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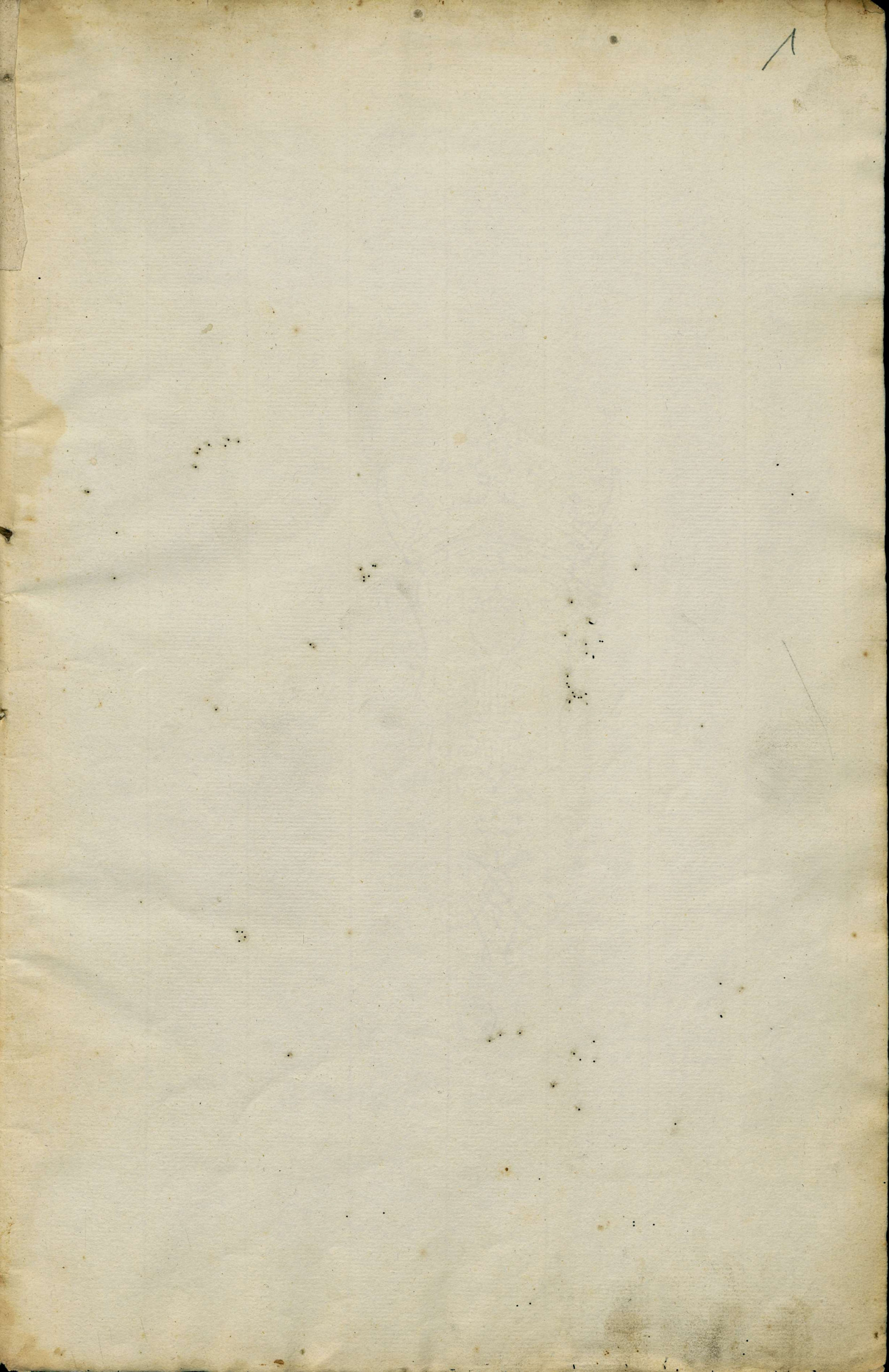
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# Regulations for the administration of Justice in the Provincial Courts of Adawlut, and in the Court of Appeals in the Province of Mallabar.

1<sup>st</sup>  
That the Office of Judges of the Provincial Courts (being those under the Superintendents) be respectively held by that person who hath, or shall hereafter have, the charge of the revenue in each respective place with the exception of the Court now established in the Capital City of Calicut which is to continue independent of any Superintendency for the decision of all causes originating within the limits of the said City and District thereunto annexed.

2<sup>d</sup>  
That every person appointed a Judge of any Provincial Court before he shall enter upon the execution of his Office, do before the Governor in Council of Bombay or such person as shall by the Governor in Council be deputed to administer the same or the Supervisor and Chief Magistrate of the Province of Mallabar, take and subscribe an Oath in the following words.

Oath to be taken  
by the Judges

"I do swear that I will administer  
Justice to the best of my ability, knowledge, and judgment without fear, favor, promise or hope of reward, and that I will not receive directly or indirectly any present or muzzee, either in money or effects of any kind, from any party in any cause, or from any person whatsoever, on account of any suit to be instituted, or which may be depending or have been decided in the Court of Adawlut under my jurisdiction, nor will I knowingly permit any person or persons under my authority, or in my immediate service to receive directly or indirectly any



"present or fugitive either in money or in effects of  
 "of any kind from any party in any cause or from any  
 "person whatsoever, on account of any suit to be instituted  
 "which may be depending, or have been decided in the  
 "Court of Adawlat under my jurisdiction and that  
 "I will render a true and faithful account of all  
 "sums received as deposits on causes and fees of Court,  
 "and of all expenditures."

3.

Native Officers  
 to be appointed  
 and removable  
 by the Judges,  
 subject to the app-  
 robation and  
 Confirmation of  
 the Chief Magis-  
 trate

That the Judges of the Provincial Courts  
 respectively, may appoint the native Officers, Peons,  
 and other servants thereof, conformably to their respec-  
 tive establishments, and may from time to time,  
 remove such Officers; and may from time to time,  
 when any vacancy shall happen, appoint any  
 other person duly qualified, to the Office which  
 shall become vacant, Provided, and it is hereby  
 ordered, that an exact register of the names  
 and departments of all such Officers be trans-  
 mitted to the Chief Magistrate, in his separate  
 capacity as Judge of the Court of Appeals, and  
 that his approbation be obtained of their respec-  
 tive nominations, and when vacancies shall  
 happen either by death, or resignation, or removal  
 of any such Officers the same with the dates and  
 circumstances thereof, be also reported to the Chief  
 Magistrate, who, if such removal shall appear  
 to have been made without just and sufficient  
 cause, may order such person or persons to be  
 reinstated, in his or their Department, or other-  
 wise confirm the same, after which the filling  
 up of the vacancy shall be subject to his appro-

The Judge to take personal obligations  
 & security from his officers for their  
 good behaviour

And the Judge is hereby required to exact Mochul Kagon  
 personal obligations, from all his Officers for their  
 good behaviour, and integrity in discharge of  
 their



their respective functions equal to one year's amount of their respective allowances, the originals of all which obligations are to accompany the register of their nomination, when submitted to the Chief Magistrate for his approval, and shall remain and be filed on record in his Court and their amount to be recoverable, and shall be strictly realized from any of the parties incurring the penalty by judgment of the Judge in his Court of Adawlut, liable to appeal if the party be dissatisfied, in like manner with other causes, with however this special exception in the mode of trying this class of causes (viz. those founded on the penal obligations, and securities to be given and entered into by the native officers) that the Chief Magistrate may at origine in his discretion bring all such causes directly before his own tribunal, and first instance hear, try, and decide on them in the first instance before the Chief reserving to the party thus tried, the same benefit of Appeal to the Governor in Council of Bombay, as herein after provided for causes in general.

14<sup>th</sup>

Oath to be taken  
by the Register  
and native  
officers—

That the Register, and native Officers do take and subscribe in open Court before the Judge of the Provincial Court of Adawlut to which they belong the following Oath.

"I will truly and faithfully perform  
"the Office of— of this Court, according to the best  
"of my knowledge, and ability, and I will not  
"receive directly or indirectly any present or  
"suzer, either in money or in effects of any kind,  
"from any party in any cause, or from any per-  
"son whatsoever, on account of any suit to be in-  
"stituted, or which may be depending or have been  
"decided in the Court of Adawlut in which I am  
"and that the Pandits do take the following Oath,

(or



4)  
"or if to take an oath be contrary to their principles)  
"that they do make and subscribe the following declara-  
"tion "I will faithfully execute the office and trust  
"of a Pundit in this Court, on questions put to me  
"in writing, or by word of mouth, in the said Court, or  
"any Judge thereof; what is in the Shaster or what  
"are the Malabar established Customs I will declare  
"or give in writing: I will declare nothing not  
"warranted by the Shaster or by such established  
"customs if I declare any thing not warranted by  
"the Shaster or by such established Customs, or by  
"such established Customs, or shall omit clearly to  
"point out the distinction that exist in practice  
"between the one and the other I shall be dis-  
"ring of punishment from Esbur, and  
"I promise and swear not to accept of any  
"Consideration in money, or otherwise for any  
"opinion or declaration of the Law I may  
"deliver as Pundit of this Court."

5<sup>th</sup>

Duties of the  
Register and  
Daroghas—

That it be the duty of the  
Register in each Provincial Court of Adawlut, to  
assist the Judge thereof by making translations  
of such papers as the Judge may require to be  
translated, and to do all other official acts which  
may be prescribed to him by the said  
Judge. That the Judge be authorized to empo-  
wer the Register to hear and receive evidence  
in any cause, and to pass sentence in causes  
where the value contested shall not exceed the  
sum of sixty four Ruons, or two hundred Ruppes,  
or if the suit be for land, where the public  
Government rent thereof shall not exceed  
sixty four Ruons per annum all such acts  
to be performed in open Court on extra days,  
when the Judge shall not sit himself; and such

decrees



decrees to be signed by the Register, and counter signed by the Judge as a mark of his approbation without which such decree shall not be valid. That the darogha of each Court do, after the rising of the Court procure all acts of the Court to be executed, and do assist the Register in arranging and keeping the records, muniments, and papers of the Court; but that he do not in any other manner, on any pretence whatsoever, publicly, or privately interfere in any cause, matter, or thing depending before the Court, or which may be intended to be brought before the Court. That the Judge of every Court, may allot and assign to the respective Officers of the Court, the particular business which shall be respectively done, and performed by such Officers.

6<sup>th</sup>

Powers vested  
in the Provincial  
Courts to frame  
and propose  
standing  
orders.

That the Provincial Courts of Adawlut, respectively, shall have full power, and authority to frame and make standing rules and orders of practice for the administration of Justice, so that the same be not used in the said Courts, until they have been transmitted to the Chief Magistrate in his Court of appeals, under the official seal and signature of the Judge of the Court, in which they shall have been framed and have upon transmission from the Chief Magistrate, been ratified, and approved where upon they shall become rules not only of the Court which framed the same, but of all the other Provincial Courts of Adawlut.

