CHAPTER - VI

Events Leading to the 'Petitions' to the Parliament

We see that the events since the establishment of the
Supreme Court had been steadily acquiring serious proportions

tending towards a climax. In the Kasijora incident the conflict
between the two supreme organs reached its apex and this affair

served as the immediate ground for two 'Petitions' sent from
Bengal to the House of Commons. About the same time the Governor-
General and Council wrote a long letter to the Court of Directors

in which they seriously raised the question of the revision of the
powers and jurisdiction of the Supreme Court. All these factors led
the British Parliament to give an immediate thought to the alarming
state of Bengal and to remedy the ills that were responsible for
this unfortunate state of affairs. The present Chapter seeks to
unfold in gradual stages the events leading up to the despatch of the
above mentioned 'Petitions' to the British parliament.

In 1779 a dispute arose between the Zamindar of Kasijora
and Sahapur in the district of Midnapur and his Security or Agent
in Calcutta. The dispute arose concerning the adjustment of their
accounts lying open for a long period of five years. The Security
applied to the Governor-General and Council informing that he owed
his Zamindar a considerable sum of money, while the latter produced
before the Governor-General and Council an account which made his
Security a debtor. When the matter was under the examination of the
Supreme Council, the Security abovementioned suddenly applied to
the Supreme Court for a writ, and on his Affidavit a writ of
capias was issued against the Zamindar. The Supreme Council
thought it to be an infringement upon their jurisdiction and
being alarmed sought the advice of the Advocate-General on
this issue. The Advocate-General advised that the Zamindar, not
being subject to the English Court's jurisdiction, should not
plead or appear in the same court. He also was of opinion that no
military assistance should be given to the sheriff by the Supr
Government in connection with the execution of the writ upon
the Zamindar.

The Zamindar terrified by this proceeding of the
Court concealed himself and so the writ of the Court was returned
unexecuted. The Supreme Court then issued another writ to
sequester the Lands and Effects of the Zamindar, and the Sheriff
sent an armed force to the number of sixty men to execute the
writ. The Supreme Council, being fortified by the opinion of the
Advocate General, instructed the Zamindar in clear terms to
declare the fact that he was not an object of the English Court
and not to admit of any writ served upon him. The Collector of
Midnapur was informed of the above opinion of the Advocate-General
and directed not to render any military assistance to the Sheriff
until further orders.¹

¹ Revenue Department, General letters to the Court of
Directors, January 10, 1780.
In the meantime, a Reinforcement armed with pistols, swords etc. were sent by the Sheriff to help the Bailiff in the sequestration of Lands and Effects of the Zaminder. This party of the Sheriff committed in the Zaminder’s house great violences; and “such outrages as those were never known to be committed in the annals of the King”\(^2\). The Company’s Attorney sent a report to the Supreme Council stating the news of the despatch of a Force to Kasijora. The Council at once issued, on the basis of the Advocate-General’s previous advice, an order to the Officer commanding the troops at Midnapur to detach a force to intercept and apprehend the Sheriff’s men for the restoration of the peace of the country. Consequently in obedience to the order of the Supreme Board, a sufficient force was sent to resist the Court’s men. An open war took place between the two parties; the whole party of the sheriff were seized and brought to Calcutta as prisoners. But on the further advice of the Advocate-General the prisoners were at once set free on their arrival at Calcutta.

The story did not end there. The Court, being incensed at the resistance to their authority, “resolved to show the utmost extent of their displeasure against all those who obeyed the orders of the council”\(^3\) on this occasion. A Rule was, therefore, issued

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2. & \quad \text{Elliot Gilbert, \textit{Op.Cit.} p.110.} \\
3. & \quad \text{Parliamentary History of England, Vol.21, p. 1189.}
\end{align*}
by the English Court against the two high officers of the Company who were directly involved in apprehending the Sheriff's troops. The Company's Attorney was committed to the common goal in Calcutta for contempt of court and against him a criminal prosecution was carried on. About this time the Zaminder's security mentioned before instituted a false suit of Trespass in the Supreme Court against the Governor-General and Council. The most serious, alarming, and unprecedented event happened two days after the imprisonment of the Company's Attorney in 1780; and to the great surprise of all, the Supreme Court served a summons upon the Governor-General and Council severally for their appearance in the Court to answer to the charge made against them. The Council refused to obey the summons of the Court; but the Court then decided not to pursue the matter any further.

The collections of Kanijora and Sahapur parganas were under the management of Kasinath Babu, an inhabitant of Calcutta. He was a relation by marriage with and a security of Malzamin of Raja Sundarnarayan, Zaminder of the above parganas forming part of the district of Midnapur in the province of Orissa. The Raja was the most ancient Zaminder of the district and Kasinath Babu was his security for the payment of his revenues from the 'Beginning of the year 1180 of the Orissa style to the End of the month of Jest 1185'. The accounts lying open for a long period
of about five years, a disputed matter of accounts arose between Raja Sundernarayan and Kasinath Babu, as well as between the Calcutta Treasury and Kasinath Babu, being the Raja's Malzamin and also manager of all the affairs of the Zamindary during the period abovementioned.

The Chief of Burdwan discussed the above disputed accounts and sent a report to the Governor-General and Council on those accounts and claims. The report of the Chief being unfavourable to the pretensions of Kasinath, process was ordered against him for the recovery of the balances due to Government; he was arrested and confined accordingly. Kasinath complained of great severity and hardship in such confinement and applied to the Supreme Court for a Writ of Habeas Corpus which was immediately granted. The return to the Writ seemed defective essentially and so time was allowed by consent to amend the same, and Kasinath was set free under the same consent. He was set free not by virtue of the Writ, but on the understanding of his counsel to the Government for his appearance at the Day appointed for making the Return. In the meantime Kasinath sent a very respectful petition to the Governor-General and Council in which he expressed his desire to deposit the balance demanded and also to wait patiently for the final decision of the Supreme Council concerning

the adjustment of the disputed accounts. In his petition he also requested the Council to make a further and exact enquiry into the accounts and the request was complied with. He actually deposited the disputed sum on June 17, 1777; the Supreme Council too engaged, as requested by Kashinath, for the full and just examination of the accounts in dispute. In the month of January 1778 the disputes were referred by the Council to Pearce, Collector of Midnapur, of which district this Zamindary, as has been stated earlier, formed a part. The collector was directed to make an investigation of the matter and also to "transmit it with his report to the Superintendent of Khalsa Records", and the order was carried out accordingly.

