwarding to the Complainant, the Letter committed to his the Defendants Charge, which Letter contained advice of the Consignment made to the Complainant, was the Cause of the Complainants sustaining a Loss in the Sale thereof, to the full amount of the demand made by him on the Defendant.

Proceedings in Petty Causes ——

Anthonio Da Costa,

Vers.

Pauapayah, & Ramayah,

Mr. John Palmer Attorney for the Complainant Says that a Warrant of Execution may issue against the Defendants Effects, they not having satisfied the Decree of this Court passed the 7th Ultimo, tho required so to do ——

Granted returnable in one Month ——

Adjourned till Tuesday the 12th Instant.

At a Court held at the Town Hall on Tuesday the 12th Day of December Anno Domini 1758.

Present

Samuel Ardley Esquire Mayor, Wallow Steevens, &
James Jones, Aldermen.

A Letter from the Secretary of the Council & Council by them undersigned, setting forth that they have elected Mr Charles Turner, & with Samuel Ardley Esquire are appointed on the 15th Instant to be Mayor for the ensuing Year, & likewise that they have

chosen Mr. Henry Lasselle Johnson to be Sheriff.

Ordered that the usual notice be sent to the said Mr. Henry Lasselle Johnson.

Achilles Preston,

Vers.

Gunsoor Venkatachelum,

Warrant of Arrest returned served.

The Defendant appears in Court & produces a Note from the Complainants Attorney, desiring that the Defendant might be discharged from Prison.

Whereupon a Counter Warrant is issued under the hand & seal of the Mayor for the Defendants release.

Ninan Achilles,

Vers.

William Robertson,

&

Ninan Achilles,

Vers.

John Sealy,

Summons issued to the complainant in these Causes returned served.

He does not appear.

Bill of David Lopez Fernandez & Samuel de Caith with an Account thereof annexed read & filed.

Caliped ana quisarian Achilles to be Summoned.

Ordered that a General Court of the Mayor & Aldermen be summoned to Meet on the 20th Instant, in order to See the New Mayors Sworn.

Adjourned till the 20th Instant.

Yoreck Jacob,

Versus

Richard Tinley.

Proceedings read as on last Court day,

Summons issued to Oppo, a Witness on the part of the Defendants return'd served,

He appears, & being duely Sworn, is Examined as follows,

Qu: Do you know the Complainant & Defendant in this Cause?

Ans: He knows the Defendant, but has no knowledge of the Complainant.

Qu: Did the Defendant at any time after his arrival from Bengal send you to find out the Complainant?

Ans: He did.

Qu: How did you know it was the Complainant whom you were sent to find out?

Ans: Three days after the Defendants arrival, he sent this Deponent to look for one Coja Yoreck, who, to this Deponent, has been since informd was the Complainant.

The said Oppo having in his deposition taken before the Examiner set forth, that he was sent by the Defendant to find out an Armenian, for his name he the deponent then said he did not recollect, and to carry him to the Defendant, that he, the Deponent, did make enquiry after the said Armenian, but could not find him, and informd the Defendant thereof. Whereupon one Daoo, a Dubash, was Ordered

Qu: by the Defendant to find out the Complainant. The said Oppoo is now askd how he cannot first to say he had been sent to find out an Armenian whose name he doth not recollect, and immediately after to say, he does know that the said Daoo was sent for the Complainant?

Ans: When this Deponent was askd by the Examiner whether he was sent to the Complainant he replied that he was sent to find an Armenian, whose Name he did not recollect. And upon being Questiond whether any other Person was sent by the Defendant for the Complainant? He answerd that one Daoo was, which latter assertion he was more positive in, than in the former, tho' the reputation that he heard made of the Complainants name; But still affirms that it was the same Person, whom the Defendant sent him for as well as the said Daoo, to look for after his the Defendants last arrival here from Bengal.

This Cause coming on to be heard & debated this day in the Presence of the Attorneys on both sides. On reading the Complainants Bill with an Account Sworn & annexed, the Defendants Answer, the Replication & Depositions taken

Examinations

that the Defendant shall Pay unto the Complainant the full & just sum of Two thousand and forty five Pagodas nine Fanams Twenty one Cash, being the sum sued for, together with such Interest as now is, or shall hereafter become due thereon until full Payment is made, also all Costs of this Suit.

Christopher Macklin,

Versus

Edward Edwards,

Day is given the Defendant till the 6th of December next to answer the Complainants Bill.

David Lopez Fernandes & Samuel De Castro,

Versus

Coola Singanah,

Day is given the Defendant till the 5th of December next to answer the Complainants Bill.

John Spratt

Versus

Coondagetter Venkatachelum Chetter,

Withdrawn, the Defendant having no Attorney,

Achilles Preston

Versus

Gunloor Venkatachelum,

Mr Archdale Palmer Attorney for the Complainant prays the Court as nothing has been got seized by virtue of the Warrant of Sequestration which is found against the Defendants Effects the 30th Ultimo, & the Defendant being (as the said Attorney is informed) now within the Jurisdiction of this Court, that a Warrant of Arrest may issue against his Body, & that the Warrant of Sequestration may be superseded.

The Sheriff being present informs the Court that he has not Sequestrid any thing belonging to the Defendant.

Ordered that the Warrant of Sequestration issued against the Defendants Effects the 30th Ultimo be Superseded, & that a Warrant of Arrest do issue returnable the 12th day of December next.

Gereon Jacob

Versus

Richard Finley,

Bill with an Account Current annexed read,

Answer read

Replication

John Lewen Smith,

Versus

Amarambatto Tervangaluru,

Summons returned served.

The defendant appears.

The Defendant being in Court, & acknowledging the justness of the Complainants demand. This Court doth therefore think fit to order & decree, and doth accordingly order and decree that the Defendant shall pay unto the complainant the full & just sum of three hundred Pagodas, being the principal Sum owed for, together with such interest, as now is or shall hereafter become due thereon, untill full payment is made, also all costs of this suit.

Christina de Sylva,

Versus

Mahomed Salley,

The Sheriff returns the Warrant of Sequestration issued against the Defendants Effects, indorsed that he had sequestered sundry Effects belonging to the Defendant a List whereof he delivers into Court

Christopher Machlin,

Versus

Edward Edwards,

Answer read & filed,

Aviat Souza,

Versus

Jubler Severini, & Aviat Nazar, Executors to the last Will & Testament of the Lyppa Cauder,

Day is given the Defendants till the 12th Instant to answer the Complainants Bill

David Lopez Fernandez, & Samuel Debastia,

Versus

Coola Singanah,

Further day is given the Defendant till the 12th Instant to answer the Complainants Bill.

Henry Vansittart,

Versus

Coola Singanah,

Mr Archdale Palmer, Attorney for the Complainant prays that a Warrant of Execution may issue against the defendants Effects, he not having satisfied the decree of this Court passed.

that the Defendant shall Pay unto the Complainant, Charles Bourchier Executor of James Lopez deceased the full & just sum of Pay[illegible] / unto the Complainant George Mackay the full & just sum of Pay[illegible] / & unto the Complainant the Reverend Father Severini Executor of Filippo Chiaramonti deceased, the full & just sum of Pay[illegible] / together with such interest upon each of the said sums at the rate of 8 p[er] Cent p[er] Annum, as now is or shall hereafter become due thereon, until full payment is made, also all costs of this suit; and that in default of payment within fourteen days from the date hereof, that the Sheriff do Pay unto the said Charles Bourchier, George Mackay & Father Severini the aforesaid sum of Pay[illegible] remaining in his hands respectively as aforesaid, in proportion to each of their respective demands made upon the Defendant in the above entitled Bill of Complaint, of which payment the Sheriff is to deliver into this Court a just & true account, in order that the Complainants may if they shall think proper, sue out Execution against the Defendant for the remainder of their Debt & Costs.

Aviat Jouze
Exd.

Father Severini & Aviat Nozzi Executors to the last Will & Testament of Philippus Chiaramonti

Bill with an Account Current annexed read.

Demurrer read.

Joinder to the Demurrer read.

The Demurrer & Joinder coming on to be argued this day in the presence of the Attorneys on both sides, On reading the Complainants Bill with an Account Current annexed the Demurrer & Joinder: On hearing the Pleadings made use of by the Attorneys & on due Consideration had thereon This Court doth unanimously think fit to order & doth accordingly order that the Demurrer shall stand dismissed with costs, & the Defendants Answer to the Complainants Bill since the Demurrer & No Replication have been granted to them, Save nevertheless admitted as Executors to the deceased Philippus Chiaramonti by paying away money out of the Estate, and by the Act of the Reverend Father Severini, who as Executor to the said Philippus Chiaramonti revived the Suit against the Complainant, the Prosecution of which is the foundation of the present Suit.

Jacob Jacob
Exd.

Richard Tinley

Ordered that this Cause come on to be heard the 28th Instant

& Witnesses till the 28th Inst. Ct

David Lopez Fernandes & Samuel Debastro

Vers.

Coola Singanah

Bill with an Account Current annexed filed between the days of Adjournment read.

Summons issued thereupon returned served.

The Defendant appears.

Mr. John Maxwell Stone Attorney for the Complainants represents to the Court that altho the Complainants have a Pledge from the Defendant deposited in their hands as a Security, yet since the same will fall short above a Thousand Pagodas of answering their demands. He the said Attorney therefore prays the Defendant may be called upon to give special Bail.

The defendant offers as Bail, Cambacca Narrain & Challa Tuldas of Madras Merchants.

The Complainants Attorney informs the Court, that as he is not acquainted with the circumstances of the Persons offered as Bail, he cannot accept of them, unless they will make oath that they are bona fide worth two Thousand Pagodas betwixt them.

Cambacca Narrain makes oath that he is himself justly & truely worth to the amount of two Thousand Pagodas, all his Debts paid.

Cambacca Narrain, & Challa Tuldas become Bail for the personal appearance of the Defendant, or to answer all cost & damages, taken & each is bound in Court.

Father Carapet

Vers.

Agawalhy Satoor & Jacob Pathoon.

Responder read & filed.

Assad Soozy & Gregorio Miguel, Executors to the last Will & Testament of Miguel Soozy

Vers.

Pallia pah.

Mr. John Palmer Attorney for the Complainants prays that a Warrant of Execution may issue against the Defendants Effects, he not having satisfied the decree of this Court passed the 17th Instant, he required so to do.

Granted accordingly.

Aebilla Preston

Vers.

Gunloor Venkatachellum

Mr.

John Spral
Vers
Cundagettee Yencatachilum Chittee
Bill with a Note annexed filed between the days of Adjournment and
Summons issued thereupon returnd served.
The defendant does not appear.
To be Summoned again.
Edmund Pascal
Vers
Trevengatan
Warrant of Commitment issued against the Defendants body returnd served.
Avial Sorcze
Vers
Father Severini & Avial Nazar
Mr. John Palmer Attorney for the Complainant prays that the Demurrants Attorney may
be asked if he admits of the Facts alledged by the Complainant in his Pamdor, without
putting him to the proof thereof by examining Witnesses.
Mr. John Maxwell Stone Attorney for the Demurrant informs this Court that he does
allow of those facts that the Complainant has alledged.
All the desire of the Attornies on both sides It is Ordered that the Demurrer & Pamdor
come on to be argued the 21st Instant
Mr. Henry Brooke one of the Mr. Aldermen & Judges of this Court having been appointed by
the President & Council about fourteen months past to reside at Pulicat by which means
he has been so long absent from his duty of an Alderman, excepting only the four
or five days within this last Year in which, having come up to Madras, he has sat
in Court, and thereby thus the Limitation of the Charter still keeps his seat, tho a
few months longer absence would vacate it, but as that will be after the approaching
Election of a Mayor for the ensueing Year, and there being no reason to expect Mr. Brookes
return from Pulicat so as to attend his duty of an Alderman, It is Unanimously
Agreed & Resolved that a Letter be wrote to the President & Council to desire that for
the abovementioned reasons they would remove Mr. Brooke from his seat of an
Alderman (if he can shew no cause to the contrary) and that another may be chosen
in his stead to be present at the Election of a Mayor.
Adjourned till the 21st Instant

shall issue out of this Court be decided by the Coroner.

Mr. John Davidson one of the Aldermen & Judges of this Court appears, & acquaints the Court, that as his Health is very much impaired, whereby he is deprived of giving a due attendance to his duty as a Member of this Court, he therefore proposes to apply to the President & Council for leave to resign his seat, but before making such application he thought it incumbent on him to inform the Court, to know if they have any objections to offer to him so doing.

The Court thereupon acquaint the said Mr. Alderman Davidson that as they are sensible the reasons by him assigned are too just, they can have no objections to his desiring Leave to resign his seat, & represent to him that as the Election of a new Mayor is near at hand, they therefore desire he would be as expeditious as possible in making his application, that the President & Council may have proper time to fill up the vacancy, should they comply with his request, and he is likewise desired to inform the Court with the result of his said Application.

Proceedings in Petty Causes.

Anthonio da Costa

Ptff.

Paupayah, & Ramayah

Defts.

Bill read a 2d time.

Answer read a 2d time.

Interrogatories & Depositions on the part of the Complainant, as entered on the Minutes of last Court day read.

Interrogatories and Depositions on the part of the Defendants, as entered on the Minutes of last Court day read.

Mr. John Maxwell Stone Attorney for the defendants represents to the Court that Francisco de Cazaia, one of the Complainants Witnesses did in his Examination taken the last Court day depose that he, the said deponent & the Complainants Mother only were present, besides the Complainant, when the money was advanced the defendants, Whereas in the Minutes as they now stand it is recited, that he the said Deponent saw the Money advanced the Defendants, at which time the Complainants Mother was likewise present, instead of the Word only, He therefore prays that the Deposition of the said Witness may be altered in that respect.

Leave al

The first Interrogatory being again put to the Deponent & he differing greatly with regard to the time he has known the defendants, Mr. John Maxwell Stone, Attorney for the defendants represents to the Court that he perceives the Deponent is a very stupid, ignorant Person, & therefore will want his Evidence, & the Court Judging his inconsistency to proceed from Simplicity, dismiss him from further examination.

Charles De Wayde Sworn & examined as follows.
To the first Interrogatory this Deponent saith that he has known the Parties 4 years.
To the third Interrogatory this Deponent Saith that he has heard of the defendants having been robbed in the Year 1755, that he himself had six Rupees in the defendants hands at that time for to make value Duchies, & that he did believe the defendants were absolutely robbed of those Rupees, as well as of many other things, that the Polygar did make good the value of some Goods which were stolen at the same time from the defendants, which belong'd to Colonel Clive, & to a Captain of a Ship, one hundred Rupees which had been advanced the defendants to make a Sea Roll & Vt. the property of the former and a Sword belonging to the latter.
To the Last Interrogatory this Deponent Saith that the defendants were put under the charge of the Polygar by order of Colonel Clive in order that the Robbery might be enquired into, but were after some time released that he the Deponent, grounds his belief of the Defendants having been robbed from there having shown him two Boxes that had been broke open; That Colonel Clive, & the Captain of the Ship had the amount of their Loss made good to them by the Polygar in a few days but he, the Deponent, did not apply to the Polygar to account for the Six Rupees from his knowledge of the difficulty he should meet with in recovering them, as well as the smallness of the sum.

It being late in the day, the Court defer hearing the pleadings of the Attorneys and giving Judgment in this Cause, till the 7th day of November next.

Adjourned till the 7th November next.

ought to have been, whereupon they were returned to the defendants, who promised to amend, and bring them back; that there was no second tender made of the said Joys, on the contrary he the Deponent went one day to the defendants House, & demanded the Joys, when the defendants informd him that they were not there, but at another place; that he (the deponent) or the defendants delayd bringing the said Joys, went (about a fortnight after his having been at the defendants House to demand them) in company with his Mother (the Butler the complainant being then on Guard) to Mr Robert Sloper, then one of the Council at Barbd David, to complain of the defendants behaviour, that the said Mr Robert Sloper thereupon sent for the defendants & ordered them to pay back the complainants money, within the space of four days, which time he desired this Deponent & his Mother to allow the defendants for returning the said money, that the defendants did promise to pay the money, but about eight days after they absconded.

Anna Jaques Sworn & Examined as follows

To the first Interrogatory this deponent saith that She has known the complainant from his Infancy, & the defendants 4 Years, or thereabouts

To the third Interrogatory this Deponent saith that she was present when the Complainant advanced Pds 9, & some Rupees to the defendants, but the exact number of Rupees she, the Deponent, has forgot, that the said Pagodas, & Rupees were advanced for to make gold Beads, a Sprig, one ring, & some Buckles for the Complainants Sisters Wedding, which money was the Complainants own, that the defendants did make the said Joys, & tendered them to the Complainant, who received them, but that the Complainant in a little time after finding the Joys not to be of a good touch was going to complain to Mr Robert Sloper, whereupon the defendants promised to alter & return the Joys, that She (the Deponent) finding the defendants very dilatory went to their house to demand the Joys (her Son the Complainant being then on Guard) and was desired to wait till the next day, that She (the deponent) did go accordingly the next day when she was informd that the said Joys had been stolen, that thereupon She (the deponent) & her Son Thomé da Cruz went to complain to Mr Robert Sloper who sent for the defendants, & ordered them to pay the Money which the Complainant had advanced immediately, but the defendants not being able to Pay it at that time requested her (the Deponent) to stay four or five days. After that time was expired She (the deponent) went again to the defendants to demand the money, but they were both absconded. And this Deponent saith nothing further.

Manuel Leal, a Witness on the part of the Complainant sworn & Examined as follows

To the first Interrogatory this Deponent saith that he has known the Complainant about 24 Years & the Defendants about 8 Months

To the Second Interrogatory this Deponent saith that Paupayah one of the Defendants came to him on the day of the defendants appearance in Court to the suit of the Complainant, & told him (the Deponent) that he, the said defendant, & his Brother Ramayah, had some time ago received from the Complainant the sum of Pags 9, & Rupees 12. in order to make Toys, which Toys when made were stolen from them, the said Paupayah & Ramayah, and for the amount of which the Complainant had filed a Bill against them: & the said Paupayah, therefore desired him the Deponent to request the Complainant to withdraw the suit and that the defendants would pay him 7/- or 8/- Pags monthly, being rendered incapable of discharging the whole demand by the Loss aforementioned.

To the Last Interrogatory this Deponent saith that he did apply to the Complainant as desired by the said Paupayah, but the Complainant would not agree to any Composition

Manl Leal

Marcelino de Mont, Sworn & Examined as follows

To the first Interrogatory this Deponent saith that he hath known the Complainant 12 Years, & the defendants 8 Years or thereabouts.

To the third Interrogatory this Deponent saith that he saw the Complainant advance the defendants Pags 9, & Rupees 6, at which time one John Cannac was likewise present that the Pags 9 were advanced for to make a pair of Bullocks & Sticklers for the Complainant and the Rupees 6 were advanced for to make Sticklers for the aforesaid John Cannac, but which latter sum was laid out on the Complainants own money advanced for the said John Cannac that the defendant he did make some Sticklers besides one pair of Bullocks & three Rupees & brought them to the Complainant in the Deponents presence, that the Complainant received the same & ordered them to be touched to prove their genuineness & finding them to be made of bad metal, returned them to the defendants, who promised to deliver them back to the Complainant after touch; that he the Deponent, did not see them touched, nor does he know by whom they were touched; He does not know of them being tendered by the defendants to the Complainant a second time, nor did he hear of any Complaint being made against the defendants by the Complainant & He the Deponent only heard the Complainant say (about one Year after the Toys delivered back to the defendants as abovementioned) that Ramayah one of the defendants he had run away without accounting for the Toys, but that Paupayah had promised to make good the same, & about one Year after that the Complainant to Mother told the Deponent that Paupayah had likewise absconded it. And this Deponent saith nothing further.

Ordered that the usual notice be sent them informing them that they are appointed
Aldermen and Judges of this Court.

Christina da Silva,

Vers.

Mahomed Saliby

Summons returned Non Est Inventus,

Father Carappel,

Vers.

Agavalthy Salvor, & Jacob Pathoom,

Replication read and filed,

Ezreck Jacob

Vers.

Oyamoodally, & Ameen Naidoo,

Further day is given the Parties till the 5th day of November next to Examine Witnesses.

All the resident Members being present, except Messrs. John Davidson, and
Peter Morselle proceeded to take into consideration the prayer made by the Court
Brammins on the 10th Instant, and do Unanimously Agree that they shall be
allowed a Salary of one Pagoda p Month between them

Nawiah, one of the said Brammins being in Court is told that he & the other
Brammins Nawiah, must henceforward look upon themselves as Servants of
the Court, and behave themselves accordingly, and which he promises on
behalf of himself, as well as of the said Nawiah & absence.

Proceedings in Petty Causes

Onesiphorus Harley,

Vers.

Mark Anthony Noble,

Summons returned Non Est Inventus,

Pascoal de Rozario,

Vers.

Joaquim Gregorio,

Summons returned served,

The Defendant does not appear.

Anthonio da Costa,

Vers.

Ramayah & Ramayah,

The Attorneys on each side pray that the Causes may be now Set down for hearing
on Tuesday next & that Summonses may issue to their Clients to appear on that day
Which is ordered accordingly

The Complainant being in Court did accordingly make oath to the Justness of his demand

Order'd that a Warrant of Sequestration do issue returnable in one month.

Christina da Silva,

Dft.

Mahomed Sadley,

Mr. John Palmer, Attorney for the Complainant represents to the Court that the Summons issued against the Defendant was returned Non est Inventus, & therefore prays that a Warrant of Sequestration may issue against his Effects upon the Complainants making oath to the Justness of his demand before the Mayor between the days of adjournment

Granted accordingly.

Edmund Pascal,

Dft.

Trevengatan,

Mr. John Maxwell Stan Attorney for the Complainant Prays that a Warrant of Execution may issue against the defendants Effects he not having Satisfied the decree of this Court passed the 8th day of November last. The requested so to do.

and that the said Warrant may be made returnable the 7th November next.

Which is granted.

Proceedings in Petty Causes

Petronilha Pereira

Dft.

Anthonio Salamianes, & Roza de Monte, his Wife,

The Register acquaints the Court that he had received a Note from Mr. Archdeck Palmer, Attorney for the Complainant intimating that the defendant Anthonio Salamianes had Satisfied the Complainants demand, & therefore praying that he might be released from Prison

Whereupon a Counter Warrant issued under the hand & seal of the Mayor for his discharge

Withdrawn, the defendants having no Attorney.

Onesipharus Harley,

Dft.

Mark Anthony Noble,

Withdrawn, the defendant having no Attorney

Anthonio

The Court considering from the manner of the Deponents giving his present Deposition that the said Error might have proceeded from his not being well acquainted with the English Language, rather than this a bad intent, he is therefore told to act with the greatest caution in future when he is giving Evidence upon oath, and the Examiner is directed never to Examine a Foreigner without an Interpreter being present.