7<sup>th</sup>

Register's fees

That the following table of fees



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*Table of fees*

1.<sup>st</sup> For registering every decree where the cause of action does not exceed twenty Rupees to be levied on the sum decreed after the rate of . . . . .

2. Ditto not exceeding forty Rupers Sannas or one half  
D. Cent—}

3.<sup>d</sup> Ditto one hundred Rупers  
and all sums above that } 1 Rупer 60 Cent

These fees are to be paid to the Register by the party gaining the cause, but the Court shall oblige the party loosing his cause to reimburse him. And that for preventing all excepsive or under demands of fees, the Judges shall cause one copy of the foregoing table in the English & language, and a faithful translate thereof in the Malabar Tamool, and Kannary languages, & written in a fair and legible hand, to be affixed in some conspicuous place in the rooms where the said Courts shall be respectively held.

8th

That the provincial Courts of  
adawlut, respectively, shall have and use a  
seal, on which shall be cut in the Malabar  
language and Characters, the name of that Court to which it shall belong, which seal shall  
be and remain in the custody of the Judge thereof.

9<sup>th</sup>

That the Provincial Courts of  
adawlut, be respectively held in a large and  
convenient room or other apartment in  
that Town or place where the Judges thereof  
shall for the time being, whether at the seat

Seal for the  
Provincial  
Admiralty.

Where the Courts  
are to sit, and how  
to pass orders  
&c.



of the Superintendency, or otherwise within the limits thereof be resident, two days in every week and of tenor, if occasion shall require, and that no rule, order, proceeding, or decree of the said Court be made, but on Court days, and in open Court.

10<sup>th</sup>

Matters & cognizable in the adawlut.

That the matters cognizable in the Provincial Courts of adawlut be all disputes concerning property, without real, or personal, all causes of inheritance marriage or last, all claims concerning the right, and succession to the property in possession of, and inheritance to lands of whatsoever description, and denomination, or concerning disputes regarding the boundaries thereof, all matters relating to debts, accounts, contracts, mortgages, or partnership and so forth and in general all subjects of litigation being of a civil nature, and not concerning revenue.

11<sup>th</sup>

Regulations relative to Courts do, in every case where they may find it necessary to employ the Deons of the Court, furnish the said Deons so employed, with a writ or order under their respective official seals and signatures, expressing of the duty and purpose for which they are dispatched and do also issue public notice that any person acting without a warrant, shall be liable to punishment on complaint made to any of the Judges of the Provincial Courts, and the Judges are authorized to punish all offenders & in this behalf, by a fine, not exceeding two Deons, or imprisonment for a term, which shall not exceed ten days.

That the Judges of the Provincial Courts do, in every case where they may find it necessary to employ the Deons of the Court, furnish the said Deons so employed, with a writ or order under their respective official seals and signatures, expressing of the duty and purpose for which they are dispatched and do also issue public notice that any person acting without a warrant, shall be liable to punishment on complaint made to any of the Judges of the Provincial Courts, and the Judges are authorized to punish all offenders & in this behalf, by a fine, not exceeding two Deons, or imprisonment for a term, which shall not exceed ten days.

12<sup>th</sup>

Local jurisdiction of the Courts.

That the jurisdiction of the Provincial Courts of adawlut of which the

4a

Super



Superintendents are Judges have the same extent as their Superintendencies respectively.

13<sup>th</sup>

Penalty for  
commencing  
in a different  
Adawlut a  
second suit  
for the same  
cause of action.

That in every case where a suit has been instituted in one Provincial Court of Adawlut in which such suit is cognizable, it shall not be competent for any other Provincial Court of Adawlut to entertain any suit for the same cause of action and proof being made in any Court in which a second suit shall be commenced on the same cause of action that the prior suit has been instituted in such other Court for the same cause of action the Court in which the second suit shall have been brought shall dismiss the same with costs to be paid by the parties there suing.

14<sup>th</sup>

Disruption  
of revenue  
Causes which  
the Adawlut  
are not to  
interfere in

That the powers and authorities hereby given and delegated, do, in no wise extend to or be construed to extend to authorize any Provincial Court of Adawlut to entertain any suit or cause for any matter or thing directly or indirectly relating to the public revenue nor concerning any demand of Government on Landholders, Farmers, securities, collectors, or others employed in the collections, or in any wise responsible for the revenues, or any demands of Landholders, Farmers securities, & collectors, or others employed in the Collections, on their or under farmers securities, inferior landholders, and collectors, and others from whom rents or revenues have been immediately due nor any demands for rents or revenues on persons employed in the collection of them, officially, or hereditary in the different gradations down ward from Government to the Ryots, or immediate occupants of the soil, nor again in the same manner of any Ryots, and persons of any of the above mentioned denominations against the persons to whom they pay the revenues in the different gradations upwards for regular



gular, and undue exactions; (since all the above enumerated causes are to be heard tried and determined by the Superintendent in his revenue Butcherry, with the same regularity, form and regard to a strict and impartial administration of Justice, as is required for other causes not relating to the revenue) nor to confirm to any heir the succession to lands originally granted for the life of the incumbent, or on conditions which render the grant resumable by the Government; nor to give any decree in any suit, or decree relative concerning the succession, or inheritance to any to the right of land or house where there be more claimants than properly in one, who by the Hindoo or Mussulman law or the lands, without common or customary law of the Country, (respect including all being had to the religion of the Claimants, and to those who have the preparableness of the common law in each is an interest particular case, as herein after provided, and pointed thereon out, would be entitled to the same) except the same be by such decree adjudged to all the claimants in such proportions as they shall be entitled to by the law of that religion which the claimants profess—

15<sup>th</sup>

Term fixed for Causes being actionable Nor to authorize the Provincial Courts of Adawlut to hear, try and determine any suit whatsoever, except founded on mortgage or debt, against any persons, where the cause of action shall have arisen before the first day of the month Canny in the Malabar 963, or eleventh of September in the year of our Lord one thousand seven hundred and eighty seven unless the Complainant can prove to the satisfaction of the Court, that being a minor, he had been precluded from the means of applying for redress.

16<sup>th</sup>

Causes once determined not to be again heard Nor to hear, and entertain any cause, which from the production of a former decree, or from



Rates of Interest

from the records of the Court, shall appear to have been heard and determined by any former Judge, or Magistrate, or Superintendent, then having competent jurisdiction, nor to give any decree in any suit, by which any interest on any sum shall be given above or below the rate of 12 per Cent per Annum, unless where a lower rate of interest shall have been specified between the parties in all which cases such particular stipulations for lower interest to be of course adhered to.

Limitations

as to the matters be authorized, and be declared to have full power jurisdiction, and authority, to hear, try, and determine cognizable in all and every, the suit or suits, which have been or may point of time be commenced therein, for the several causes above and locality, be commenced therein, for the several causes above recited, where the land or house concerning which or the lien or interest of which, shall be in dispute, lie on, and in all other causes where the cause of action did or shall arise, or the defendant at the time the suit commenced did or shall reside as a fixed inhabitant in the Country district or place, over which the jurisdiction of such Court is herein afore declared to be extended.

18<sup>th</sup>

What every Complaint shall contain

That every Complaint which shall be presented to any Provincial Court of Adawlut shall state the matter of Complaint and if the same be concerning any land, or house not paying revenue shall state the annual produce thereof, and if the land or house pay revenue, the sum or annual revenue to Government; and if such Complaint be concerning any money or valuable thing, or concerning marriage or Cast, then the sum of money, or value of the thing demanded or the sum in which the plaintiff is damaged, together with the name of the person complained against, and the



the time when the cause of action accrued, and such complaint shall be signed by the complainant or his vakil properly authorized and shall be likewise signed, and numbered, and dated in the order which the same was received by the Judge of the Court, and shall be registered in a book by a Mohurris or Officer of the Court, whose particular duty it shall be to copy and register such complaints.

every Complainant to be registered by the Mohurris.

10<sup>th</sup>

Process to be obtained in the case.

That any person whatsoever by himself or his Vakiel may, for any of the causes, hereby made and declared to be cognizable by the Provincial Courts of Adawlut, prefer a complaint in writing to that Court, to which the cognizance of his cause shall belong, whereupon the said Court shall issue a Publick writ or summons to the defendant, which summons shall contain a short account of the nature of the demand contained in the complaint and shall require such person to appear at a certain time, in the Provincial Court of Adawlut, to make answer to the said complaint, which summons shall be served by the Nazir or his inferior minister, on the defendant if he can be found, and the Nazir or his inferior minister shall enforce obedience to the same, by compelling such defendant to appear: or the said Court may authorize the Nazir to take security, in such sum as the Court may direct, for the appearance of the defendant and the Nazir shall



return, on the day appointed in the summons the  
 summons with an indorsement thereon specifying  
 in what manner he hath executed the same, and if  
 the defendant shall appear, the Court shall, fix a  
 certain day, according to the discretion of the Court  
 for him to make answer, and may take good  
 and sufficient security, that the Defendant shall,  
 on the day fixed, make answer to such complaint,  
 and shall abide by and perform such order or decree  
 as by the Court shall be made in the cause and unless  
 the defendant shall find such good, and sufficient  
 security, he shall be committed to close custody, until  
 he shall have answered and performed the decree  
 of the Court, or given such security as aforesaid and  
 when the said defendant shall have made answer  
 to the complaint, the Plaintiff shall on the next  
 Court day reply to the same, but shall not be permit-  
 ted to introduce by his replication any matter  
 whatsoever, which was not contained in his bill  
 of Complaint, but shall either confess the answer  
 of the Defendant to be true or shall simply and  
 shortly deny the truth of such facts contained  
 therein, or the competency of the answer and the  
 Defendant shall on the same day, immediately  
 reply to the same but shall not be permitted to  
 introduce by his rejoinder, any matter not con-  
 tained in his answer, but shall simply deny  
 the truth of the replication of the Plaintiff,  
 such parts as he means to dispute, and aver  
 the truth, and competency of his own answer  
 and;



and no farther pleadings whatsoever shall be admitted in the cause, but if by mistake or inadvertence or any other cause the Plaintiff shall have omitted to insert in his complaint any thing material in the cause, on stating the same to the Court either by himself, or his Vallet, the Court may permit the Plaintiff to prefer a Supplemental Complaint & stating such matter, to which the defendant shall be at liberty to put in on a day to be fixed for that purpose, another answer, and the Plaintiff and Defendant shall reply and rejoinder in the same manner and no other as they shall have done in the original Complaint. And if the defendant shall in like manner, by mistake or inadvertence or any other cause, have omitted to insert in his answer, any thing material to his defence, on stating the same to the Court either by himself, or his Vallet, the Court may permit the defendant to put in an additional, or supplemental answer, to which the Plaintiff, and defendant may reply and rejoinder, in the same manner, and no other as they shall have done in the original answer, so that no more than one supplemental Complaint, or one supplemental answer be received by the Court. And when the rejoinder shall have been put in, and the several causes thereby be thus in issue, the Court shall immediately fix a day and shall on the day fixed, (eight days notice whereof shall be given to the



parties) or as soon after as the business of the Court will permit, examine the truth thereof by the oaths of the parties, if they mutually consent to the same; and of such witnesses as shall be produced by both parties, if such parties have any witnesses to produce, and for that purpose the Courts of Provincial Adawlut