About two years passed without any settlement to Kashinath's satisfaction; he sent another petition to the Supreme Council on May 25, 1779 requesting a speedy discussion and determination of the matter in dispute. G.G. Ducarel, the Superintendent of the Khalsa Records was then directed by the Supreme Council to examine the subject in dispute and sent a report, after careful examination, to the Council for their discussion and final decision. It appears that on the 28th instant (two days after the second petition of Kashinath to the Governor-General and Council), the Superintendent, made such report, accompanied

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5. Revenue Department, General Letters to the Court of Directors (1777-80), Vol 4, p.163, para 64.
with two Abstracts of the accounts current between the parties.

In this report, G.G. Ducarel wrote that he had drawn out the above accounts current between Raja Sundaranarayan and Kashinath "In conformity to the Board's orders, giving the Rajah credit for all Receipts made by Cossinaut, and debiting him for all Cossinaut's Disbursements, admitting both Receipts and Disbursements as stated by Cossinaut in his Account, and debiting both respectively for the Interest arising on the Receipts and Disbursements from their respective Dates to the latest period of the Account, at the Rate of 2 per cent per Mensem 6.

From this report of the Superintendent, we come to know the process of adjusting the accounts. It appears that the said accounts were delivered by Kashinath and then these were submitted by the Superintendent to the Najib of the Rayan to examine and make a report stating what accounts and how authenticated these were. His report stated that the accounts contained a state of Remittances made from Cossijurah to Cossinaut at Calcutta, with his payments into the Treasury and all Disbursements made therefrom. The chalane were signed by Kashinath in order to authenticate each Remittance, and all accounts for each year (from 1780 to 1784) were signed by the Raja and his Diwan. The Superintendent again, in order to calculate the interest account, took the sum total of each date of Entry.

To his report he attached an Abstract of Kasinath's account and also divided the accounts into two parts, since Kasinath settled with his Zaminder (Sundernarayan) in that way. The division was such: the first account from 1180 to the end of 1182 and the second one from 1183 to the very earliest part of 1185. However, Kasinath vehemently objected to this mode of adjusting the accounts through a long representation to the Supreme Council. He stated that the Superintendent of the Khalsa Records ordered the 'public Mohrama' to draw out an interest account of the receipts of Kasijora from the 'Rozenamoha' or the Day Book. Kasinath in his representation wrote, "I beg to represent, that there never was an Instance before, of such a form of an Account current as the aforementioned, having taken place between a Zaminder and Malzamin, or Adahdar, in any part of the Royal Dominions. Let the Canongas and other ancient seivants of the Khalsa be consulted, as to the Truth of this Assertion?.

The aforesaid report of the Superintendent along with the Abstracts were read in the Supreme Board on the 28th of May, 1779. The Board observed that one article (in Kasinath's accounts) seemed to them to have been improperly carried to the debit of the Raja the sum of Rs.80,663-2-0; and the sum should be transferred to the credit of the Raja. It is necessary to mention here that Kasinath made a balance due to him, while the

7. Ibid, the 28th May, 1779.
Raja submitted the accounts on his part, making Kasinath his debtor. However, for just and impartial judgment, the Supreme Board ordered that Kasinath should be called to state his objections to the adjustment of the accounts. They also directed that the accounts (delivered in by Kasinath) should be delivered to the Raja of Kasijore and that he should be called to state his objections too. It appears that the Supreme Board carefully examined the full review of the accounts, the pleas urged by the two parties as well as the reports of the collector of Midnapur and the Superintendent stated above. The Board "had so nearly brought the cause to an issue as to have established the principles on which it was to be finally closed, when the plaintiff Cossenaut to elude their Decision flew off from their Jurisdiction, and resorted to the Supreme Court of Judicature." Thus Kasinath instituted a suit, when the subject was actually under the Board's serious consideration in the Supreme Court against Raja Sundarnarayan of Kasijore on August 13, 1770.

At this time Kasinath filed an Affidavit and it was sworn by him on the same day (August 13) before Justice Hyde. In the Supreme Court Kasinath, the Plaintiff in the case, took oath and stated that Raja Sundarnarayan, the Defendant was justly indebted to him "in the sum of one Hundred and eighty three Thousand four Hundred and five Rupess thirteen annas and eight paise sicca for principal"; Kasinath further stated, among other

8. Revenue Department, General Letter to the Court of Directors (1777-’80) Vol.4, Para 64.
things, that "the said Rajah Soonder-Narrain is Zamindar of the Purgunnah Cassijurah and Shahapore, in Bengal, and is employed by the United Company of Merchants of England Trading to the East Indies in the collection of the revenues due and payable to the said united company out of the said purgunnah."

Justice Hyde at once issued, on the basis of the above Affidavit, an order that a capias should issue against the Raja of Kasijora in which a Bail, to the amount of thirty-five thousand pounds sterling of three hundred thousand sicsa Rupees was allowed to be taken. Pearce, the Collector of Midnapur in a letter informed the the Supreme Council of the above fact on September 4, 1779. He wrote that a writ of copies was sent into Kasijora with a Sheriff's officer to be executed upon the Zamindar. But the Zaminder concealed himself and thus became unable to attend to his collections and also to fulfil his engagements to the Company by the payment of his revenues. The Collector intimated the Governor-General and Council that he had already sent a statement of the receipts and disbursements of the Security-ship during the five years to them for their information and decision in obedience to the Board's previous orders. In the concluding sentence of his letter, he requested the Supreme Council to direct the Law Officer "to defend and answer to the present suit against the Zamindar," that he only be once more at liberty to pursue his

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9. Revenue Department, Minutes of Consultation, August 13, Fort William, 1779.
necessary Duties. About the same time the Zamindar, being terrified at the idea of being subjected to the jurisdiction of the Court, ordered his Agent or Vakil to take necessary measures. The Agent consequently applied to an Attorney for pleading the fact that the Raja was not amenable to the jurisdiction of the English Court. He was further ordered by the Raja to learn from the Governor-General and Council how to conduct himself under the present peculiar circumstances.

The Supreme Council conceived that this process of the Supreme Court issued against the Zamindar was illegal, since it was an extension of jurisdiction not granted by the charter. Thus the Council alarmed both for the immediate consequences and the influence which such an Example was likely to produce in the General Administration of the Revenue, decided that the opinion of the Advocate-General should be taken. They agreed to refer the above letter of Pearce to John Day, Advocate-General through the Company's Attorney, North Naylor. The Council ordered that the Zamindar and Pearce should have notice to act upon this occasion following the advice and opinion which should be given by the Advocate-General. In this connection, it is to be noted that before this case arose, John Day had been sent to India by the Court of Directors as the Company's Advocate.