The Court then proceeded in the Examination of the said Witness.

Qu: What do you mean by the Bar Gold being 25 p.ct worse than the Dust Gold?

Ans: The dust Gold was 92 Touch, & the Bar Gold 70. which at 1/4 p.ct p.t Touch will make a difference of 27 p.ct, but he the Deponent made a Calculation allowing for a Loss in Melting, and so settled it at 25 p.ct.

Cheppermall Chittee
his Mark

Cheppermall Chittee being Sworn is Examined as follows.

Qu: Was the Difference you have set forth in your Deposition given before the Examiner of 1/4 2. Touch between the Touchstone & Needles, & the Assay, for the better, or worse?

Ans: Indifferently, Sometimes better, at other times worse

Qu: Is the difference only in Bar Gold?

Ans: In all kinds of Gold when tried by the Touchstone, but Dust Gold being generally bought by the Eye, the difference there is still liable to be greater, He once knew a difference in Dust Gold that had been bought by eight, when tried by the Assay of 6 or 7. Touch worse, tho' at other times it shall turn out 1 or 2. Touch better.

Qu: Do you know of any Trial that has been made of the Bar Gold & dust Gold, mentioned, which was bought by Cheppermall Chittee of the Complainant? if yea, what was the event thereof?

Ans: He was present when the purchase was made, & saw Cheppermall Chittee try the Bar Gold by the Touchstone & Needles, and it appeared to be 2 Touch, but the Dust Gold was tried by looking upon it only, After which neither was tried seperately.

Qu: Was there any Allay upon the Bar Gold, or not?

Ans: He did not see any Allay upon it.

Chokapah
his Mark

This Cause coming on to be heard & debated this day in the presence of the Complainant's & of the Attorneys on both sides, On hearing the pleadings & Evidence of by the Attornies, on due consideration of the foregoing depositions, & of the Proofs & several Proceedings read the last Court day, and on mature deliberation had thereon, It Appearing Evident that the Complainant hath sold the Bar Gold greatly under the price he bought it at from the Deceased James Duff & all the valuation put upon it by Cheppermall Chittee was purchased of from the Complainant at that Estimation, in presence

Northward Settlements of that place. Whereupon the Deceased told the Complainant, that the Bar Gold would turn out to a greater advantage than the dust Gold, and that he, the deceased, would be accountable to the Complainant for any deficiency or difference therein.

Qu: Was the Bargain then concluded upon?

Ans: The Parties after that went out of the House without saying any more in his the Deponents hearing, than what has been above related.

Qu: Were you called upon to be a Witness to the Bargain?

Ans: No, it was by accident that the Complainant, the deceased, & he the deponent first met, & then they went into the Deponents house.

Qu: Was you when present desired to be an Evidence of the matter by you related?

Ans: No.

The said Robert Jackson having in one part of his Deposition taken before the Examiner set forth that the deceased engaged to make good any deficiency, & in another part thereof as well as in the above deposition says that the deceased promised to make good any difference between the Gold dust & Bar Gold, he is now asked if he can remember the express words made use of by the Deceased, & what he the deponent understood thereby?

Ans: The expressions of the deceased to the best of his the deponents memory were that he would be accountable for any deficiency or difference, by which he the Deponent understood was meant to warrant the Gold dust & Bar Gold, to be of equal goodness.

Robt Jackson

Edward Edwards being sworn is examined as follows

Qu: Was the difference which you say in your deposition taken before the Examiner you found in your own experiments between the Touchstone & Needles & Assay of Bar Gold of 3/4 of a Touch, and of 1 1/2 Touch, & at one time between 3 & 4 Touch in the Sheriffs Trials, for the better or worse?

Ans: The Experiment which he himself made by the Touchstone & Needles, two drops 3/4 of a Touch different from the assay which he made, & that there was a difference in the same Gold between the Sheriffs Trial by the Touchstone, & this deponents assay, of 3 or 4 Touch, both Experiments proved much better by the Assay, than by the estimation by the Touchstone & Needles, the difference which he mentions to have found of 1 1/2 Touch between the trials of the Sheriff & the officers of the Mint were indifferently sometimes better, and at other times worse than the Sheriffs estimation.

Qu: How much per cent is added or deducted for every Touch more or worse?

Ans: 1 1/4 p cent for every Touch.

Edwd Edwards

Northward Settlements of that place. Whereupon the Deceased told the Complainant, that the Bar Gold would turn out to a greater advantage than the dust Gold, and that he, the deceased, would be accountable to the Complainant for any deficiency, or difference therein.

Qu: Was the Bargain then concluded upon?

Ans: The Parties after that went out of the House without saying any more on that head the Deponent to hearing, than what has been above related.

Qu: Were you called upon to be a Witness to the Bargain?

Ans: No, it was by accident that the Complainant, the deceased, & this Deponent first met, & then they went into the Deponents house.

Qu: Were you when present desired to be an Evidence of the matter by you related?

Ans: No.

The said Robert Jackson having in one part of his Deposition taken before the Examiner set forth that the deceased engaged to make good any deficiency, & in another part thereof as well as in the above deposition says that the deceased promised to make good any difference between the Gold dust & Bar Gold, he is now asked if he can reconcile the expressions made use of by the Deponent, & what he the deponent understood thereby?

Ans: The expressions of the deceased to the best of this the deponents memory, were that he would be accountable for any deficiency, or difference, by which he the Deponent understood, was meant to warrant the Gold dust & Bar Gold, to be of equal quality.

Robt Jackson

Edward Edwards being sworn is examined as follows

Qu: Was the difference which you say, in your deposition taken before the Examiner, you found in your own experiments between the Touchstone & Needles & Assay of Bar Gold of 3/4 of a Touch, and of 1 1/2 Touch, & at one time between 3 & 4 Touch on the Sheriffs Trials, for the better or worse?

Ans: The Experiment which between 2 made by the Touchstone & Needles two hundred 3/4 of a Touch different from the assay which he made, & that there was a difference in the same Gold between the Sheriffs Trial by the Touchstone & this deponents assay, of 3 or 4 Touch, both Experiments found much better by the Assay, than by the estimation by the Touchstone & Needles, the difference which he mentions to have found of 1 1/2 Touch between the trial of the Sheriffs & the Assay of the Mint was indifferently sometimes better, and at other times worse than the Sheriffs estimation.

Qu: Seignorage & Brassage is added or deducted for every Touch over, or under?

Ans: 1 1/4 & 1/2 per cent for every Touch.

Edwd Edwards

The Attorney for the Complainant moves the Court that the Defendant having in his Answer sworn to be satisfied with the oath of the Complainant or other satisfactory Proofs implies that the Defendant would rest content with either of those measures proposed, and as the Complainant is willing to make oath to the Identity of the Gold. That the Complainants Attorney accordingly prays that such oath may be accepted, Especially as the Defendant, if he had made a mistake in his Answer might have rectified the same in his Rejoinder, or before Publication had past, but which he has not offered to do.

The Court are of opinion, altho' a Complainant could not regularly propose his oath as Evidence in his own behalf, yet as the Defendant has by his Answer in the present Cause admitted of the Complainants oath being taken, and as the Suit has been proceeded in thus far without any objection being made thereto, that the Complainants oath shall be taken as Proof of the Identity of the Gold in dispute, and the following oath is accordingly administred to him Viz.t

"You Swear that the Bar Gold mentioned in the Deposition of Cheppermaul Chitty to have been Sold by you to him for the Price of 86 ½ Pagodas for the weight of one hundred Pagodas, is the same identical Bar Gold which you brought from the late James Duff deceased at Pondicherry, on or about the Month of April last, as set forth in your Bill of Complaint".

So help You God

Tho.s Rooney

The Court perceiving that the Depositions of Edward Edwards, Robert Jackson, Cheppermaul Chitty & Chuckapah Chitty, Witnesses produced in this Cause, are very doubtful and uncertain, It is therefore Agreed that they be summoned to attend on Friday next, in order to explain their Evidence more fully, till which time the Court defer passing Judgment in this Cause.

Proceedings in Petty Causes —

Bill of Christopher Charles read & filed

Mark Anthony Petite to be summoned.

Bill of Pascoal de Rozario read & filed

Joaquim Jorgois to be summoned.

Adjourned till the 20th Instant

Gereck Jacob.

Vers.

Oyamoodally & Ameer Naidoo.

Further day to given the Parties till the 24th Instant to Examine Witnesses.

Gereck Jacob.

Vers.

Richard Finley.

Collation is past on this Cause.

Gereck Jacob

Vers.

Cashawa Chetter Jaganaicaloo.

Bill with an Account Current and Translate of an Obligation annexed filed between the days of Adjournment read.

Summons issued thereupon returned served

The Defendant appears.

Bill of Christina da Silva with a Note of hand annexed read & filed

Mahomed Salley to be summoned.

Ariat Inoze & Gregorio Miguel, Executors to the last Will & Testament of Miguel Gregorio,

Vers.

Palliapah.

Mr. John Palmer, Attorney for the Complainants produces a Certificate from the Register that the usual writs had issued for the Defendant to answer the Complainants Bill, but that he had neglected so to do.

It appearing by the Records of this Court that the Defendant had been served with the usual precept to answer the Complainants Bill but wilfully & obstinately neglecting so to do. This Court doth therefore think fit to order & decree, & doth accordingly order & decree that the Defendant shall pay unto the Complainants the full and just Sum of Pagodas 1185.32.64 [redacted] together with such Interest as now is or shall hereafter become due thereon until full payment is made, & all Costs of this Suit

Thomas Powney.

Vers.

William Dunn, Administrator to the goods Chattels & Credits of James Duff Deceased.

Bill read.

Answer read

Replication read

Rejoinder read

Interrogatories

Aaron Nunes, by his Attorney James Jones,
Versus
Sinyapah,
Withdrawn, the Defendant having no Attorney
Branjohn,
Versus
Dedgenally Christmah,
Withdrawn, the Defendant having no Attorney
Moral Sarroze, Executrix of Miguel Executor to the last Will & Testament of Miguel Grapaio,
Versus
Pallinpah,
Further day is given the Defendant till the 1st Instant to answer the Complainants Bill,
in default of which Judgment will be given for the Complainant.
Gereeh Jacob,
Versus
Byamsodally, & Hucan Naeidoo,
Day is given the Parties till the 17th Instant to Examine Witnesses.
George Mackay
Versus
Perriawiddundee Moddelley, & Shunnerum Billy Trevengadum
The Sheriff returns the Warrant of Execution issued against the Defendants Effects,
Indorsed Debt & costs satisfied.
Thomas Bowney,
Versus
William Dunn, Administrator to the Goods Chattels & Credits of James Duff Deceased.
Publication is past in this Cause, and Ordered with the consent of the Attornies
on both sides that the Same come on to be heard the 1st Instant
The Mayor acquaints the Court that the Examiners who attend the Court has applied
to him for a Salary to be annexed to their Employ, as their Fees at present are
very inconsiderable, notwithstanding they give a constant attendance
Agreed that the Consideration thereof be deferred

Proceedings

Greech Jacob
Vers.
Richard Finley

Further day is given the Parties till the 10th day of October next to Examine Witnesses on default of which Obligations will proceed in this Cause &c.

Proceedings in Petty Causes

Moocantoone Morzaine
Vers.
Arrunagoray Chitter

Mr. John Palmer Attorney for the Complainant prays that a Warrant of Execution may issue against the defendants Effects, he not having satisfied the decree of this Court passed the 12th Instant, the required so to do.

Granted accordingly.

Anthonio da Costa
Vers.
Pannayah & Vannayah

Summons issued to the Witnesses on the part of the Complaint returned served upon Manuel Leal, Lenard Johnson & Mucklow de Mendo, against Francisco de Rozais Non Est Inventus.

Mr. John Palmer Attorney for the Complainant prays that the hearing of this Cause may be deferred till the next Court day and that another Summons for Witnesses may issue, as the Testimony of the said Francisco de Rozario, that Witness who has not been found is very material on the part of the Complainant:

Granted with the consent of the defendants Attorney, the Complainant paying the charges of the delay.

The Register acquainting the Court that the Quarter Sessions will begin to be held on Monday next the 2d day of October; & there being at present no urgent Business in this Court; it is Agreed to adjourn the same till the 8th of October next.

Adjourned till Tuesday the 8th of October

The Power this Court derives from the Majesty's Charter of granting Probates of Wills, & Administration of the Effects of deceased Persons also requires a fuller Explanation than seems to have been understood by the words of the Charter, which are that "the same shall be granted to the Executors, or such other qualified Persons "as shall be approved of by the Court within whose Jurisdiction the Deceased shall "die." Now it frequently happens that Persons die out of the Jurisdiction of the Mayors Courts, yet have either Executors, or Persons legally entitled to an Administration, and also Effects within the Districts of this Court, who apply here for Probate, or Administration, which has sometimes been granted, But how far the same has been done agreeable to Law remains a doubt of which the Court are desirous to be satisfied: As to what may be esteemed the Jurisdiction of this Court, and that which any Person may die, the same may be said as is mentioned above with respect to the Extent of Jurisdiction in regard to Actions, & the Answer to these will be a construction of the other, it therefore will only remain to shew if the Mayors Court are authorized to issue Probate, or Letters of Administration, where the deceased shall die out of its Jurisdiction, at the instance & request of Parties interested, and entitled to the same.

And Executors, or Administrators who have been sued in this Court by Creditors for debts due from deceased Persons, having sometimes pleaded a possibility of debts being outstanding in Europe, or elsewhere, not come to their knowledge, against the paying such claims as have been made upon the deceased Estate; & altho' it has been the Practice of this Court (as being judged most equitable) to direct payment of such Simple debts, where claims of the higher nature have not appeared, & been made upon the Executors, or Administrators. Yet as it has been made a Question whether such Decree is Legal, in case of there being debts of a higher rank upon the Estate, The Court do therefore desire to be satisfied also in this particular, as well as to know how it is proper to proceed in case of an Executor, or Administrator being prosecuted for having voluntarily paid debts of an inferior quality, to those of a higher degree, before Notice received of the latter.

Proceedings in Petty Causes

Anthonio da Costa

Versus

Pimpayah, & Ramayah,

&c.

at Bombay, where a Copy of the deceased was lodged.

Ordered that Advertisements be affixed at the usual places, Setting forth that application has been made by the Mayors Court at Bombay to this Court, desiring they would give publick notice to the Creditors of the said Josiah Hillman late of Bombay Merchant deceased who are residing here to deliver their Claims into this Court in order that the same may be transmitted to the Mayors Court at Bombay, where a Copy of the Deceased was lodged, but that no particular time be limitted for bringing in the same; as the Court observe that no time is stipulated in the Letter from the Mayors Court at Bombay.

Bill of Anne Hume by her Attorney James Jones with an Obligation annexed read and filed.

Singapat to be summoned.

Josiah Sorroze, Gregorio Miguel, Executors to the last Will & Testament of Miguel Gregorio deceased.

Vers.

Pallapatu.

Further day is given the Defendant till the 26th Instant to answer the Complainants Bill.

Thomas Downey,

Vers.

William Dunn, Administrator to the Goods, chattels & credits of James Duff deceased.

Further day is given the Parties till the 26th Instant to examine Witnesses.

All the residing Members except Mr. Alderman Turner who is indisposed, being met proceeded to take into consideration the writing a Letter to the Court of Directors, [that the Channel of their President & Council, by the Ships late under dispatch, concerning some doubts which have arisen relating to the Conduct of the Court, and which the Court are of opinion need Explanation. When it was Agreed to write upon the following Heads. Viz.

The Power which is given to the Mayors Court by their Majestys Charter to try and determine in the following words "That they may try, hear & determine all Civil suits, "Actions, & Pleas between Party & Party, which shall or may arise or happen or that have "already arisen or happened within the Town of the Aforesaid, or within any of the Factories "subject or subordinate unto Fort St. George, or to the Governor or President & the Council "of Fort St. George." And it is further said in the same Charter under the description of the Office of Sheriff "that upon Complaint being made by or on behalf of any Person or

Persons

Petition of Sruthma Shanmamah Iyaah, Attorney for Mirja Hoseim Beg read a 2d time,
Summons issued to the Witnesses on the part of the Petitioner returned served,
They appear — A Minute made the last Court day read,
Sundaroory Pillah being duly sworn is interrogated as follows.

Qu: Do you, or do you not know of any Grain having been seized by the Sheriff in the House of Rustna Pulay one of the defendants in Sequestration? if you, what Quantity & whose Property was the said Grain?

Ans: He knows of two hundred & seventy two small Marcalls of Paddy, & four hundred and twenty small Marcalls of Kangne, the Measure used at Cidapettah Pollam which is equal to half a Madras Marcall, having been seized in Rustna Pulay's House Grain belonging to one Mirja Hoseim Beg

The Witness cross examined on the part of the Plaintiff in Sequestration

Qu: How came that Grain to be lodged in Rustna Pulays House?

Ans: Mirja Hoseim Beg, the Renter, being afraid to leave the Grain in the Country on account of the Troubles, brought it to Town, & Lodged it in Rustna Pulays House.

Qu: How came you to know that that Grain belonged to Mirja Hoseim Beg?

Ans: He the Deponent is Monigarry of Cidapettah Village & has an account of all Grain brought in there, by which means he knows it belonged to Mirja Hoseim Beg & the Deponent further believes that he sent Mirja Hoseim Beg's Servants to carry the said Grain to Rustna Pulays House

Qu: How long has the Grain been at Rustna Pulays House?

Ans: Ever since the month of March last

Mr John Maxwell Stone Attorney for the Plaintiff in Sequestration acquaints this Court that he is Satisfied with the Testimony of the above Witness, & therefore prays that an order may issue to the Sheriff to restore the said Grain to the Petitioner on behalf of his Constituent

Ordered accordingly, & that the Plaintiff in Sequestration do pay all costs which have accrued by reason of the seizure & detention thereof —

Proceedings in Petty Causes

Mooradoom Mirzan,

Versus

Arunagory Pillay

Summons

an Administrator according to the Laws of England, as specified in the Bond given, So that it is incumbent on the Securitys to take care that the Administrator shall not remove the Effects of the Deceased without having with them equivalent Security, for should they neglect so to do, they must of course become answerable and themselves pay what the Administrator ought to discharge.

The Attorney for the Complainant not having offerd any other arguments against those of the Attorney for the Defendant than what he alledged the last Court day, & the Court having maturely weighd the motion now made & the reasons offerd to support it, are Unanimously of opinion that the said motion is superfluous, and that the resolution of the last Court day do stand confirmed, & it does accordingly stand confirmed, Which imposes no greater hardship on the Defendant than what he might be obliged to submit to Should his Securitys have compelld them to indemnify them, & which would be attended with the same circumstance of the Defendants giving a double Security.

Further days given till Thursday the 19th Instant to Examine Witnesses. —

Aviat Soroze,
Test.
Jathiel Severino, & Aviat Nazar, Executors to the last Will & Testament of Rebecca
Chairman Decreed
Summons returnd served
The Defendants appear by their Attorney Mr. John Macwell Stone
Demurrer read & filed
Aviat Soroze & Gregorio Miguel, Executors to the last Will & Testament of Miguel Gregorio
Test.
Palliapah
Days given the Defendants till the 19th Instant to answer the Complainants Bill
— —
Jeremiah Jacob
Test.
Richard Finley
Further day is given the Parties till the 26th Instant to Examine Witnesses.
Charles Turner
Test.
Comanique Shenewasallas Crowwan Augmy Cohittee & Comidalla Kocanapah
Withdrawn, the Defendant having no Attorney.

Petition

The Defendant being in Court acquaints the Court that he will give special Bail and offers as his Bail Mr. Andrew Hope of Southsaint George Merchant.
Which Bail the Complainant acquaints the Court he is satisfied with
Ordered therefore that the said Bail be given before the breaking up of this Court or in default thereof a Warrant of Arrest to issue on the Complainants Attorny applying for the same.
Further day is given the Parties till the 13th Instant to Examine Witnesses.

Bill of Arial Snooze with an Account Current annexed read & filed.
The Reverend Salthee Sweene & Arial Rayner Executors to the Last Will and Testament of Philip Howe Chairman deceased to be summoned.

Proceedings in Petty Causes

Bill of Ashley versus William Dunn, filed between the days of Adjournment read.
Summons issued thereupon returnd served.
The Defendant appears by his Attorney Archdale Palmer.

Bill of Ashley versus William Dunn, Administrator to the Goods Chattels & Credits of James Duff deceased with an Account Current annexed filed between the days of Adjournment read.
Summons issued thereupon returnd served.
The defendant appears by his Attorney Archdale Palmer.

Bill of Mercadier versus Morgan read & filed.
Arrestry Cattle to be summoned.

Adjournd Till Tuesday the 12th Instant

At a Court held at the Town Hall on Tuesday the 12th Day of September Anno Domini 1758.

Present

Samuel Ashley Esquire Mayor Charles Turner, Wallace Stevens and Francis Taylor Aldermen.

Thomas Downey
Vers.
William Dunn Administrator to the Goods Chattels & Credits of James Duff Deceased

to that purpose returnable in one Month.

Henry Brooke by his Attorneys Isaiah Dupree & James Alexander

Vers.

Ammajeeboy & Comrapah Chettie

The Sheriff returns the Warrant of Executions issued against the Defendants Effects endorsed Debts not satisfied.

Thomas Powney

Vers.

William Dunn Administrator to the Goods chattels & credits of James Duff Deceased

A Note from the Examiner to the Register read desiring him to acquaint the Court that the Witnesses in this Suit are Examined.

Mr. John Maxwell Stone Attorney for the Complainant acquaints the Court that he is credibly informed that the Defendant is now not an Inhabitant of this place or about to Leave it very shortly when by his carrying with him the effects he has in his hands belonging to the Estate of the Deceased, the Complainant may be deprived from recovering his demand on the said Estate at the Judgement should pass on his favour more especially as the said Defendant is now in the Employ of a Person or Persons at Batavia whence it is supposed he will go to & where there may be other debts of the deceased, who sailed a Day from thence, which the Defendant may be thereby obliged to pay, & tho nothing should remain of the deceased effects to discharge the Complainants demand. The said Attorney therefore prays that the Defendant may be obliged to make a deposit in this Court as security for the performance of any decree that may be given against him on behalf of the Complainant, it appearing by the Inventory of the Estate of the said Deceased delivered into this Court upon oath the 8th Instant that there are effects sufficient for that in default of such deposit that the Defendant may be obliged to give special Bail to stand the issue of this suit.

Mr. Archibald Stone Attorney for the defendant moves this Court that the Prayer of the Complainants Attorney may not be complied with since by Law Bail ought not to be demanded of Administrators unless on a Surmise of Waste, & as the said William Dunn hath already given security for his faithfull administration, Notwithstanding he may leave effects at present, the same may be expended on discharging Debts of a prior nature before the Issue of the suit is concluded &

The

At a Court held at the Town Hall on Tuesday
the 3d day of September Anno Domini 1758.

