Chapter-One

POLITICAL AND ADMINISTRATIVE DEVELOPMENT: ROLE OF GOVERNORS
(Phase of consolidation, 1661-1677)
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The British interest in Indian trade is believed to be aroused by the Jesuit priest, who came to Goa in 1579. He was a scholar, priest and head of the Jesuit College at Goa. The priest’s letters to his father, a London merchant about the great trade prospects in India, aroused the enthusiasm of other London merchants as well and they formed an association in 1599. Accordingly Queen Elizabeth of England granted a charter for the exclusive trade of the east to the East India Company on 31st December 1600.

It was only in the third voyage that the first ship of the Company touched the Indian shores at Surat on the Gujarat coast in 1608. In 1612, the Company obtained a license from the Mughal Emperor to build a trading station or ‘factory’ at Surat, subject to trade supervisions and levy of custom duties by the Governor of Surat. Soon the Dutch, French East Indian Companies also established their factories at Surat.

The English factory at Surat operated under several constraints: trade controls and custom duties, competition with other European rivals, and a ban against erecting fortification which applied to all foreign bases in Mughal territory. The Company’s merchants or “factors”, therefore desired a more independent site with proximity to Surat.

In 1630’s the Surat factors suggested to the Company’s Directors that such a site could be acquired from their Portuguese allies, proposing Goa as their first choice. The Company letter reads as follows: “But Goa is so far removed from Suratt if you doe still intend that to be the residence of your President and Counsell. So that next Bombaye presents itselxe, where we are verily persuaded that you might prevail to

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1 Da Cunha, _The Origin of Bombay, Bombay_ 1900, 164-165.
2 Khan, _Anglo-Portuguese Negotiations relating to Bombay 1660-1677, OUP, 1922_, 423-25.
3 Bruce Annals, I, 548

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build a defensible house, with fitting storehouses, which will be absolutely necessarie in that place, because there is no Portugall fortification to secure you... and this is so secure a place to winter in; and so neere to Suratt that in two days by sea and by land you may have frequent and certaine advises". 5

The need was all the more felt, because British influence at Surat was greatly afflicted by Dutch aggressiveness. The President and Council at Surat wrote to the Company on the 23rd March, 1653: "As yet we cannot get this governor (of Surat) to declare how far will secure us; for he is of so small courage that the Dutch with great words do overawe him, that he dares do nothing till he hears from the King (the Mogul Emperor), whom he had advised of what passed between the Dutch and us, and how prejudicial this will be unto this port (Surat) and country, wherein he seems much to take our parts." 6

The Surat factors even thought of abandoning the place: "And we have also largely advised Mr. Jesson at Agra with all passages, and given orders that he repair to the King (the Mogul Emperor), and not only acquaint him with our position, but also procure the most safety he can for us; upon whose answer we shall resolve what to do, either in residing here, or of retreating to some other place." 7

"We were never so sensible of the want of a port in these parts (as that we might call our own) as we are at present, and are like to be if these wars continue. Doubtless a fair opportunity may now present by a treaty with the Portugal, who has enough to spare, and we believe willing to spare on easy terms. Bombay and Bassein which is se(cure?) would be very convenient for you." 8

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4 English had been already attracted by Bombay due to its natural advantages and recognized its value as naval base, it was for this reason, that they fought in 1612, Battle of Swalley (See, W.B. Tugwell, History of Bombay Pioneers, London 1938, 11); In 1626-27, a joint expedition of Dutch and English ship under the command of Dutch General Harmann Van Speult had sailed from Surat to Mocha with an object of forming an establishment in Bombay and attacking Portuguese in Red Sea, The plan was defeated by death of Van Speult. But this was the first time they landed at Bombay and burnt the Manor house. In November 1626, they wrote to Company about Bombay i.e., pleasant air, fruitful soil, excellent harbour. At the same time President Kerridge of Surat pointed out for securing this island from Portuguese at any cost, Khan, op.cit, 425, Again in 1640, Bombay was mentioned as the best place in Western Coast of India, Bruce Annals, I, 336.