10. Revenue Department, Minutes of Consultation, September 7, 1779.
12. Revenue Department, General letters to the Court of Directors (1777-80), Vol. 4, Par-a - 65.
General, "with the full concurrence and approbation of His Majesty's Ministers and of His Majesty".

On October 17, 1779, the Advocate-General made a report containing his opinion on the suit, Kasisnath Versus Raja Sundernarayan, and the Company's Attorney laid the above report before the Supreme Board on the 19th October. The Advocate-General stated in his report that he found no clause in the Act, establishing the present judicature and describing the objects of its jurisdiction, which could convince him to think that the jurisdiction should extend even to the Zamindars of the provinces in any way. He further stated that "I advise, that in the case now referred to me, the Zamindar have Notice, that not being subject to its Jurisdiction, he shall not appear, or plead, or do or suffer any Act which may amount on his part to a Recognition of the Authority of the Judicature, as extending to himself".

With respect to the jurisdiction, he added, doubts were submitted to him from different quarters and in different forms during the short interval from his arrival in India. The Advocate-General then concluded his report with the following words, "Having, therefore, considered this Question in all its parts, and with a Degree of painful Apprehension, and the most serious solicitude, having followed through all its possible consequences the Counsel I am about to give, I advise, that in all similar cases, as well as in the present, the power of Government shall not, if called
upon, be employed in Aid of the Judicature, but that they be left to their own means of executing their process, and thus render themselves done responsible to the state, for having (should such be the Event) unnecessarily hazarded the Dignity and Authority of the King's Judicature, by exposing its process to contempt, and its officers to Resistance and Repluse. Thus it is clear from the Advocate-General's report that he considered the Court's act on this present occasion as the extension of its jurisdiction in an illegal way.

Fortified by the opinion delivered by the Advocate-General in his report, the Supreme Council wrote a letter to the Collector of Midnapur on the 19th October. They directed the Collector, in consequence of the Advocate-General's opinion on the subject of the writ of capias issued against the Raja, that the said Zamindar having notice and not being subject to the jurisdiction of the Supreme Court, should not appear or plead or suffer any act that might amount the recognition of the court's authority and jurisdiction on his part. They informed that they had caused the Advocate-General's opinion to be translated into Persian language for a clear understanding of the Zamindar and attached it to their letter for communicating it to the same. The Council also directed him in conformity to the latter clause of the Advocate General's advice, not to comply

13. Revenue Department, Minutes of Consultation, Fort William, Oct. 19, 1779.
with any application that might be made to him by any Sheriff's officer for military assistance, but only to report the matter to them and wait for their further orders.

On November 29, 1779, North Naylor, the Company's Attorney wrote a letter to George Hodgson, Secretary to the Revenue Department, intimating the fact of the issue of another writ from the Supreme Court against the Raja Sundarnarayan. He in his letter informed him that the writ of capias issued against the Raja had been returned unexecuted on account of his concealment; but the Court had issued another writ for the sequestration of the Lands and Effects of the Raja in order to compel him to appear to the action. He stated that the Sheriff had sent a considerable force, 'consisting of seapoys and some European sailors to the number of sixty persons', to Kasijora to enforce the execution of the writ. All those men were armed completely and instructed to use their force in the event of any resistance to the execution of the Court's process. The Attorney in his letter requested the Secretary to lay this information before the Supreme Board for their acquaintance with the above circumstances. Consequently, the Secretary laid before the Board the above letter from the Company's Attorney for their information and necessary action.


15. Revenue Department, Minutes of Consultation, November 30, 1779.
It is learnt from a letter\textsuperscript{16} that the force despatched by the Sheriff to Kasijora were prevented from executing the writ by the Raja's men. As soon as the Sheriff's people reached Kasijora the Raja sent his men on horseback, alarmed the country, and closed all the markets, so that the newcomer might not be able to receive any provision for the day. It is stated in the letter that the Natives of that place came flocking to the Raja in large numbers armed with swords, sticks, and other weapons. The Raja's Defendants ordered W. Findlay (an officer of the Supreme Court who was on duty there) and his men to retire out of the premises; but seeing them very well armed with swords and fire arms, the Raja's men did nothing but only kept strict watch over them. In the concluding paragraph of the letter, W. Findlay wrote "It is not possible for me to enter the Raja's house without a very strong force. Indeed he has such a number of people about him, I have been obliged to keep myself as a Mouse", and he further wrote that the Raja "has hired a number of more people since I came here armed with pikes, bows, and arrows, swords and other weapons, so I canplainly see he is resolved to defend the place and himself". He further stated that the Raja's Munshi was determined to obey no other order than the order of the Governor-General and Council.

In consequence of this information, J.H.D'Oyly, the Sheriff of Calcutta applied to the Collector of Midnapur for rendering

\textsuperscript{16} Revenue Department, Minutes of Consultation, December 3, Fort William 1779 - Letter from W. Findlay to H. Stark, an Officer under the Sheriff, on the 21st November, 1779.
military assistance for the execution of the writ of sequestration, in obedience to an enclosed Extract of the charter. In this letter of the 25th instant, the sheriff stated that a writ of sequestration against the houses, lands, and Effects of the Raja had been issued and on the strength of the writ, his officer had seized a part of the Raja's property. But the officer had been prevented from completing the execution of the writ by the obstruction of the men of the Raja. The Sheriff informed that he was despatching other officers to Kasijora for their assistance; but he considered the number of men quite insufficient to fight against the large number of the Raja's men. He then wrote, "I am therefore necessitated to make application to you, and request that you will upon the Receipt of this order every assistance in your power to my officers, as I am well convinced that the Raja will make no further resistance when he learns you have interfered".

North-Naylor's letter mentioned earlier was received by the Supreme Council and in this letter they were informed that the writ of Capias issued by the Supreme Court had been returned unexecuted on account of the Raja's concealment. But the Court had issued another writ for the sequestration of the Raja's lands and Effects in order to compel his appearance; and an armed force to the number of sixty men had been despatched

17. Revenue Department, Minutes of Consultation, Fort William, December 3, 1779.
by the Sheriff to Kasijora to enforce the execution of the
writ of sequestration. Moreover, the Company's Attorney himself
attended the meeting of the Supreme Board on the 30th November
and gave them other information regarding the fact of the issue
of the writ against the Raja. It appears from his reply to a
question put by the Board that the Deputy Sheriff gave him to
understand that in case of any opposition to the execution of
the writ upon the Raja at Kasijora, force would be applied.
Their Sergeant 'to whom the Execution of the process had been
committed' would fire upon those who would attempt to resist
him in the discharge of his duty. The force sent to assist
the sergeant at Kasijora were supplied with fire arms and
ammunitions. He further reported that the greater part of the
force were supplied by Kasinath. On the same day (Dated, Fort
William, the 30th November, 1779) the Supreme Board resolved
that the following letter should be immediately communicated
to Lieutenant Colonel Ahmuty, the commanding Officer at Midnapur
to dispatch, for the restoration of the peace and tranquillity
in the country, a sufficient force from his battalions in
order to intercept and apprehend any body or bodies of men
answering 'this Description within the Districts of Midnapore
and Jellasore' and detain them until further orders.