Manner of summoning witnesses and of taking their evidence — may on the requisition of any Plaintiff or defendant, or their valied, issue a summons to such witness as the parties shall name not being a Mussulman or Hindoo woman of rank or quality, being such as according to the ideas and propensions of the natives of this Country, shall be found to render it improper to compel her to appear in an open Court of Justice) & specifying at whose request the summons shall have issued, and requesting them to appear in the Provincial Court of Adawlut on the day named in the summons, there to depose concerning the matters in the dispute between the parties and if such witness so summoned shall not attend on the day appointed, or attending shall refuse to give evidence, or to subscribe his deposition as is herein after required, the Judge of the Provincial Court of Adawlut may in that case, if it shall be proved to his satisfaction on Oath, that the witness was material to the cause, issue an order to the Nazir to seize, and bring such witness, not attending, before the Court, and shall and may inflict on such witness



witness, not having attended or refusing to give evidence, a fine not exceeding two Moons, and may commit such witness to close custody, until he shall consent to give his evidence, and sign his deposition in the cause, and if any witness shall in consequence of such summons appear, who shall have incurred any expence in consequence thereof, the Court may award to him such sum of money for the same, as the Court shall think reasonable, be the witness examined or not; and if the sum so awarded, shall not be paid immediately, or secured to the witness to the satisfaction of the Court, the party at whose requisition the witness was summoned (if such party and two credible witnesses shall not have taken the oath hereafter required in cases of poor persons not able to pay the deposit money, fees and Costs) shall not only loose the benefit of the said persons testimony, but shall be compelled to pay such witness the sum so awarded, and for that purpose after the decree shall be passed in the cause, shall by order of the Court be committed to close custody, until he shall have paid the same. And the Provincial Courts of adalut & are to be sworn shall administer to such parties so consenting to be examined on oath, and to such witnesses such oaths, as according to their different religions and persuasions, shall be deemed most binding on their consciences; provided that where any witness be of such rank Cast, or gen-



ality, that it may be, from the prejudices of the  
 Country, improper to administer an oath to them,  
 the Judge of the Court may dispense with their  
 being sworn, on their subscribing a declaration  
 to the following effect, to wit if the witness be  
 an Hindoo "I will faithfully answer such  
 "questions, as shall be put to me by the Court  
 "in the cause now before the Court according  
 "to the truth I will declare nothing not  
 "warranted by the truth, if I declare any  
 "thing not warranted by the truth I shall be  
 "deserving of punishment from Esur" and  
 "in case such witness be a Mussulman,  
 "I do sincerely promise and swear in the pre-  
 "sence of almighty God, that I will faith-  
 "fully, without partiality answer any ques-  
 "tion put to me by the Court, respecting the  
 "Cause now before the Court according to the tru-  
 "th - And the testimony and deposition of  
 such witness or witnesses so subscribing, shall  
 be read and received as good evidence in the cause,  
 and be filed and recorded in like manner as  
 if the witnesses had been sworn, and the Court  
 shall cause the deposition of every witness  
 to be subscribed by the witness with his or  
 her name or mark, and to be filed of record  
 and every exhibit or written evidence what-  
 soever (other than exhibits proved by such  
 absent witnesses as are herein after mentio-  
 ned) shall be produced in open Court at the  
 trial



trial and shall if disputed, be duly proved  
by the examination of witnesses sworn as aforesaid;  
whose depositions shall in like manner be reduced to  
writing and signed as aforesaid, and every exhibit  
marks of reference shall be marked with some letter or number to  
identify the same, and such letter or number shall  
be referred to in the deposition proving the same.  
And all exhibits proved by witnesses not present  
in the Court, as aforesaid, shall in like manner be  
marked, and referred to in the depositions proving to  
them; and shall be indorsed and minuted as being  
read at the time they are read in the Court. And in  
care of any witness being an Hindoo or musul-  
man woman of rank or quality, which according  
to the received ideas of the Country would make it  
improper to compel her to appear in an open Court  
of Justice; the Courts of Provincial Adawlut, are  
hereby authorized to depute or commission, three  
credible persons being women (such woman to  
being first sworn to execute the said commission  
faithfully, and truly) to administer either an o-  
ath, or such declaration, as is before required from  
persons of high rank, according to the discretion of the  
Judge, and the religion of the witness, and to examine  
such witness on written interrogatories delivered to the  
persons so deputed, by both parties, or their Vakils, if  
both parties shall desire to examine such witnesses.  
And in like manner if any witness or witnesses,  
whose depositions shall be necessary to the deter-  
mination of any cause, shall live, and read out

Exhibits to have  
marks of reference

Manner of  
taking the depo-  
sitions of a  
Hindoo or  
musulman  
woman, who  
cannot appear  
in open Court

Or of other wit-  
nesses examined  
by commission



of the jurisdiction of the Provincial Court of adawlut,  
 in which the suit is instituted, the Judge of the Provin-  
 cial Court of adawlut is hereby authorized, by letter  
 signed himself, and sealed with the seal of the Court  
 to request the Judge of the Provincial Court, in  
 whose jurisdiction, such witness or witnesses shall  
 live and reside to administer either on oath, or such  
 declaration, as is before required from persons of  
 high rank, according to the discretion of the Judge  
 who shall grant such Commission, and the religion  
 of the witness; and to examine such witness on  
 written interrogatories delivered or transmitted  
 to the Judge so deputed, by both the parties or their  
 Vakils, if both parties shall desire to examine  
 such witness, and the Judge to whom such letter is  
 directed, is hereby authorized, and required to examine  
 each witness named in such letter, according to the  
 requisition thereof, and the person so commissioned,  
 and the Judge to whom such letter shall be direc-  
 ted, shall return the depositions of such witnesses,  
 signed by such witnesses, to the Judge of the Court in  
 which the cause is depending, at the time required  
 by the Commission or letter, and such depositions  
 so taken shall be read and received as good evidence  
 in the cause, and be filed of record; and when  
 the parties shall have been heard, and all the  
 witnesses on both sides examined, the Judge shall  
 give judgement, and shall decree according to  
 justice and right, and where, in any judgement  
 of the Court, the defendants are unable from pove-



by to satisfy the amount, of the Claims which under the said Courts authority have been decreed against them, such Judge may award the payment thereof to be made by first bundle or instalment from the defendant, for the fulfilment of which instalment the Court is to take the best procurable security from the defendant and otherwise attend and enforce their execution as application may hereafter be made by the plaintiff. And if the interest on any loan has accumulated, so as to exceed the principal, may according to his discretion, on the review of the circumstances of the debtor, where the interest has accumulated so as to exceed the principal, reduce it to one half of the principal, or where the interest has exceeded a half of the principal, reduce it to a quarter, and shall order costs to be paid to the party in whose favor the decree shall be made, such costs having been first taxed by the Judge of the Court, and the Court shall cause the decree to be executed, in case any land or house be decreed to the plaintiff, by causing possession of the same to be delivered, and in case of any other property being decreed to the Plaintiff, by ordering the specific thing to be delivered, or by causing the value of the sum, or other thing decreed, to be levied by the sale of the lands, and houses, and of all other the effects either real or personal of the party against whom judgement shall have been given, by public auction or by attachment of the person, or where it shall be necessary both by sale of the effects,

costs to be taxed and paid by the party cast.

In what manner the Court shall cause the decree to be executed



and attachment of the persons

20<sup>th</sup>

That in all suits of a civil nature that are relative to succession inheritance, mortgages, loans, bonds, security, hire, wages, marriage, and cast and every other claim to personal or real right and property, the cause to be decided as far as shall depend on the point of law by that of the That law of the defendant; the laws of the Koran with respect to the Shaster and that of Mussulmans, and those of the Shaster with respect to the Koran to be severally followed in matters regarding Hindus and Mussulmans respectively, as applicable to each case in point, but that in cases of succession to landed property, the Judge do also ascertain whether they have been regulated by any general usage of the district, where the disputed land is situated, or by any particular usage of the family of the defendant and do consider in his decision the weight due to such evidence. Besides which in all cases whatsoever the Judge is to enquire and satisfy himself whether there be or be not, an unwritten, yet ascertained common law, (called in Hindostan Raj-ul-moolk, or customary rule of the Country,) and whether this rule be or be not usually applied to the decision of causes, such as the one depending, whether relating to the claims of an Hindoo or a Mussulman, when if the affirmative be found clearly



clearly to be the case, and that such customary law appear at the same time duly consistent with the principles of equity, it is after its particular application to the immediate subject of litigation, together with the above required grounds of preferring it (if they be found to exist) shall have been recorded, to operate to the exclusion so far, of the written and formal codes of the Hindoo and Mussulman law books, and treatises, as being more essentially, and nearly the rule to which the natives have become habituated.

21.<sup>th</sup>

Causés may be referred with the consent of the parties, to the Rajahs or to arbitrators.

That it shall be competent to the Judges of the Provincial Courts to refer causes (as far as shall be consistent with the free consent of the Parties) to the Rajah or Chief of the district in which the subject of litigation lies, provided the parties in view to the local distance, or other cause of convenience to themselves prefer that mode, or otherwise to arbitrators, to be freely chosen by the parties in either of which cases, the purport or substance of the Rajah's decision, or arbitrator's award, to stand recorded, and to be thereon carried into effect, provided always, that all decisions in civil causes, founded on letters of reference, granted at the choice of the parties, from the Judge to the native Rajahs, or principal Chiefs, be revisable, if either of the parties object thereto, by the Judge of the Court who is thereon as far to him appear necessary, to enquire, try, and decide on the merits of the

The Judge may reverse and alter the decisions of the Rajahs and Chiefs, but not the award of arbitrators.

cause



Cause, in the same manner, as is already pre-  
scribed for causes settled thro his own immediate  
investigation; but there shall be no revision  
of the awards of arbitrators, such being regularly  
delivered into Court in writing in consequence  
of the parties free choice, of the person, or persons,  
so awarding, to arbitrate between them; to  
ascertain in which free choice, alone of arbi-  
tration, or writing specifying the litigating  
parties submission of their cause, unto what  
arbitration shall prove the award of the arbitrators, to be  
taken by the Court in the first stage of the suit,  
and deposited as a voucher among the records.

22<sup>nd</sup>

Plaintiffs to

allow a person

substance to defend

defendants in close

custody,

That defendants confined until or  
they shall have entered into persons security, on  
the commencement of a cause as is required in  
the 19<sup>th</sup> Article, or have satisfied a decree passed  
against them on the termination of a suit, be  
(if in the opinion of the Judge their poverty  
require it) supplied with a sufficient daily  
allowance for their subsistence, thro the proper  
Officer of the Court by the plaintiff; in default  
of which, after the said plaintiff shall have been  
ineffectually required to make it, by the Courts  
written requisition, and warned of the consequen-  
ce of his refusal, the defendant to be released.