Present

Samuel Ardley Esquire Mayor, Walton Stevens,
Peter Marielle, and Frances Taylor, Aldermen —

Mr John Palmer Attorney for the Reverend Mr Robert Palk of Fort St George prays that the sum of Twelve Thousand three hundred & eight Star Pagodas, five Fanams and three fice deposited on the 5th day of March last by Mr James Lisbon on account of the Estate of the late Lieutenant John Warren deceased, may now be paid to the said Robert Palk who has an opportunity of remitting the same to the Heirs of the deceased, and produces a special Power of Attorney from Mr James Lisbon to the said Robert Palk to receive the aforesaid amount.

Which Power of Attorney is ordered to be lodged in Court and Agreed that the Accomptant General be directed to draw on the President & Council for the said sum.

Petition of Robert Orme Administrator to the goods chattels & credits of William Lindsay deceased read & filed, praying Leave to withdraw the sums of Three thousand & forty eight Pagodas twenty seven Fanams & twenty each, and Three thousand five hundred & eighty eight Star Rupees twelve annas and one fice deposited by him on account of the Estate of the said William Lindsay deceased, and opportunity now offering to remit the same to Europe to the Heirs or Creditors of the Deceased.

Agreed that the Accomptant General be directed to draw on the President and Council for the said Sums.

Petition of Tadamilla Pillah read & filed, setting forth that the Sheriff had by virtue of the Warrant of Sequestration issued against the Effects of Vethapooly Vengapow Pundaram & Cheruvayah Chetties at the suit of George Mackey seized upon Eight Chuncy Oxen, seven Cows, four Calves & four Buffaloes the Property of him the Petitioner, therefore praying that they may be restored.

Petition of Tenchoma Shevanandah Guard read & filed, setting forth that the Sheriff had by virtue of the Warrant of Sequestration issued against the Effects of Vethapa Pooly Vengapow Pundaram & Cheruvayah Chettie, at the suit of George Mackey seized upon three hundred & thirty eight Morralls of Paddy,

and

to the Court that as his Client was released from Bail on the 26th April 1757 on account of the cross defendant not having perfected Bail in the Cross suit, after which he the original defendant did remain at this place some time without any Proceedings having had against him, & as the cross defendant did not answer to the cross Bill, nor reply to the Answer of the original Defendant, who is now absent whereby he the said Attorney cannot procure proper instructions how to proceed, he therefore prays that both the said Causes may be dismissed, as the Parties will then have an opportunity of renewing the suits if they shall think necessary so to do.

Ordered that the said Causes do stand dismissed & that each Party do pay the costs of his own suit, No Process having been had thereon since the 26th April 1757.

Arratoon Baduamy
Gen.
Arratoon Moozam,
Withdrawn with the consent of the Defendants Attorney.
Andrew Pelot
Versus
Vera Burnaul,
Withdrawn with the consent of the Defendants Attorney.
Aviah Nazar,
Versus
Moodu,
Withdrawn with the consent of the Defendants Attorney.
Joaquim Gregorio,
Versus
Hussia Gory Narrain,
Withdrawn the Defendant having no Attorney.
Agostinho Roiza Leal,
Versus
Nuamshaviah,
Withdrawn the Defendant not having appeared.
Adriano Benjamin Barbosa,
Versus
Chevautah,
Mr. Shore Solicitor Attorney for the complainant acquainted the Court that his Client was

Petty Causes

Gen

John De Morgan, by his Attorney Charles Campbell
Versus
Edward Edwards
Bill read
Demurrer read
Joinder to the Demurrer read
Mr. John Maxwell Stone, Attorney for the Defendant moves the Court that the original Obligation granted to the Complainant may be produced and read as Evidence in this Suit & that a Copy thereof may be annexed to this Proceedings
Ordered accordingly.
Bond read
The Demurrer and Joinder coming on to be argued this day in the Presence of the Attornies on both sides, On reading the Complainants Bill, the Demurrer, and Joinder, On hearing the pleadings made use of by the Attornies, and on due Consideration had thereon, This Court doth Unanimously think fit to order and decree, and doth accordingly order and decree that the Complainants Bill shall stand dismissed with costs, since the Complainant has not advanced any substantial reason why the Defendant should be obliged either to give up the Trust with which the Complainant hath invested him, or to find other Security for the one thousand Pagodas of the Complainants lodged in the Defendants hands than that of his own Bond, which the Complainant hath accepted, until it appears that the Complainant hath taken away his son from the charge for which the Defendant as a Trustee and that all Accounts are settled and adjusted between the Complainant & Captain Thomas Hunter, or his Representatives relating to the same, at which time the Bond is conditioned for Payment.
The Several presiding Members (except Mr. Alderman Parker who is indisposed) having met agreeable to the Resolutions of the last Court day, proceeded to take into consideration the dismissing such suits as have not been for some time past prosecuted &c. Viz.
William Barker
Versus
Callamoyah Sevigah
Mr. John Maxwell Stone Attorney for the Complainant requires the Court that the Court

George Mackay,

Vers.

Vernawodundee Mandelly & Thomoram Pilly Trovengadum,

Summons returnd served.

Thomoram Pilly Trovengadum one of the defendants appears for himself & on behalf of the other Defendant Vernawodundee Mandelly

Mr. John Palmer Attorney for the Complainant prays that the Defendant may give bail.

Sevana Pillah & Annachetumy become Bail for the personal appearance of the Defendt, or to answer all costs & damages, taken & acknowledgd in Court.

The Defendant Thomoram Pilly Trovengadum appearing in Court & acknowledging the Justness of the Complainants demand as well for himself as on behalf of the other Defendant Vernawodundee Mandelly, This Court doth therefore think fit to order and decree, and doth accordingly order and decree that the defendants shall pay unto the Complainant the full & just sum of Four hundred & seventy six Pagodas fourteen fanams & nine cash, being the sum sued for, together with such Interest as now is or shall hereafter become due thereon until full Payment is made, also all costs of this suit.

Assad Sorzee, & Georgina Abigail Executors to the last Will & Testament of Abigail Georgina deceased

Vers.

Pallia Pah,

Bill with an Account annext filed between the days of Adjournment read

Summons returnd served,

Warrant of Arrest returnd served,

The defendant in Court

Mr. Archdale Palmer Attorney for the Complainants prays that the defendant may give Bail,

Monteapah & Sadasheevah Mudeliar become Bail for the personal appearance of the defendant or to answer all costs & damages, taken & acknowledgd in Court.

Thomas Powney,

Vers.

William Dunn, Administrator to the Goods, Chattels & Credits of James Duff deceased.

Application read and filed.

Ingredients

only were liable to pay for the said Ruby, the then might be properly sued for the same, as well as for all costs accruing to the Complainants thro' his suffering the Bill to stand in the Company's Name.

John De Morgan, by his Attorney Charles Campbell
Versus
Edward Edwards

Ordered that the Demurrer by Edwards come on to be argued the 29th Instant.

Mr. John Palmer Attorney for the Complainants moves the Court that the Demurrant Attorney may be ordered to bring to be acknowledged the Complainants portion concerning the debt of £50.— due from Captain Thomas Hinder to him, as also that a Bill of Exchange for £100.— was drawn by him in favour of the said Thomas Hinder, that otherwise the Complainant may prove the same.

Mr. John Maxwell Stone, Attorney for the Demurrant acknowledges that the said Thomas Hinder is indebted to the Complainant the sum of £50.— & that a Bill of Exchange was drawn by the Complainant for £100.— in favour of the said Thomas Hinder, but he (the Attorney) does not know that that Bill of Exchange has been accepted.—

The Register acquaints the Court that there are several Causes depending which have not been proceeded in for a long time, a List whereof he now delivers into Court, Which is read as follows

Bills Ans.

William Parker, Esqr. } Callamoyah Singah } 4th 27th Sept. 1734. 2d 2d Sept. 1734.

William Percival, Attorney for James Pollard Esqr. } 4th 29th June 1736.
Esqr. }
John Smith, Executor of the last Will & Testament of Reynold Mc Packan deceased }

Louis Dupre & James Alexander, Substitutes for Philip Ford Damaree } 4th 14 Aug. 1736. 2d 25 Jany 1737.
Esqr. }
Domingo Saul & Ors } 4th 25 June 1737.
W. E. Conlie

John Fellows, Esqr. } Alleton Nagapah } 4th 15 March 1736. 2d 16 1737

Agostinho Senra Sarl, Esqr. } Nunes Haviah } 3 May 1737.

Answer

Father Carapet
Vers.
Agawalhay Sabor & Jacob Pallavoor

Mr. John Palmer Attorney for the Defendants acquaints the Court that he had Sent the Complainants Attorney with a peremptory Rule to reply, and as he has omitted so to do. The Defendants Attorney prays that this Cause may be set down to be heard on the Proceedings already had.

Mr. John Maxwell Stone Attorney for the Complainant represents to the Court that his Client is so much Indisposed as not to be able to furnish him with the substance of this Replication

The Defendants Attorney acquainting the Court that he is satisfied with the Excuse made by the opposite Attorney. Further day is given the Complainant till the 29th Instant peremptorily to reply. In default of which this Cause will be heard on the Proceedings already had.

Gorach Jacob
Vers.
Cyamondally & Aracau Naidoo

A Minute made in this Cause the 6th day of May last past, whereon it was Ordered that Cyamondally one of the Defendants (who was then Indisposed) should make oath to his Answer before one of the Judges of this Court

The said Cyamondally appears & acquaints this Court that he has continued Indisposed ever since, & should have attended before to make oath to his Answer, Which he now does in Court

Rejoinder read and filed.

Gorach Jacob
Vers.
Richard Fenley

Further day is given the Parties till the 29th Instant to Examine Witnesses.

A Letter from the Secretary of the President & Council by their order, dated the 15th Instant read. Intimating that they had Elected Mr. Peter Moreau of Fort St. George Merchant, & Mr. Francis Layton of Fort St. George Mariner to be Aldermen and Judges of this Court

Ordered that the usual notice be sent them.

The Mayor informs the Court that Mr. Alderman Turner hath acquainted him that being ordered since the last Court day to take the Health with the Company Forces of which he was appointed Paymaster, the same would cause him to be absent from Court for some time, but he believd not very long.

Charles D Mayde
Vers.
Mollah

Mr.

Charles D'Atayde
Vers.
Mollah

Further day is given the Parties till the 22d. Instant to Examine Witnesses

Seeva Chittee
Jews.
Aviat Soroze

The Sheriff returns the Warrant of Execution issued against the Defendants Effects Endorsed, that he had Levied the sum of Rupees 66. 2/. 22/ parcell of the debt and costs, & that the defendant had no other Goods, or chattels in his district whereby he could Levy the remainder.

Bill of George Mackay with an Account Current annext read & filed.

Corriaworden Mordelly & Hamoram Betty Jarengs Summons to be Summoned.

The Mayor acquaints the Court that he did on the 8th. Instant, just after the Court had broke up, receive a Letter from Mr. Alderman Bowman representing that he the said Mr. Bowman being about to depart for China, & not purposing to return hither again, he had resigned his office of Alderman to the President & Council.

Which Letter is now read, and Ordered to be Entered after the Minutes of this day

Ordered also that a Letter be wrote to the President & Council to remind them of the vacancy that has been in the Court upwards of Four months, & to desire that that as well as other vacancies as they happen may be soon filled up, agreeable to their Promise when this Court applied to them to supply the seats of Messrs. George Mackay and Andrew Ross, one of which it is that still remains void.

To Samuel Ardley Esqr.

Sir

As I intend to depart from this Place in a few days for China, and do not propose to return here again, it would be neglecting a duty & respect which I owe to this Corporation, should I for want of resigning my Office of an Alderman, occasion my seat to remain vacant for twelve months. I therefore take the Liberty to acquaint you that I have this day sent my resignation to the President & Council under my hand & seal, and I am extremely sorry that the hurry of my Business has prevented my attending the Court to take my leave on Record, which now I offer with my most sincere wishes for health, happiness & prosperity to you, and my Brethren, while I remain with great respect Sir

Your most humble & obedient Servant

Edwd. Bowman

Fort St. George
the 8th. of August 1758

Received 16th [illegible]

Father Carapet
Vers.
Agavalley Sabat & Jacob Pitheam
A Note from the Examiner to the Register read, desiring him to acquaint the Court that the Depositions of Lucas Crannes taken on the part of the Defendants by virtue of an Order of the last Court day is ready.
Ordered that the said Deposition be removed with the Examiner's Office publication passed in this Cause.
Day is given the Complainant till the 15th Instant to reply
Gereeh Jacob
Vers.
Cyamoodally & Lucas Naidoo
Day is given the Defendants till the 15th Instant to rejoin.
Edward Burman
Vers.
Sundaramulla Chuddergah
Mr. John Maxwell Jones Attorney for the Complainant acquaints the Court that on the Warrant of Execution issued against the Defendants effects was returned satisfied in part only & as the Defendant has not discharged the remainder the new praying that a Warrant of Commitment may issue against the Defendants Body.
Granted accordingly.

Adjourned till Tuesday the 15th Instant.

At a Court held at the Town Hall on Tuesday the 15th Day of August Anno Domini 1758.

Present

Samuel Ardley Esquire Mayor James Alexander, Hugh Norris and Walton Stevenes Aldermen.

Thomas Powney
Vers.
William Dunn Administrator to the Goods Chattels & Credits of James Dupont deceased
Bill of Complaint filed between the days of Adjournment read.

Williams, but is without effect, and as the time limitted for appealing expires this day, the said Attorney therefore prays that unless the Defendants do appeal within the day, a Warrant of Execution may issue against their Effects. Granted accordingly.—

Edmond Haddock, Chief Mate of the Ship Grantham of John Hume Commander for the service of the United Company of Merchants of England trading to the East Indies, John Scaly third Mate of the said Ship, John Miller, Surgeon of the said Ship, Benjamin Williams & Walter Walker, Midshipmen of the said Ship, as also Richard Berry, Chief Mate of the Ship Worcester of Benjamin Braund Commander in the aforesaid United Company's service and John Murray, Steward to Alexander Hume Commander of the Ship Ivy in the aforesaid United Company service, appear, & acquaint the Court that some Bales of Goods with were to have been brought to this place from Calcutta consigned to Mr Andrew Pigou Fort St George Merchant, on the Ship Grantham, but as the Vessell they were sent down the River of Bengall in was unfortunately lost before all the said Bales were delivrd on board the Ship Grantham. They have for the greater satisfaction of Such as are interested, severally drawn out Declarations giving some account of the said Loss, & the accident she met with, & pray that this Court would permit them to take their oaths before this Court, to the truth of such their Declarations. Which is complied with, & the said Persons abovementioned do accordingly make oath to the truth of their respective Declarations. Which is ordered to be kept files.

Adjourned &c. to Tuesday the 8th Inst.

At a Court held at the Town Hall on Tuesday the 8th day of August Anno Domini 1738.

Present

Samuel Bradley Esquire Mayor James Alexander
Hugh Norris and Walton Stevens Aldermen.—

Averil Nazar
Lieut.
Moodie
Summons returned served

Surveyor

At a Court held at the Town Hall on Tuesday
the 2. day of August, Anno Domini 1758 —

Present
Samuel Fridley Esquire, Mayor, James Alexander,
Charles Turner, and Walton Stevens, Aldermen —

John De Morgan, by his Attorney Charles Campbell,
Compt.
Edward Edwards,
Summons & bond read,
The Defendant appears by his Attorney, Mr. John Maxwell Stove,
Demurrer read,
The Court observing that the said Demurrer appears to enter into the merits of
the Suit in the manner of an Answer, the Defendants Attorney thereupon desires
Leave to withdraw the Demurrer in order to amend the same.
Which is granted —
Marmaduke Best,
Compt.
Bander Dowle,
The Register acquaints the Court that the Summons issued against the Defendant
having been returned Non est Inventus a Warrant of Sequestration issued
against the Defendants Effects, the Complainant having first made oath to the
Justness of his demand.
The Bill of Ariat Nazar with Translation of an Obligation & Letter annexed read,
Mr. John Palmer, Attorney for the said Ariat Nazar having annexed to the
Bill of Complaint the Translate from an Extract of an Armenian Letter, acquaints
the Court that the said Translate was performed by means of Mercartoom Mirzam
Armenian Merchant, who interpreted from the original to John de Faiez, the
Portuguese Interpreter of this Court in the Portuguese Language, who reduced
the same into English, he the said Attorney therefore prays that the said Mercar-
toom Mirzam may make oath to the truth of this Interpretation.
The said Mercartoom Mirzam accordingly makes oath that he did interpret
the Armenian Paper now shown unto him to John de Faiez, the Portuguese
Interpreter

At a Court held at the Town Hall on Tuesday
the 5th day of August, Anno Domini 1758 —

Present
Samuel Ardley Esquire, Mayor James Alexander,
Charles Turner, and Walton Stevens, Aldermen —

John De Morgan, by his Attorney Charles Campbell,
Compt.
Edward Edwards,
Summons returnd' seard,
The Defendant appears by his Attorney, Mr. John Maxwell Stone,
Demurrer read,
The Court observing that the said Demurrer appears to enter into the merits of
the Suit in the manner of an Answer, the Defendants Attorney thereupon desires
Leave to withdraw the Demurrer in order to amend the same:
Which is granted —
Marmaduke Bird,
Compt.
Brander Bowle,
The Register acquaints the Court that the Summons issued against the Defendant
having been returnd' Non Est Inventus, a Warrant of Sequestration is prayd
against the Defendants Effects, the Complainant having first made oath to the
Justness of his demand.
Bill of Avrat Nazar with Translation of an Obligation & Letter annexed read,
Mr. John Palmer, Attorney for the said Avrat Nazar having annexed to the
Bill of Complaint the Translation from an Extract of an Armenian Letter, acquaints
the Court that the said Translation was performd by means of Moscartoom Mirzan
Armenian Merchant, who interpreted from the original to John de Paez, the
Portuguese Interpreter of this Court in the Portuguese Language, who rendered
the same into English, he the said Attorney therefore prays that the said Moscar-
toom Mirzan may make oath to the truth of this Interpretation
The said Moscartoom Mirzan accordingly makes oath that he did interpret
the Armenian Paper now shown unto him to John de Paez, the Portuguese
Interpreter

Henry Brooke by his Attorneys Isaias Dupré & James Alexander
Vers.
Ammajeeboy & Comrapah Chuttee

Mr John Salmon Attorney for the complainant produces a Certificate from the Register that the usual rules had issued for the defendants to answer the Comp: plainants Bill, but that the Defendants had neglected so to do & therefore prays that a Decree may pass against them.

Bill with a Bond annext read.

It Appearing to the Court that the Defendant had been served with the usual Writs to answer the complainants Bill, but wilfully & obstinately neglecting so to do; This Court doth therefore think fit to order and decree, and doth accordingly order and decree that the defendants shall pay unto the Complainant the full & just sum of Five hundred Pagodas, together with such Interest after the rate of Eight p Cent p Annum, as now or, as shall hereafter become due thereon, until full payment is made, also all Costs of this Suit.

Solomon Salomons
Vers.
Rupiah Cornaud

Mr Henry Vansittart of Scotts Yeoman Merchant appears & acquaints the Court that as this Court has thought proper to declare any further management of the affairs of the said Solomon Salomons the said Solomon Salomons has himself nominated and appointed William Record of Scotts Yeoman &c & him the said Henry Vansittart Trustees for the management of the said Solomon Salomons concerns who have been satisfied by the defendant & therefore pray that he may be discharged from Prison.

Ordered that the Sheriff be directed to release the body of the said Rupiah Cornaud.

Petition of Robert Orme Administrator to the goods Chattels & Credits of William Lindsay deceased was read & filed, setting forth that there is remaining in his hands on account of the Estate of the said William Lindsay Deceased the sum of Three thousand five hundred & eighty eight Arcot Rupees twelve Annas & one piece, for which he hath had no demand made on him by the Creditors to the said Estate, therefore praying that this Court would please to direct him to dispose the aforesaid sum.

Which is complied with & Ordered that the Accountant General be directed to credit the same to the President & Council.

Adjourned till the 25th Instant

his Client has not been able to settle with the Claimant or he was in hopes he should
Ordered that the said Vadamalla Ellah do produce his proofs before this Court on the
18th Instant, & that thereupon the said Warrant of Seizure shall be postponed
till the further order of this Court.

Seeva Chettee
Vers.
Arial Sooze

Mr. John Maxwell Starr, Attorney for the Complainant requires the Court that
the time limitted for the defendant to appeal from the decree of the President & Council
passed the 12th Ultimo to the King in Council, if he should think proper, elapses
this day, & therefore prays that unless the defendant does file an Appeal within this
day, a Warrant of Execution may issue against his Effects tomorrow, upon the said
decree of the Court of Appeals.

Granted accordingly —

Tenchoma Shoveramiah
Vers.
Sooriadoss Moodliadoss

The Sheriff returns the Warrant of Execution issued against the Defendants Effects, indorsed,
that the Defendant had no Goods or Chattels in his District, whereby he could
Levy the debt & Costs, or any part thereof.

Mr. John Palmer, Attorney for the Complainant prays that a Warrant of
Imprisonment may issue against the Defendants Body.

Granted accordingly. —

Adjourned till Tuesday the 18th Instant

This Cause coming on to be heard & debated this day in the presence of the Parties and the Attorneys on both sides, on reading the pleadings in this Cause, on hearing the pleadings of the Attorneys, and on due consideration had thereon. The Complainant not appearing not to have made any demand of the debt he now claims for upwards of eleven Years during above seven of which he had opportunity of so doing in some manner this the present Mayors Court hath not been established quite five Years for it appears by his own confession, that he even did before the Establishment thereof apply to one of the Gentlemen of Council at this Place to assist him in recovering a Debt of a like nature from some other Person. And since the defendant has sworn in his Answer that the Complainants demand is counterballanced by claims which he the defendant has upon the Complainant & which appears the Complainant hath not disproved to the Satisfaction of this Court, This Court doth therefore Unanimously think fit to order & decree & doth accordingly order & decree that the Complainants Bill shall stand dismissed with Costs.

Adjourned till Friday the 14th Instant.

At a Court held at the Town Hall on Friday the 14th day of July Anno Domini 1758.

Present

Samuel Ardley Esquire, Mayor, James Alexander, John Davidson, and Walton Stevens Aldermen.

The Register acquaints the Court that he did on the 11th Instant receive a Note from the Clerk of Appeals intimating that Nathan Frey the Sheriff had appealed from a Decree of this Court pass'd the 27th of June in a certain Cause wherein Solomon Townley and Joseph Pepper Merchants were Complainants & the Defendant Appellee to the said Defendant.

Ordered that the Proceedings in the said Cause be sent to the Court of Appeals.