18. Report from the Committee, H/C., 1781 - Cossijurah
Appendix, No. 6.
However, the sheriff's troops had committed great violations in the Raja's house before the force of Lt. Colonel Ahmuty reached Kasijora. It will be essential here to have a picture of the nature of atrocities and violations committed by the sheriff's people in the Raja's house. It appears that a sergeant, Gokul Sarkar, an agent of Kasinath, along with several peons to the number of thirty came to the house of the Raja. All of them were well armed with muskets and targets, and their intention was to seal the house. While they wanted to enter the Zenana and seal it up, the servants of the Raja opposed them at the door and prevented them from entering the Zenana. At this time the sergeant wounded three or four of the servants and went into the 'Chunder Moondoo'. After nine days news came that more Europeans and sepoys were coming with powder and shot to fight, and at midnight the sergeant and his people bate the Darwans and Chowkidars who guarded the house and confined them. They then with Gokul Sarkar broke the door, and entering the house and Zenana, plundered the house and Effects. But this was not the end. In the morning reached there fifteen Europeans and twenty-five sepoys armed with muskets and also forty peons (many of whom belonging to Kasinath); they surrounded the house, disgraced many of the Raja's people, and also wounded and confined many others. They then sequestered the remainder of the Effects and sealed the door. What is more was that they entered the house of the 'Takoo Jey' (where no Muslim was allowed to go), spit in it and stripped it of the valuable
ornaments. Thus the Raja's men were disgraced and besides this, Gokul prevented the farmers under Raja's Zamindary from paying the revenues. "In no king's Resign till the present Time, such oppressions and outrages have ever been known to be committed on a Zaminder? What has your petitioner been guilty of to be thus disgraced, and his House plundered by the Great Adaulut?"

William Findlay, the Sheriff's Officer took oath on the 15th January, 1780 before Justice Hyde in the Supreme Court. At this time he gave an account of the incident that took place in the Raja's house in consequence of the execution of the writ of sequestration. It appears from his swaring that Henry Stark, the Deputy Sheriff directed Findlay in the early part of November, 1779 to go to Kasijora for enforcing the execution of the above writ. Consequently, he reached Kasijora on the 16th of November along with Gokul Sarkar and fifteen persons. When he attempted to pass the gate next to the dwelling house of the Raja, he was prevented by the Raja's men. He told them that he had come with a warrant to seize the Effects of the Raja by the order of the Supreme Court. At this time the vakil or Agent of the Raja told Findlay that he would not obey the Court's order. However, he attempted to affix a seal on the gate of the house, but he was stopped; then he despatched a letter to the

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19. Ibid, Cossijurah Appendix No. 7 -- The Representation of Raja Sundernarain which was laid before the Supreme Board.
Deputy sheriff requiring assistance. At this time the Raja's
Diwan told them that the Raja was not amenable to the Supreme
Court and he would not obey any such order from that Court; the
Diwan also asked him and his men to leave the place. In the
forenoon of the 28th instant, William Saunders, fourteen other
European officers of the Sheriff along with a few sepoys and
peons reached Kasijora; Findlay then with several peons entered
into different apartments of the Raja and seized the Effects,
and in order to avoid further disturbances seized and confined
the Diwan. The vakil of the Raja who obstructed them in affixing
seals on the Effects he had seized, was also confined20. Thus
it is seen that the account given above by the Raja and that
given by Findlay in connection with the execution of the writ
very basically. According to the Raja's account, the Sheriff's
people created a scene of anarchy and terror in his house,
while Findlay's account denied the fact. Whatever might be the
actual incident taking place at the time of the execution of the
writ, the thing which is clear is that the Sheriff's armed men
forcibly entered into the apartments of the Raja and affixed
seals on his Effects.

However, on December 2, 1779 pears, the Collector of
midnapur wrote a letter to the Governor-General and Council
intimating that in obedience to the instruction of the 19th
October, he had transmitted to the Raja a persian translation of

20. Ibid., Cessijurah Appendix No. 11.
the Advocate-General's opinion. In the same letter he informed that he had received a letter from the Sheriff requesting his assistance, according to an enclosed Extract of the Charter, for the execution of the writ of sequestration upon the Raja. The Advocate General was then called to the Board, informed of the different stages of the affair from the time of giving his former opinion, and was also requested to render his advice on the present occasion. Meanwhile the Supreme Board deputed Jonathan Duncan, a Civil Servant to Kasijora for the purpose of taking depositions of persons present in the above disturbances. He was further directed to submit to them a report on the issue. The relevant facts of the above incident mentioned in his report were that "entire possession had been taken of the Raja's house and effects, the latter sealed, the Zenana of apartments devoted to the female part of the family, forced, but without the disgraceful consequences which might have attended such an act; the women and children having been removed on the first alarm. The Temple appropriated to the private worship of the family broke open and polluted, and the image taken from it, packed in a common basket, and deposited with the moveables of the house under the seal of the court," and the comment he made in the report was that "the Injury which the honour or religious purity of the Raja had suffered from this affair were the inevitable consequences

21. Revenue Department, Minutes of Consultation, Dec. 2, 1779.
of the process issued against him. 22.

The Advocate-General in his report of the 6th December 1779 observed that since his former opinion, the question had far changed its aspect, as to a question of government and political necessity and not of law; and if he was to give his opinion on the subject it might not be a sudden one. In his report, the Advocate-General adhered to the opinion which he had earlier deliberately given. Then he briefly narrated the 'situation of Things' that called for the interposition of the Government.