5 E.F.I., 1634-36, 222.
6 E.F.I., 1651-54, 169.
7 Ibid.
8 Ibid, 170.
In April 1654, John Spiller had informed the Company: “Your business and our nation’s repute was never, since our first trading in India, at so low an ebb and in so ill a condition......however, matters might be considerably improved, especially if you could get into your hands, about Surat or on the coast of India some convenient town or castle, which doubtless in short time would greatly flourish and be a means that you will not enjoy a profitable but a commanding trade, and be a means much to increase your strength, force and honour in the (se) oriental parts, as the actions of the Dutch can too well witness, who look not stand so much upon present gains (if they have that a place will prove at last beneficial) as their future profit: which makes them disburse so much money on their fortifications as to make them defensible, and not for the name or show, let it cost them what it will.” 9

In 1654, the Court of Directors drew the attention to Lord Protector Cromwell to the advantages that Bombay provided as a place for the settlement of national interests in India.10 The Company also suggested on this occasion that there was a fair chance of acquiring a port by treaty with the Portuguese, who had enough parts to spare and that Bombay and Bassein would be the most convenient places for the purposes.11

The Company fully entered into the views of their servants in India. On the 28th January, 1657, Henry Revington had reminded them: “Affronts are often put upon us, who, being not under one head, we do not know how to remedy ourselves; by which means we are trampled on by the greatest enemies as well as enviers to our trade and nation, the Dutch; which through our divisions have prevailed over the Portugal’s weakess and attempted things our own interests would (should) never have permitted in yearly gaining several forts him (the Portugal) and it is to be feared (the Dutch) will, before many years pass, be masters of all his places here, unless you endeavour to prevent it by reuniting and taking possessions of some of their holds; which we well remember some few years past there were some such business in hand: and no better time to look after it than now.” 12

9 Ibid., 270-72.
10 Khan, op.cit, 420; E.F.I., 1651-54, Xv.
11 E.F.I., 1651-54, 170.
12 E.F.I., 1655-60, 115.
In 1658, again the concern of Court of Directors for the acquisition of a stronghold on West Coast is shown in their letter of 9th April, 1658 addressed to President Wyche: "We doe hereby give you power to treat for the obeying of the said port of Danda Raya-pore, Bassene, Bombay, or Carapatam or such other healthful place upon the coast of Mallabarr, as you shall upon certain knowledge or information know to be fit for securing of our shipping and that hath a good inlett in to the countries and trade and such other conveniences and accommodations are necessarie for a settlement; provided that such a place or port may be procured on such reasonable terms as formerlie hath been proposed, or not exceeding the sum of four, five or six thousand pounds in the purchase; but, if the place answers all the ends before expressed, we give you further commission, as you shall see occasion, not exceeding 8000 pounds at the utmost; so that also you may be in condition or capacity to keep possession of the same, and that the charge will probably be maintained by the custom and revenue of the place."  

About a year later in March 1659, the Company reminded the Surat Council of their previous instructions regarding the acquisition of a town on the west coast, and even suggested a settlement of their choice: "We question not but you will remember what commission we gave you in our letter of the 9th April last, concerning the treating for the obtaining of the port of Danda Rajapuri, Bassein, Bombay, etc., and the sum therein limited to be disbursed in that employment. We have some hopes that you have already made some progress herein, as you have seen occasion administered. But, if you have not, then we desire that you take notice that we have here again resumed the debate of this business, and do conclude that Danda Rajapuri will be a very commodious and secure place to settle upon, being so situated as that the freeness from the troubles and dangers that is preferred far before Surat. And thereupon require that you take this subject into your considerations and to prosecute the same what possibly may be, having reference to our prelimited sum of money, which we would not have you exceed."  