23<sup>rd</sup>

Pls no allowing  
Def's provision  
Def't in that case  
to be released

Manner of pro-

ceeding, when

the defendants

That if any defendant against or  
whom, a summons shall have issued, shall have  
absconded, or is not, after diligent search, to be  
found



abscond, or cannot  
be found.

found, and the Nazir shall have returned such  
reason for not having served the same, the Judge  
of the Court shall cause a writing in the Malabar,  
Tamil, or other current languages, to be  
stuck up in some conspicuous part of the  
room, in which the Court shall be held, which  
writing shall contain a copy of the summons,  
and a notice that if the party shall not appear  
on a day to be fixed (not less than ten days &  
from the time that the same shall be fixed up)  
the Court will, without farther notice process,  
or order, proceed to hear try, and determine the  
cause without the appearance, or answer of the  
defendant. And the Court shall order a copy of  
the said summons, and notice to be read and  
proclaimed by beat of drum, in the village  
in which the defendant last resided, on three  
several days within the time limited by such  
notice for the appearance, and the Nazir shall  
return such order with an endorsement stating  
at what times and place such proclamations  
were made, which shall be filed of record. and  
if such defendant on whom no summons  
can be served after such notice and procla-  
mation, shall not appear at the time limited  
Or shall refuse in such notice, or if any defendant having been  
served with such summons shall not appear  
or if having appeared, he shall refuse to give  
answer, or make other default, or shall admit  
the truth of the Plaintiff's bill of Complaint,  
the



Penalty for  
plaintiff not  
proceeding in  
their suits

The Court shall on examining the allegations of the plaintiff only, and the depositions of his witnesses, decree and give judgement in like manner as if the defendant had appeared, answered, and entered into proof and if the plaintiff shall at any time neglect to proceed in his cause for the space of six weeks the cause shall be dismissed, except the Plaintiff can shew good and sufficient reasons to the Court for his not proceeding therein and the Court may award to the Defendant such costs, as he may have incurred in such suit In case any defendant for whose appearance security shall have been taken, shall not appear or having appeared shall refuse to answer the Plaintiff may at his option, either institute a suit against such securities on their engagement, in which suit shall be recovered, that which shall be proved due from the defendant to the plaintiff; or proceed against the defendant in like manner as defendants may be proceeded against, who have been served with a summons, and who have not appeared or who have refused to give answer.

24<sup>th</sup>

That every process, rule, order or decree of the Provincial Courts of Adawlut (excepting the case hereby otherwise provided for) shall be immediately served or executed, without



without application to, or the interference of any person whatsoever, according to the requisition thereof, within the limits of each Judge's own local jurisdiction. Provided, that in every case where any Hindoo or Musselman woman, of a rank or quality, being such as, according to the ideas of the natives of this Country, shall be found to render it improper to compel her to appear in an open Court of Justice shall be defendant, it shall not be competent for any Judge to compel such defendant to appear and make answer, but he shall in lieu thereof issue a summons requiring such defendant to appear, by herself, or by her wakil, at a certain time to be specified in such summons, to make answer to the complaints and abide by such orders as shall be made in the course of the cause and such summons shall be delivered to the principal servant of such woman, and if such defendant shall appear by herself, or by her agent, the Court is to proceed to try the cause in the usual manner, or she shall not appear, the Judge shall in that case proceed, on examining the allegations of the plaintiff only, and the depositions of his witnesses, to give judgment in like manner as is provided for other persons not appearing, or making default in the mode already specified.



That the attendance of any persons as parties to any suit, who may be residing without the limits of the Court, shall be necessary, the Judge shall address the Chief magistrate or supervisor, to require the Judge in whose jurisdiction they reside to order their attendance, and he is directed to attend to such requisitions without further delay, and the same mode is also to be observed for procuring the attendance of witnesses residing without the jurisdiction of the Court, in cases where their personal examination in the Court where the cause is trying, shall be deemed necessary by the Judge thereof, notwithstanding what is contained on this point in the 19<sup>th</sup> Article.

26<sup>th</sup>

Mode of proceeding against the persons who resist the authority of the Courts—

That if any landholder or any other person shall resist or cause to be resisted, any process, order, rule or decree, which shall at any time issue from any Provincial Court of Ordanment, on proof thereof being made by Oath to the satisfaction of the Judge of that Court, the Court shall summon such landholder or other person to answer such charge, and if such person shall abscond, so that he cannot be served with such summons he shall be proceeded against in like manner, as other persons who absconded, so that they cannot be served with the process of the Court, as already pointed out in the 23<sup>rd</sup> article. and if such person shall refuse, or neglect to make



answer, or if after answer being given it shall be proved to the satisfaction of the Court that he is guilty of such charge, the Court shall award and decree, that such person being a land-holder, do from the time of the decree then made for his land, and every right and title he or his heirs may have in, or to the same, or if such person be not a land holder, may impose a fine on such person not exceeding five hundred rupees, and cause the same to be recovered by such ways and means, as sums decreed in any cause are to be recovered: reserving to such party to appeal to the Court of the Chief Magistrate; but in case he or she shall not appeal within the time hereafter limited for appeals then the Court which shall have pronounced the decree, shall immediately transmit to the Chief Magistrate a copy of the said decree, and of all proceedings therein, and the Chief Magistrate on consideration thereof, shall pass such further orders relative to the cause, either for confirming the decree or procuring further enquiry to be made by the Provincial Court, or in his own, as to him shall appear proper; and if his judgment shall be for confirming such decree, it shall be immediately carried into execution, by causing such land-holder to be provisionally ousted or expelled from the possession of such lands, subject to the Ultimate reversal Confirmation or alteration of the Governor in Council of Bombay, to whom the Chief Magistrate is hereby required within a term

subject in causes of forfeiture of land to the control of the Chief Magistrate and finally to the Governor in Council.



mode of transmiss-  
ing the proceedings  
in such cases  
to Bombay

not exceeding fourteen days from the date of his or  
confirmation of the decree of the Provincial Court,  
to transmit authentic copies of all the Proceedings  
held, and documents relative to the said cause, and he  
is thereon to request their final judgment, or further  
instruction, giving on this occasion timely previous  
notice of not less than ten days to the party, against  
whom the decree of expulsion has been passed, that  
he (the Chief magistrate) will receive and trans-  
mit with the proceedings to Bombay any represen-  
tations which the party ousted may wish to  
submit to that Government, which representation  
the Chief magistrate shall, if the party deliver it  
within the time prescribed cause without fail  
to accompany and make part of his dispatch  
aforesaid after which the party is to remain  
ousted, until the receipt of the answer from the  
Governor in Council at Bombay, in confirma-  
tion thereof or for making farther enquire, or  
readmitting the party to his lands, on such con-  
dition as they shall prescribe, which orders are  
to be obeyed accordingly.

27<sup>th</sup>

Cause book to be  
kept for regulat-  
ing the order  
of time in which  
they shall come  
on to be heard

That the Registers of the Provincial  
Courts do keep a separate cause book, in which  
shall be entered the several causes for the trial  
of which a day shall have been appointed by the  
Court, and shall on the day appointed, or as soon  
after as the business of the Court will permit, call  
on such causes for trial in the order in which  
they shall have been entered, and the Court shall

proceed



(29)

proceed to hear, try and determine the same as they shall be called, except there shall be some special reason to the contrary, and a paper containing a list of such causes, and the day appointed for their several trials shall be constantly affixed in some conspicuous part of the room where the Court shall be held.

28<sup>th</sup>

Rules for the de-  
putation of  
Ammeen-

Ammeen's form  
of their Oath.

That in case of disputed property regarding lands, houses, or the limits, boundaries or land-marks of the same, where a local investigation may be deemed proper, an Ammeen shall be appointed by the Court, who shall be sworn to make a true and faithful report to the Court, and that he will not take or receive from either party any gratuity or reward, other than such sum as shall be allowed him by the Court, which Ammeen shall at a day certain, to be named by the Court, make his report to the Court in writing subscribed with his name, which said report shall be received by the Court as evidence in the cause, with regard to the matters which the said Ammeen was commissioned to investigate, and no others. And the Court shall order (special care being taken that the expences are not unnecessarily incurred by the Ammeen, by delays, or other means) such sum to be paid to the Ammeen as may be deemed reasonable for his pains and trouble, and that such sum be added to the costs, and be paid by the person against whom the decree shall be made.



30

In what cases the

parties are to be disputed accounts, partnerships, debts, doubtful, desired to choose or contested bargains, non performance of contracts, which shall be instituted in the Provincial Courts of a district it shall be recommended to the parties to submit the decision of their causes to arbitration, the award of which shall become the decree of the Court and so that the parties be at liberty to choose the arbitrators who are to decide the cause without fee or reward.

And the Judge is hereby directed to afford every encouragement in his power to inhabitants of character, and credit to become arbitrators, but is not to employ any coercive means for that purpose, nor to permit any of his Officers of the Court not to be arbitrators in any cause; and that he do recommend, and as far as he can without compulsion prevail on the parties to submit to the arbitration of one person to be mutually agreed on by the parties.

Officers of the Court not to be arbitrators in any cause; and that he do recommend, and as far as he can without compulsion prevail on the parties to submit to the arbitration of one person to be mutually agreed on by the parties.

30<sup>th</sup>

Obligations to be entered into by or any person under whatever description, not being amenable to the jurisdiction of the Provincial Courts, shall institute a suit in any Provincial Court, against a person duly amenable to it, it shall be required that besides depositing the fee enjoined by the judicial regulations, he shall sign an instrument according

That whenever a British subject, being amenable to the jurisdiction of the Provincial Courts, shall institute a suit in any Provincial Court, against a person duly amenable to it, it shall be required that besides depositing the fee enjoined by the judicial regulations, he shall sign an instrument according



according to the form hereinafter recited, in the nature of a bond of arbitration, declaring himself subject to the jurisdiction of the Court for so much as shall relate to the suit in question, and bind himself to abide by the award or decree of the Court, in the same manner and to the same extent as the jurisdiction of the Court is valid against the defendant; and if such plaintiff shall refuse to execute such an instrument, the plaint shall not be received, nor filed.

Know all men by these presents that I  
of am held and firmly bound unto \_\_\_\_\_ of  
Esquire Judge of the Provincial Court  
of Caudicut at \_\_\_\_\_ in the Province of \_\_\_\_\_  
Mallabar in the sum of \_\_\_\_\_ to be  
payable to the said \_\_\_\_\_ his executors,  
administrators, or assigns, for which payment well  
and truly to be made, I do hereby bind myself,  
my heirs, executors and administrators firmly  
by these presents sealed with my seal, dated this  
\_\_\_\_\_ day of \_\_\_\_\_ in the year of Christ one thousand  
seven hundred and \_\_\_\_\_

Whereas the above bound  
hath on the day of the date hereof commenced  
an action, cause or suit in the said Provincial  
Court, before the said \_\_\_\_\_  
against \_\_\_\_\_

Now the condition of this obligation is such,  
that if the said \_\_\_\_\_ his heirs, executors,  
and administrators, and every of them do and  
shall on his and their parts and behalfs, in

Form of Obliga-  
-tion to be enter-  
-ed into by  
Persons not  
amenable to  
the Court



in all things well and truly stand to obey, abide, observe, perform, and fulfil, all such final & judgement, and judgements, order and orders, decrees and decrees, as shall or may be at any time given in the said action, cause, or suit, in the said Provincial Court of Adawlut at \_\_\_\_\_ and confirmed in appeal (if the same suit or cause shall be appealed) then this obligation to be void, or else to remain in full force and virtue.

