

# **FACULTY OF JURIDICAL SCIENCES**

**COURSE: B.A.LL.B. II Semester**

**SUBJECT: HISTORY II**

**SUBJECT CODE: BAL-202**

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# Lecture-9



## **Mayor's Court of 1687**

### **Mayor's Court under Charter of 1687:**

- The Charter Of 1687 gave The East India Company power and Authority to establish a Municipality along with A Mayor's Court at Madras.
- To Try Civil and Criminal Cases, the permission to establish The Court of Record was also given.
- The power to cede territories and creation of Probate and Testamentary Jurisdiction was also given to The Company.
- Till 1765 through a number of Charters, The Company's power's increased and it established Municipalities and Court of Requests were established at Bombay and Calcutta.

### **Mayor's Court under Charter of 1687 v/s Charter Of 1726:**

- The Mayor's Court under The Charter of 1687 drew the powers from The East India Company while The Mayor's Court under The Charter of 1726 drew its power from The Crown.
- The Mayor's Court under The Charter of 1687 was a Company Court while The Mayor's Court under The Charter of 1726 was a Crown Court.
- The Charter of 1687 established a Mayor's Court only at Madras while under The Charter of 1726 established Mayor's Court at all The Presidency Towns at Madras, Chennai and Bombay.
- The Mayor's Court under The Charter of 1687 was a Court of Equity while The Mayor's Court under The Charter of 1726 was a Court of English Law.
- The Mayor's Court built up under The Charter of 1687 arranged the portrayal of the locals on the court. The Crown's Mayors Courts did not have any such portrayal, however, there was no arrangement for the same under The Charter of 1726
- There was yet another imperative qualification between the two Mayor's Courts. The Mayor's Court under The Charter of 1627 developed its method and apportioned equity as per the standards of the presence of mind, value and great inner voice. The Charter of 1726 which brought the British laws into India brought all the legitimate details of the British Courts of law, which complicated the Justice process as every rule had to be followed.
- The Charter of 1627 which established The Mayor's Court at Madras had a wider Jurisdiction (Civil and Criminal) while The Mayor's Court under The Charter of 1726 had Jurisdiction only In Civil Cases.
- Under The Charter Act of 1627, The Mayor's Court had a legal counsellor called Recorder but under The Charter Act of 1726, The Mayor's Court had no legal counsellor.
- Under The Charter Act of 1627 judgements against The Mayor's Court went to The Court of Admiralty while under The Charter Act of 1726 judgements against The Mayor's Court went to The King in Council.
- The governance of The Mayor's Court established under the Charter of 1687, had in total Twelve Aldermen in which minimum Three Aldermen were to be Englishmen but the governance of The Mayor's Court established under the Charter of 1726 had Nine Aldermen out of which seven had to be Englishmen. Thus, the new Mayor's Court was more of English in nature in terms of Command and Control.