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13 The Early Europeans knew the coastal fortress and port of Vijadurg as Kharepatan, from the name of the town about 25 miles further up the Vaghtan River.
14 E.F.I., 1655-60, 151; Bruce Annals, I, 548.
Danda Rajapuri may have been an important naval station but it is difficult to understand that the Company should have given it a preference to Surat. Perhaps their preference of Danda Rajapuri may be partly accounted for by their hope to get it cheap as Surat has been a vibrant commercial centre where as Danda Rajapuri stands nowhere in comparison to Surat. 16

Meanwhile the Surat factors were of the opinion that the Danda Rajapuri scheme was impractical. On the 10th January 1660, they wrote to the Company: "As we are not idle to inform ourselves of the accomplishment of your desires for Danda Rajapuri, so we are not able to do more than inform, because we have neither men nor moneys to prosecute any such design. It is not beyond our reach; for, had we could soon make you masters of the place. And in the meantime will inform ourselves of Bombay and other place called Vissava (Versova, 12 miles north of Bombay) near that bay, which is worth the notice; that, if we fail of one, we may not fail of all. To that purpose we shall now go down to view it, and overland give you a description of that place; the latter places being the Portugals', who are willing to entertain us (as) their neighbours, but dare not without the leave of the King of Portugal; which please to procure there; a good port may easily be obtained here, before the insulting Dutch gain all." 17

Shortly afterwards a party of five, consisting of President Andrews, Mathew Foster, Mathew Gray, Thomas Rolt and Henry Gray, made voyage down the coast to search out out for the land: "We proceeded into Bassein; and from there Mr. Foster and Mr. Henry Gray set forward for the Vissava to view it. The description, given already, is agreeing to that now given; and if the place is procured, it will prove a safe harbour for shipping that shall go in so timely that the southerly monsoon not begun. We have since treated with the governors of Goa for the settling of a factory there (but could not obtain our desires), that we might have been nearer in order to the accomplishing your commands on Danda Rajapuri, which we intended ourselves to have viewed (and was one of our ends in going down), had not the consideration of the rumour that

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16 Ibid, 208.
17 Ibid, 214.
it would make in the world (for the portugals would have known of it) [prevented it]; therefore [we] shall make use of others to render us an account." 18

The Surat authorities were not optimistic about the acquisition of a place on the west coast, and they started making proposals to the Arabs to establish a factory at Muscat.19 This warning had the desired effect and in June 1660, Roger Middleton and Edward Llyod were deputed by the Surat Council to start on a voyage of exploration to look for a place of residence where a fort might be built. The two had to visit Danda Rajapuri, several islands situated on the mouth of the river Karwar, and then to pay a visit to Goa:

"And while doing, if occasion present, discourse of the island called Ellephanta (Elephanta islands), lying in Bombay; if you see time, craving leave to reside on it with the consent of the owner, using such arguments unto them as your experience will best dictate." 20

It is true that the Surat Factors were exasperated by the treatment they received from the Mughal governors and had urged the desirability of a stronghold on western coast, and even had opened the negotiations with the Goa for transfer of Bombay or some neighbouring station for that purpose. While the Company at home approached the proctor but there is no evidence that the representation had been made to the King Charles upon the point. Indeed Bombay hardly fulfilled the conditions laid down by the Company that the spot to be made the English headquarters should be so suited 'that trade from India might bee brought and drawne down there unto', and that it should defray its charges of maintaining fortifications and a garrison. As a matter of fact in 1661 the Company was sounded by the Lord Clarendon as to whether it was disposed to take over Bombay, or at least to bear part of the charge. But the Committee decided that it would not be advantageous to adopt either course, and so they respectfully declined. And again in November 1667, when they at least agreed to accept its transfer, they assured the Treasury commissioners that if the Portugal has

18 E.F.I., 1655-60, 300.
20 Ibid, 332-33.
offered it to the Company before their Majesty possessed it they would have declined the offer.21

This shows that the Company was desperately looking for a place on the west coast apart from Surat. Thus it seems that Bombay was not the only one of the several indigenous Konkani ports, temporarily under Portuguese control, which qualified for such a choice. There were other larger ports such as Chaul, Dabhol, Rajapor and Wengurla. All these were carrying considerable volume of coastal trade and traffic and became centers of significant economic importance for the trade in Deccan pepper and saltpeter and spices imported from Malabar, Ceylon and Indonesian islands and tin and copper from Malaya, Taiwan and Japan. They became convenient midway points for this international trade in which the Portuguese, English and the Dutch made large intrusions.