Sealed and delivered

(where no stamp) in the

presence of \_\_\_\_\_

31<sup>st</sup>

No matter of

fact to be as-

-certained by

any other than

the Judge, but

points of law

to be reported

to him by the

Pundits and

monlaries -

respectively,

and the custom

or rule of the

Country by the

Canongos.

That no Judge of any Provincial

Court of Adawlut, shall upon any pretence what-

soever, cause to be made any report of any ma-

ters of fact, relating to any cause depending

before him, in order to the making of any decree,

by any Officer or officers, or by any other person

whatsoever other than in the cases specially-

mentioned by these regulations: nevertheless,

that it be competent to such Judge to refer

any question arising, on the Mussulman or Hin-

-doo law, or the customary rule of the Country,

to the Monlaries or Pundits, or Canongos of the

Court, respect being had to the law or custom in

which each is conversant; and that a stati-

-ment of facts on which the question shall

arise be made out in writing, signed by the

Judge of the Court, and be delivered to such

Monlary or Monlaries, Pundit or Pundits,

Canongos.



Canongo or Canongos for his or their opinion thereon, and a blank left for the answer, or answers of such Moulavy or Moulaveis, Pundit or Pundits & Canongo, or Canongos, to be written on the same & paper on which the question is stated, or on that or on a paper firmly annexed thereto immediately under, and following the same, and to be signed by, and with the name or names of such Moulavy or Moulaveis, Pundit or Pundits, Canongo or Canongos together with the date of the time & when such question, or questions was or were submitted to him or them, and when such answer, or answers shall be given.

32<sup>d</sup>

When arbitrators  
awards may be  
set aside.

That no award of any arbitrator, or arbitrators be set aside by any Provincial Court of admiral, except on full proof made by two credible witnesses that the arbitrator had been guilty of gross corruption or partiality, in the cause in which they had made their award.

33<sup>d</sup>

Punishment of  
Contempt.

That if any person or persons be guilty of any contempt to the Court in open Court, or of undue arrogations of the authority of the Provincial Courts or of illegal exertion of judicial authority in their own causes, the Court may immediately punish such person or persons by a fine or fines not exceeding sixty four Rupees or two hundred Rupees each and by holding such person or persons in custody till



34)

till such fine or fines shall be paid; due respect being had to the rank and circumstances of the person or persons thus offending in respect to the amount of the fines.

34<sup>th</sup>

mode of proceeding  
when witnesses  
are guilty of per-  
jury

That if any person be guilty of wilful and corrupt perjury, in any cause or matter depending in Court, the Court may immediately commit such person to the Gaol or criminal Court to be proceeded against according to law.

35<sup>th</sup>

or in cases of such  
vexatiousness, or  
otherwise unduly  
instituted

That where any person shall have commenced a suit, in any Provincial Court of Adawlut, and shall, pending that suit, or after any decree made therein, commence another suit in any other Court of Adawlut for the same cause, or if any person shall commence any suit in any Court of Adawlut, which shall appear to the Judge thereof, to be frivolous vexatious, and totally groundless, the suit shall not only be dismissed with such costs, as the Court may think proper to award, but such Plaintiff may be committed to close custody for a time not exceeding one month, or may be ordered to receive corporal punishment not exceeding twenty lashes according to the degree of the offence, and the persons situation in life.

36<sup>th</sup>

Deposits to be  
taken at the com-  
mencement of  
suits.

That no fee or commission or acc't of money recovered, or on the decision of causes, nor any



any other fine whatsoever, except such as are & allowed by these regulations, be received on any pretence whatsoever: and that a deposit of one per Cent shall be taken on every plaint filed at the commencement of a cause. That Judge keep a faithful account of the deposits paid & at the commencement of each cause, and of all fines imposed by the Court, and do transmit an account together with the amount thereof Monthly return to the Chief Magistrate at the expiration of of Deposits & fines every month.

37<sup>th</sup>

Regulation  
Concerning Paupers

That at the commencement of any suit, in any Provincial Court of Adawlut, if it shall be proved to the satisfaction of the Judge of the Court, in which the suit shall be commenced, by the oath of the Plaintiff and of two credible witnesses that they believe such oath to be true, that the Plaintiff is after all his just debts paid, not worth more than the sum of thirty two pounds or one hundred Repees, exclusive of the value of the deposit by these regulations required to be made, it shall be competent for the Judge of the Court in which the cause shall be instituted, in lieu thereof to accept either malganming, or security to the amount of such deposit, and of such costs and fees as the Court shall think likely to be incurred or hazinganming (personal security) to be respectively entered into by the



plaintiff, and two good and sufficient securities,  
 according to the description of the Judge that where  
 a bailzarning shall have been given the Judge  
 shall, if the suit be determined against the  
 Plaintiff, cause the amount of the deposit of the  
 fees, and of costs, to be paid to the Register of the  
 Court; and where a hazirgarning shall have  
 been given, and the Plaintiff shall have failed  
 in his suit, the Judge if he shall deem the suit  
 frivolous or vexatious and the Plaintiff shall  
 not pay the amount of the deposit of the fees, and  
 costs shall and is hereby authorized to commit  
 such plaintiff to close custody for any space  
 of time not exceeding three months; and if the  
 said two securities shall not produce such  
 plaintiff so that he may be produced  
 against as aforesaid, if such securities shall  
 not cause such deposit, fees, and costs to be  
 paid the Court shall, and is hereby authorized  
 to commit such securities to the Common  
 Jail for any space of time not exceeding  
 three months; and such Plaintiff who  
 shall have been so committed, shall after  
 he has been confined accordingly, be dischar-  
 ged and exonerated from the payment of  
 costs in like manner, as if the decree award-  
 ing the same had been fully satisfied by  
 the payment thereof; and if in such case  
 the decree be for the Plaintiff such sum  
 shall be added to the costs as is required to  
 be



(37)

be added, where the deposit is paid at the Commencement of the suit; and the Plaintiff shall, at the time the decree shall be carried into execution, pay such sum so added into the Court, to be accounted for as deposits are hereby ordered to be accounted for.

38<sup>th</sup>

No person to plead in  
any suit, excepting  
principal or Vakils  
duly constituted

That no Complaint be received from any other person, than the Plaintiff in any cause, nor any answer from any other person than the defendant, except such person shall produce, and cause to be filed of record, a vakalat namat or written authority, signed by the party for whom he appears and sealed with his seal in presence of two witnesses, constituting him Vakil of such party in the cause; and if he be on the part of the Plaintiff authorizing him to commence the suit; and if for the Defendant to defend; and unless the party executing the same shall thereby undertake to abide by, and confirm all such acts, matters and things which his vakil so constituted shall do or undertake in his behalf in the cause as if he had himself been present, and, and consenting and no act whatsoever shall be done or admitted, nor any person heard or sworn, in any stage of the cause, except the Plaintiff or defendant, or the person by



38)

them respectively in like manner authorized, nor until his vakeel's name shall have been filed of record—

39<sup>th</sup>

Summons to  
be written in the  
Country language  
— given

That every summons, or other process and every order whatsoever of the Court to be served or executed on any person whatsoever, be written or printed in the Challa, bar Tarnool, Keinnaree or other current languages, sealed with the seal of the Court and signed by the Judge thereof

40<sup>th</sup>

Certification to be  
made by the Judge  
in the case of his  
rejecting any  
written any  
evidence —

That if any written evidence be offered to any Provincial Court of adawlut, in any cause depending therein if the Court shall in their judgement think fit to reject the same, the Judge so rejecting such evidence shall endorse on the back thereof the word "Rejected," together with the name of the cause and of the party who offered to produce the same and the date of the time when the same shall be rejected, and shall enter a memorandum on the same or on a paper thereunto to be annexed, of his reason for not admitting the same in evidence, with his name subscribed thereto, and shall return the same so endorsed to the person who offered to produce the same in evidence—

41<sup>st</sup>



rules for drawing  
up, and delivering  
decrees.

That the Judge in every Provincial & Court of Adawlut, do in every decree recite the names of the witnesses on whose depositions, and the title of every exhibit read in such cause respectively, on which the decree of the Court shall be founded, and such decree shall be sealed with the seal of the Court, and signed by the Judge thereof in his own proper hand-writing, and dated on the day on which the same shall have been passed: and the said Judge, or the Register, either at the time of making the decree, or on a day of which the Court shall give notice to the parties or their Va Neels, shall, in open Court deliver or tender to each party, or their Va Neels, not exceeding ten days after the date of such decree or such of them as shall attend, a true copy of such decree, authenticated by the seal of the Court, and signed by the Judge thereof, with an endorsement thereon made by the Register, of the date when such copies were delivered, and an entry of such delivery or tender, with the date on which the same was made, shall be made by the Register on the margin of the record opposite to the decree and that the value of the thing decreed be in all cases specified with as much accuracy as possible, in such decrees to be delivered to the parties; that is to say if the subject of the decree be revenue land, that its annual Summa, or rental payable to Government be specified, and if rent free land its annual produce, and if house or houses or more personal property the worth thereof according to the nearest estimates



That in every Provincial Court of Adawlat a book be kept in which the daily Proceedings of each cause, and every order, and act of the Court shall be minuted, in the Mallabar, Tamool, or Cannary languages, and each day signed by the Judge of the Court; that the several complaints, answer, replication, and rejoinders of the parties and every deposition, exhibit, and paper whatsoever read, and filed in the cause, be referred to in such minutes by marks or numbers corresponding to marks or numbers which the Judge shall cause to be endorsed on the same, & when the same are read in the cause that complete records numbered in the order in which the causes shall be tried be kept in the Provincial Courts of Adawlat in the following form, that at the conclusion of every cause, the petition, answer, reply, and rejoinder, and other pleadings, and allegations, acts and defaults of the parties, depositions of witnesses exhibits, and all other evidence all orders of Court, and returns thereto, in the order in which they were made, the decree or Judgement and the return made specifying how the same hath been executed, and all proceedings whatsoever shall be written on a roll of strong paper, in the language in which the petition, answer other pleadings, depositions, or exhibits, shall originally and respectively have been made, so that every order, and act of the Court be uniformly entered in the Mallabar, or other Country or Coast language, and if the depositions or exhibits be in the English, or



or in any other than the Mallabar, Kernerary, or other Coast language, that such depositions or exhibits be entered in the language in which they were made or written, together with faithful translations of the same into the Mallabar language; and such record shall be authenticated by the seal of the Court, and signature of the Judge and countersigned by the head Moonshy, and be kept in this form by the Register of the Court, among the muniments of the Court, and shall be and remain a record of the Court, and any copy thereof authenticated by the seal of the Court, and signature of the Judge, and countersigned by the Darogha or head Moonshy, shall be deemed, and received as good evidence of such record in any Provincial Court of Adawlut.