As to the question of dealing with the prisoners in the hands of the Company's Force, the Advocate-General advised that the prisoners on their arrival at the Presidency under an escort, should be (as there would be no likelihood of future disturbance to the public peace) instantly discharged 23. It was, therefore, resolved by the Supreme Board that the prisoners on their arrival at Calcutta should be immediately set free. The Supreme Board resolved to transmit an intimation through the Superintendent of the Khalsa Records to the Raja of Kasijora. The Raja was informed that the people who had been engaged to sequester his house and Effects, were removed by a force by the orders of the Governor. At the same time, they sent intimation to the Raja that, as the

22. Revenue Department, General Letters to the Court of Directors (1777-1780) Vol. 4, para-74.

23. Revenue Department, Minutes of Consultation, December 7, Fort William 1779.
Board had earlier given him a notice that he was not amenable to the Supreme Court, it was not entirely up to him to decide whether he would suffer the seals to remain or to remove the same. It is found that on the 7th of December, the Board issued a notification to all Zamindars, Choudries and Talukdars in the three provinces to the effect that they (excepting in two cases of being bound by their own agreement or British servants) would not regard themselves as subject to the jurisdiction of the Supreme Court or obey any process issued from the court.

In the meantime, the Company's reinforcement under Lt. Bomfort detached by Colonel Ahmuty reached Kasijora; but before their arrival there, the Sheriff's party had forcibly executed the writ of sequestration on the Raja's lands and property to the amount of 30,000£. However, there took place an open clash between the two rival parties despatched by the two highest authorities in the country. It appears from Ahmuty's letter of the 10th December to the Supreme Board, that Lt. Bomfort without bloodshed arrested and made prisoners the Sheriff's party to the number of one hundred men consisting of sixteen Europeans and sixty-two Natives of various 'Denominations'. These prisoners were taken under the charge of a Subedar party of forty eight men to Calcutta in the evening. But conformably to the Supreme Board's earlier order, they were immediately released. Lt. Col.

Ahmuty then gave immediate orders to the officer to return with his party to their station at Midnapur after keeping the arms under the charge of the guards of the Governor-General. At the same time information was given to the Sheriff about the seizure of the following Arms: 128 Ferrlocks, 19 Bayonets, 2 Pistols, 19 Matchlocks, 4 swords, 42 Scyrmars, and 46 Daggers of different forms and sizes. The sheriff was further informed that the arms abovementioned would be delivered to him if he made such a demand.

The next important and noteworthy event was the victimisation of three responsible officers of the Company by the Supreme Court. The Court being incensed at the strong resistance to their authority determined to show the utmost extent of displeasure against the Company’s officers who faithfully carried out the orders of the Governor-General and Council. The Court attempted to move for an attachment against Lt. Bomfort and William Swainston, Assistant at Midnapur for a high contempt of Court, because they played an important role in rescuing the houses, lands, and Effects of Raja Sundernarayan, and also in arresting the Sheriff’s party. At first the Court did not grant any Attachment, but resolved to enforce a Rule upon Lt. Bomfort, Swainston and North-Naylor, Company's Attorney. As the Governor-General and Council were placed above their jurisdiction by law, the Court

determined only to send the copies of their Rule to them. The court desired that the Sheriff would seek the assistance of the Governor-General and Council in the execution of the Rule upon the officers abovementioned. On December 9, 1779, the Governor-General and Council wrote a letter to Lt. Colonel Ahmuty, Commanding Officer at Midnapur. In this letter they directed him to resist any officer of the Sheriff whose purpose would be to serve a writ upon him or Lt. Bomfort or any officer of his company, in consequence of any act done in connection with the Kasimora transaction, by their order issued to him on the 30th November last. He was also directed to compel such officer of the Sheriff to depart from the jurisdiction of his command.  

On January 19, 1780 Rixtel, Sheriff of Calcutta informed the Governor-General and Council that William Findlay (one of his officers) would be sent at seven O'clock in the evening to serve summonses on V. Swainston, Lt. Bomfort and North-Waylor. The Sheriff also sent to them the copies of the Summonses or Rules along with a copy of the last clause of the king's most gracious Charter on the jurisdiction of the Supreme Court. At the same time he requested the Supreme Board for their aid and assistance in the serving of the above Rules. It is observed that according to the last clause of the Charter, all Governors, Magistrates, other

officers and ministers throughout the three provinces, were to aid and assist the Supreme Court in all matters, 'as they will answer the contrary at their peril'. Two summonses were issued by the Court - one to be served on W. Swainston and Lt. Bomfort, and another to be served on North Naylor. These summonses were issued against these officers to explain their conduct in imprisoning the Sheriff's officers, as they were executing a warrant of the Court against Raja Sundernarayan, in contravention of the last clause of the Charter. Both the summonses were issued by the Court on the same day, the 18th January, 1780.

It appears from the records that the first summons was served upon reading several Affidavits of William Findlay, William Saunders, Kasinath Babu and others. The summons stated "It is ordered that an attachment do issue against the said William Swainston and Stephen Bomfort, unless cause be shown to the contrary on Friday the Twenty Eight day of this Instant January", and it was also ordered that the Sheriff would personally serve Hastings, Barwell, Francis and Wheeler with a true copy of the last clause of the charter. The second summon was also issued upon reading several Affidavit of Findlay, Saunders and others. It stated: "It is ordered that the said North-Naylor do on Friday the Twenty Eighth Day of this Instant January answer the several matters contained in the above affidavits", and the Sheriff was also ordered to personally serve the members of the Supreme Board with a true

28. Ibid, O.C., No. 16.
copy of their Rule along with a true copy of the last clause of the above charter. Rixtel informed the Governor-General and Council by a letter of this order of the Court and requested them to render their assistance in connection with the serving of the summonses on these Company's officers. The Board then sent the letter to the Advocate-General for his opinion and on the 30th January (1780), he in his report opined that the principles followed so far by the Supreme Board in resisting the illegal acts of the Court in order to maintain law and order in the provinces should be continued.

However, in obedience to the direction of the Supreme Board given on the 9th December, 1779, Lt. Col. Ahmuty posted three small guards at the different avenues leading into the camp at Midnapur, with orders that no stranger was to be admitted. It appears that at nine o'clock in the morning of the 24th January (1780), one Havildar came to Lt. Col. Ahmuty informing him that a few gentlemen with attendants wanted to enter the camp. Ahmuty at once sent a man to know his name first and the man brought to him 'a small bit of papers'. This slip bore the signature of Findlay and it stated, "I am come from Calcutta, with a copy of a Rule, which I am instructed to shew to you, the copies of which are to be served on Mr. Sumford and Mr. Swainston". They Ahmuty

30. Ibid, O.C., No. 27.
ordered his men to go to the outpost and inform Findlay verbally that he would not be allowed to enter the camp on account of Kasi jora business without the order of the Governor-General and Council. Findlay was again informed that he (Ahmuty) had nothing to do with Swainston as he was not under his command. Findlay then departed from that place by saying that he would go to Midnapur town, inform the court and wait for further direction.  