WHEN AND HOW BOMBAY WAS CEDED: THE INITIAL PROBLEMS

The Bombay island finally came into British possession as the dowry of Catherine of Braganza, by the marriage treaty drawn up in 1661,22 keeping in view the secret clause by which the English Monarch bound himself to negotiate a satisfactory peace between Portuguese and Holland, or failing this to send a force to East Indies to defend the Portuguese against further aggression on the part of Dutch.23 Apart from the war with the Dutch, the English had to guard themselves against the Spanish menace because at this time her very political existence was at stake. The peace of Pyrøness24 had revived the danger of Spanish invasion and devastating wars with Spain and the United Netherlands had brought Britain to the verge of bankruptcy. It was at this time Charles II came to her rescue, and supplied her with disciplined troop that ultimately won Britain her independence.25

Sainsbury, Court Minutes ..., 1654-59, xxv; 1660-1663, 137; E.F.L., 1661-64, 124.
22 Bruce Annals, II 104-105; Khan, op.cit, 440, Douglas James, Bombay and Western India, A Series of Stray papers, I, London 1893, 48.
23 Sainsbury, Court Minutes ..., 1660-1663, xi.
24 Treaty of Pyrøness (1659) between France and Spain ended the hostilities of the thirty years war. It followed a series of Spanish Habsburg defeat since 1643 the Austrian Habsburgs made a separate peace in treaty of Westphalia (1648). The French gained border regions, but withdrew from most of Italy. It marked the end of Spanish military and political dominance in Western Europe.
It was against this background that the marriage treaty of 23rd June 1661, between Charles II and Infant of Portugal was concluded, consisting of 20 Articles and a Secret Article. By this treaty that Bombay was given in dowry to England. One of the articles reads as "...the King of Portugal with the assent and advice of the Council gives, transfers and by there parent grants and confirms to the King of Great Britain, his heirs and successors for ever, the port and island of Bombay in the East Indies with all its rights, profits territories and appurtenances what so ever there into its belongings and together with all the income and revenue, as also the direct and absolute dominion and sovereignty of the said part and island of Bombay and premises with all their royalty, freely, fully and absolutely..."²⁶

The Portuguese officers in India were aware that the transfer had been considered and that it was likely to prove acceptable but apparently the offer was a spontaneous one.²⁷ On 16th October 1661, Lord Calderon suggested to the Company that it should send out men and shipping to Bombay at its own charges or at least bear a portion of the expense, but the Company hesitated.²⁸ In pursuance of the terms of treaty of the Earl of Marlborough was dispatched from England in March 1662 with Five Ships, 500 soldiers under Sir Abraham Shipman,²⁹ with Antonio de-Mello-Castro, Viceroy of King of Portugal to deliver the Island. The fleets arrived at Bombay in September 1662, and Earl at once sent the formal demand for the possession of the island to the Portuguese Viceroy. It was then for the first time that the Crown representatives discovered that the island was by no means the considerable possession that the authorities in England believed it to be. This becomes evident from Aungier's letter to Sir George Oxinden dated 26th September, 1662:

"The Places does not answere our King's expectations, by four fifth of what was represented to him. For by the drought-which was delivered to his Majesty, Bombay, Salsette, Thana was included all in one island and all under the same and the royalty

²⁶ Article XI, See Khan op.cit, 440; Douglas James, op.cit, 48; Danvers, Portuguese in India, II, London 1894, 331.
²⁷ Sainsbury, Court Minutes..., 1660-1663,xii. Its worthy of note that Downing in January 1662, suggested to lord Claderon that the cession of Macau should also be obtained form the Portuguese, as a means towards trade in china but Claderon replied that some thing more profitable was in contemplation.
²⁸ Ibid, 137.
²⁹ Ibid, 171.
of Bombay; But Captain Browne and Myself having sailed found this island do find it
for otherwise, being in extent scarcely fifth part of the other two island; this is all
Portugal intend to surrender to us."