43<sup>rd</sup>

abstract register of Proceedings to be transmitted to the Court of Appeals

That each Judge shall cause to be kept, an abstract register in the English language a summary account of his daily Proceedings, in each cause, containing the names of the Plaintiff and defendant, the substance of the cause and of the decree made therein, the date when the complaint was filed, and when the decree was passed, and delivered to the parties and shall transmit the same monthly to the Chief Magistrate in his Court of Appeals.

44<sup>th</sup>

rules for appealing in future to the Court of Appeals

That all persons considering themselves aggrieved by the decision of either of the Provincial Courts of Adawlut, may appeal to the Court of the Chief Magistrate by Petition of



appeal, so that every such Petition against any de-  
 cree of the Provincial Courts of Admiralty, be present-  
 ed to the said Court within in twenty days after  
 the day on which the decree was made; Provided  
 nevertheless, that such person may prefer his  
 petition of appeal to the Court of appeals if he  
 can shew just, and reasonable cause to the satis-  
 faction of the Court of appeals, for not having  
 preferred the same within the aforesaid period,  
 and if the Petition of appeal be against any  
 decree whereby the right of possession of any house  
 or land shall be decreed to the Plaintiff, all Pro-  
 ceedings shall immediately be stayed, and no  
 execution had or possession given under the  
 decree appealed against, until the said appeal  
 shall be finally determined in the Court of  
 appeals if the party against whom the decree  
 is given, will enter into good, and sufficient se-  
 curity, in a sum equal to one years value of the  
 rents issues, and profits of the land or house, &  
 which shall have been decreed, to abide, and  
 perform such order as shall be made in the Court  
 of appeals; but if such party shall neglect or  
 refuse to enter into such security, on or before the  
 Court day next after such appeal shall be pre-  
 sented, then the Provincial Court of Admiralty shall  
 order execution to be had, and possession to be  
 delivered according to the decree; and in all other  
 cases the Court may either order the decree to  
 be carried into execution, or that sufficient secu-  
 rity be given by the party, against whom the  
 decree



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decree shall be made in a sum equal to the sum of money, or the value of the thing decreed for the performance of the decree; and if the Court shall order the decree to be executed, security shall be taken from that party, in whose favor the decree is made in a sum equal to the sum of money or the value of the thing decreed, for the due performance of such order or decree as shall be made in the Court of appeals; and in all cases the party appealing shall besides give full and sufficient security, in a sum not exceeding one hundred and sixty rupees or five hundred Kupies for the payment of all such costs, and for the performance of such order or decree, as the Court of appeals may think proper to award or make thereupon and in every case, where any petition of appeal shall be presented in any Provincial Court of adawlut against any decree given in such Court, and such securities as are hereby required shall have been entered into, the Judge of such Provincial Court of adawlut shall immediately endorse on such Petition in his own handwriting, the day of the month and year, on which it was presented, and sign the same with his name, and shall likewise cause to be wrote in the margin of the record or immediately opposite to the decree of the Court appealed, and shall not hence forward, exact or receive any deposit on account of such appeal, but shall receive every petition of appeal without requiring any deposit, and transmit the same to the Court of appeals in like manner as if such deposit had been made, and the Judge shall cause notice in writing to be given to the appellants that he will within ten days, certify to the Court of appeals the several proceedings



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things had in the cause appealed and that if the appellant shall not proceed in his appeal within one month after the same shall have been received by, and filed in the Court of Appeals, his appeal will be dismissed unless he, the appellant, can shew reasonable cause to the satisfaction of the Court of Appeals for not proceeding therein.

45<sup>th</sup>

That the Judge of the Provincial Court of

Manner of transmitting the Proceedings in any Cause appealed to the Court of Appeals -

Adawlut shall within fifteen days next after the receipt of such appeal transmit to the Court of Appeals the petition of appeal, together with the original Complaint, answer, replication, and rejoinder of the parties, and the original depositions, exhibits, and every original paper read in the cause with translations of the same and shall, before he transmit the same cause true and faithful copies of all such originals authenticated by his own signature, and the seal of the Court, and by the signature of the Darogah, to be made out, and deposited in his Court in lieu of the originals, which copies shall be, and shall be esteemed records of the Court, and shall be received in evidence in any other Provincial Court of Adawlut.

46<sup>th</sup>

To obey the orders of the Court of Appeals -

That the Judges of the Provincial Courts do comply with, and execute all orders, rules and requisitions, whatsoever, as shall be enjoined to them respectively by the Court of Appeals.

47<sup>th</sup>

Private servants to have no influence -

That every Judge of every Provincial Court of Adawlut, do use his utmost care and attention to prevent the influence of his private servants



in any cause depending, or intended to be brought before the Court, and to prevent them from having any connection with the parties-

48<sup>th</sup>

how to be punis-  
hed for receiving  
money

That any servant, or dependant of the Judges of the Provincial Courts of Adawlut who shall receive any money, or other valuable consideration, on any pretence whatsoever directly, or indirectly, or from any party in any suit depending in any Court of Adawlut, shall be committed as for a contempt of the Court, and shall be punished by a fine equal to treble the sum of money received, or by imprisonment, or by corporal punishment, at the discretion of the Judge of the Court in which the offence shall have been committed; or of the Court of Appeals on a Complaint being preferred to the Chief Magistrate in his Court of Appeals, or otherwise at his discretion, as provided for in the latter part of the 3<sup>d</sup> Article; and the Judge of the Provincial Court of Adawlut, in which such offence shall be committed is hereby required and enjoined to discharge such servant, and never here after to employ him directly or indirectly, in any business whether public or private.

49<sup>th</sup>

Judges to make  
a circuit of the  
Country under  
their jurisdic-  
tion

That in view of more effectually administering justice to all Clases of inhabitants of the Country, it be, and is hereby declared, a rule binding on the Judges of the Provincial Courts, that from the 15<sup>th</sup> day of October to the 15<sup>th</sup> day of March, or longer at their discretion, they remain not at the head station of their respective Courts,



but proceed with their officers, and public servants, during all the fair months in question, on account, thro' the several parts of the districts, under their respective Jurisdictions, remaining in each for as long a period as the local business may require, in such manner as to pass thro all the principal parts of their respective jurisdictions, once in the space of each, or where that cannot be effected, of two seasons, to the end that their judicial influence, powers, and control may as speedily and effectually as possible be felt and understood to pervade every branch of the administration, so as to secure everyone in his just rights.

50<sup>th</sup>

The Judges to  
adhere to these  
regulations-

That the Judges of the respective Provincial Courts of Adawlut, are hereby strictly enjoined and commanded, in every act, matter, or thing by them to be done, strictly to adhere to these rules and regulations, and to all other rules of practice and standing orders for the administration of Justice which shall hereafter be transmitted to them from the Court of the Chief Magistrate, which is in future to be styled the Court of Appeals, under the seal and attestation of the said Court.

51<sup>st</sup>

That in all cases within the jurisdiction of the Provincial Courts of Adawlut for which no specific directions are hereby given, the respective judges thereof, do act according to justice, Equity, and good conscience.



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Last or 76<sup>th</sup> Article

That these regulations do commence and take place  
Date from which  
these regulations from the 1<sup>st</sup> day of July One thousand seven hundred  
are to take place Ninety three.

(Sig<sup>d</sup>) Jonath<sup>n</sup> Duncan

Will<sup>m</sup> Page

Chas<sup>r</sup> Boddam

Witness

12<sup>th</sup> June 1793







Extract from the Regulations for the conduct of  
Magistrates regarding the Police &c.<sup>a</sup> taken from the Calicut  
regulations framed on the 8<sup>th</sup> July 1793 by Jonathan<sup>m</sup> Duncan,  
W<sup>m</sup> Page Cha<sup>r</sup> Boddam & Alex<sup>r</sup> Dow.-

Article 4<sup>th</sup> The Duties of the Mufsty & the Moulana,  
Duties of the & of the Pundit & Namboory, consist in acting as assessors to the  
Mufsty now- Oerogha his enquiries in all trials that come before the said &  
-lawes & Brah- Foueday Court & 2<sup>ndly</sup> in pointing out, and delivering their written  
-mins of the Court as app<sup>r</sup> expositions of Law as applicable to each case to be drawn up  
-on & Exponen- from the ascertained state of facts, on each trial- & 3<sup>rdly</sup> in serving  
-ers of the Law & the Establis- also as assessors to the Civil Courts, at their respective stations,  
-hed Customs & as Exponen- of the respective Laws of each Religion, as well  
as well in this as of the particular Rules & Customs of each distinct Cast, to the  
Superior Law- Superintendents, or to the Head assistant of the Supervisor,  
-yday Court, (as the case may be) in their respective capacities of Judges of  
as in the Super- the said several Courts of Civil Jurisdiction, as established &  
-rior Civil Courts- under the 15<sup>th</sup> June 1793.-

General Dis- 10<sup>th</sup> The Duties of the respective Magistrates  
-cription of the are to consist in each within his own jurisdiction exerting  
Duties of these his best endeavours towards the general preservation of the &  
Superior Peace, throughout the same, and in using, as well all due preven-  
Magistrates- tive measures to that end, as by apprehending & bringing to  
Justice all who infringe on & break thro' it; such as murderers,  
Rebels, House breakers, Thieves, and all other Disturbers of the  
Publick Quiet.-