It is clear that the case of Swainston was based mainly on the fact that he accompanied S. Bomfort at the time of apprehending the Sheriff's party at Kasi jora. Swainston, it is observed, met the facts charged in the Affidavit of Y. Saunders with a firm contradiction. We have in our possession the copy of an Affidavit of Y. Swainston in answer to the Affidavits of the Sheriff's officer against him in this affair. On the 31st day of January, 1780, Y. Swainston in the Supreme Court said that under the command of S. Bomfort, two companies of Sepoys went to the Fort of Kasi jora and that he (Swainston) followed at a distance in the rear of the said sepoys only 'from an impulse of curiosity'. He said that the Sheriff's party were taken into custody under the command of S. Bomfort, but he was ignorant of what had passed on that occasion. On the 3rd December, he stated, Y. Saunders along with other men was brought to the tent of S. Bomfort at Binapukur and there Y. Saunders behaved with him in a very rough manner and threatened him. But Y. Swainston told him that he was in no way connected with his

confinement. The next day he went to the place of their confinement at the request of S. Bomfort to be present at the delivery of a box belonging to the said William Saunders said to contain sicca Rupees four Hundred. He further informed that he neither seized nor ordered to seize any papers of the Raja's effects possessed by the sheriff's officers. He then positively denied the fact that W. Saunders ever requested him to see his authority and he turned down that request. He also stated that the "chest" of W. Saunders was opened in his presence, but not under his order, and it was not true that he did not allow W. Saunders and Findlay to make their conversation. Finally, he remarked that "during the whole time of his continuance at Cossijurah aforesaid he was merely as a spectator that he had no authority of any kind from any person whatsoever to interfere with the said Sheriff's affairs or any other person nor did he this Deponent in any manner interfere with them or directly or indirectly obstruct the said Sheriff's officers or any of them, or in any manner did aid or assist in or give any orders for the rescuing the Effects of the said Rajah Sundernagarain Roy from the said Sheriff's officers".

After the Sheriff's officer being resisted to enter the camp of Ahmuty, the Supreme Court on the 1st February further issued a Rule to be served on S. Bomfort upon reading the Affidavit of Stark, Deputy Sheriff, it was ordered by the Court that the

32. Revenue Department, Minutes of Consultation, Feb 1, Fort William, 1780 O.C. No. 31.
Rule 'to show cause why an attachment should not issue granted the Eighteenth day of January last and enlarged by a Rule granted the 27th of the same month be further enlarged as to the said Stephen Bomfort till Wednesday the first day of March next'; the Sheriff was directed to inform the Governor-General and Council that in spite of his (Sheriff's) appeal to them for assistance in the execution of a Rule of the Court on S.Bomfort, the Sheriff's officer was prevented from serving the same. The Sheriff was ordered by the Court to ask the Supreme Board to issue special orders to Ahmuty and other officers under their command to render assistance to the execution of the above 'enlarged Rule'. Consequently, the Sheriff wrote a letter to the Supreme Board on the 11th instant; in his letter requested the Board to help Findlay, the Sheriff's officer to serve the Court's Rule on S.Bomfort at Midnapur. He then informed them that Findlay was at Midnapur with the Court's order to serve the Rule on S.Bomfort.

North Naylor, it has been seen earlier, was served with a Rule of the Court on January 18, 1780. Naylor wrote a letter to the Governor-General and Council on the 22nd February and in his letter he submitted before them a Minute of the proceedings in the Court, upon the Rule by which he had been ordered to answer certain Affidavits alleging against him matters of contempt. It is to be noted that Levin on January 15 (1780) charged that with the privity of Naylor all the officers of the Sheriff were

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33. Revenue Department, Minutes of Consultation, Feb. 11 1780, O.C. No. 2.
taken prisoners. He further stated that Naylor came to Kasijura to make some enquiry and the reason of his enquiry was to know what number of men would be sufficient to resist the Sheriff's officers. However, Naylor in his above letter wrote, "A charge received and attended to by those so dignified and respectable as compose a court of Judicature, attracts Notice, and commands attention; with some, the object of its proceedings may find censure, till his conduct and its motives shall be explained; with you, Honourable Sir and Sire, I trust I need no vindication; but for the Approbation of the Honourable Company (to me the most flattering reward of my services) I must be beholden to your faithful Representation; and well assured that I shall receive justice at your hands, I shall beg leave to submit to your judgment such observations, as in the progress of these proceedings appear to me to merit your Attention." The next stage was that Naylor was committed to common gaol in Calcutta for contempt on the 1st of March; a criminal prosecution was carried on against him and twenty interrogations were made to him in the prison to disclose the secrets of his clients. These interrogations were 'equal to the spirit of any inquisition in Europe'.

In the meantime, on the 29th February, the Supreme Board in a letter to the Court of Directors expressed their serious concern about the Court's resentment against one of the officers.

34. Report from the Committee, H/C. 1780, Cassijurah Appendix No. 21.
of the Company. They informed that it was impossible for them to afford any protection to Naylor, since he was completely within the Court's jurisdiction. They wrote that they should be wanting in common justice, if they failed to recommend Naylor to the particular notice of the Directors in England. His conduct, they stated, throughout the present incident was firm and consistent and he faithfully discharged his duty to the Company even at the cost of his personal danger. The Board earnestly hoped that as a reward for his sincerity and for his determination to face the utmost rigour of the Court, Naylor would receive 'some solid mark' of the favour of the Directors. So, the Supreme Board proposed that the Company's Attorney would be properly compensated for the sufferings he would undergo. In the concluding paragraph, the Board wrote to the Directors: "You will permit us to aid, in aid of the agreement by which we have appealed to your Justice, for the protection and Recompence due to a faithful servant. Your Interest is no less concerned to afford him both, not so much as an Incentive to him to preserve in his duty, as a necessary Means of counteracting the dangerous Effects which must otherwise attend this persecution of your officer and his punishment for the zeal which he has shewn in the support of your Rights and the authority of your Government."35.

It is evident from the letter (dated, Fort William, the

35. Revenue Department, General Letters to the Court of Directors, Fort William, Feb. 29, 1780, Para 19.
16th March), of G. Hodgson, Secretary to the Revenue Department to Peter Mitchell, Secretary to the Court of Directors, that Naylor was released on bail from his confinement on the 16th of March. But after a few days he met death, such was the fate of the Company's Attorney who committed no wrong, but merely carried out the orders of the Supreme Board faithfully in the Kasijora affair. It appears from the letter of the Governor-General and Council to the Court of Directors on the 25th March (1780) that Swainston was served with the Rule of the Court; he was imprisoned and within a few days he was discharged on bail. But Bemfort could not be served with the Court's Rule as he, as has been observed, openly and boldly gave resistance to the Sheriff's officer who came to serve the same on himself.

