The judicial administration in the presidency of Bengal entered upon a new phase with the introduction of the English law in 1726. It assumed special importance with the establishment of the Supreme Court of Judicature at Fort William in Bengal in 1773. This thesis covers the busiest and the most controversial and troubled period of the Supreme Court. It deals with a short period of seven years - from the erection of the Supreme Court to the time when it was regulated afresh by the parliamentary Act of 1781. For the better administration of justice, the Regulating Act (1773) made provisions for the erection in Bengal of two supreme organs, the Supreme Council (Governor-General and Council) and the Supreme Court. This is a period of a jurisdictional rivalry of this English Court with the existing Native Courts and practically with their guardian, the Supreme Council.

Among the recent authors on the judicial system in Bengal in the eighteenth Century, mention should be made of Dr. B. B. Misra. Dr. Misra, in his Judicial Administration of the East India Company in Bengal (1765-1782), has dealt
with the whole system of judiciary in Bengal, giving a broad
survey of all types of Native Courts and the laws adminis-
tered by them. That book has also dealt in outline with
the Supreme Court along with a few cases administered by
this Court.

The present thesis however shows how the Supreme
Court and English law created serious troubles, producing
dangerous consequences in the presidency of Bengal during
the period of our study. Its main purpose is to give a
detailed survey of the powers and jurisdictions of the
two rival institutions (Supreme Executive and Supreme
Judiciary) and also the jurisdictional disputes of
different nature which culminated in the Act of 1781. In
other words, the present thesis is an elaborate critical
study of different aspects of the questions arising out
of rival jurisdictions, and also of unhappy developments
approaching a climax which prompted the British parliament
to seriously consider the means of checking the excesses
made by the Supreme Court. It is to be remembered that the
subject matter primarily concerns the Supreme Court that
was authorised to administer English Law in the Bengal
presidency. The events have been presented systematically;
and in dealing with the controversial issues, personal comment, supported by plausible arguments, has been made in each instance.

For a clear understanding of the trend of the jurisdictional rivalry between the Supreme Court and the Council, efforts have been made to draw a clear picture of the preceding period that saw the introduction of English law and the erection of the First English Court, the Mayor's Court. The background of the period under review has been given in the first Chapter which discusses in brief the history of the early English Settlements, the necessity of the introduction of English law, nature and functions of the Mayor's Court, difficulties of the introduction of this foreign law and court, and finally, the abolition of the Mayor's Court.

The second Chapter gives a detailed account of the powers and jurisdictions of the Supreme Court (which superseded the Mayor's Court) and also of the Supreme Council - the products of the Regulating Act and the Royal Charter of 1774. The chapter gives an analysis of the different sections of the Act and the Charter one by
one, and throws a flood of light on their glaring defects. The subsequent chapters follow from it and cannot be properly appreciated without reference to its details. It provides a sort of base on which the structure of the remaining Chapters has been built.

Chapters III to VI deal with numerous cases in detail. During the period under review a large number of cases of various types came before the Supreme Court and these have been divided in the thesis, according to their nature, broadly into two categories: (1) Cases involving the Natives and (2) Cases involving the Company's and other servants. The first has been further subdivided into two sections: (A) the Zamindars and (B) Natives other than the Zamindars. Similarly, the Second Category has been divided into two sections: (A) Servants of the Company and (B) Servants of the Nizam. The third Chapter discusses the cases of the first category; those of the second find their place in the fourth Chapter. These cases will reveal the Supreme Court's thirst for unlimited power and authority, and above all, the glaring defects of the Regulating Act and the Charter. Warrants and Summons were served by the English Court
indiscriminately upon the Zamindars and other Natives of high rank. The Company's officers and even the officers of the Nizamat were harassed and victimised, and the revenue collections in the presidency of Bengal were almost suspended. Most of these cases relate to revenue matters, some to criminal matters, while a very few are connected with civil matters other than revenue. It will be evident from the study of different cases that it is mainly due to the uncompromising and undaunting meddlesome attitude of the English Court that there arose a series of cases within a brief period of six years.

The fifth Chapter discusses in detail only one civil case of great interest, the Patna Case. In this case the Supreme Court reversed the decisions of the Provincial Council of Bihar and even went to the extent of inflicting severe punishment by way of fine and imprisonment upon the Muslim Officers who acted in their official capacity. The sixth Chapter gives a detailed account of the most important case, the Kasijora Case, which saw the apex of the long-drawn jurisdictional disputes between the English Court and the Supreme Council as the protector of the Native Courts. The Chapter shows
how this case prepared the immediate ground for the intervention of the British parliament in Bengal affairs to put an end to the English Court's pretensions.

The seventh Chapter deals with the circumstances leading to the Parliamentary Act of 1781, and analyses all sections of that Act critically. The Act curtailed to a large extent the powers and jurisdictions of the Supreme Court and regulated it afresh. Henceforth there was no scope for any further conflict between the Court and the Council. The last Chapter discusses at length the two remarkable occasions when Elijah Impey and Warren Hastings, the chiefs of the two rival institutions, worked amicably in terms of a 'give-and-take' policy. The most interesting and strange feature of the severe rivalry between the Court and the Council was that Impey and Hastings lived, behind the screen, on terms of intimacy and friendship. It is really surprising that there subsisted a private correspondence on terms of affection and mutual understanding between them at a time when their respective departments were directly involved in a long-drawn and deadly contest. Their close personal relationship on the basis of self-interest was nakedly exposed in two instances.
The first occasion was the trial of Nandakumar in 1775 and the second the appointment of Impey by Hastings as the Chief Judge (Superintendent) of the Sadar Diwani Adalat in 1780.

In writing the thesis I have consulted Archival Records both in manuscript and print in the West Bengal State Archives, parliamentary History of England and Contemporary Committee Reports as available in the National Library, Calcutta, Journals, and relevant published works by different Indian and foreign authors. I have of course primarily drawn upon original source materials.

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