Engagements 11<sup>th</sup> The preventive measures to be taken by  
to be taken the Magistrates as aforesaid are to consist, first in the observ-  
from the -vance of what is already pointed out on this subject in the  
Landholders, 64<sup>th</sup> & 65<sup>th</sup> Art. of the Revenue Regulations passed on the 9<sup>th</sup>  
& how suscep- June  
-ed persons are to be



apprehended June 1793. 2<sup>nd</sup>ly in the said Magistrates taking from  
 each Landholder for the several local extents of their respec-  
 tive estates (as a requisite, & essential condition towards givi-  
 ng Validities to their respective Tenures, or to Governments  
 recognizing, or allowing of any settlement, that may be made  
 with them, either directly by the Officers of Governments  
 or thro' the Rajahs, or Superior Xavrs for their several pro-  
 portions of the Publick Revenue) an Engagement to be  
 witnessed by the Canongos, binding each of them for the  
 Extent of their own Telm, Tenu, or Teme (i.e. Tenure in  
 land) not on any account to harbour murderers, Robbers,  
 Rebels, Thieves, or other Disturbers of the Peace: but on the  
 contrary to give immediate notice of all such persons to  
 the nearest authority, or principal local officer on the  
 part of Government that is, to the next station of a Teh-  
 seildar or Collector either of the Revenues or Customs, or to the  
 nearest Subordinate or local native Judge (as directed to be  
 appointed by the Regulations of the 2<sup>nd</sup> July last) or (if more  
 contiguous) to either of the Judges, of the Superior Courts or  
 to the Canongos established in their respective Districts,  
 to the end that advice being dispatched from those inferior  
 to the said Delinquents (or persons charged to be such such) may  
 in the discretion of the Judges of the Superior Courts be therein  
 immediately apprehended, or where there shall be danger of  
 escape the said Collector, or local magistrate (the thieves, or  
 other disturbers of the peace, here referred to - being supposed  
 to be out of these latter subordinate magistrates Jurisdic-  
 tion, since, if within the same they will themselves  
 seize them, as a matter of course) may, if they think  
 they can prevent such escape, by immediately apprehending  
 the



the party, proceed to secure him, or their persons, accordingly, and having succeeded therein, they are to deliver them up to the Magistrate or to the nearest Foujedary Station, together with a Soomthaul, by which term is meant a report of the Case in writing containing such information, as may enable the Magistrate to satisfy himself, by sending for the proper witnesses, or otherwise, concerning the guilt of the Party, or Parties thus apprehended; whom it shall not be in the power of the native Officers apprehending them, either to discharge after having once apprehended, or to detain in Confinement without advising the Magistrate above 1, 2, or 3, or at most 4 (to be understood, & regulated according to the local distance from the seat of the Superior Magistrate) but the duty of such native officer, shall consist in his forwarding to the Superior Magistrate as aforesaid the earliest notice / not extending beyond the periods here limited, of all such apprehensions by him made, & in delivering up the parties in safe custody as speedily as may be in the manner & with the written information aforesaid, and when the Native Officer, or Officers aforesaid shall either think, the nature of the case, will admit of his sending previous notice, to the Superior Magistrate or shall deem his own & means unequal to the apprehending, of the Murderer, Rebel, Robber, Thief, or other Disturber of the peace as aforesaid, he is without delay to advise the Magistrate thereof, to the end that the latter / if he shall judge the case to require it / may dispatch a proper force to secure the party, or parties thus denounced to him.

Similar Engagem<sup>ts</sup>  
to be taken from  
the Keepers of all  
Signor Shops

12<sup>th</sup> The Superior Magistrates shall also take engagements from all sellers of Spirituous Liquors, within their respective districts, not to harbour any Murderers, Rebels Robbers, Thieves, Gamblers or other description of disorderly persons or Disturbers of the Peace, & binding them



Penalty to be them to give immediate notice of all such persons incurred by them to the Magistrate on pain (to be specified in their said for the Breach Engagements) that if they should harbour any such person or persons, their Liquor Shops, shall be immediately shut up & they themselves never again permitted to open, or keep any others; besides being subject to such further punishment, by fine, or Corporal punishment, within the limits hereafter prescribed in the 21<sup>st</sup> Art. for the discretion of the said Magistrates in all similar cases/as to the Magistrate shall seem meet.

13<sup>th</sup> A Clause or stipulation to the same purport as the engagement, to be taken from all Landholders/as off 11<sup>th</sup> Art. shall also be inserted in each Raja, Achin, Nambojar, or other Superior Landholders, Caboolah or Revenue Engagements/ to Government/ with whom any fixed stipulation is, or shall hereafter at any time be entered into binding such Rajah & to the payment of a certain revenue) for the extent in general of the Lands included in such engagement, which shall not however supersede the abovementioned rule for Magistrates taking similar or concurrent subordinate engagements from all the principal and other Landholders/including Temple & free Tenures) paying their revenues thro' such Rajah, so as that no part of the Country be at any time left without being included in, & falling under one of such particular, or local engagements; besides this eventual, or occasional general one, & which is to be taken from the Rajas, & when these latter are responsible for the payment to Government, of a fixed amount of Rental, arising out, & on account of their Districts respectively.

14<sup>th</sup> All such separate engagements from the several subordinate Landholders/as specified, & referred to in the 11<sup>th</sup> Art. /to contain a farther express condition, that if any of them shall be proved to act in contradiction to the terms, and true meaning, thereof they shall be

Penalties to be stipulated for the Landholders breach of their aforesaid engagements.



subject either to such fine, as the Superintendent, acting as Magistrate, shall with the concurrence of the Supervisor, as Chief Magistrate, think just, to exact; or in case to the repetition of such acts, or ever where the case shall in the 1<sup>st</sup> Instance be of a very atrocious nature, be liable to incur, & suffer entire dispossession, subject to the rules laid down for such cases in the 64<sup>th</sup> & 65<sup>th</sup> Art. of regulations already given in the Code for the Revenue Department.

Discretion to be

15<sup>th</sup> But as the insertion in the Rajas' own and in respect eventual or general engagements of the penal clause, or to the insertion stipulation as provided for in the last, or 14<sup>th</sup> Art. might of the above, prove offensive to their feelings, it is not to be required in the engagements, from them, (altho' the purpose & spirit thereof is to be in the engagements equally binding on them) unless in such cases where the Supervisor, as Chief Magistrate in concurrence with the Rajas, with the opinions of the other Magistrates respectively, shall be assured that the insertion thereof, would not occasion any material disgust, wherefore this point is left to their discretion, subject of course, should there be any difference of sentiment to the ultimate determination of the Chief Magistrate.

Measures for the  
Institution  
of the local  
subordinate town  
Courts of Cannanore  
more, Durgam,  
Trevangany,  
Panany Betuk  
Chetina  
& Paulghat.

16<sup>th</sup> That as far the charge of the Police, & the more full, & effectual diffusion of Justice in the Towns of Cannanore, & in the Township of Durgam, for that subordinate town & for Cotta, & at Trevangany & Panany, & in Betuk Courts of Cannanore & Chetina, there have by the Supplementary Regulations passed on 2<sup>nd</sup> July 1793 for the Civil administration of Justice, been appointed Couzees, or Mohammedan local magistrates, & to Paulghat, a Hindoo Judge for that, & the adjoining districts, to be each assisted by a Moulavis & Brahmins, learned in their several laws, & also in the Customs of their respective Casts, with suitable allowances, as provided for & particularized in the Separate regulations above referred to. It is for the purpose of these Landward & Police regulations, here declared that the duties of the said subordinate local

Magistrates



Magistracies, shall consist in maintaining / subject  
to the constant superintendence of, & appeals to the  
the limits, na- British Magistrate of their respective divisions / the  
-ture & extent of Place within, & throughout their respective Towns & Towns  
their respective ships, & Districts, & the limits, and precincts thereof with  
Jurisdiction authority, themselves to hear, & decide on all complaints, or  
in respect to prosecutions, brought before partly offences, such as abusive  
Case of Criminal Language, inconsiderable assaults, or slights affrays & to  
-nal Cognizance punish the same when proved by Corporal Chastisement,  
not exceeding 39 Lashes or imprisonment not exceeding  
25 Days. or by fine not exceeding 20 Rupees, & in all &  
Complaints & charges preferred to them, where either the  
Offence, shall be of so serious a nature, as by the Law of  
the Religion of the Defendant to require a heavier punis-  
-hment, than here limited, the said Judge, or / at Poulgha:  
What Causes -ut / Hindoo Judge do in all such cases send on the  
they are to send Plaintiff with a Letter from himself to the British Magis-  
up to the Superior trate, in whom he is dependant / by reason of such local  
or for Trial Courts being situated within such British Magistrates &  
Division of the Province / to the end, that such Complaints, or  
causes may be heard, tried, & decided on according to the  
Regulations for those Superior Courts.

19<sup>th</sup> The Appointment or Removal of  
Appointments all of these local Judges, as also of the officers annexed to their  
of local Judges & several Court Establishments, are to rest solely with the  
Officers, to be rev- Supervisor, in his Capacity of Chief Magistrate, but they are in-  
-de in the Chief the execution of their offices to be placed altogether under  
Magistrate - and subordinate to the Southern & Northern Superintendents,  
& whose duty it shall be, & they are hereby enjoined to report  
Mode of amiss to the Supervisor, every act, or instance of misconduct,  
-verting, or ev- or Corruption ascertained, or presumptive, or neglect of  
-quiring into their duty that may come to their knowledge, in respect to the  
Conduct, heads, or any of the Officers of these Subordinate Jurisdiction,  
& it shall become thereon the indispensable duty of the  
Supervisor in his Capacity of Chief Magistrate to make  
such enquiry into the merits of the Case, in the in-  
-stances



tances thus represented, or in any other that may come thro' any other Channel, to his knowledge, as may ascertain whether any of the said local Judges, or any of their officers, thus charged or complained against are culpable either of wilful misconduct, or neglect of Duty, in either of which Cases he is to proceed thereon as directed, in the 1<sup>st</sup> Art. of the Supplementary regulations passed on the 2<sup>nd</sup> July 1793.

British Magistrates, to decide in petty causes of a Criminal & Nature. Measure of punishment stripes, or Imprisonment not exceeding the term of which he is One Month, or by a fine, within the amount limited authorized to inflict.

21<sup>st</sup> It shall not however be necessary, nor is it expected, that the Magistrate is to refer trials to the Saryidary Court, for Petty Offences, against the Police, or otherwise, such as for abusive Language, or inconsiderable assaults, or petty Brawls or affrays; for in respect to all these, he is empowered & directed himself to enquire into, and decide on them (keeping a regular record of all his proceedings) & to punish the same, when proved by Corporal Chastisement, not exceeding 40 Whellans, or punishment stripes, or Imprisonment not exceeding the term of which he is One Month, or by a fine, within the amount limited & specified, in the next article; but that in all cases of Homicide, or of maiming, or of violent affrays, accompanied by Bloodshed, or of Robbery, Theft, or other material, & important breach of the peace, or being in any case such as would, if regularly & formally tried in the Saryidary Court, probably subject the said party, or parties to a greater degree of Punishment, or Penalty, than herein specified; the Trial of all such case, or cases be remitted, as above prescribed to the Criminal Court.

may dispose of the fine imposed in satisfaction to the Party injured.

22<sup>nd</sup> That in Cases where a fine shall be levied, on the Defendant as above allowed of, the whole, or such part thereof, as the Magistrate shall think fit may be by him awarded to the Plaintiff in satisfaction to him for the injuries or Damage, he may have sustained by the injurious act, by which he shall be proved to have suffered, & on the contrary, where the Complaint preferred, shall appear to be litigious vexatious, and groundless, the Magistrate is authorized to







of the persons apprehended, the date of apprehension & whether they have been remitted for Trial to the Native Panyidary or Criminal Court or punished by the Magistrates own Order in any of the modes above authorized, or acquitted and released.