From the study of the above course of events in the case of Kasinath versus Raja Sundernarayan, it appears that the Supreme Court out of its thirst for power and jurisdiction interfered with the revenue affairs in an unjustified manner and finally issued Rules against three responsible officers of the Company. The Court's conduct as well as that of the Supreme Council on this particular occasion may be analysed in the following manner.

Kasinath lodged a complaint against the Raja (in connection with adjustment of accounts lying open between them) making him his debtor. The Supreme Council took up the case and ordered for taking necessary actions in the matter. It has been
observed that after two years when Kasi Nath made another petition to the Supreme Council for the speedy settlement of the issue, the Council lost no time in ordering Pearce, the Collector of Midnapur to make an enquiry into the affair. The Superintendent of the Khalsa Records was also directed to make a report on a careful examination of the same issue. The Supreme Council, it appears, entered into a full review of the accounts in dispute, the reports of the Collector and the Superintendent including the pleas urged by both parties. Both Kasi Nath and the Raja were summoned before the Supreme Board for giving their objections on the report of the Superintendent of the Khalsa. The Supreme Council without being biased very impartially and carefully examined the question; but before the declaration of any final decision by the Council on the issue, Kasi Nath suddenly 'flew off from their jurisdiction', applied to the Supreme Court and obtained a writ of capias against the Raja. It is a matter of great surprise how could the English Court entertain the complaint of a Native in revenue matters which were under the control and management of the Governor-General and Council. Moreover, the complaint was entertained by the Court at a time when the matter was under the serious consideration of the Supreme Council who were the proper and supreme authority for deciding such disputes.
The Affidavit on the strength of which the Supreme Court served the writ of capias against the Raja can be challenged; it was 'irregular and informal' according to the 17th and 18th titles of the Rules and orders of the Supreme Court. The Rules and orders required a positive oath to the jurisdiction even before the issue of a summons; but in the issue of this Affidavit, no such oath to the jurisdiction existed. The facts which were sworn to prove the jurisdiction - that the Raja was the Zaminder of Kasijora and Sahapur parganas and that he was employed by the Company in the collection of the revenues - "ought on the very face of them, not to have been satisfactory to the Judges; inasmuch as the words of the Affidavit do obviously seem to state the said Rajah as employed by the Company in the collection of the Revenues, in virtue of his situation as Zaminder; or they must mean, that he was the farmer or renter of his own Zamindary".

Elijah Impay in his own reference of this subject to King's Ministers suppressed the fundamental fact that the Raja was a Zaminder and he described the Raja only as employed by the Company in the revenue collections of his area. It appears that the Governor-General and Council on this issue wrote that a Rule was framed earlier by the Court to the effect that a person, applying for a writ against a Native, should take oath 'to his being subject to the Jurisdiction and to the circumstances which

rendered him such; but the above Affidavit took no notice of this
Rule and yet a writ was issued. The writ was thus not valid, since
the Affidavit had been out of the 'Forms' 37.

Again, the fact sworn with a view to the jurisdiction -
that the debt was contracted at Calcutta - cannot be satisfactory.
This is because of the fact that the local jurisdiction in this
case 'resting on the law of Nations, cannot by that law operate
on one who has passed the limits thereof'. Besides this, even if
it is supposed that the Raja was a servant of the Company, he
would not have been, in accordance with the abovementioned Affidavit,
an object to the court's jurisdiction. The reason is that the
Raja was stated in the Affidavit 'not to have been employed by the
Company at the time when the debt arose'. This would have been
satisfactory, had this stated that the Raja was the company's
servant at the time when the cause of action accrued or he was,
when the action was brought, an inhabitant of Calcutta. It is,
therefore, clear that "all proceedings had on an affidavit so loose,
defective and unsatisfactory, were highly irregular; and all
violences committed in the execution thereof were illegal; and all
persons who approved, enforced abetted, or defended any or all of
the said proceedings, and violences consequent thereon, were
culpable and criminal" 38.

37. Revenue Department, General Letters to the Court of Directors,
January 25, 1780, para 42.
Another point to be noticed is that the Court did not even hesitate to serve a writ upon the Raja, being a Zaminder, since the Governor-General and Council were assured by the highest legal authority that 'a Zaminder, quoad Zaminder, was not subject to the Jurisdiction', excepting in cases where a Zaminder gave the court a jurisdiction on his own accord. But Elijah Impay, on the other hand, wrote on the 12th March, 1780, that the Supreme Court "does not, nor ever did, claim any jurisdiction over Zamindars, simply as Zamindars; but that their characters of Zamindars will not exempt them from the jurisdiction of the court, if they be employed, or be directly or indirectly in the service of the East India Company, or any other British subject". In another letter Impay's charge was that complaints against the extension of the Court's jurisdiction were made previously, but without any satisfactory settlement; inspite of this fact, no appeal in this regard was made by the Governor-General and Council to England. But this statement of Impay does not stand when it is seen that the Governor-General and Council wrote to the Court of Directors that they had patiently waited the result of their representations on this subject to them and also from them to the King's Ministers. However, it does not appear from the analysis of the Act and the Charter that the Zamindars were


40. Revenue Department, General Letters to the Court of Directors, Jan. 25, 1780, Para-8.
objects of the court's jurisdiction. Moreover, from practical point of view, such a jurisdiction can hardly be defended. Richard Barwell, at the time of his examination before the Committee, also expressed the same opinion on the subject of the subjection to the Court's jurisdiction. He remarked that the Zamindars should not be amenable to the Court's jurisdiction; it would not be beneficial to the country. He added that an extension of jurisdiction like this, would produce such voluminous a business that the court would be unable to go through even the one-tenth part of the same. The Governor-General and Council on one occasion remarked that if the Zamindars and landholders were withdrawn from their exclusive jurisdictions and made amenable to the English Court, they would be quite unable to insure the revenue collections in the provinces. Besides this, it appears from the examination of George Vansittart that the Raja Sundernarayan as a Zaminder was always treated with a great deal of respect and he paid his revenues punctually according to his engagements. Edward Baber's view on the issue of the writ against the Raja was that it would have its repercussions; the Ryots or sub-tenants would be in the first instance impressed with horror and surprise to see their respectable Zaminder treated in a very disrespectful manner. It is thus a matter of great regret that such an honest

41. Report from the Committee H/C. 1781, p. 57.

*1. Edward Baber was the chief of the Murshidabad Council from Jan. 1775 to Dec. 1779.
sincere paymaster was made a victim to the Court's jurisdiction.