Present as before.

Edward Penman

Warrant of Attachment issued against the Complainants Body for refusing to discharge the Attorneys Fees taxed for defending Suit — Then brought to Court &c

the costs of this suit out of the Sum of Two thousand six hundred & twenty eight Pagodas, three fanams & forty cash which he acknowledges to be the residue of the Testators Estate in his hands, Pay the costs due thereof unto the Complainant.

Proceedings in Petty Causes

John Peter Paymaster

Vers.

Domingos Gomez.

Bill with an Account Current annext read, setting forth that the Defendant stood indebted unto the Complainant in the sum of Twelve Pagodas & six fanams, therefore praying relief in the premisses.

Answer with an account annext read, wherein the Defendant admits that he did purchase Goods of the Complainant to the amount of the sum sued for, but denies being indebted to the Complainant for the same, as the Complainant stands indebted to him in a much larger amount for sundry articles, as appears by the List annext to the Answer, which the Complainant agreed to take in lieu of his debt, & did not demand the amount of his debt, till about three months before the filing of the Answer, although it is eleven Years since the transaction happened, by which length of time the defendant conceives that the Complainant is excluded his demand, by the Statute of Limitations also alledging that the Complainant is considerably indebted to him, the defendant.

Replication read, wherein the Complainant denies the defendants assertion relating to him the Complainant being considerably indebted to the defendant, in that he was agreed to take the articles mentioned in the Account annexed to the Defendants Answer, in lieu of his demand, & doubts not but to be able to prove that those articles have been paid for, & with regard to the Statute pleaded by the Defendant the Complainant conceives it can in no way affect him, as the time limitted by that Statute is not elapsed, but that the said Statute considers only the defendants demand, although the Complainant should not be able to prove the payment thereof.

Rejoinder read, insisting that the Complainant agreed to take the articles mentioned in the Account annexed to the Answer in lieu of his demand, for whenever the Complainant made orders of Goods, he appointed one Francisco Paiate to collect the money for the amount of the same, & as the defendant frequently purchased Goods at such Orders to

said Solomon Salomons, and the aforementioned Trustees for whose use the Defendant was imprisoned / having no longer authority under the Commission heretofore granted Sworn by this Court, the said Solomon Salomons has himself nominated and appointed William Vincent & Henry Blackstaff of Fort St George Merchants Trustees for the management of his concerns who have been satisfied by the Defendant and therefore pray that he may be discharged from Custody.

Ordered that the Sheriff be directed to release the Body of the said Pallyah Father Canapel.

Vers.

Agavaldoy Sabor & Jacob Pathanny Executors to the last Will & Testament of Joannes Canapel deceased.

Mr. John Palmer Attorney for the defendant having answered the Translate of an Account annexed to the Answer filed the 15th Ultimo, acquainds this Court that the said Translate was procured in the following manner.

Moncastrom Mirzan, an Armenian Merchant interpreted the original to John de Fries the Portuguese Interpreter for the Portuguese Language, who made the translation thereof in the English Language, &c. the said Attorney therefore prays that the said Moncastrom Mirzan may make oath to the justness of the Interpretation.

The said Moncastrom Mirzan accordingly makes oath "That he did interpret "the original Armenian Account now shown him, to John de Fries / the known "Interpreter of this Court / in the Portuguese Language, and that such interpretation "was to the best of his Skill & power."

So help him God

Sworn &c.

Henry Brooke, by his Attorney Josias Dupre & James Alexander

Vers.

Ammajeeboy & Coomrapah Chittee

Further day is given the defendants to Tuesday the 14th Instant to answer the Complainants Bill.

Gooroo Sacob

Vers.

Richard Finley

Further day is given the defendant till the 14th Instant to rejoin

Charles

of the said Solomon Salomons who were not on the Spot, or did not receive the same when a dividend was made by this Court the 29th March 1757. of the Estate of the said Solomon Salomons, [illegible] the application of most of his Creditors among all the Creditors of the said Estate, who appeard to have claims thereon that were approvd, and also a Ballance of £98.2s.7d which then remaind of the said Estate over & above what was so divided; Yet as this Court hath resolved to proceed no further in the management of the said Solomon Salomons Affairs, and dont look upon the Sum by him now desird to be deposited to come under the denomination of Suitors money, any more than the Ballance of £98.2s.7d aforementiond, since it is the Opinion of this Court that nothing can come under that Title, but what may be lodgd in account of a Cause depending in this Court, or of the Estate of Persons deceased, for the preservation & safe custody whereof this Court apprehend it to be their duty, as well as of every Court of Justice, to have a particular regard when solliciteds thereto; It is therefore Unanimously Resolved, & Agreed that the said Solomon Salomons Petition be not complied with, & likewise that the said sum of £98.2s.7d be drawn out of the Companys Cash, & paid to the said Solomon Salomons to do therewith as he may find it necessary; and that the Accomptant General be directed to withdraw the same: & the Registers Ordered to give up to the said Solomon Salomons all the Books of Account delivered into this Court by the Trustees aforementioned, but not with the Effects as the same remaining in the Company Cash divided as aforesaid by an order of this Court already paid amount to more than the Parties entitled to the same would have been able to recover, had they been left out of the Dividend. It is Unanimously Agreed that they Continue Themselves subject to the said Order ——

Adjourned till Thursday the 14th July next.

did, conceive it to be contrary to Law, that any defendant should be held to special bail, where the sum sued for does not amount to Forty Pounds sterling, unless oath be made that the defendant is about to Abscond.

The defendant being in Court & acknowledging the justness of the Complainants demand, this Court doth therefore think fit to order & decree & doth accordingly order & decree, that the defendant shall pay unto the Complainant the full & just sum of Twenty five Pagodas & one fanam, being the sum sued for: also all Costs of this suit.

John Peter Fonseca
Vers.
Domingos Gomez.

The Attornies on both sides pray that this Cause may come on to be heard the 14th day of July next, & that Summonses may issue to their Witnesses to appear on that day

Ordered accordingly

Adjourned till Friday the 25th Instant.

At a Court held at the Town Hall on Friday the 30th day of June, Anno Domini 1758.

Present

Samuel Ridley Esquire Mayor Edward Burman, Charles Turner and Walton Stevens, Aldermen.

Joannes Petrus
Vers.
Father Severini. Executor to the Last Will & Testament of Thomas Georgius deceased.

Answer read & filed.

George Mackay
Vers.
Thistna Pooley, Vengajow Pandaloo & Chowranga Chetlee,

Mr Silas Maxwell Stone Attorney for the Complainant acquaints the Court that a claim has been made on certain Effects seized by virtue of the Warrant of Sequestration issued against the defendants Effects, which is returnable this day, and therefore prays that the return of the said Warrant may be prolonged for the space of fourteen days that the foundation of the said claim may be enquired into. Granted accordingly.

Court of Appeals passed thereon, confirming the decree of this Court.

Solomon Franco,

Vers.

Joahim Joze de Mello,

Bill with Translate of a Respondentia Bond, & two Letters annext read,

Answer with Translate of two Letters annexed read,

Replication read,

Rejoinder read,

Interrogatories on the part of the defendant read,

One Deposition taken thereunto read,

This Cause coming on to be heard, & debated this day in the presence of the Defendant, & of the Attorneys on both sides, On reading the Complainants Bill, with Translate of a Respondentia Bond, & two Letters annext, the Defendants Answer with Translate of two Letters annext, the Replication, & Rejoinder, together with the Interrogatories on the part of the Defendant, & one Deposition taken thereunto, On hearing the pleadings made use of by the Attorneys, & on due consideration had thereon, It Appearing to the Court that the Defendant was privy, & assenting to the manner whereby the complainant remitted the one thousand Arcot Rupees now sued for to Bengal, by his not protesting against the complainants so doing, before he, the Defendant, departed himself for Bengal, where he was to have received the said sum of Raphael Joseph Senmedo as mentioned in a Letter directed to the said Raphael Joseph Senmedo which the Complainant delivered open to the defendant, And as by the custom of Merchants, a Person who receives a Draught on one who fails, or dies insolvent before payment thereof, is subject to the Loss, in case he, the Person, hath been either Negligent in procuring payment, or of Protesting, & duely advising the Drawer, if Payment has been refused, And since the neglect of the Defendant to Protest against the complainant, or Raphael Joseph Senmedo for non payment of the said sum of one thousand Arcot Rupees at Bengal, or to require his Bond to be delivered up by the complainant, when he the defendant, arrived here again, with a Letter warning the said one thousand Arcot Rupees from the said Raphael Joseph Senmedo, to the complainant, leaves a strong presumption that the Defendant was satisfied that the said one thousand Arcot Rupees should remain with the said Raphael Joseph Senmedo, at his the defendants voyage And the the Complainant did not, upon the Defendants coming back from Bengal,

demand

Defendant, intimating that the Complainant had discharged him, the Defendant's
Costs of suit, & therefore Praying that a Counter Warrant might issue for the Complainant's
release?
Which did accordingly issue.

Charles Turner
Vers.
Comarque Sheroewashalee, Coorum Augry Chitty, & Coomidalé Ravanapah,
Summons returnd served against Comarque Sheroewashalee & against Coorum Augry Chitty
& Coomidalé Ravanapah, Not Sent Inserts
The said Comarque Sheroewashalee does not appear

George Mackay
Vers.
Mendis
The Bill of Complaint having been shown to the Mayor, for his appobation, between the
days of Adjournment, a Summons issued thereupon returnable this day.
Bill read
Summons returnd, Not Int Inserts

Joannes Petrus
Vers.
Father Severine Laudio to the last Will & Testament of Alexis Gregorio Deceased
The Bill of Complaint having been shown to the Mayor for his appobation, between the
days of Adjournment, a Summons issued thereupon returnable this day
Bill with Translation of the Declaration & Last Will and Translation of an Extract of a
Letter annext, read
Summons returnd read
The Defendant appears by his Attorney Mr. John Maxwell Esqr.

Mendis Shanny
Vers.
Vincent Lucretia De La Motte
The Bill of Complaint having been shown to the Mayor for his appobation, between the
days of Adjournment, & oath made by the Complainant to the justness of his demand &
that he had reason to believe the Defendant were about to depart from the Jurisdiction of
this Court, a Summons returnable immediately & Warrant of Arrest issued
Bill with a Note annexed read
Summons returnd, served,

Warrant

Fifty six Pagodas & fourteen fanams, due from him to the Soldiers of the said Company for part of their monthly pay. And it being ordained by an Act of Parliament made in the 12th year of the reign of Queen Anne in the 7th Sess: of the 13th Chap: thereof, That whereas any money shall be issued for the pay of Officers or Soldiers to any Person who is to discharge the same, and that such Person shall dye before the same is paid to the said Officers or Soldiers, the Executors or Administrators of such Person so dying, shall justifiable to any other debt satisfy (out of the Assets of the deceased) what shall be so owing to the said Officers & Soldiers, excepting the Stoppages which are made according to the Rules of the Army; And tho' the defendant by discharging the said sum of fifty six Pagodas & fourteen fanams, so due to the Soldiers of Captain Cuthbert's Company, before Administration was obtained, acted as Executor in his own wrong, yet the Estate of the deceased not his Creditors being no ways injured thereby, since the Administrator must have paid the same, as aforesaid. This Court doth therefore unanimously think fit to order & decree, & doth accordingly order & decree, that the said sum of fifty six Pagodas & fourteen fanams shall be deducted out of the Complainants demand, together with the sum of seven Pagodas & fifty fanams, paid by the Defendant for keeping the Deceased's House, as that Expence appears to have been necessary for the preservation & consequently for the good of the Estate; And that the Defendant do pay unto the Complainant the Balance then remaining of the Complainants Account Current, after the aforementioned deductions, since the two articles of Nine Pagodas & four Pagodas charged by the Defendant as being paid to the Doctor & Servants attending the deceased, cannot be allowed him, as they are contested by the Complainant, and are Debts of such a Nature that must be postponed, in case there should not be sufficient to discharge others that the Deceased may have left behind him of a higher Nature; And that the Defendant do Pay all Costs of this Suit.

Petition & paper Allowance Salomons of Madras Merchant Insolvent read and filed, praying Leave for the reasons therein contained, to dispose of a sum of Money.

Ordered that the said Petition do Stand over till the next Court day.

Recommended in Petty Causes

Authonio de Castro

Junr.

Pursuyah & Ramen &c.

Jno Hodgkinson Attorney for the Complainant moves Leave to file Amended Bill of Complaint

Fathen Carapel

Vers

Agavathy Sabon, & Jacob Pathoom, Executors to the last Will & Testament of
Johannes Carapel Decasd.

The Complainant having made oath before the Mayor to the justness of his demand
in respect to the two Articles of Sage wa Rupees 5015 — 20 — also that he believes the
Defendant Agavathy Sabon is absent & that the Defendant Jacob Pathoom is immediately
about to depart from the Jurisdiction of this Court, & Summons returned unexecuted,
and a Warrant of Arrest issued,

Summons returned against Agavathy Sabon, Non Est Inventus, & against Jacob
Pathoom? served,

Warrant of Arrest returned, Not found,

The said Jacob Pathoom appears by his Attorney John Palmer

Ariel Mayor, & Richard Roe became Bail for the personal appearance of the Defendant
Jacob Pathoom or to answer all costs & damages taken & acknowledged before Samuel
Ashley Esquire, Mayor of Madraspatnam

Answer read & filed

Rundamulla Chuddarpah

Vers

Edward Burman

Warrant of Attachment issued against the Complainants Body for contempt in not
paying the Defendants his costs of suit as by Receipt required returned served.

The Complainant being brought to Court & ask'd his reasons for not discharging
the said costs, acquainted the Court that he was not capable of paying the same.

Ordered that he be remitted back to Prison

Andrew Ross

Vers

Melapore Gumapah Chetty

Withdrawn

John Walsh & Henry Ward Hart

Vers

Calipha Soonda

Withdrawn

John Macfarling

Vers

Ramasamy Cachally

unanimously thinks fit to order, and decree, and doth accordingly order and decree, that the defendants shall pay unto the Complainant out of the Estate of the deceased John Crompton the full & just sum of one thousand six hundred & seventy four Pagodas twenty four fanams & sixty cash, and of one thousand five hundred Arcot Rupees, together with Interest upon each of the said sums, at the rate of eight p.Cent p.Annum, from the 16th January 1749 being the day on which the said John Crompton appears to have given credit to the Complainant for the said two principal sums, until the 24th day of March 1754. the day of the death of the said John Crompton, & to which time only the Complainant has demanded Interest. And that the Complainant do refund from what she shall so receive, the sum of one thousand Arcot Rupees advanced her as part of her Portion, the sum of three hundred & seventeen Arcot Rupees twelve Annaes paid by the said John Crompton to Mr. Seaton on account of the Complainant, after her Marriage, & the monthly sum of ten Pagodas from the aforesaid 16th January 1748/9 to the day of her Marriage, viz.t the 16th January 1749 / the time the Complainant acknowledges herself to have been maintained & educated by the said John Crompton / as & for recompence of her said maintenance & education, with Interest for the said respective sums of the aforesaid Rupees, three hundred & seventeen Rupees twelve Annaes & ten Pagodas monthly from the respective times the same were advanced to the deceased the said John Crompton. Likewise that the defendants do pay all Costs of this suit out of the Estate of the said John Crompton.

Bill of Henry Barker with an Account Current annexed read & filed.

Probat Some & Bond thereto, Administration to the Goods, Chattels & Credits of William Lindsay, decreed to be granted.

The defendants appear by their Attorney Mr. John Russell Reno.

Answer read & filed.

The Attorneys on both sides say that the Cause may be now heard on Bill & Answers.

Bill with an Account Current annexed read 2d. time.

Answer read 2d. time.

The Cause coming on to be heard & debated this day in the presence of the Attorneys on both sides. On reading the Complainants Bill with an Account Current annexed & the defendants Answer, and on due consideration had thereon. This Court doth unanimously think fit to order & decree & doth accordingly order & decree that the Account Current annexed to the Bill of Complaint is admitted to pass with the Books of the deceased William Lindsay to the 6th day of April 1756 & the subsequent part of the said Account Current not being contested, the defendants shall pay unto the Complainant out of the Estate of William Lindsay the full and just sum of Four thousand eight hundred & seventy one Arcot

Complainants is of such a nature as does not properly require special Bail, unless they can take oath that the Defendant stands indebted to them in the sum claimed by the Bill of Complaint, or that he detains from them what is their Property, which the Complainants Attorney acquaints the Court they are not able to do. It is therefore Agreed that Personal Bail only be received.

John Doe & Richard Roe became Bail for the Personal appearance of the defendant, or to answer all costs & damages, taken & acknowledged in Court.

Bill of Henry Brooke by his Attorney Jonas Dupre, & James Alexander with a Bond annext read & filed.

Ammajeboy, & Malapa a Comapah Chetter to be summoned.

Bill of Charles Turner with an Account Current annext read & filed.

Comarapa Shenevashetter, Comara Augery Chetter, & Comidada Pavanapah to be summoned.

Bill of the Reverend Father Joseph with an Account annext read & filed, versus Agavalley Satoy & Jacob Pathcam.

Mr. John Maxwell Jones Attorney for the Complainant acquaints the Court that this Suit is grounded upon a Promissory & tells the Complainant cannot make oath to the certainty of such debts mentioned in the Account Current annext to the Bill of Complaint, which he nevertheless believes he shall be able to prove, Yet as he can safely swear to the two Articles of Pay.t 100 — & Pay.ts 55. 16. 3d Memorandum'd to be due to him, and as he has reason to believe the defendant Agavalley Satoy is already out of the Jurisdiction of this Court & that the Defendant Jacob Pathcam is about to depart for China in a day, or two, the said Attorney therefore prays that a Summons returnable immediately & a Warrant of Arrest in default of appearance, or of giving special Bail may, if pro, upon his Clients making oath to the purport of this Demand in respect to the two aforementioned sums, & that he believes that the defendant Agavalley Satoy is absent & that the defendant Jacob Pathcam is immediately about to depart from the Jurisdiction of this Court.

Which is Granted, but in default of oath being made as aforesaid, Ordered that the usual Summons do issue.

Pondamalla Chuddenpah

Vers.

Edward Bowman

Mr. John Maxwell Jones Attorney for the Defendant acquaints the Court that the Complainant has not satisfied the Defendant his costs of Suit as formable to the Compts Court in that purpose & therefore prays that a Warrant of Attachment may now issue

Granted accordingly —

There not being a sufficient number of disinterested Members present, Agreed to defer the consideration of granting an Attachment against the Complainants Body, till the next Court Day.

Josias Dupre, Executor to the last Will & Testament of William Pye deceased
Vers.
Shawmeer Sultan,

Bill, with Translate of a Declaration & Obligation annext read.
Answer read.
Replication read.
Rejoinder read.

Mr. John Maxwell Acre, Attorney for the Complainant represents to the Court that upon a later Inspection into the Proceedings of the first suit brought in this Court, by the Complainants Testator, against the present Defendant, he finds that the originals Papers required by the defendant, were filed therein, & therefore as the defendant may obtain attested Copys thereof, he prays that the said originals not being delivered up to the Defendant, may not be admitted as an objection to the Complainants demand.

Reference being thereupon had to the File, the Objection of the Complainants Attorny was found to be true.

Mr. Archibald Palmer, Attorney for the defendant acquaints the Court, that since attested Copys can be taken from the original Papers which are in this Court he is content with the said Copys thereof.

This Cause coming on to be heard & debated this day in the presence of the Attorneys on both sides, on reading the Complainants Bill with Translates of a Declaration & Obligation annext, the Defendants Answer, the Replication, & Rejoinder, on hearing the Pleadings made on each side by the Attorneys, & on due consideration thereof, This Court doth ordain & decree, & doth accordingly order & decree, that the Defendant shall pay unto the Complainant the full & just sum of Fifteen hundred Spanish Dollars together with such Interest as now is, & shall hereafter become due thereon, until full payment is made, to commence from the 17th day of April 1753 being agreed upon by the Parties to be the third day after the Arrival of the Snow Rosedavid, Captain John Sullivan, from Manilha, on which Day full it appears that Shawmeer Mauzen, the defendant Factor at Manilha, remitted the said sum of Fifteen hundred Spanish Dollars to the defendant, in Order that the same might be remitted to the Complainants Testator, and that the defendant do pay all costs of suit, together with the charge which the Complainants Testator was put to, in procuring a Copy of the Declaration, made before

Touchona Shevenamiah,

Vers.

Soondoss Movaldoss.

Mr. John Palmer Attorney for the Complainant prays that a Warrant of Execution may issue against the Defendants Effects for the remainder of the sums due on the decree of this Court passed the 25th day of April last, agreeable to the tenour of the said Decree, Granted, returnable in one month.

Pundamulla Chuddeapah,

Vers.

Edward Burrenan,

Mr. John Maxwell Store Attorney for the Defendant acquaints the Court, that the Complainant has not satisfied the Defendant his costs of suit, the decision to do: & therefore prays that a Precept may issue against the Complainant, requiring, & directing him to pay the said costs.

Granted accordingly.

Isaac Adams by his Attorney Andrew Bogle

Vers.

Joannes Nazar.

Mr. John Maxwell Store, Attorney for the Complainant acquaints the Court, that his Client had since last Court day, desired him to pray that the Court would be pleased to reconsider the order made last Court day relating to the Commission, which was to issue on the part of the Defendant in this Cause, as he humbly conceives, that it is irregular to Examine Witnesses, before issues joined, since the Defendant cannot be certain, what the Complainant may admit or deny in his Replication, & therefore that the Defendant ought to stay till issue is joined.

Mr. John Baker, Attorney for the Defendant prays that the Order made the last Court day, for issuing the Commission for the examination of Witnesses at Negapatam may be confirmed, for the reasons he then gave.

The Complainants Attorney prays that if the Commission is allowed to issue, that the Defendants Attorney may make oath of the matters he proposes to Examine his Witnesses upon.

The Defendants Attorney thereupon acquaints the Court that they are as follow.

1st To Examine Isaac Segnie, if ever the Complainant asked him to inspect an Account relating to Transactions between the Complainant & Defendant, & what he the Complainant said thereto, also whether the said Isaac Segnie informed him, the Complainant, of the State of the said account, whether he seemed satisfied or

2.

Interrogatories on the part of the Complainant read.
Six Depositions taken thereunto read.
Interrogatories on the part of the Defendant read.
Six Depositions taken thereunto read.
Additional Interrogatories on the part of the Defendant read.
One Deposition taken thereunto read.
One Exhibit on the part of the Defendant read.
Summons issued to Sedapah a Witness produced before the Examiner, returned, said
he appears, and being sworn is Examined as follows.

Qu. Do you know that the Defendant once bought a House at Ootoor, which was the
property of one Boodu Nauck, if yea, at what time?

Ans. I do know of such a House having been bought, it was about two Years before the
loss of Madras.