26<sup>th</sup> The Superintendents & Senior Assistant are as Magistrates, to consider it as their the due trial first & most incumbent duty in preference of Cases of crime to all others to bring all matter relative to criminal matters persons apprehended by them to as speedy a re promissed determination as possible, so as to enable as the prisoners to decide within 3 or 4 Days at most, duty of the & after the apprehension of the party, or parties so in custody as much sooner as possible for their respective cases, as far as immediately depends on their own authority respectively, & that is, relative to the trial, and acquittal or degree of punishment which he is himself authorized to adjudge or relative to the said parties being remitted for Trial to the Panyidary Court, & in respect to the latter he is to procure the expediting of the Trial as far as in him lies, by affording every assistance, that may be required by the Decree, on the part of the Court, in respect to the appearance or attendance of Witnesses, or otherwise.

27<sup>th</sup> The Custody & Charge of the Senior Constant at-dary, & of all the other Jails, at his own station-  
tent to be / not of course including those of the local sub-  
ord to the subordinate Courts / are to be in the respective  
do & to the he- Magistrates, in like manner, as are those  
alth of the of the Subordinate Courts to be in the Native  
Prisoners- Judges, are hereby severally required, to visit  
the said Jails personally at least, twice in  
every month & to cause particular atten-



tion to be paid to the cleanliness of the  
Jails, & the healthiness of the Prisoners for  
which purpose, the said Magistrates and Su-  
bordinate orative Judges, are respectively  
to cause such measures to be adopted towards  
preserving the salubrity of the Jails, or for par-

The Medical ticular diet to the Prisoners, as may from  
Case of the Prisoners time to time be suggested, by the Surgeon of the  
Station whose immediate duty it must be  
to have the medical charge of all the Prison-  
ers in the several Jails at the Stations of  
the Superintendents & Senior Assistants, as afore-  
said, or by the orative Doctor to be attached to  
the Jails, at the Stations of the local Subordinate  
Judges.

Jails, to have  
separate Wards, in a separate house or Jail from those, who are  
the Jailors confined either for Debt, or Civil Suits, or for  
to be kept separate the Revenue, & there are also to be separate  
Wards from the Jails in the Jailors, & the other Jails, so as  
other prisoners admit of those, who are sick being kept  
& in distinct distinct & separate from the Prisoners, who  
classes, according remain in health, & for those who after trial  
to the nature shall be condemned to temporary, or other im-  
of their respective prisonment, or other punishment to be  
-tive cases - confined in separate apartments from those  
whose trials are not completed; & there must  
also be a similar distinction observed in re-  
spect to the custody of those, who on their first  
apprehension, have not yet undergone the  
previous enquiry, which the Magistrate is  
to make, from that of the parties whom  
after such previous enquiries he has  
committed for the ultimate Trial of the  
Jailors Court.

30<sup>th</sup> That, in consideration to the  
novelty



And in respect novelty of any regular system of Criminal & Jurisdiction in the Province of Malabar, neither to Rajas, & those of their family, the British, nor any of the Native Magistrates or principal Ministers—do, in the first Instance, or without communicating, with the Chief Magistrate, apprehend/ & even the information before them, regularly require if any Rajah in Chief, or any of the Nephews such Rajahs, or the principal Harigar or Minister of either of them respectively, but instead thereof that they do report the case to the Supervisor, in his capacity of Chief Magistrate, who is thereon after satisfying himself by farther enquiry, on his own part that there are just grounds of Criminal charge, against such Rajah, Nephew or Minister, as aforesaid, either himself to cause, or to write to the inferior British Magistrate, & cause such Nephew, or Minister/ according as the case may relate to either/ to be taken into safe custody, till he give bail to stand his trial, provided the case, or fact, charged against him, & shall exceed the limits, within, which the British Magistrates are by the 21.<sup>st</sup> & 22.<sup>nd</sup> Art. themselves empowered to try & decide, since in all such slighter cases, the matter in issue, may with sufficient security be brought to a determination without taking either such Nephew or Minister into Custody; & where Rajas in Chief/ which will seldom, or ever happen/ are guilty, or charged on probable grounds, with such crimes, as by the preceding regulations, are only cognizable by the Superior Criminal Courts the Chief Magistrate is himself without imposing any & disgrace on such Rajah in Chief to proceed/ on being ordered of the Case by the British Magistrate of the Division or otherwise/ to enquire into the case & to report the same to the Governor in



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Council at Bombay, & thereon to accede & be guided  
by the Decision, & Instruction of that Govern-  
ment, whether or not to subject such Rajah  
to the Ordinary mode of Trial in the Native  
Criminal Court, for such act or acts by him  
committed, or what other course shall thereon  
be pursued.

## Regulation

Concurrent jurisdiction is vested in the Magistrates  
of the several Divisions and their Police Officers in the  
Cases and under the restrictions following viz. The  
Daroghas and Police Officers subject to the Authority  
of the Magistrate of each Division are empowered  
either under his Warrant, or without such Warrant,  
to pursue persons charged with Crimes, or Misde-  
meanors, into the jurisdiction of other Daroghas &  
whether subject to the same Magistrate as them-  
selves, or to the Magistrate of any other of the  
Divisions. The Magistrates, Daroghas Police Officers  
Rajahs Landholders, Farmers Cultivators of land, and  
all other persons, having Authority or residing in  
the jurisdiction into which the offenders may  
be pursued, are required to afford every assistance  
in their Power, to the pursuing Officers for the  
Apprehension of the Offenders. It is to be under-  
stood, however, that this Concurrent authority,  
vested in the Magistrates and their Police Officers,  
is to extend only to Cases in which the Crime or  
Misdemeanor shall have been committed with-  
in their respective jurisdiction, or in the  
event of the Crime having been committed in any  
other jurisdiction where the Offender was actually  
within their jurisdiction, when the Charge  
against him was preferred to them, and it  
shall not be lawful for the Magistrate or Darogha  
of



of one jurisdiction to issue a warrant for the apprehension of any offender being preferred to them for any Crime or misdemeanor, not committed within the limits of their respective jurisdictions In such case the Complainant must apply in the first instance to the Magistrate, or to the Darogah of the jurisdiction in which the Crime or misdemeanor, shall have been committed or in which the offender may reside, or be found.

A true Copy  
signed/ J. A. Law  
Acty Secy

A true Copy  
signed/ J. A. Grant  
Secy

The Chief Judge and Magistrate of the Province or the Commissioners for executing that Office, for the time being shall require the respective Judges of the Northern and Southern Division and the Senior Assistant at Calicut, in quality of Judge of the Middle Division, to make strict enquiry into the Characters of those, who are being tried in the Sudder Court for private stealing, Robbery, House breaking, or any other Criminal offence, not justifying a sentence of mutilation, or death, by the Mahomedan or Hindoo Law, or the Custom of the Country shall be found guilty of such offence, and Condemned to a punishment of 39 or more, and a further punishment by stripes, or other species of disgrace, when enlarged; and if it shall appear on such enquiry that the Prisoner or Prisoners are of notoriously bad Characters, such Provincial Judge shall report the same, when he forwards the Proceedings in such trial for the Opinion of the Chief Judge and Magistrate or the Commissioners for executing that Office, for the time being, who may on due Consideration of such report, commute such sentence of stripes, imprisonment and other species of disgrace, into transportation for five Years; provided the report hereby required from the Provincial Judge shall consist of the deposition on



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Oath of the Parbutty or Munson, and of the Camungoe or  
Gomastah of the Part of the Country where the Prisoner's  
ordinary place of residence, is, and also the deposition on  
Oath of at least two of the Prisoner's nearest neighbours,  
being heads of Families, and fixed Inhabitants, and it  
shall be necessary that all these different testimo-  
nies Concern as to the reputed habitual turpitude  
or Criminality of the Party or Parties in question.

Calicut  
17<sup>th</sup> Sept<sup>r</sup> 1798 }

A true Copy  
signed / J<sup>r</sup> Law Secy

Amended Rule relative to the Commutation of punish-  
ment for adjudged Loss of Limbs rec<sup>d</sup> 22<sup>d</sup> Oct<sup>r</sup> 1798

In as much as it is desirable to maintain,  
where ever particular reasons do not militate aga-  
-inst it a general concordance in the rules for the admi-  
-nistration of Justice, under the several Presidencies,  
and this Government, considering also that the Term of  
Imprisonment, which has been substituted in the  
Regulations of the Bengal Government, for the  
punishment of Amputation, is in view to the  
local Circumstances of Malabar, to be from Expe-  
-rience preferred to the Shorter periods now Authorized  
by the Criminal Code for that Province It is accordingly  
-ly ordered, that future Sentences by the Criminal  
Courts there, to lose one limb, shall be commuted from  
the receipt of this Rule into imprisonment for  
seven years, and those to lose two Limbs, into a like  
-punishment for fourteen years, and the Governor in  
Council is authorized, under the discretion in this res-  
-pect allowed by the Mahomedan Law to order any  
Prisoner sentenced to imprisonment for life, or for  
a limited period, the same being for seven years or  
upwards, to be transported to some place beyond sea,  
and the Commissioners for executing the office  
of



of Chief Magistrate of the Province of Malabar, are  
to cause a written proclamation to be read and affi-  
ced in their Cutcherry as well in the Cutcheries of the  
Southern and Northern Superintendencies and in  
those of the Criminal Courts; notifying that all  
persons who may be sentenced to be confined for life,  
or for a term of seven years and upwards for mur-  
der, robbing or plundering or burning houses, or property,  
or any other Crime of heinous nature, will be liable  
<sup>to be sent</sup> to some place beyond sea by order of the President  
in Council to whom a reference is to be made by the  
Commissioners in all instances wherein they  
shall consider the parties convicted to be proper  
objects for transportation, under the sentences  
passed against them for imprisonment.

|                    |   |                         |  |
|--------------------|---|-------------------------|--|
| at true Copy       | ( | at true Copy            |  |
| signed) J. L. Law. |   | signed) Robert Rickards |  |
| Secretary          |   | Secretary               |  |















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# Regulations for the administration of Justice in the Provincial Courts of Adawlut, and in the Court of Appeals in the Province of Mallabar.

Superintendent

1<sup>st</sup>  
That the Office of Judges of the Provincial Courts (being those under the Superintendents) be respectively held by that person who hath, or shall hereafter have, the charge of the revenue in each respective place, with the exception of the Court now established in the Capital City of Calicut which is to continue independent of any Superintendency for the decision of all causes originating within the limits of the said City and District thereunto annexed.

2<sup>d</sup>  
That every person appointed a Judge of any Provincial Court before he shall enter upon the execution of his Office, do before the Governor in Council of Bombay or such person as shall by the Governor or Council be deputed to administer the same or the Supervisor and Chief Magistrate of the Province of Mallabar, take and subscribe an Oath in the following words.

"I do swear that I will administer Justice to the best of my ability, knowledge, and judgement, without fear, favor, promise or hope of reward, and that I will not receive directly or indirectly any present or nuzzer, either in money or effects of any kind, from any party in any cause, or from any person whatsoever, on account of any suit to be instituted, or which may be depending or have been decided in the Court of Adawlut under my jurisdiction, nor will I knowingly permit any person or persons under my authority, or in my immediate service to receive directly or indirectly any

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