The steps taken relating to this affair by the Supreme Court against three responsible officers of the Company can be condemned. It has been observed that the Court being incensed determined to punish the officers who took part in the resistance in obedience to the order of the Supreme Council. Actually, a Rule was issued against Lt. Somfort, William Swainston and North Naylor for high contempt of court. Naylor was committed to jail, the immediate consequence of which was his sad death. There is no doubt that the Company's servants were subject to the jurisdiction of the Supreme Court and the Court had the full right to serve any writ upon them. But at the same time the Company's servants were to act by the order of the Governor-General and Council and in this case what the above-mentioned officers acted, they acted in obedience to the order of the Governor-General and Council. It is better to comment in the words of Roue that "the judges at this period seemed to have lost all temper, particularly in the severe and unexampled manner of confining Mr. Naylor, attorney to the Company, who merely procured information from the office of the number of men employed by the Sheriff and once gave directions to the vakheel of the Zamindar to withhold his warrant of attorney; - both, acts done in obedience to the Governor-General and Council". Thus the Court's act of issuing the

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*2: Boughton Roue was the chief of the provincial Council of Dacca."
Rule against the Company's officers was indecent and unjust, although it cannot be challenged from legal point of view. It is highly regrettable that such officers were penalised for acts done by them in their official capacity.

The next important point to be taken into consideration is that the Supreme Council acted on this occasion impelled by the strong and urgent necessity of the case. It is observed that the Governor-General and Council earnestly requested the judges of the Supreme Court to consider the most alarming and critical situation in which the British Empire and its dependencies were placed at that time. On January 10, 1780 the Council wrote to the Court of Directors that "This is any season we should dread as one of the greatest evils that could befall us; but now especially at a time like this, when so many external dangers and gathering round us, and allow us but little time, and so little means, to contend with the convulsions of civil Discord," and they must defend their act on that occasion. The Council stated that they wished to pay every degree of respect and obedience to the court; but at the same time they would support the authority of the Government 'by securing to the Natives those privileges, civil and Religious, which they have invariably been allowed to enjoy against all unwarrantable Innovations'. The

42. Revenue Department, General letters to the Court of Directors (1777-180) Vol. 4 Para-79.
Council's view was that this was not merely confined to the legal aspect of the case, but it has political consequences too. In their letter they further stated that if the Directors were not convinced that political consequences were of such importance as to demand their interposition to preserve the interests of the Directors and the rights of the people in the provinces, they must have recourse to the legal view only in their defence for the personal consequences of their acts. And "without this consideration", the council remarked, "out Resistance to the powers assumed by the court even upon legal Grounds would have been improper, if not unwarrantable". It is to be noted that the Governor-General and Council were always ready to accede to any measure which the Court might think fit to propose for the reconciliation of the rupture or for any reference of the same to the Parliament, if only the Court in the meantime suspended all proceedings in the present affair. But on the other hand, Impay stated that the Court would take measures to prevent all prosecutions, provided the Raja Sundernarayan was allowed to plead to the jurisdiction.

The most fundamental thing relating to the proceedings in the above case was the advice given to the Governor-General and Council by Sir John Day. As soon as the Supreme Council were informed of the issue of the writ of capias and concealment of the

43. Ibid., para-84.
Raja for the fear of the same, they laid the matter before Day. Day was then recently sent to India by the Court of Directors as the Company's Advocate-General 'with the full concurrence and approbation of His Majesty's Ministers and of His Majesty'. It is to be specially noted that he was sent as the Advocate-General in consequence of repeated references to the question of the Supreme Court's attempts at the extension of its jurisdictions. The Supreme Council on this occasion constantly sought the opinion and advice of the Advocate-General, and it is on the basis of his opinion that the Council issued notification to the Raja and then to the Zamindars and landholders asking them practically to disobey the processes of the English Court. The Governor-General and Council thus wrote on the 10th January, 1780, "As the whole of our conduct in the late instances has originated from the first opinion and Advice delivered by the Advocate-General on the 19th of October, and was professedly deduced from it in all its progressive stages, it might appear from a bare Inspection of our Records that we ourselves were but the passive Instruments of that opinion and of that advice; and that, yielding implicitly to the authority, which your wisdom had provided and prescribed for our Instruction, we had divested ourselves of all Responsibility, and thrown the whole charge of it upon him"\(^44\). In another letter they informed the Court of Directors of the same fact and they stated that in all

\(^{44}\) *Ibid*, para-51.
the leading parts of the present transaction, they had been
directed by the opinion of the Advocate-General whose appointment
was made by the Directors in order to advise them (Governor-
General and Council) 'in matters of Legal Difficulty'.

It appears that without such a sanction, the Supreme
Council perhaps would not have resisted the action of the English
Court. The view of the Council was that, had they not been
impressed with the strongest conviction of the justice of the
Advocate-General's opinion as well as of the necessity of yielding
to his advice, they should not have considered themselves justified
in following the same. It is then clear that the Supreme Council
should not be blamed for going to the extent of openly
resisting the Sheriff's forces in this instance, since they were
fortified by the Advocate-General's opinion.

Thus the situation in Bengal assumed its worst form in
Kasijora affair; the Supreme Board, the Supreme Executive of
Bengal could no longer keep mum and went forward to resist the
illegal authority and jurisdictions of the Supreme Court. In
this incident they were compelled to employ 'the military force
of the company to restrain the violence of the civil power',
and a violent and surprising fight took place between the
Supreme Judiciary and Supreme Executive. What followed next was

45. Revenue Department, General Letters to the Court of
Directors, Jan. 25, 1780, para-6.
highly significant in the annals of the Supreme Court in Bengal. Just after this strange and shameful incident, in the month of March 1779, two Petitions against the Supreme Court were sent from India to England which were presented to the British Parliament for consideration. The first petition was that of the Governor-General and Council, "giving a long statement of the transactions; and requesting an indemnification from those legal penalties, which, for the preservation of Government and of the Country, they had been under a necessity of incurring, in resisting the decrees of the Supreme Court, and the operation of an Act of Parliament". The second petition contained a detailed account of the grievances of the British Subjects and "violations of their rights as men and as Britons, which they had endured under the authority of the Supreme Court of Judicature". They demanded mainly the benefit of trial by juries in all civil cases and the establishment of retrospective laws along with some other important demands. It will appear that the Kasijora affair, practically speaking, prepared the ground for the passing of the Act of 1781 by the British Parliament.