Qu. Were you ever sent by the Defendant to call one Sangamyah to him, if yea, at
what time?

Ans. a short time after the Defendant had bought the aforesaid House, he did send him
this Deponent, to call one Sangamyah

Qu. What message did the Defendant send by you to Sangamyah?

Ans. That Deponent was sent by the Defendant to call Sangamyah, that the
Defendant might sell him the House which he had purchased.

Qu. What Conversation passed between Sangamyah & the Defendant?

Ans. The Defendant offered to sell Sangamyah the House at the same price he gave
for it.

Qu. What answer did Sangamyah make & what else past between him & the
Defendant?

Ans. Sangamyah agreed to take the House at the price offered, paid the Defendant fifty
three Pagodas in part & told him that he Sangamyah had already made over to
him the sum of fifty Pagodas, by draught on Tremungalum Vemapah Chitty: And
the Defendant thereupon sent the said Sangamyah with a Note to the said Tremungalum
Vemapah Chitty to enquire if he would accept the draught who returned & both
acquainted the Defendant that Tremungalum Vemapah Chitty consented to accept
the Draught, the Defendant then made a memorandum on a Piece of Paper of the receipt
of fifty three & fifty Pagodas & Agreed to allow him yearly the space of two Years
to pay two hundred Pagodas the remainder of the Purchase money, Sangamyah
not being at that time capable of paying the whole. But he this Deponent does not know
of any written Agreement having past between

Qu.

John Adams by his Attorney Andrew Bisp.

Versus

Joannes Nazar.

Answer read, & filed.

Mr. John Palmer, Attorney for the Defendant acquaints the Court that he has some material Witnesses to examine in this Cause, who are at Pegu, & as there is a Ship shortly to proceed thither, he prays the Court will now grant him a Commission to examine the said Witnesses, lest the said should be retarded by waiting for another conveyance, in the Defendant be deprived the benefit of his said Witnesses testimony, & Nominates as Commissioners, John Wills, Nathaniel Fletcher Cakewell, & James Petrie, —

Ordered that a Commission do issue out of this Court the 2d. day of June next & that the same be made returnable the 30th March 1759 being about the Season that Vessels generally arrive from Pegu — And it is further ordered, that a Copy of the above Minute shall be served on the Complainants Attorney, that in case he should think it necessary to join in the said Commission, & cross examine the Defendants Witnesses, he may have an opportunity so to do, by also Nominating Commissioners on the part of the Complainant, to whom, as well as to the said John Wills, Nathaniel Fletcher Cakewell, & James Petrie, named by the Defendant, this said Commission shall be directed.

Bill of George Mackay, with an Account Current annext read, and filed,

Thomas Conlay, Gregory Hinde Lee, & Elias Singh Chitty to be summoned to appear immediately and in default of appearance, Ordered that a Warrant of Sequestration do issue. The Complainant having made oath to the justness of his demand in Court.

Pegue Catchick

Versus

Pennia wordundee Moodelaire,

Bill, with Transcripts of two notes of hand, & Answer thereto annext read,

Demurrer read,

Joinder to the Demurrer read,

The Demurrer, and Joinder coming on to be argued this day, in the Presence of the Attorneys on both sides, Reading the Complainants Bill, with Transcripts of two notes of hand, & Answer thereto annexed, the Demurrer, & Joinder, on hearing what Pleadings were made use of by the Attorneys, and due consideration had thereon. It Appearing to the Court that the Obligation, upon which the Complainants suit is founded is of a Nature that is not assignable, so as to empower an Assignee, or third Person, to bring an Action in his own Name, upon such Obligation

2d: Do you know whether Venkatachalum was acquainted with the Obligation having been given out?

Ans: He knows nothing of that matter. Cavaly Narrapah

The said Cavaly Narrapah having not only endeavoured to break this tenth, this the course of his deposition now taken in Court, but having likewise also flatly contradicted that part of his Deposition delivered before the Examiner, touching his knowledge of Mootoo Ramah Chittee being Guardian to the Defendant, It is ordered therefore that he be fined to our Sovereign Lord the King, in the sum of Ten Pagodas for such his offence, & in default of payment so to be set on the next Court day, that a Warrant of Commitment do issue. This Cause coming on to be heard, & debated this day in the presence of the Complainant & the Attorneys on both sides, On reading the Complainants Bill, with Translate of a Note of hand, & Claim for thereof annexed, the Defendants Answer, the Replication & Rejoinder, the Interrogatories on the part of the Complainant & their Depositions taken thereunto, On hearing the pleadings made use of by the Attorneys, & On due consideration had thereon, It Appearing to the Court that the Obligation upon which the Complainant Suit is founded, is of a nature that is not assignable, so as to empower an Assignee or third person to bring an action in his own Name upon such Obligation, the same not being made payable to the order of the Obligee, which Law is by Law requisite, to make a Bill, Note, or Obligation endorsable, so as to be received by the Endorsee or Power to whom the same may be transferred, This Court doth therefore unanimously think fit to order and decree, and doth accordingly order and decree, that the Complainant Bill should stand dismissed with costs

Robert Cummings
Vers.
Venkatachy Chetty
Ordered that this Cause come to be heard the 5th Instant

Pongoo Catchick
Vers.
Permanandandee Mandelaire
Ordered that the Demurrer and Plea come to be argued the 5th Instant.

Adjourned till Saturday the 5th Instant

Gerock Jacob
Vers.
Richard Tinley
Summons returnd, servd.
The defendant appears,
Answer read & filed,
John Adams, by his Attorney Andrew Ross
Vers.
Johannes Naizar,
Further day is given the defendant till the 15th Instant to answer the Complainants Bill.
Touchonia Shoveramiah,
Vers.
Soorndoss Moondidoss,
Mr. John Palmer, Attorney for the Complainant delivers into Court an account of sundry
Effects belonging to the defendant, which were sold by the Complainant, at Publick Outcry,
by virtue of a decree of this Court.
Ordered that the same be filed with the Accounts Sales delivered in by the Sheriff.
John Walsh, & Henry Vansittart
Vers.
Noor Mahomed Bailey,
Mr. Archdale Palmer, Attorney for the Complainants represents to the Court, that his
Clients have received information of some further Effects belonging to the Defendant &
Prays that another Warrant of Execution may issue thereon, the former Warrant
having been returnd satisfied only in part.
Granted returnable in one month.
John Bagnall, Administrator to the Effects, Chattels & Credits of John Keith deceased,
Pets.
Hafs Lang
Mr. John Palmer, Attorney for the Complainant delivers into Court fresh Publication in
this Cause, & prays that Cr Cheetham may pass, and that the Cause may be set down
on the List for hearing
Both which Prayers are granted.
Agabeg Minas, Vicar Genl.
Pet.
Aurora Begum & Ramah
Mr. John Mansell Jones, Attorney for the Complainant represents to the Court, that
his Client has a Mortgage dated on the [illegible] which is unredeemable the

7th

Mr. Archibald Palmer, Attorney for the defendants acquaints the Court that, he humbly conceives it will appear upon the face of the Interrogatories, that they are millive too leading, non particular, therefore that they ought to stand, & the Depositions taken thereunto to be admitted.

The Court taking the motions of the said Attorney into consideration, Agreed that the Interrogatories be not waived, the same appearing to be too Leading, & that the Depositions taken thereunto be quashed, & that the Defendant to pay the costs thereof.

This Cause coming on to be heard & debated this day in the presence of the Attorneys on both sides, on reading the Complainants Bill, the defendants Answer, with an Obligation, & two notes annext, the Replication & Rejoinder, on hearing the Pleadings made out of by the Attorneys, & on due consideration had thereon, It Appearing that the Premises in dispute were bona fide assigned over to the defendants by Ragoon Balla Chetna, alias Ragoon Venga Chetty, as a Security, or mortgage for the Sum of Two thousand one hundred & forty Pagodas, thirty four fanams and four cash, due from him to the said defendants, with the Interest that might accrue thereon, & that the said Assignment was made, tho after the Judgment, yet before Execution had issued against the Effects of the said Ragoon Balla Chetna, alias Ragoon Venga Chetty, on behalf of the Complainants,

This Court doth therefore unanimously think fit to order, & decree, & doth accordingly order, & decree, that the Premises in dispute mentd by virtue of the Warrant of Execution issued on behalf of the Complainants shall be sold, but that the defendants shall be paid out of the produce thereof the aforesaid sum of Two thousand one hundred & forty Pagodas, thirty four fanams and four Cash, together with such Interest as now is, or shall hereafter become due thereon, untill full payment be made, when the Assignment made to the defendants as Security for their debt shall be cancelled. After which the Surplus if any be, shall go towards Satisfying the Decree given on behalf of the Complainants against the said Ragoon Balla Chetna, alias Ragoon Venga Chetty, & that the Complainants do pay the Costs of this Suit.

Mr. John Maxwell Shaw Attorney for the Complainants prays that the Warrant of Execution now in the hands of the Sheriff, may be made returnable in one month.

Granted accordingly.—

Augustino Xavier Leal,

Asst.

Aurora Venkata Ramah.

Mr. John Maxwell Shaw Attorney for the Complainant prays that Cavaly Ramapah a Witness produced before the Examiner on the part of the Complainant, may be examined upon the next Court day or two that he may be returned by the Court

Ordered

George Mackay
Vers.
Chappermaud Chitlee
Withdrawn
John Adams, by his Attorney Andrew Ross
Vers.
Johannes Nazar
Day is given the Defendant till the 26th. Instant to answer the Complainants Bill.
Gorech Jacob
Vers.
Pyamondally, & Ducau Naidoo
Further day is given the Defendants till the 23. Instant to answer the Complainants Bill,
in default of which, Judgment will be given for the Complainant
John Davidson, Administrator to the Goods, Chattels & Credits of John Keith deceased
Vers.
Ross Lang
Issue joind
Day is given the Parties till the 23. Instant to Examine Witnesses
John Macfarling
Vers.
Ramacrore Cachally
The Complainant appears in Court, & prays that a Warrant of Execution may issue
against the Defendants Effects, he not having obeyed the Decree of this Court,
past the 6th day of October last, tho frequently required so to do
Granted, returnable on the Ninth —
Bill of Gorech Jacob, with an Amend Current annext read & filed
Richard Tinley to be Summoned
Bill of George Shelton, & William Shelton Executors to the last Will & Testament of Abraham Shelton
deceased, & George Mackay, & Sarah his Wife also Executrix to the deceased, read & filed
Chengalroch to be Summoned
Elizabeth Jenkings
Vers.
Edward Threfcott, & John Palmer Administrators to the Goods, Chattels & Credits
of John Crumpton, deceased
Mr. John Maxwell Senr. Attorney for the Defendants delivers into Court four
Exhibits in this Cause, & prays that Publication may pass
Publication is past & Exhibits Red this Cause to be set down on the List for hearing —
Solomon

Interrogatories on the part of the Defendant read.

One Deposition taken thereto read.

This Cause coming on to be heard & debated this day in the presence of the Parties & their Attorneys on both sides, on reading the Complainants Bill, the Defendants Answer, the Replication, & Proceedings, the Interrogatories on the part of the Complainant & said Depositions thereto, & the Interrogatories on the part of the Defendant with one Deposition thereto in hearing the Charges made use of by the Attorneys & on due consideration had thereon, It Appearing to this Court that the original Obligation mentioned by Pyrad Annoor Chitter, Pugalle Venka Chitter, Pondu Letchme & Pushama Vey, for the performance of which the Complainant is bound, still remains undischarged, the Defendant not having been able to obtain payment of the Bill of Exchanges which he received for the Amount of what was remaining due on the said Obligation, or to acquire any satisfaction of the same, from the additional Security of the Mortgage of a House and two Boats, insisted on by the Complainant, to be an equivalent of the Obligation This Court doth Therefore think fit to Order & decree & doth accordingly Order & decree that the Complainants Bill shall stand dismissed with costs.

David Lopez Fernandez & Samuel De Castro

Vers.

John Walsh & Henry Vansittart

Ordered that this cause come on to be heard the 15th Instant.

Igoolinda Lessa Saul

Vers.

Seneacancatakamiah

Ordered that this Cause come on to be heard the 15th Instant.

The Corporation having ordered that the sum of one Pagoda & twelve fanams due for the Quit rent of the House belonging to the Estate of the Late Joseph Smith deceased, for the Year 1756. should be paid out of the Estate of the said Joseph Smith, to which the said House did in that Year belong, Ordered that the Accomptant General do draw on the Resident & Council for the said sum of one Pagoda & twelve fanams out of the money deposited with the Company Cash by the Corporation, on account of the Estate of the said Joseph Smith deceased.

Proceedings in Petty Causes

Archard Da Costa

Vers.

Pauparyah, & Ramayah

Ordered that the Defendants file their Rejoinder to answer the Complainants Bill

Mr. John Maxwell Shaw Attorney for the Complainant prays that the Defendant may give Bail

Ariat Mayor & Richard Hoe become bail for the personal appearance of the Defendant to answer all costs & damages taken & acknowledged in Court

Donald Campbell by his Attorney Alexander Dalrymple

Vers.

Junca Ramah

The Bill of Complaint having been shewn to the Mayor for his approbation between the days of Adjournment a Summons issued thereon returnable this day.

Summons returned served

The defendant appears by his Attorney John Maxwell Shaw

Withdrawn

Rogus Catobick

Vers.

Pennsylvania Woodhouse

Day is given the Complainant till the 16th Instant to make a Joinder

Gereeh Jacob

Vers.

Cyamondally & Ducau Naidoo

Further days is given the Defendants till the 16th Instant to answer the Complainants Bill

Charles De Meyer

Vers.

Mollah

Further days is given the Defendant till the 16th Instant to rejoin, in default of which, this Cause will be heard upon the Proceedings already had.

Salomon Franco

Vers.

Joachim Joez do Mello

Further day is given the Parties till the 16th Instant to examine Witnesses, in default of which Publication will take place in this Cause.

Isaac Bueno Executor to the Last Will & Testament of William Bye deceased

Vers.

Shawmeer Sheltan

Publication is Past in this Cause

Ordered that this Cause be set down on the List for hearing

such an Indemnification from the Complainant regarding the said Adventure; it seems most probable, that the Defendant did at his own wages, make himself answerable to the Complainant for that Profit: more especially as the Defendant did long after upon Joining this with other Accounts depending between him & the Complainant, give his Note of hand for the Ballance thereof, the above Profit of 72 ℔ Cent being still included: & with respect to the sum of thirty eight Pagodas, charged by the Defendant for sundry Articles supplied the Complainant; the date of the delivery of the Articles appearing to be greatly antecedent to the date of the Note of hand, granted by the Defendant, upon which the Complainant now sues. This Court doth therefore think fit to order & decree & doth accordingly order, & decree that the Defendant shall pay unto the Complainant the full & just sum of one thousand five hundred & four Pagodas, twenty four fanams & forty Cash, being the sum sued for, together with such interest as now is, or shall hereafter become due thereon, Until full payment is made, also all Cost of this suit.

Pondamulla Chuddeapah,
vrs.
Edward Burman,

Mr John Maxwell Stone, Attorney for the Defendant prays that this Cause may be set down to be heard the next Court day.

Mr John Cabrier, Attorney for the Complainant prays that the hearing of this Cause may be deferred till the Cause between Appoo Pooka Tevan Lad & Sunca Vencata Ramah is determined, as the same has been a much longer time depending in this Court.

Mr Hackdale Cabrier, another of the Attorneys of this Court prays that the hearing of the above mentioned Cause may be postponed, till the Cause of David Lyon Edwards and Samuel de Castro versus John Walsh & Henry Vanderstraat is decided that Cause being first set down to be heard.

Reference being thereupon had to the Minutes of Court it appears that the present Cause of Pondamulla Chuddeapah, versus Edward Burman, was the first set down for hearing; Ordered therefore that the same come on to be heard the 9th Instant.

Ordered that in future a List be kept by the Register wherein shall be entered every Cause in its proper rank, as the Attorneys apply for the same to be heard, & which are to be taken in their several turns to be set down for hearing on a particular day, but in case any suit shall be signified by the Attorneys to be postponed & not decided to be heard in its respective turn such Cause as supersedes from less sufficient reasons to be shewn to the contrary shall be carried to the bottom of the List.

The

Marcus Petrus.

Vad.

Aviat Sourze.

Lt & Contra.

Bill, with an Account Current annext read.

Answer read.

Replication read.

Rejoinder read.

Cross Bill with an Account Current annext read.

Cross Answer read.

Cross Replication with one Exhibit annexed read.

Cross Rejoinder read.

Interrogatories on the part of the original Defendant read.

Nine Depositions taken thereunto read.

Additional Interrogatories on the part of the original Defendant read.

One Deposition taken thereunto read.

One Exhibit on the part of the original Complainant read.

One Exhibit on the part of the original Defendant read.

Report of the References relating to the Accounts in dispute between the Parties in these Suits read.

Mr. John Maxwell Mance Attorney for the original Complainant acquaints this Court that his Client consents to abide by the Report of the References delivered in the 18th Ultimo

The Attorneys in their causes deliver into Court an Account Current stated between the parties, agreeable to the proposal made the 18th Ultimo signed by the said Attorneys & which they acquaint the Court is drawn out from the report of the References & that their Clients are willing to abide thereby

Account Current read & filed.

It Appearing to the Court by the said Account Current so drawn out from the Report of the References as aforesaid that the ballance thereof in favour of the Cross Complainant is a large amount, which shews that the original Complainant had no reason to bring his Bill against the original Defendant. This Court doth therefore think fit to Order & decree & doth accordingly order & decree that the Bill brought by the original Complainant shall stand dismissed with costs.

And that the Cross defendant shall pay unto the Cross Complainant the full & just sum of Six hundred & forty three Pagodas, Thirty fanams & twenty one Cs. due

At a Court held at the Town Hall on Tuesday
the 2d day of May Anno Domini 1758 —

Present
Samuel Ardley Esquire Mayor, James Alexander,
Edward Burman, & Charles Turner, Aldermen —

Gerrah Jacob,
Versus
Cyprian Dally & Ursau Naidoo
Mr. John Palmer, Attorney for the Complainant prays Leave to amend the Bill of
Complaint.
Which is Granted.
Bill amended read and filed.

Elizabeth Jenkings,
Versus
Claud Russell & John Palmer Administrators to the Goods, Chattels, & Credits of
John Crumpton Deceased.
Replication read and filed
Rejoinder read and filed
Issue joind.

John Davidson Administrator to the Goods Chattels & Credits of John Smith Deceased
Versus
Rose Lang
Rejoinder read and filed.

Moodu Ramah Singa Chetter,
Versus
Vincent Quintin De La Motte,
Further day is given the Defendant till the 9th Instant to answer the Complainants Bill,
on default of which Judgment will be given for the Complainant.

Salomon France,
Versus
Joahim Inez de Mello,
Further day is given the Parties till the 9th Instant to examine Witnesses.

Adrian Claysen,
Versus
Carol de Lange.
Withdrawn
Costs

Touchina Sheevaramah,

vers.

Soorideso Moodliaso.

Mr. John Palmer, Attorney for the Complainant produces a Certificate from the Register that the usual rules had issued for the defendant to Answer the Complainants Bill, but that the Defendant had neglected so to do.

Bill with copy of a Decree, & of a Minute of the former Court annexed read

It Appearing to this Court that the Defendant had been served with the regular Process to answer the Complainants Bill, but wilfully & obstinately neglecting so to do. This Court doth therefore think fit to order & decree, & doth accordingly order & decree that the defendant shall pay unto the Complainant the full & just Sum of Two thousand four hundred & forty nine Pagodas, three fanams & eight Cash, being the sum sued for, together with such Interest after the rate of Eight p Cent p Annum, as now is or shall hereafter become due thereon, until full Payment is made, also all costs of this suit, and in default of payment thereof, at or before twenty one days from this date, that the mortgaged Premises in the hands of the Complainant shall be publickly sold, & so much of the produce thereof retained by the Complainant, as shall be sufficient to discharge his debt & Costs, the returning the overplus, if any, to the Defendant. The account of which produce and payment must be lodged in this Court, and in case of any deficiency thereon, after sale as aforesaid, the defendant shall make good the same to the Complainant.

Muttar Pettie,

vers.

Arrat Sooze.

It Is Ordered,

Mr. Archdale Palmer & John Palmer, Attorneys for the original Defendant acquaint the Court, that the Complainant has not settled the Account Current with them, as proposed the last Court day, & therefore they desire their Cause may be now heard, and they further inform the Court that their Client is willing to abide by the Report of the Referees delivered in the last Court day, if the Court think proper to pass a Decree thereon.

Mr. Jodi Maxwell Jones, Attorney for the original Complainant acquaints the Court, that he has not been able to meet with his Client since the last Court day, tho he has taken all possible measures so to do, therefore he does not know whether his Client will consent to abide by the report of the Referees, nor can he, the Attorney, take upon him to Agree with the Terms made by the opposite Attorneys for the immediate hearing of the Cause, but must submit the same entirely to the Court.

Ordered

Jouchima Shevereamiah.
Vers.
Soares dos Mouzalidos,
Further day is given the Defendant till the 25th Instant to answer the Complainants Bill,
In default of which Judgment will be given for the Complainant.
Elizabeth Jenkins
Vers.
Claud Russell, & John Palmer, Administrators to the goods, Chattels, & Credits of
John Crompton Deceased.
Day is given the Complainant till the 25th Instant to reply.
Josias Dupre, Executor to the last Will & Testament of William Pye Deceased.
Vers.
Shawmeir Sultan,
Day is given the Parties till the 25th Instant to Examine Witnesses.
Jacob Vanschoonderwoert, by his Attorney Henry Van Dittard,
Vers.
Anna, the Widow of Sultan David, & Shawmeir Sultan.
Withdrawn.
Marcar Peters,
Vers.
Aviat Touze,
& Cordia,
Summons issued to the Defendants returnd executed
They appear, & deliver in an amended Report, as mentioned in the Minutes of the
last Court day, together with a Translate thereof.
John de Sacy, the Portuguese Interpreter of this Court, acquaints the Court that the
Translate of the Report was made by him in the following manner.
Pogus Catchick, one of the Defendants interpreted the original Report from the
Armenian into the Portuguese Language which the the Interpretor translated
into English.
The said Pogus Catchick makes oath "That the original Report now shewn to
"him, was interpreted by him, to John de Sacy, the Portuguese Interpretor of this Court
"in the Portuguese Language, & that the said Interpretation was true to the best of his Skill".
So help him God.

The Defendants make oath to the original Report as follows. Viz.
"That they have Re-Examined the Accounts in dispute between the Parties in the
Causes

The Complainant having made oath before the Mayor to the justness of his demand between the days of Adjournment and that he had reason to believe the defendant would abscond on hearing this Bill is filed against him, a Summons returnable immediately & a Warrant of Arrest issued

Summons returned served.

