ADMINISTRATION OF JUSTICE IN MADRAS PRESIDENCY

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1. FIRST PERIOD (1639 - 1665)

- During this period administration of justice was in elementary stage.

History of Madras

- Earlier Madras was a Small village known as "Madraspatanam".
- In 1639 an Englishman, Francis Day acquired a Piece of land on the eastern sea Coast from a Hindu Raja
- A fortified factory St. George Was constructed there.

Inside the fort Englishmen (Whites) were living and hence it was called "White Town"

Madras

Outside the fort in the village of madraspattnam Indians (Blacks) were living and hence it was called Black Town

- **Administrative set-up**

- **Earlier, Madras was an agency and was subordinate to Surat, which was the only Presidency in those days.**
- **The company appointed an Agent and Council to administer Madras.**

Administration of Justice

i) WHITE TOWN

A. There was a Court of Agent &Council in White Town.
B. It was a higher court.
C. It was competent to decide civil & criminal cases.
D. serious cases were referred to the company for advice

ii) BLACK TOWN

A. In the Black Town there was a court known as ‘Choultry Court’.
B. It was headed by village headman called Adigar or Adhikari.
C. Traditional village system was in practice.
D. This court was competent to decide Petty Civil & Criminal Cases
E. Appeals from this Court were heard by Agent & Cuncil
F. Capital offenders were convicted only under the authority of local sovereign (Raja)

2. SECOND PERIOD (1665 - 1686)

- The period was an improvement over the first period.
- During this period Madras became the presidency and a court of Governor and Council was established.
- The charter of 1661 conferred on the Governor & Council the power to deal with capital offences.
- In 1678 administration of justice was reorganised.
- The court of Governor & Council was declared to be the High Court of judicature.
- It heard appeals from Choultry Court.
- Choultry court was also reorganised – in the place of Adigar 3 company's servants were appointed as judges for quick disposal of cases upto 50 pagodas.

3. THIRD PERIOD (1686 - 1726)

- Good improvement in administration of justice.
- For the first time, a professional lawyer Sir John Biggs was inducted in the administration of justice.
- During this period 2 important courts were established namely,

i) Admirality Court

ii) Mayor’s Court

i) Admilarity Court

- The court of Admilarity was a court to try mercantile & maritime cases i.e. the crimes committed against the ships on high seas.
- To eradicate the rate of piracy company create a court .
- Under Charter 1683 & 1686 Charles II established the court of Admilarity at Madras on July 10, 1686.
- It was consisted of a Civil lawyer known as judge advocate & 2 merchants as his servants.
- Cases was decided according to the rules of equity & good conscience.
- Its jurisdiction was extended to try all cases, civil & criminal.

- Sir John Biggs appointed as judge advocate of Admirality Court in 1687.
- He delivered pure & impartial justice.
- He died in 1689.
- The Governor & 2 members of the Council were appointed as the Judge Advocate & judges.
- In 1692, john Dolben, a professional lawyer was appointed as Judge Advocate.
- The company could not tolerate his honesty & sincerity and dismissed him in 1694 on charges of bribe.
- As the professional lawyer were not available, the Governor & members of the council were directed to serve in succession as the Judge Advocate.
- The Court functioned regularly till 1704.
- Ultimately it ceased to function as there was no professional lawyer and the company was unwilling to appoint lawman as Judge Advocate.

ii) Mayor's Court (Charter of 1687)

- Mayor's Court was established at Madras in 1688.
- It was a part of Madras Corporation.
- The Corporation of Madras was established under a Charter dated December 30, 1687 issued by the Company under delegated authority of the Crown.

Reasons for establishing Mayor's Court

- The company needed funds for undertaking public welfare programs.
- It attempted to impose house taxes for which the public opposed.
- Then, company decided to establish a corporation at Madras to soften the feelings of the people.
- It was establish to confer Judicial powers on municipal Corporation.

Constitution of the corporation

1 Mayor

12 Aldermen

60 to 120 Burgesses

- The Mayor & 3 senior Aldermen were to be Englishmen.
- The remaining 9 Aldermen could be of any nationality.
- The Mayor was to hold office for 1 year.
- Aldermen were to hold office during their lifetime or throughout their residence in Madras.
- Aldermen & Burgesses would elect Mayor every year for amongst the Aldermen.
- A vacancy of Aldermen was to be filled in by the Mayor, Aldermen & Burgesses from amongst the Burgesses.
- A vacancy amongst the Burgesses was to residents or caste heads of the town.
- Appointment of Recorder – a legal professional to assist laymen judges in the Mayor's court.

Mayor's court

- The Mayor & Aldermen were to form a court of record known as Mayor's court.
- The Mayor & 3 senior Aldermen were to be the Justices.
- As provided in the charter, Sir John Biggs (judge Advocate of Admirality court) was appointed as the Recorder.
- The quorum of the court was fixed at 3, the Mayor & 2 Aldermen.

- Jurisdiction
- To try all cases, civil & criminal.
- Appeals from this court would lay before the Admirality court in civil cases over 3 Pagodas and in criminal cases if the offender was sentenced to loose life or limb.
- After 1704 when Admirality court ceased, appeals were referred to Governor & Council
- In 1712, it was empowered to award death sentence to natives. It decided cases according to justice, good conscience & laws made by company.