The defendant appears by his Attorney Mr. John Palmer

Warrant of Arrest returned Not found

Eyyah & Veeraya Pundalah of Madrass Merchants became Bail for the personal appearance of the Defendant to answer all costs & damages taken and acknowledged before Mr. John Davidson one of the Aldermen & Judges of this Court.

Ignatius Jacob,

Vers.

Cojamoodally & Aucau Naidoo

Further day is given the Defendants till the 2d. May next to Answer the Complainants Bill.

Adrian Cloyter

Vers.

Carol de Lauge,

Further day is given the Defendant till the 2d. May next to Answer the Complainant's Bill.

Moodu Ramah Lauga Chetty

Vers.

Vincent Lauretan De la Motte.

Further day is given the Defendant till the 2d. May next to Answer the Complainants Bill.

John Davidson Administrator to the Goods, Chattels & Credits of John Wells deceased

Vers.

Rob.t Lang.

Day is given the Defendant till the 2d. May next to Appear

Sabonca Soares

Vers.

Joaquim Joze de Mello.

day is given the Parties till the 2d. May next to Examine Witnesses.

Isaias Dupre, Executor to the Last Will & Testament of William Dupre Deceased.

Vers.

Shawmoo Sultan

Further day is given the Parties till the 9th. May next to Examine Witnesses

A Letter from Mr. George Mackay to the Register read, desiring him to acquaint the Court that some time the beginning of last month he informed them, that he had appointed the

Touchoma Shevenonnah
Versus
Soosedoss Mocabidoss
Further day is given the defendant till the 25th Instant to answer the Complainants Bill
In default of which Judgment will be given for the Complainant
Elizabeth Jenkins
Versus
Claud Russell & John Palmer Administrators to the Goods Chattels & Credits of
John Compton deceased
Day is given the Complainant till the 25th Instant to reply
Josias Dupré Executor to the last Will & Testament of William Pye Deceased
Versus
Shawmeir Sultan
Day is given the Parties till the 25th Instant to Examine Witnesses
Jacob Vanschoonderwood by his Attorney Henry Vansittart
Versus
Anna the Widow of Sultan David & Shawmeir Sultan
Withdrawn
Marcar Peluz
Versus
Ariat Fooze
Et Contra
Summons issued to the Referees returnd served
They appear & deliver in an amended Report as mentioned on the Minutes of the
last Court day together with a Translate thereof
John de Sweiz the Portuguese Interpreter of this Court acquaints the Court that the
Translate of the Report was made by him in the following manner
Pogus Catchick one of the Referees interpreted the original Report from the
Armenian into the Portuguese Language which He the Interpreter translated
into English
The said Pogus Catchick makes oath "That the original Report now shewn to
"him was interpreted by him to John de Sweiz the Portuguese Interpreter of this Court
"in the Portuguese Language & that the said Interpretation was true to the best of his Skill &c
So help him God
The Referees make oath to the original Report as follows Viz
"That they have re Examined the Accounts in dispute between the Parties in the
Cause

Complainant fyurnishe his said may be delivered into Court for the defendants inspection,
Ordered forthwith that the same be deposited with the Register before the next Court
day —

Aviat Nazar, & Catcheech Gregoire. Executors to the Last Will & Testament of
Mrs Susanna de Lucas Deceased.
Vers.
Arratoon Badraney
Et E Contra.
The Sheriff returns the Warrant of Execution issued against the Effects of the Original
defendant, Endorsed, Debt & Costs satisfied —

Nadir Cat Petrus.
Vers.
Aviat Torroze.
Et E Contra.
Mr John Palmer Attorney for the original Defendant acquaints the Court, that
he has observed an Error in the Report delivered in the 24 of January last, by the
Referees appointed to Inspect & Examine the accounts in dispute between the
Parties in this Cause, & therefore prays that the same may be amended, &
that a Summons may issue to the said Referees to Appear before this Court
on the 18th Instant, to swear to such their amended Report
Which is Granted —

Moodie Rannah Tonga Chetty
Vers.
Vincent Quentin De La Motte.
Bill with a Rule of course Irrelevable annext, read
Demurrer read,
Joinder to the Demurrer read.
The Demurrer and Joinder coming on to be argued this day in the presence
of the Attornies on both sides — On hearing the pleadings made use of by the Attornies
and on due consideration had thereon, This Court doth think fit to Order, &
doth accordingly order that the Defendants Plea shall be overruled with Costs
and that the Defendant shall answer the Complainants Bill —

Adrian Cloyter
Vers.
Carol de Lang.
Bill with a Rule annext read,
Demurrer read
Joinder to the Demurrer read

Philippus Charriman, by reviual of the Reverend Father Severino:

Vers.

Aviat Sooze

Bill with Translate of an Obligation annext read,

Answer with a translated Libell from a Letter annext, read,

Replication with Translate of an Obligation, & sundry declarations annext, read,

Rejoinder read,

Bill of Revivor read.

W. Appearing to the Court by the Proceedings had in this Suit, that the same have been carried on altogether in a very irregular & unwarrantable manner on the part of the Complainant, the said Complainant having in the Bill of Complaint sued as Attorney for Arthur Salter, & afterwards in their Replication, sets forth that his right to the money sued for arises from a debt due to him, the Complainant, from Miriam Salter, Mother of the said Arthur Salter & her Children, & a Power of Attorney received from them: This Court doth therefore think fit to order & doth accordingly order, that the whole Proceedings in this Cause shall be thrown out, on account of the said irregularity & that the Complainant shall pay all costs which have accrued by reason & means of the prosecution thereof. Who may nevertheless have a right to bring his action in a regular manner, conformable to the forms & practice of this Court —

Mr. John Palmer, Attorney for the Defendant prays that an Order may issue to the Accomptant General to draw for the sum of Stg. £254 18 5 deposited by the Plaintiff in lieu of Bail, & likewise that the Court would take into consideration the augmenting the costs decreed in favour of the Defendant so as to indemnify him or her Loss of Interest & Exchange on the said sum so deposited, & which he has been deprived the use of for almost Seven Years, the said suit having been so long depending in this Court thro' delays on the part of the Complainant, as well as for the trouble the Defendant has been put to in opposing this irregular Suit.

Ordered that the Accomptant General do draw on the President & Council for the sum of Stg. £254. 8 5 deposited in lieu of Bail as aforesaid, in favour of the Defendant and the Court taking into consideration the prayer of the Defendant's Attorney regarding the augmentation of Costs are of opinion that the Enlarging costs Equivalent to the Loss of Interest only for so long a time as set forth by the said Attorney, would appear very extraordinary, & therefore Acquaint the said Attorney that

Philippus Charriman, by revivab of the Reverend Father Severini

Test.

Aviat Sworn

Bill with Translate of an Obligation annext read

Answer with a translated Extract from a Letter annext read

Replication with Translate of an Obligation, & severdry declarations annext read,

Sy: order read,

Bill of Answer read,

If Appearing to the Court by the Proceedings had in this Suit, that the same have been carried on altogether in a very irregular & unconsistent manner on the part of the Complainant, the said Complainant having in the Bill of Complaint filed as Attorney for Arthur Sutor, & afterwards in the Replication, sworn that his right to the money sued for, arises from a debt due to him, the Complainant Jane Miriam Sutherick's Mother of the said Arthur Sutor & to her Children, & a Power of Attorney received from them; This Court doth therefore think fit to order & doth accordingly order, that the whole Proceedings in this Cause shall be thrown out on account of the said irregularity, & that the Complainant shall pay all costs which have accrued by reason & means of the prosecution thereof, Who may nevertheless for have a right to bring his action in a regular manner, conformable to the forms & practice of this Court —

Mr. John Palmer Attorney for the Defendant prays that an order may issue to the Accomptant General to draw for the sum of Twenty five hundred & fifty four pounds deposited by his Client in lieu of Bail, & otherwise that the Court would take into consideration the augmenting the costs decreed in favour of the defendant so as to indemnify him in the loss of Interest & Exchange on the said sum so deposited, & which he has been deprived the use of for almost Four Years, the said suit having been so long depending in this Court this delay on the part of the Complainant as well as for the trouble the defendant has been put to in opposing this unjust Suit.

Ordered that the Accomptant General do draw on the Bank of Ireland for the sum of Two thousand five hundred & fifty four pounds deposited in lieu of Bail as aforesaid, in favour of the Defendant and the Court taking into consideration the prayer of the Defendants Attorney regarding the augmentation of Costs, are of opinion that the Enlarging costs Equivalent to the loss of Interest only for so long a time as set forth by the said Attorney would appear very Extraordinary, & therefore Acquiesce the said Attorney that

in twenty one days, from this date.—

Seeva Chittee

Vers.

Aviat Soroze

Mr. John Maxwell Stone Attorney for the Complainant observes to the Court, that no steps appear to have been taken for bringing the Causes of Marcar Petrus versus Aviat Soroze & Co Contra, to a hearing, since the 5th January last, when the Report of the Referees relating to the Articles in dispute between the parties, was delivered in, and as the hearing of the Cause of Seeva Chittee, against the said Aviat Soroze is ordered by the Court to be postponed till after the determination of the said Causes between Marcar Petrus & Aviat Soroze, He now prays the Court would receive that order, & that the Cause of Seeva Chittee versus Aviat Soroze may be heard without waiting the issue of the other suits, as no Proceedings have been had therein, since the 24th January last, as aforesaid.—

The said Mr. John Maxwell Stone further observes to the Court, that he is also Attorney for Marcar Petrus in the other suits, & Illness as Lawyer as cause for not proceeding therein, that he has not been able to meet with his Client, so as to receive his directions regarding the same.

Marcar Petrus

Vers.

Aviat Soroze,

& Co Contra

Messrs. Archibald Pedrow & Walter Palmer, Attorneys for the said Aviat Soroze pray that these Causes may Continue to be heard the 18th Instant.—

Ordered accordingly, till which time the final depositions with regard to the Prayer of Mr. John Maxwell Stone Attorney for Seeva Chittee, as above mentioned.—

Proceedings in Petty Causes.—

Anthonio Da Costa

Vers.

Rampayah & Ramayah

Further day given for the Defendants to Answer the Complainants Bill.

Adjourned till Friday the 7th Instant.

Venkatadry Swamy, Examined as follows.

Qu. Do you remember being at any time in the Chambers of Mr. John Maxwell Stone, one of the Attornies of this Court, together with the Petitioner, Venkaty Narrain?

Ans. Yes.

Qu. Had they any discourse with each other, if Yea, set forth the same, and how you came to hear it.

Ans. Being one day waiting past by Mr. Stones Chambers, the said Mr. Stone desired him to ask the Petitioner, in the Malletar Language, how he came to lay claim to the House in dispute, Which he (the Deponent) accordingly did ask him, & the Petitioner made answer, that it was true the house did belong to Ragoe, nor should he have taken the trouble of carrying on this Suit, had he not been prompted so to do, by Nimapah, & Chengleroy Mordelaire.

It appearing from the above Depositions of Thimphay Comaty & Venkatadry, that the said Chingleroy Mordelaire must have some particular Interest in this dispute which he seems to have been so much the Promoter of. It is therefore Agreed that the Evidence of the said Chingleroy Mordelaire shall be overruled, & not regarded as any proof to the Matter in question.

Sadasiva Moodelaire, of Madras Servicepoy, Sworn on the part of the Petitioner, and Examined as follows.

Qu. Do You know of any discharge having been given by the Petitioners Father & Uncle, Nathan, & Byakooty, to their Sister Collanda, to Ragoe, if Yea, in what manner was it so given?

Ans. There was a discharge given by Colanda to Ragoe, wherein it was insisted that Ragoe should enjoy the produce of part of a boundry called Gunjy each, one house in Tranquebar Black Town some allowance from Tranquebar Pagoda, which Parties were entirely made over to the use of the said Ragoe, under condition that she were to maintain a young boy, named Ramachellum.

Qu. Was there any mention made therein of the House in dispute?

Ans. No.

Qu. Whose Property do You imagine the House in dispute to be?

Ans. The Property of Venkaty Narrain, as Heir to Nathan & Byakooty, in whose name the Bill of sale of the said House was drawn out. If Nimmachee would have been mention made of the House in dispute in the discharge given to Ragoe.

Mesilla, of Madras Weaver, Sworn on the part of the Petitioner, Examined as follows.

Qu. Do You know of any Transactions which passed between Chingleroy Mordelaire & Ragoe

The several Witnesses for which appeared the last Court day, attend, & readd to order.

Chinglevoy Mordelaire, of Madras Coniaply, Son of Chinnatomby Mordelaire, a Witness produced on the part of the Petitioner, Sworn, & Examined as follows

Qu. Was you acquainted with the Petitioners late father, & Uncle Naikum, & Cyakooty, of Jea, how long was you acquainted with them?

Ans. He was acquainted with them both, twenty five Years, or thereabouts.

Qu. Did You know of any House that belonged to them, if Yes, what House? Was it the House in dispute, or any other House?

Ans. He did know of a certain House that belonged to them, & which is the House now in dispute, & alledges as his reasons for saying so, that the Bills of sale was drawn out in the names of the said Naikum, & Cyakooty. Who mortgaged the same to his Father for twenty Pagodas, & for a Second sum of twelve Pagodas, which sums he, this Deponent paid on account of the said Father.

Qu. By whom was the Mortgage made, & on whose account?

Ans. A first Mortgage was made out in the name of Ragoo, for twenty Pagodas, on his own account.

Qu. Who was the said Ragoo?

Ans. A Slave Woman brought by Naikum, & given by him to her Sister, named Vellumbe.

Qu. When did Naikum, & Cyakooty apply for a further loan on the first Mortgage of the said Bill of sale, & for whom?

Ans. They applied about two years after the first loan to Ragoo, to this Deponents father, desiring a further sum of twelve Pagodas, which was accordingly Lent to them, by him (the Deponent) on account of the said father.

Qu. Was there any Agreement passed at that time between you, & the said Naikum, & Cyakooty, of Jea, Set forth the same.

Ans. Naikum, & Cyakooty agreed that if they did not discharge the said Debt of twelve Pagodas, as also the Sum of twenty Pagodas Lent to Ragoo, with interest, in the space of eight months, or thereabouts, that he, (the Deponents) father should be entitled to the House

Qu. Was Ragoo present at that time?

Ans. No, She was at Bonamalee Pettah.

Qu. Did Ragoo ever make any application to you, to redeem the mortgage?

Ans. She redeemed the said Mortgage in full, about one Year ago upon which the Bill of sale was delivered up to her.

Qu. Did the Petitioner, Veeraty Naroon ever apply to you, after the mortgage was Redeemed by Ragoo, of Jea, on what Account?

Ans. The Petitioner asked him how he came to deliver the Bill of sale to Ragoo, whereupon he

The

the Defendant "That the Ship never came back to her destined Port of Madras after her having reached that of Syrian" to Support the Claim of the one of his whole demand of Principal, Exportantia & Interest, and to maintain the a portion of the other that nothing is due. And the Complainant having perused Depositions of Witnesses on his part in the point in dispute, Ordered that he do pay the Costs of his own Depositions, and that the Defendant do pay all other costs of this Suit.

Samuel Debastro

Vers.

Isabella Contesse, Widow & Executrix to the Last Will & Testament of Francisco Conkes & Docd.

Mr. John Maxwell Stone Attorney for the Complainant prays that a Warrant of Execution may issue against the Defendant's Effects, & produces an order under the hand & seal of his Client impowering him to demand the amount of the decree passed the 15th. Instant, which he acquaints the Court he has done, but without Effect.

Let a Warrant of Execution issue returnable the 3d. April next.

Britton & Spence Hornby Notaries

Summons issued against Lydia Lovesay Petley, a Witness on the part of the Petitioner obtained Non Est Inventus.

The rest of the Witnesses on the part of the Petitioner & the Witnesses on the part of Simon de Tovar Attend agreeable to an Order of last Court day.

The Court having been taken up the whole morning in the determination of the above Cause between Juval Troze & Jeanneau Mazar, Agreed to defer the hearing of the Petition & the Answer thereto till the 5th. April next, when the Witnesses are again ordered to Attend.

Philippus Cornelius Vanderwater by reversal of the Decreed Table Governor, &c.

Juval Troze,

Ordered that the Cause come on to be heard the 5th. April next.

Moodie Ramah Sonja Chetty

Vers.

Vincent Quentin Perdu Mottoo,

Mr. Archdale Palmer Attorney for the Demurrant prays that the Demurrer & Joinder may be set down to be heard.

Mr. John Maxwell Stone Attorney for the Complainant prays that the Demurrant's Attorney

At a Court held at the Town Hall on Tuesday
the 28th day of March Anno Domini 1738 —

Present

Samuel Ardley Esquire Mayor, James Alexander, Edward Burman
John Davidson, and Charles Turner Aldermen —

Type Saul Hancock by his Attorney Edward Burman,

Vers.

Mundelah Virago

The Sheriff returns the Warrant of Execution issued against the Defendants Effects Endorsed
Debt & Costs satisfied.

Mr. John Maxwell Stone Attorney for the Complainant prays that the Goods & effects by the
Sheriff by virtue of the Warrant of Sequestration which is issued against the Defendants
Effects may be ordered to be taken off.
Ordered accordingly —

Aviat Nazar & Catcheeck Gregorea Executors to the Last Will & Testament of Mainuaceu Deceased

Vers.

Arratoon Badraney

Et è Contra.

Mr. John Palmer, Attorney for the Original Complainants Prays that the further space of
fourteen days may be allowed for the return of the Warrant of Execution issued against the
Original Defendants Effects
Granted accordingly —

Touchuna Shevanamuah

Vers.

Sorrodop Monalidop,

Day is Given the Defendant till the 1st April next to Answer the Complainants Bill

Charles Bouvchier, Executor to the Last Will & Testament of Simon Coe Deceased George Martin
the Reverend Father Severini Executor to the Last Will & Testament of Peter Mocan
Deceased, & Veneaty Thelnah

Vers.

Vacaree Vando Thelna Chettee,

Summons returnd Non Est Inventus

Mr. John Maxwell Stone, Attorney for the Complainants prays the Court, that a Warrant of
Sequestration

Touchoma Shevaramiah

Vers.

Sorridofs Mowalidofs

Mr. John Palmer Attorney for the Complainant Craves leave to withdraw the Bill of Complaint in order to amend the same

Which is granted.

Bill amended with Copy of a Decree & of a Minute of the former Mayors Court annexed & filed.

Pundamutta Chiddazpah

Vers.

Edward Burman.

Further day is given the Parties till the 1st April next to Examine Witnesses

David Lopez Fernandes and Samuel De Castro

Vers.

John Walsh and Henry Vansittart.

A Note from the Examiner to the Register read, desiring him to acquaint the Court that the Witnesses on the part of the Defendant are all Examined.

Publication is past.

No 2 John Walsh and Henry Vansittart

Vers.

Noor Mahomed Fauzdy

The Sheriff returns the Warrant of Execution issued against the Defendants Effects, indorsed that he had levied the Sum of Rupees 21 107 on part of the Debt & Costs of Suit No 2. & the Sum of Rupees 2827 part of the Debt & Costs No 1. Entitled & Defendant has no other Goods or Chattels within his District by which he could in any manner pay the residue of the said Debt & Costs and also delivers in an Account Sale of the said Effects —

Petition of Samuel Lisher, late Assistant to Henry Dodgson Esq.r the late Secretary to the Deceased Admiral Watson, read Setting forth that he has in his hands the sum of Rupees 308.52/ being the Ballance of the Estate of John Warren late Lieutenant of Your Majestys Regiment Deceased, & as he the Petitioner is about to depart from this Place in a few days, & not being able to remit the said sum by Bills of Exchange to Europe to Richard Warren Father of the Deceased, he Prays authority to receive the same & Judging it to be most safe and conducive to the benefit of the said Richard Warren to deposite the same in the Court, he therefore Prays that it may be Appointed accordingly & moreover that Mr Robert Palk of this Place shall produce a Special Power of Attorney for drawing out the same under the hand and seal of him the Petitioner.

Ordered that the said sum be deposited with the Cash & Effects belonging to the United Company of

Rogers Cobbett, Attorney for Johanna Gaspar,

Qus.

Francis Nazar.

Ordered that this Cause be heard the 21st Instant.

Francis D'Assumption, by his Attorney Manuel de Brigeon Garcia,

Versus

Isabella Cordoso, Widow & Executrix to the last Will & Testament of Francis Cordoso deceased

Bill, with an Account Current & Mortgage dated annexed read,

Answer read,

Replication read,

Rejoinder read,

This Cause coming on to be heard & debated this day, in the presence of the Attorneys on both sides, On reading the Complainants Bill with an Account Current & Mortgage dated annexed, the Defendants Answer, the Replication & Rejoinder, On hearing the Pleadings made use of by the Attorneys, & due consideration had thereon, It Appearing to this Court that the Defendant has not produced any Proofs that there are debts due from the Estate of the deceased Francisco Cordoso, of a higher nature than that claimed by the Complainant, nor even Affords more than a bare suspicion thereof, and as she does not deny the having Assets of the said deceased sufficient to discharge the Complainants demand. This Court doth therefore think fit to order & decree, and doth accordingly order, and decree that the Defendant shall pay unto the Complainant out of the Estate of the Deceased Francisco Cordoso the full & just Sum of Four thousand & forty six Dupees nine Annas & three pice, together with such interest as now is or shall hereafter become due thereon untill full payment is made, also all Costs of this Suit, and that in default of Payment of the same before the Expiration of twenty one days from the date hereof, the Mortgaged Premises be publickly sold & the proceeds thereof paid to the Complainant viz & towards the discharge of this debt Costs & in case of any deficiency thereon after sale, as aforesaid, that the Defendant shall make good the same to the Complainant out of the Estate of the said Francisco Cordoso deceased.

Samuel De Cordoso.

Vers.

Isabella Cordoso, Widow & Executrix to the last Will & Testament of Francisco Cordoso deceased

Bill with an Account Current annexed read,

Answer read,

Replication read,

Rejoinder read,

This

De Spinah, Natchey de Veairah & Anjechah & against Hookeenah, Nowdel Inweela,
Anthonia DeSpinah & Natchey de Veairah appear in Court.
The Sheriff acquaints the Court that Anjechah is so much Indisposed as not to be able to be
brought to Court.
The said Anthonia DeSpinah & Natchey de Veairah being asked why they neglected to
Pay their Proctors fees. Acquaint the Court as great as their Poverty that they are not
Capable of discharging the fees
The said Anthonia DeSpinah & Natchey de Veairah not having applied to the Court
at the Commencement of the suit that the same might be carried on in forma Pauperis
and the Proctor for the Pltiff in Equity appearing that he has reason to believe they
are able to pay him his demand, they are remanded back to Prison there to remain till
they Satisfy their Proctors fees, as in Likewise the said Anjechah.

Father Carapet.

Vers.

Aviat Inoze & Gregorio Miguel, Executors to the Last Will & Testament of Miguel Jn. Gregorio deceased.
A Note from the Examiner to the Register, read, desiring him to acquaint the Court that
the Witnesses in this Cause were completely Examined.
Mr. John Maxwell Senr. Attorney for the Complainant delivers into Court the Exhibits in
this Cause.
Messrs. Archibald Palmer & John Palmer, Attorneys for the Defendant to deliver into Court their
Exhibits in this Cause.
Publication in part.

Moodoo Ramah Singa Chittee

Vers.

Vincent Lawton De la Motta.
Joinder Exd. and filed.

Tonchima Shevaramah,

Vers.

Saamidoss Moodalidoss,
Summons return'd Served.
The Defendant appears.

Elizabeth Jenkins,

Vers.

Claud Thafell & John Palmer Attorneys duly admitted to the said Charles Executors of John Crumpton
The Bill of Complaint having been Sworn to the Mayor, between the days of Adjournment
a Summons returnable this day issued thereupon.

to accept them, upon having a right thereof in the original Letter to the President & Council.
Yet the Court are of opinion that it would be more eligible if in future such orders were to
be transmitted to them, under the hands of the Directors themselves in order to their being
lodged as an authentick Record in this Court. & that in the interim the Court apprehend may be
given them, without the Court of Directors departing from their resolution of not corresponding
with this Court.

That due attention has been given to the Explanation contained in the 16th. Paragraph,
relating to Transfers of Bonds. & that proper regard will be paid thereto.

The Court having no further remarks to make by way of reply, on the Paragraphs of the
Letter from the Court of Directors, It was then considered whether there was any other
Subject necessary to write upon. & Resolved to add

That the Court having at several Meetings held for that purpose, taken into consideration
the standing orders & rules of Practice of the former Court & such as have been made
since the Re-establishment of the present Court, and having confirmed, altered, or
Amended most of such rules, & set aside some, which they found by experience to be
inconvenient, or improper, and having likewise Agreed to some new rules, which were
thought necessary to be made for the better regulating the Practice of the Court, they now
transmit a Copy of the same for the perusal of the President & Council, & for the approba-
tion or consent of the Court of Directors—

That in the month of June last, the then Mayor, & three of the Aldermen, besides two
of the Attorneys of the Court, having been summoned to attend upon the City Jury, at the
Quarter Sessions to be held on the 1st of July following. The Court thereupon were unanimously
of opinion, that the conduct of the Sheriff therein was contrary to law. & with regard to the
Mayor, wholly unprecedented, Wherefore it was then unanimously Resolved, that the Sheriff
should be prosecuted at the Quarter Sessions, by way of Information against him, for such
his illegal Proceeding, which determination of the Mayors Court with the reasons leading
thereto, together with the steps pursued on lodging the Information, as well as the Informa-
tion itself & what happened subsequent to the Examination thereof at the Quarter Sessions
could greatly swell a Letter, were they inserted therein, & are not such, and as the Court
did not transmit any Account of that matter by the Packet following so take, till
the time of sending their General Letter. The Court think it sufficient to send a Copy of
the whole to be laid before the Court of Directors, who will doubtless thereby be able to Judge
of the Merits, without further Animadversion on the Subject—

That

Mr. John Palmer Porter for the Petty Principal acquainted the Court that they had neglected to pay him his Stipulated fee. (which he hath demanded.) & prays that a Warrant of Attachment may issue against them.

Granted.

Agreed that the resolutions which the Court came to the 1st & 2d Instant relating to the Paragraphs of the General Letter from the Court of Directors of the 22d March 1757. as also in regard to such matters as were thought necessary to be represented to the Court of Directors, be entred after the Minutes of this day

Proceedings in Petty Causes.

Anthonio Da Costa.

Vers.

Caupayah Ramayah.

Summons returnd, filed.

The Defendant Caupayah appears for himself & on behalf of his Brother Ramayah.

John Peter Paymier.

Cont.

Domingos Gomez.

Replication read, & filed.

Adjourned till Tuesday the 15th Instant.

Town Hall, Wednesday the 9th day of March Anno Domini 1758.—

Present

Samuel Ardley Esquire Mayor, George Mackay, James Alexander, Edward Wyman, Charles Stevens & Hugh Lewis, Aldermen ——

The above Members of Mr. Claud Russell & Mr. John Davidson being ordered & having met this day, agreeable to the resolution of the 28th Ultimo, proceed to take into consideration the Paragraphs Extracted from the General Letter from the Court of Directors, which the President & Council have sent to this Court, attested by their Secretary ——

A Question thereupon arose, Whether it was not necessary according to the intent & meaning

Mr. John Palmer, Broker for the Body Principals, represents to the Court that they had neglected to pay him his Stipulated fee, (which he hath demanded,) & prays that a Warrant of Attachment may issue against them.

Granted.

Agreed that the resolutions which the Court came to the 1st & 2d Instant relating to the Paragraphs of the General Letter from the Court of Directors of the 22d March 1767. as also in regard to such matters as were thought necessary to be represented to the Court of Directors, be entred after the Minutes of this day.

Proceedings in Petty Causes.

Anthonio Da Costa,

Vers.

Caupayah Wannayah,

Summons returnd, entd.

The Defendant Caupayah appears for himself, & on behalf of his Brother Wannayah.

John Peter Paymeir,

Cont.

Domingos Gomez,

Application read, & filed.

Adjourned till Tuesday the 6th Instant.

Town Hall, Wednesday the 2d day of March Anno Domini 1768.

Present—

Samuel Ardley Lyons Mayor, George Mackay, James Alexander, Edward Pearman, Charles Sumner & Hugh Bence, Aldermen.

The above Members of Mr Claud Russell & Mr John Davidson being indisposed, having met this day, agreeable to the resolution of the 26th Ultimo, proceeded to take into consideration the Paragraphs Extracted from the General Letter from the Court of Directors, which the President & Council have sent to this Board attested by their Secretary.—

A Question thereupon arose, Whether it is not necessary according to the intent & meaning

At a Court held at the Town Hall on Tuesday
the 7th day of March, Anno Domini 1758

Present

Samuel Ardley Esquire, Mayor, James Alexander, Charles Turner and Hugh Norris Aldermen

Salomon Franco
Ves.
Joshua Frez de Mello,
Rejoinder read & filed.

Pondamulla Chuddeapah,
Ves.
Edward Burman,
Rejoinder read & filed.

Adrian Cloyster,
Ves.
Carol de Lange,
Mr Archdale Palmer, Attorney for the Demurrant prays Leave to withdraw the Demurrer,
in order to Amend the same?
Which is Granted, with the consent of the Complainant's Attorney.
Amended Demurrer read & filed.

Mordu Ramah Lezga Chetter,
Ves.
Vincent Quenton De La Motterie
Further day is given the Complainant 'till the 15th Instant to make a Joinder in default of
which this suit will be heard on the Proceedings already had.

David Lopez Fernandez & Samuel De Castro
Ves.
John Walsh & Henry Van Schaack
Further day is given this Order 'till the 21st Instant to Examine Witnesses.

Isbon Davidson, Administrator to the Goods Chattels & Credits of John Walsh Deceased,
Ves.
Rose Lang
Further day is given the defendant 'till the 15th Instant to Answer the Complainants Bill.

David Lopez Fernandez & Samuel De Castro

Vers.

John Walsh & Henry Vandebittart

Day is given the Parties till the 5th of March next to Examine Witnesses.

Frances D'Assumption, by his Attorney Manuel de Negro Mello,

Vers.

Isabella Conteife, Widow & Executrix to the last Will & Testament of Francisco Conteife deceased.

Samuel De Castro

Vers.

Isabella Conteife, Widow & Executrix to the last Will & Testament of Francisco Conteife deceased.

Mr. John Maxwell Stow, Attorney for the Complainants in the two above Causes Prays that the same may be set down for hearing.

Mr. Theobald Palmer, Attorney for the defendant prays that the said Prayer may not be complied with, but that the hearing of those Causes may be defer'd. Alledging that till the Creditors to the Estate of the defendants Deceased Husband, were taken the first order these Suits were commenced; that William Conrad Esquire, Attorney for one of the Creditors, has lately arrived at this Place whom he has reason to believe will apply to this Court on account of his Constituents claim.

The Court taking the said Prayers into consideration, do Agree that the above Causes shall come on to be heard the 11th March next. as the hearing of any Cause might not to be postponed for the hearing of another unless where some particular connection of the Suits appears, much less in the present case, where no other Suit is as yet commenced.

Mr. John Palmer, Attorney for Josias Dupre of Fort Egerton Merchant, delivers into Court a Rebate of the last Will & Testament of Stephen Holloway Burgess deceased, under seal of the Prerogative Court of Canterbury, together with a Power of Attorney from three Burgess of the Parish of St. Lukes, Middlesex, Executors in the said Will named, directed to the aforesaid Josias Dupre, & prays that an order may issue for the payment of the sum of £12.14.8 — deposited in the Companys Bank by this Court on the 6th day of Novr. 1755. to the said Josias Dupre on behalf of the said Executors.

The Court take notice that the Power of Attorney sent out with the said Rebate is not attested in the usual manner that Powers of Attorney coming from Europe generally are. Namely by Affidavit made before the Mayor or Principal Magistrate of the places from whence they are sent & attested under the seal of his Office. but nevertheless the Court observe that altho the Power of Attorney is not so sufficiently attested, yet as the Rebate sent therewith does appear to be the original Rebate from the Prerogative Court of Canterbury.

The Court therefore taking the same into consideration, do Agree that since the Rebate is entitled

At a Court held at the Town Hall on Tuesday
the 28th day of February Anno Domini 1758

Present

Samuel Ridley Esquire Mayor, James Alexander, Edward Burman,
John Davidson, Charles Turner & Hugh Norris, Aldermen —

Pogus Salida Catchich

Vers.

Bernard Foundry Moodslave,

Summons returnd non est.

The defendant appears by his Attorney Mr. John Palmer.

Mr. John Maxwell Stone, Attorney for the Complainant prays that the defendant may give Bail.

Mr. John Palmer Attorney for the Defendant, offers to the Court a Demurrer, & Prays that the Defendant may not be obliged to give Bail till the Demurrer is argued.

Ordered that the Demurrer be read.

Demurrer read and filed.

The Court taking into consideration the Prayer of the said Attorneys, do Agree that the Defendant shall be admitted to Genral Bail till such time the Demurrer be argued,

John Doe and Richard Roe became bail for the personal appearance of the defendant, or to answer all Costs & Damages taken & acknowledged in Court.

Mr. Alderman Alexander goes off the bench.

Isaias Dupre, & James Alexander

Vers.

Gocal Fernandez

Summons returnd non est

The defendant appears by his Attorney Mr. Archibald Palmer.

Withdrawn. — Mr. Alderman Alexander returns to his seat.

Charles Bonnithon, Executor of the Last Will & Testament of James Gyc. Deceased,

George Mackay the Attorney in fact & Servant, Executor to the Last Will & Testament of Thos Moran, & Venerable Richards —

Vers.

Vecarro Vanlee Hestina Cutter,

Summons returnd Non est Inventus.

Mr. Stone Attorney for the Complainants, acquaints the Court that he has since

"as reasons which he hopes will induce the Court to assent to his laying down
"his Gown" The Court considering that Mr Ross has really given a very constant
attendance to the business of this Court & Corporation, from the time he became a
Member thereof, which in some measure deserves of some part of the recompence Agreed that
Mr Ross have the consent of this Court to resign his seat, & likewise that he have
the thanks of this Court for his extraordinary attendance & Application.—

Proceedings in Petty Causes.

Bill of John Peter Pasmier read & filed.
Summons thereon to be summoned.
Bill of John Peter Pasmier read & filed.
Jacobus Kierstede, & Bonnejeah Wesdyn to be summoned.

Adjourned 'till the 24th Instant.—

At a Court held at the Town Hall on Friday
the 24th day of February, Anno Domini 1758.

Present

Samuel Bradley Esquire, Mayor, James Alexander, Edward Burnett
and Charles Farrell, Aldermen.—

Adrian Cloyter
Vers.
Carol de Lange.
Summons returned sealed
The Defendant appears by his Attorney, Mr Nicholas Roosevelt
Warrant of Arrest returned Endorsed Not Served
Jacobus Depeyster of Fort George Merchant & Richard Ray are become Bail for the Eternal
Appearance of the defendant, or to answer all costs & damages taken and acknowledged
before Mr James Alexander one of the Aldermen & Judges of this Court
Thaddeus Aga Berry
Vers.
Isaacs Orrago Cautin
Bill with a Bill of Exchange, an Account Current & an Assignment thereof read.—

The Court taking the Prayer made by the Complainant into consideration, do apprehend the same to be unreasonable & it is therefore Ordered that it be not complied with.

No 1 John Walsh, V Henry Vanbittart

Vous

Nous Mahomed Baccby

Mr Archdale Palmer, Attorney for the Complainant prays that the return of the Warrant of Execution issued against the Effects of the Defendant, may be prolonged for the space of one month, as his Clients are in hopes matters will be in that time amicably adjusted

Granted.

No 2 John Walsh, V Henry Vanbittart

Vous

Nous Mahomed Baccby

Mr Archdale Palmer, Attorney for the Complainant prays that the return of the Warrant of Execution issued against the Effects of the Defendant, may be prolonged for the space of one month, as his Clients are in hopes matters will be in that time amicably adjusted.

Granted.

John Muchmath, Administrator to the Goods, Chattels & Credits of John Sanderson Dec.d

V

Mary Nelson, Executrix Mary Nelson

Mr John Palmer Attorney for the Complainant produces a Certificate from the Registry that six months had elapsed since the return of the Warrant of Sequestration issued against the Defendants Effects & that the Defendant had not appeared.

Certificate read.

Bill, with an Extract from the Registry of the Chancery read.

The Attorney for the Complainant prays that a Decree may now pass & in default of payment thereof in eight days, that the mortgaged Premises may be ordered to be sold, as the Mortgage is of many years standing, and an opportunity now offers of sending advice to the Heirs of the Deceased John Sanderson, by the Ship that will sail from hence in a short time for Europe

The Court take notice that the Prayer made by the said Attorney is very irregular & improper, since the Charter does allow the space of fourteen days for appealing from the Decree of this Court, consequently whatever time the Court shall make however cannot be carried into execution till the Expiration of fourteen days after passing the same.

It Appearing by the Records of this Court that the Defendant was not to be found within the Jurisdiction thereof & that a Subpoena of the Defendant was regularly by the Sheriff of this Place & which was delivered over to the charge of Mr Andrew Rose Attorney

to bring his action against him, till just before his departure from this Place, notwithstanding he had been here resident several months.

Agreed that the hearing of this cause be deferd for the space of one month, the Attorney for the Complainant not offering any reasonable objection to the contrary.

A Letter from Wm Alderman Esq. desiring for the reasons therein set forth, to resign his Seat as an Alderman & Judge of this Court, read.

Ordered that the said Letter do Lye on the Table till the next Court day, & that a full Court be then summoned, to take the same into consideration, it being the opinion of this Court that the resignation of one of the Judges thereof, is a matter of such moment, as ought not to be determined upon by only part of the Members.

Adjourned till Tuesday the 21st Instant.

At a Court held at the Town Hall on Tuesday the 21st day of February, Anno Domini 1758.

Present

Samuel Bradley Esquire, Mayor, George Mackay, James Alexander, Edward Burroughs, John Davidson, & Charles Sumner, Aldermen.

Charles D'Marde
Scott
Mottah

Answer read & filed.

The Court take notice that the said Answer does in some part appear to be scandalous, and likewise that it is not signed by the Defendant.

Mr. Archibald Palmer, Attorney for the Defendant prays that the Defendant may be permitted to sign his Answer now in Court.

Which is granted.

The Attorney for the defendant moves the Court that the original Answer, referd to in the Bill of Complaint, upon which the Complainant found his suit may be delivered into Court for the Defendant's perusal.

Ordered that the same be delivered to the Solicitor for the Defendant.

The Court having upon the motion taken into consideration the delays & inconvenience that have frequently arose by Papers having been exhibited to the Court by the Attorneys without

to bring this action against him, 'till just before his departure from this Place, notwithstanding he had been here resident several months.

Agreed that the hearing of this Cause be deferd for the space of one month, the Attorney for the Complainant not offering any reasonable objections to the contrary.

A Letter from Wm Alderman Esq. desiring for the reasons therein set forth, to resign his Seat as an Alderman & Judge of this Court, read.

Ordered that the said Letter do Lye on the Table 'till the next Court day, & that a full Court be then summoned, to take the same into consideration, it being the opinion of this Court that the resignation of one of the Judges thereof, in a matter of such moment, as ought not to be determined upon, by only part of the Members.

Adjourned 'till Tuesday the 24th Instant.

At a Court held at the Town Hall on Tuesday the 24th day of February, Anno Domini 1758.

Present

Samuel Ardley Esquire, Mayor, George Mackay, James Alexander, Edward Burnaby, John Davidson, & Charles Sumner, Aldermen.

Charles D'Wolfe

Sewall

Mollan

Answer read & filed.

The Court take notice that the said Answer does in some part appear to be impertinent, and likewise that it is not signed by the Defendant.

Mr. Archdale Palmer, Attorney for the Defendant prays that the Defendant may be permitted to sign his Answer now in Court.

Which is granted.

The Attorney for the defendant moves the Court that the original Deed referred to in the Bill of Complaint, upon which the Complainant founds his Suit may be delivered into Court for the Defendant's inspection.

Ordered that the same be deposited with the Register for the Satisfaction of the Defendant.

The Court having upon the motion taken into consideration, the delays & inconveniences that have frequently arose, by Papers having been exhibited to the Court by the Attorneys, on both

Thaddeus Aga Serry

Vers.

Ravvoz Virago Chettie.

Joinder read & filed.

Ordered that the demurrer & Joinder come on to be argued the 21st Instant.

Victoriano D' Abeyde.

Vers.

Avonegadala Wanawayak.

Warrant of Arrest issued Nov. 1st Inventories

John Davidson, Administrator to the Goods, Chattels & Credits of John Reith Deceased

Vers.

Rose Lang.

Further days is given the defendant till the 21st Instant to answer the Complainants Bill.

Father Carvapet.

Vers.

Xavier Soyza, & Gregorio Miguel. Executors to the Last Will & Testament of Miguel Gregorio

Further day is given the Parties till the 28th Instant to Examine Witnesses.

Xavier Soyza.

Vers.

Joannes Nazar.

Mess.rs Sheddale Palmer & John Maxwell Stone, Attorneys for the Defendant pray the Court, that the hearing of this Cause may be defer'd for the Space of one month, as their Client is expected to return from Cape, within that time, who may furnish them with material arguments to make use of at the hearing of the cause which he had not time to communicate to them previous, having left this place immediately after swearing to his Answer. Which indulgence they apprehend the Defendant has some right to, as the Complainant did not think proper to bring the action against him, till just before his departure from this Place, notwithstanding he had been here resident several months.

Agreed that the hearing of this Cause be defer'd for the space of one month, the Attorney for the Complainant not offering any reasonable objections to the contrary.

The Registrar lays before the Court a sealed Packet directed to Mess.rs Sheddale Palmer & John Maxwell Stone, which was delivered into Court the 15th day of September last and sworn to by one Ramalee, as having been received from one of the Commissioners appointed by this Court for the Examination of Witnesses in this Cause, at Sadras, and which the Registrar acquaints this Court has remained unopened in his Office, unopened —

The,

At a Court held at the Town Hall on Tuesday
the 14th day of February Anno Domini 1758

Present

Samuel Ridley Esquire Mayor, George Mackay, Andrew Ross
James Alexander, and Edward Freeman, Aldermen

Edward Holden Cruttenden
Qrt.
David Ramsay

Mr. Archibald Palmer, & John Palmer, Attorneys for the Complainant acquaint the Court that the Defendant has satisfied the Decree of this Court, & that they are willing, that the Prayer made the last Court day, by the Defendants Attorney, for a Draught on the President & Council, for the sum of Rup.s 5402.15.3 deposited by the defendant in lieu of Bail, be now complied with.

Ordered that a Draught do issue for the said sum of Rup.s 5402.15.3 payable to Mr. John Maxwell Stone, Attorney for the Defendant, & likewise his Agent in respect to this suit.

The Mayor acquaints the Court, that upon the last Order issuing on the Accomptant General for drawing money out of the Company's Cash, he received a Note from the Accomptant General, intimating that he imagined that the said Order upon him, was not agreeable to the Instructions sent out relating to the Office of Accomptant General, Viz.t — "That the Order made in Court for depositing, or drawing money is to be shewn to the Accomptant General." Wherewpon that he is thereupon to confine the same to the President & Council, as that being Ordered so to be by the Court.

The Court in consequence of the Representation made by the Mayor, having taken into consideration, whether the Order now to be sent to the Accomptant General shall be in the usual form, or whether it may be necessary to vary the same, do Agree, that the Form hitherto practised, shall be continued, as the same was settled at the Establishment of the Court, being attended the most regular, & least liable to Error, and no Inconvenience has arisen therefrom, & moreover as there is no particular Form prescribed in the Instructions sent out by the Company relating to the Office of Accomptant General, for ordering the Order or Right of Action, the Accomptant General is directed by those Instructions to confine to the President & Council, the Order of this Court & must consequently be understood to be left to the Court to make use of such Form, as to them shall seem most proper.

attend the Court this day, he thought it would have been soon enough to have returned when he came into Court, but that he was prevented from attending the Court at the usual hour.

Which excuse the Court admit of. Ordered that the summons for the Sheriff to appear the next Court day as above directed, be suspended. But the Sheriff is at the same time told, that he must not in future delay the making return of his Precepts, till he comes to sign them in Court, but that they should be returned immediately on the Court sitting. — Warrant of Arrest returned. Non Est Inventus —

Mr. John Palmer, Attorney for the Complainant prays that another Warrant may issue, Granted.

Rogue Valida Catchick
Ann.
Tyanaiguen Mordelaire

Bill with Translation of two Obligations and an Assignment thereof annexed read.

Answer read.

Replication read,

Rejoinder read,

Interrogatories on the part of the Complainant read.

Six depositions taken thereunto read.

Additional Interrogatories on the part of the Complainant read.

Four depositions taken thereunto read.

Interrogatories on the part of the Defendant read

Seven depositions taken thereunto read.

1. Bill of Additional Interrogatories on the part of the Defendant read.

Two Depositions taken thereunto read.

2. Bill of Additional Interrogatories on the part of the Defendant read.

Two Depositions taken thereunto read.

Three Exhibits on the part of the Defendant read.

This Cause coming on to be heard and debated this day, in the presence of the Attornies on both sides, On reading the Complainants Bill with Translation of two Obligations annexed, the Defendants Answer, the Replication, & Rejoinder, the Interrogatories, & Depositions on the part of the Complainant, & the Interrogatories and Depositions on the part of the Defendant, together with the Exhibits on the part of the Defendant, the hearing the several pleadings read in case of the Attornies, Consideration had thereon. It appearing by the proofs brought by the Defendant as also by one of the Depositions on the part of the Complainant that the Defendant in and the said Transactions in the said Bill mentioned, but only transacted as the Agent of the said Chicasaw, by the direction & by virtue of the authority of Governor Grandy, who appears to be the Landlord Heir of the said Chicasaw

Grandy.

At a Court held at the Town Hall on Tuesday
the 5th day of February Anno Domini 1758

Present

Samuel Ridley Esquire Mayor, John Davidson, Charles Turner,
and Hugh Norris Aldermen

The Register acquainted the Court, that he had seen the oaths of allegiance & office Administered by the President, to Mr. Hugh Norris, as an Alderman & Judge of this Court.

Mr. Alderman Norris takes his seat at the Bench.

Moodu Ramah Linga Chitter,

Vers.

Vincent Quinton De La Mettrie, Attorney for Francisco Carvalho,

A Minute made on this Cause the last Court day read.

The Register acquainted the Court, that Mr. Archdale Palmer, Attorney for the said Vincent Quinton de la Mettrie, had agreeable to the said order, lodged the Demurrer, in his, the Registers office, within four days from the service of the Summons on the Defendant.

Agreed therefore that the same be received. — Demurrer read.

Mr. Alderman Davidson being indisposed, gave off the Bench.

Edward Holden Cruttenden,

Vers.

David Rannie,

Mr. Isaac Dupre, Clerk of the Court of Appeals returns the Proceedings in this Cause, together with an Extract of the Minutes of the Court of Appeals, setting forth that the Attorney for the Appellant had desired Leave to withdraw the same — Which was Granted with the consent of the Attorney for the Respondent.

Mr. John Maxwell Stone, Attorney for the Defendant prays that an order may issue for the Client to receive from the Provincial Treasurer the sum of Pgs. 502.14.35. deposited by the Defendant, in lieu of Bail, & which was lodged in the Company's Cash, in the name of the Accomptant General.

Messrs. Archdale Palmer & John Palmer Attorneys for the Complainant acquaint the Court that as the withdrawing of the Appeal from the decree of this Court which was in favor of the Complainant, causes the said decree to be in full force & as they are informed whether the said Dupre is fully satisfied, they therefore pray that the order for the Defendant to receive the said sum of Pgs. 502.14.35. may be read, and till the next Court Day, that they

The Court taking the said Prayer into consideration, do agree that if the Demurrer be lodged within four days from the service of the Summons, that the same shall be receivd.

Philippus Charriman, by revival of the Decd. Father Severine

Cons.

Aviat Sroze,

Mr. John Maxwell Shee, Attorney for the Complainant prays leave to withdraw the Surrejoinder filed in this Suit.

Mr. John Palmer, Attorney for the Defendant acquaints the Court that he consents to the Complainants having permission to withdraw the Surrejoinder, & accordingly Prays leave to withdraw the Rebutter.

Both which Prayers are granted.

Ignatius Jarrett,

Mr. Alderman Burman goes off the Bench.

Edward Burman,

Cons.

Pundamallee Chuddeapah

The Register acquaints the Court, that agreeable to an Order of the last Court day he had intimated to Tyanaiguem Mordelaire the Proposal made by the Complainant in this Suit, relating to him, the said Tyanaiguem Mordelaire making oath at Triplicane Pagoda to the justness of the Mortgage said to be granted to him by the Defendant, & that the said Tyanaiguem Mordelaire had refused to make oath thereto, in the manner proposed.

The said Tyanaiguem Mordelaire being in Court, he acquaints the Court, that he is willing to depart from his claim on the two hundred Pagodas, part of the money lodged by the Sheriff on Sale of the Defendant Pundamallee Chuddeapahs House, which was ordered to remain in the Sheriffs hands upon his the said Tyanaiguem Mordelaire laying claim thereto, on account of a Mortgage on the said House and prays that the Mortgage Deed left in Court may be returned to him, in order that he may make his demand on the Defendant Pundamallee Chuddeapah hereafter, when he shall be in a Capacity to pay what is due thereon.

Granted accordingly.

Mr. John Maxwell Shee, Attorney for the Complainant prays that an Order may issue to the Sheriff to deliver up the said sum of two hundred Pagodas detained in his hands by order of Court, on account of the Mortgage aforementioned, & that the said Tyanaiguem Mordelaire may pay all costs which have accrued by reason of the said detention.

Ordered accordingly.

Pundamallee

depending in this Court between the said David Lopez Fernandez & Samuel De Castro and the said John Walsh & Henry Vanbillart. Whereupon it is Agreed that General Bail shall now be received for the Defendant, & that the Consideration of his giving special Bail shall be deferd till the Termin next ensuing, since the Effects so aforesaid tho they should appear to belong to the present Defendant cannot be got out of the hands of the Sheriff, without the hands first passing an Order relating thereto, when the Complainant may have an opportunity to make such application to the Court concerning the same, as he shall think necessary.

Gerock Jacob

Vist.

Abdiah Saunder.

The Sheriff returns the Warrant of Execution issued against the Effects of the Defendant Endorsed, that the Defendant had no Goods or Chattels in his district whereby he could levy the debt & costs or any part thereof

Jacob Saml Hancock by his Attorney Brand Bruman.

Vist.

Mundelah Orage.

Mr Alderman Bruman goes off the Bench.

Mr John Maxwell Stone, Attorney for the Complainant produces a Certificate from the Register, that one month had Elapsed since the return of the Warrant of Inquisition issued against the defendants Effects & prays that a Decree may now pass.

Bill, with an Account Current annexed read.

It Appearing by the Records of this Court, that the Defendant was not to be found within the Jurisdiction of this Court & that sundry Effects of the Defendants were Sequestered by the Sheriff of this Place, & the time appointed by the Charter for the Defendants appearance being Elapsed. On due consideration had this Court doth think fit to order & decree & doth accordingly order & decree, that the Defendant shall pay unto the Complainant the sum & of one thousand six hundred & six Pagodas, twenty four fanams and twelve cash, being the Ballance of the Account Current annexed to the Complainants Bill, together with such interest after the rate of eight ℔ Cent ℔ Annum, as now is, or shall Accrue for become due thereon, until full Payment is made, Also all costs of this suit

Mr Alderman Bruman returns to the Seat

every expence that has accrued relative to the House, and thereby may save the Company being at any charge on that account. It is the Opinion of this Court that the Carpenters & Bricklayers Bills, should be paid out of the Corporation Cash, whereby a Ballance will remain of the Court Cash, to defray the necessary Expences of the Court, and Interest of the two Godowns it is imagined, will be a sufficient fund to keep the House in proper repair hereafter, & answer other incidental charges relative thereto.

It being remarkd that Copies of the monthly Accounts kept by the Court of the Money received from the President & Council, & the disbursements thereof, have not of late (as they were for some time) been sent to the President & Council in order to be laid before the East India Company. It is resolved for the satisfaction of the Company by whom the charges of the Court are born, in lieu of those Revenues which the Corporation gave up in the Year 1744 that a Copy of the monthly Accounts as read in Court the beginning of each Month, shall at the respective times when the Books of the Accomptant General are ballanced, agreable to an order of Court of the 31st of May last be delivered in to the President & Council to be by them transmitted to the Court of Directors —

Mr Alderman Bowman goes off the Bench.

Edward Bowman

Esqr

Pundamalla Chiddeypah

Mr John Maxwell Stone Attorney for the Complainant acquaints the Court that his Client has examind into the Mortgage deed of the House seizd by the Sheriff, to which Tyanaigum Moodelaire lays claim, & will give up the amount of the said Mortgage, provided the said Tyanaigum Moodelaire will make oath in the most solemn manner at Triplicane Pagoda as follows

"That he did pay unto the Defendant the sum of Pags 200 as mentiond in the "deed of Mortgage, at the time the said deed is dated & for that consideration, the said Mortgage deed was at that time executed

Ordered that the Register do inform the above Proposal to the said Tyanaigum Moodelaire, & if he is willing to take the oath above recited, that a Commission do issue directed to the Examiners of this Court, & to the Attorney for the Complainant to administer the said oath in the most solemn manner to the said Tyanaigum Moodelaire at Triplicane Pagoda, & that the said Commission be made returnable the next Court Day —

Mr Alderman Bowman returns to the Bench

Pogus Catchicke, &c. -v- Johannes Jaspar.

Vent.

Joannes Nazar,

Ordered that this Cause be Set down for hearing.

Ariat Sooze,

Vent.

Joannes Nazar,

Ordered that this Cause be Set down for hearing.

Pogus Valida Catchick,

Vent.

Tyaraugum Moodelaire,

It being late in the day, and one of the Members present, not hearing read over the Proceedings. It is Agreed that the hearing of this Cause be postponed till the next Court day.

Baal Guash,

Vent.

David Bannie,

Mr. John Palmer, Attorney for the Complainant acquaints the Court, that his late Client Baalguash, departed this Life some time ago, and Prays on behalf of Guiapah, Son of the late Complainant, now in Court, that the Suit may be withdrawn.

Granted accordingly, with the consent of the Defendants Attorney.

Adjourned till Friday the 27th Instant.

Ordered that Pchose Jacob the other Referee on the part of the Defendant; do take the above prescribed oath before the Court, or one of the Judges thereof
The Court taking notice that the Translate of the said Referees Report is very incorrect with regard to the Language. Ordered therefore that the Attornies do get the said Report properly translated & attested, that the same as well as the Original may be annexed with the Proceedings in these suits

Robert Cummings,
Vers.
Venkaty Chetnak,

A Note from the Examiner to the Registry read, desiring him to acquaint the Court, that Gurlum Vengayah, Morliah Pavenimaar, & Japah Chetty, three Witnesses who were to have been Examined on the part of the Complainant, had not appeared before him, two of them not being to be found. & the third confined by sickness.
Further day is given the Parties till the 21st Instant to examine Witnesses, on default of which Publication will pass in this cause.

Gooreh Jacob,
Vers.
Abdul Cauder,

A Minute made in this Cause the 16th Ultimo read.
Mr. John Palmer, Attorney for the Complainant acquaints the Court, that his Client has Examined the Title Deeds of the House sued by the Sheriff & which is claimed by one Codabundoo, and being Satisfied of how the said Codabundoo right to the said House, therefore prays that an Order may be sent to the Sheriff to take off his seals therefrom.
Ordered that the seals affixed by the Sheriff on the said House be taken off and that the said Codabundoo be restored to the quiet possession of the same and that all costs, which have accrued by reason of the Seizure & detention of the Premises be paid by the said Gooreh Jacob, and it is likewise Ordered that the Title deeds of the said House, which were delivered into the Registers Office for the Satisfaction of the Complainant, be returned to the said Codabundoo.

William Anderson,
Vers.
James Galloway,

Mr. John Palmer, Attorney for the Complainant prays that the original Note of hand filed with the Bill of Complaint may be delivered back.
Which is not complied with, as the said Note of hand is annexed to & filed with the Bill

F

Vitoriano D' Abreyda

Vs.

Avenegadala Ravoor Virapatchy.

Warrant of Arrest returned Non Est Inventus.

Mr. John Palmer, Attorney for the Complainant prays that another Warrant of Arrest may issue & that the same may be made returnable in fourteen days. Granted accordingly.

Thaddeus Aga Poorly

Vs.

John Welch, and Henry Vanbittart.

Summons returned Non Est Inventus against John Welch, and against Henry Vanbittart served.

Mr. Archdale Palmer, one of the Attornies of this Court appears as Attorney for the Defendant Henry Vanbittart in his own behalf, & as the Substitute of John Welch.

Thaddeus Aga Poorly

Vs.

Ravoor Virapa Chitlee.

Mr. Archdale Palmer, one of the Attornies of this Court, appears for the Defendant Ravoor Virapa Chitlee by his Substitute Mootah Chitlee, and offers to the Court a Demurrer, and prays that the Warrant of Sequestration issued against the Defendants Effects may be superseded.

Mr. John Palmer, Attorney for the Complainant prays that the said Demurrer may not be received, as a Sequestration has stood out against the Defendant, ever since the 11th. day of October last, and therefore prays that the Defendant may be obliged to give special Bail to the suit, in that the Sequestration may still remain in force.

The Attorney for the Defendant alledges that the Defendant being within the Jurisdiction of this Court, was not served with the Summons to appear, & therefore he was not in contempt, but only subject to the Sequestration of his Effects, till he should appear, & he did so in six months, & the Attorney apprehends, that the Defendant has a right now on the day of appearance to file his Demurrer, & be relieved from the Sequestration, without giving special Bail, before the Demurrer is argued.

Ordered that the Demurrer be read.

Demurrer reads. And it is agreed that the consideration, whether or not the Defendant should be obliged to give special Bail to the suit, in order that the Sequestration may

Prays that the Record thereof may now be read & heard.
The said Attorney being asked, why he did not deliver in a Copy of the Records of the said Translate, as an Exhibit in the present suit, acquaints this Court that he was not employd in the former suit & knew nothing of the said Exhibit till just now he met with it, on perusal of the Records in the former suit
Mr. John Palmer, Attorney for the Original Complainant having likewise upon reference to the Records of the former Suit, discovered two Depositions of Witnesses, which he conceives will be of service to this Present suit, by inserting the aforesaid Translate, he accordingly prays that the Record thereof may be read.
With the consent of the Attornies on both sides, Agreed that the Records of the said Translate, & of the said two Depositions shall be read as Proofs in the present Suit, seeing that they are Records of this Court, & cannot therefore be any ways spurious Evidence, altho it would have been more regular, had the Attorneys delivered in copys of the same, as Exhibits with the present Proceedings, &c.
It is now ordered that Copys thereof be annexed to the Proceedings in this suit and filed therewith.
The Record of a Translate of an Agreement between the Original Complainant and Gulam Hussain, read.
The Record of two Depositions of Annagoppellah & Ramiah taken in Court the 9th day of April 1754, read.
These Causes coming on to be heard and debated this day, in the presence of the Parties, & the Attornies on both sides. On hearing the Original Bill of Complaint, with an Account Current annexed thereto, & Account Current annexed, the Replication, & Rejoinder, the Brief Bill of Complaint, the Answer, Replication, & Rejoinder, the Interrogatories on Behalf of the Original Complainant, & one Deposition taken thereunto, for Exhibits on the part of the Original Complainant, together with the Records of a Translate of an Agreement between the Original Complainant & Gulam Hussain, & of two Depositions taken in Court the 9th day of April 1754. On hearing the several Readings made use of by the Attorneys, and on due consideration had thereon, This Court are unanimously of opinion, that the Original Complainant has not brought sufficient proofs to support his claim, there being only the Testimony of one Witness, a Servant of the Original Complainants, produced to shew in opposition to the Defendants oath, that the Original Defendant became Security for Gulam Hussain, & the Deposition of that Witness, carrying on the face of it, that the Original Defendant's Engagement, if he really entered into any, was to be answerable only for

therefore desired the Serjt to acquaint the Court of his Attach, & to beg to be excused attending, and says, that Sickness has been really the Cause of his absenting himself lately from the Court, for which he generally made an Excuse.

The Court considering that Sickness appears to have prevented the said John De Frieze, from having given that due attendance, which his Office requires, and as his Misconduct in not coming to the Court, when sent for, may in some measure admit of the same acknowledgment, Do agree, that he be only reprimanded for the same, And

He is accordingly reprimanded by the Mayor, & ordered always in future to make his Excuse to this Court, when he is so much indisposed, as not to be able to attend it.

He begs pardon of the Court, & promises never to incur the like displeasure in future.

Victoriano D'Utayda,
Esqr.
Avonegadala Ravaneyah,
Warrant of Arrest returnd, Non Est Inventus
Mr. John Palmer, Attorney for the Complainant prays that another Warrant may issue.
Granted.
John Davidson, Administrator to the Goods Chattels & Credits of John Smith Deceased.
Debt.
Pedro Lang,
Summons returnd served.
The Defendant appears, by his Attorney Mr. John Maxwell Stone.
An Order made the last Court day for summoning a full Court to be held this day for taking into consideration the Proposal of the Sheriff, with regard to his appointing Mr. John Maxwell Stone, one of the Attornies of this Court, his Deputy for the ensuing Year read
The Court taking the same into consideration, are unanimously of opinion, that the said Mr. John Maxwell Stone, being one of the Attornies of this Court, cannot be permitted to act at the same time in the capacity of Deputy Sheriff, as it would be contrary to Statute the 1st of Henry the 5th Cap. 4th.
Solomon Franco
&c.
Fonseca Frijs de Mello
Further day is given the Defendant till 25th Instant to answer the Complainants Bill

Ordered that they be summoned to appear before this Court on the 17th Instant, to Shew Cause for their Neglect in not bringing their Report this day, & likewise that they do deliver in their said Report at that time.

Philippus Aga Berry of Madras Armenian Merchant, Administrator to the Goods, Chattels, and Credits of Miguel Paulo, applies & prays the Court to grant him an Order for the sum of Two thousand, four hundred & thirty eight Pagodas, Thirteen fanams & fifty five Cash pas 38. 12. 55/ deposited by the Reverend Father Severini on the 25th day of November 1753, on account of the Estate of the said Miguel Paulo Deceased.

Ordered accordingly—

Samuel Frostbacke,

Vers.

Emanuel Mendelaine,

Et Contra,

Ordered peremptorily that this cause be heard the 17th Instant,

There being but four Members present Agreed to defer the consideration of the Proposal made by the Sheriff, relating to his appointing Mr. John Maxwell Stone, one of the Attorneys of this Court, to be Deputy Sheriff for the ensuing Year, till the 17th Instant when a full Court is Ordered to be summoned.

Proceedings in Petty Causes

John Peter Pasmire

Vers.

Domingos Gomez,

Answer read and filed,

John De Freitz the Portuguese Interpretor, not being in Court to Interpret the oath to the Defendant to the truth of his Answer, One of the Serjeants of the Court is sent to require his attendance, & the oath is in the mean time read over out of the Book of oaths in the Portuguese Language & Administred to the Defendant (the Court being assisted therein by Mr. Robert Mackay who understands that tongue) The Serjeant being returned, acquaints the Court that the said John De Freitz is at the House of Mr. Henry Vansittart (whom the said John De Freitz serves in the capacity of a Writer) & desires to be Excused attending the Court this day, as he is very much Indisposed.

Ordered that the Serjeant do go & acquaint the said John De Freitz the Portuguese Interpreter that

At a Court held at the Town Hall on Friday
the 13th day of January, Anno Domini 1758.—

Present
Samuel Ardley Esquire Mayor, George Mackay, James
Alexander, and Charles Turner, Aldermen.—

John Davidson, Administrator to the Goods, Chattels, & Credits of John Smith Deced
Vers.
Rose Lang.
Summons returnd served.
The Defendant does not appear.
To be Summoned again.

Charles D. Alleyde,
Vers.
Mottak,
Summons returnd served.
The Defendant appears.
Mr. John Palmer, Attorney for the Complainant, prays that the Defendant may
Give Bail.
Verdachelum & Mannapah of Madras Merchants, become Bail for the punctual
appearances of the Defendant to answer all costs & damages taken and
acknowledged.

Victoriano D. Alleyde,
Vers.
Avenagadala Rawnayah.
Summons returnd served,
The Defendant does not appear.
Mr. John Palmer, Attorney for the Complainant prays Rule Warrant of Arrest may
issue.
Ordered Rule Warrant of Arrest do issue, the oath of Humphry Durand Mariner having
been that he Summoned the Defendant by leaving Notice in Writing at his House.

Pogus Valeda Catchick,
Vers.
Tyanaigum Mardelaire,
Ordered that the Cause come on to be heard the 17th Instant.

the acquaints the Court that he received the said Warrant from the said George Stratton Esq.r with several other Writs together with a Letter, which he produced & read, setting forth (among other things) that he sends him (Mr. Edwards) the following Writs,

"A Warrant of Execution against the Effects of Rapsoonjee Chuttoo, at the suit of David Lopez, Fernandez & Samuel Delmahe—

"A Warrant of Execution against the Effects of Seevanah Chuttoo, at the suit of "Richard Starke—

"A Warrant of Execution against the Effects of Abdul Cawder, at the suit of "Jacob Jacob—

It appearing that George Stratton Esq.r the late Sheriff has acted contrary to the Standing Order of this Court which directs "That every Sheriff shall, upon the "Resignation of his Office, deliver over to the succeeding Sheriff, by Indenture and "Schedule, all the Prisoners in his Custody by order of this Court, as also all the "Writs which remain unexecuted, for which the new Sheriff is to Give a discharge "to the old Sheriff, and that the said Instruments be filed in this Court" and being otherwise irregular, in having delivered to the new Sheriff Writs which he the late Sheriff had Executed,

It is therefore Ordered that the said George Stratton Esq.r be summoned to appear before this Court on Friday the 13th Instant, to shew cause for his having acted in such manner.

Aviat Nazar & Catchick Gregory Executors to the Last Will & Testament of Mirza Cazim Deceased

Vers.

Stratton Bradraw,

& C Contra,

The Clerk of the Court of Appeals to return the Proceedings in these Causes, together with the Decree of the Court of Appeals passed therein.

Gereech Jacob,

Versus

Meer Basheer

The Clerk of the Court of Appeals to return the Proceedings in this Cause, together with the Decree of the Court of Appeals passed therein.

The Seat of Mr. John Smith, late an Alderman & Judge of this Court, being become Vacant by Resignation, Ordered that the Register do write a Letter to the President & Council, informing them of, that the Vacancy may be filled up.

William Anderson,
Vers.
James Gallaway,
Withdrawn,
George Stratton,
Vers.
Trevingatan,
Withdrawn
Lallecunda,
Vers.
Isabella Contesfre,
Withdrawn,
Mr. John Palmer, Attorney for the Defendant prays that the Original Mortgage Obligation, lately delivered into Court for the perusal of the Complainant, may be returned to the Defendant, a Translate thereof being annexed to the Answer, Granted accordingly-
Laldofs,
Vers.
Isabella Contesfre,
Withdrawn,
Mr. John Palmer, Attorney for the Defendant prays that the Original Mortgage Obligation, lately delivered into Court for the perusal of the Complainant, may be returned to the Defendant, a Translate thereof being annexed to the Answer, Granted accordingly.
Pundamulla Chuckerapa
Vers.
Edward Burrows,
Mr. John Palmer, Attorney for the Complainant prays leave to withdraw the Bill of Complaint, in order to amend the same;
Which is Granted, with the consent of the Defendants Attorney, the Complainant paying the costs of such amendment.
Bill amended read and filed,
Answer read and filed,
Salomon Francis
Vers.
Joaham Joze De Mello
Pay[illegible] amended Bill