Secondly, in spite of the manifest poverty the agents and subjects in India of the
Portuguese King had determined not to hand it over to the English without struggle.
This is illustrated by Pepy's description "The Portugal have choused us, it seems, in
the Island of Bombay in East Indy's; for after a great charge of our fleets being sent
for thither with full commission from the King of Portugal to received it, the
Governor by some pretence or other will not deliver to Sir Abraham Shipman sent
form the King, nor to my Lord of Marlborough."31

PORTUGUESE GOVERNOR CASTRO AND POLICY OF PROCRASTINATION
The Portuguese Viceroy of Goa had opposed the cession of the Bombay on the
grounds that it was the best port in Portuguese possession "with which that of Lisbon
is not to be compared"32 for as late as in January 1665, when the final orders to cede
the island were received from Portugal, Antonio-de-Mello Castro, Viceroy of Goa,
Wrote to the King: "I confess at the feet of your Majesty that only the obedience. I
owe your Majesty as vessels could have forced me to do so (i.e. cession of Bombay),
because I foresee the great troubles that from this neighborhood will result to the
Portuguese and that India will be lost in the same day on which the English nation is
settled in Bombay"33

Under these circumstances, the Viceroy of Goa decided upon a policy of
procrastination. On the receipt of Earl of Marlborough's formal demand, he spent five
days in consultation and then replied that he was not authorized to hand over Bombay
without Majesty of England's immediate-letter confirmed by his own hand and seal.
He further said that further instructions forbade him to give possession before the end

30 G.B.C.I., II, 48. The Dutch traveler Baladeus also corroborated this with reference to Tangier i.e. by
the virtue of marriage treaty "The English thought to have got a great booty from the Portuguese
whereas both Tangier and Bombay are in effects places of no considerable traffic.", Baladues cf,
31 Pepys cf, Sainsbury, Court Minutes..., 1660-1663, xxxvii-xxxviii.
32 Da Cunha op. cit., 5.
33 E.F.I., 1661-64, 339; Khan, op. cit., 460.
of the monsoon. The King of England’s letter was in possession of Sir Abraham Shipman, who arrived in ‘Mary Rose’ early in October 1662. But still the Portuguese Viceroy, refused to surrender Bombay, objecting that the form of letters or patents did not coincide with the usual form in Portugal and that he must have a fresh authorization from Lisbon and England.³⁵

In the meantime the Portuguese Governor at Goa, Antonio-de-Mello Castro, wrote to the authorities at home³⁶ that the map brought by Marlborough, the agent of Charles II was “so extended to include that of Elephanta, Severn, Caranja, and that of Bargan and Salsutte” and if such be the case “we have no further need to come to India, for it will be impossible to maintain what is left to us”. It was emphasized that “the mere fact of English being at Bombay, even though they were truly our friends, will put an end to our Commerce in India”. He even went so far as to suggest that “it would be better to redeem this promise to the King of England with money.” In this letter Castro recounted various atrocities committed by the English against the Portuguese, and even attempted to rouse the religious prejudices of the countrymen by declaring that “the true faith will become extinguished in these parts and that heresy will take its place”.³⁷ On 28th December 1662 he again wrote to his sovereign, emphasizing that if the English be once in possession of the island, they would deprive them of the entire north and will take away all his Majesty’s trade.³⁸

In October 1662, the Earl, seeing no step towards the delivery of the island decided to return to England with the fleet “All the Art of contest I could use” he wrote “to

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³⁴ E.F.I., 1661-64, 132.
³⁵ Ibid, 135-136: For the whole episode see Danvers, Portuguese In India, II, 335-46, London, 1894.
³⁶ Instructions from Viceroy Antonio- de-Mello-de-Castro, to Father Manuel Godhino to relate to Pedro Vieyra da Silva and to Conde de Source, and afterwards to all those with whom he would converse, the ill treatment which the Portuguese had received from English viz.,
   ➢ How the English debarred them from all the commerce at Sao Louseno (Madagascar)?
   ➢ How they committed various breaches of faith?
   ➢ How Earl of Marlborough, the agent of Charles II to receive Bombay from Portuguese, brought with his Maps upon which it was extended as to include Elephanta, seven Caranja, Bargam and Salstte? If such be the case we have no further need to come to India.
   ➢ How the English had tried to collect information about bacain (Bessein) and Caranja Klith hostile intentions?
   ➢ How the English carried away some Portuguese and threw them in to Sea?
   ➢ How they plundered the merchant fleet from Goa?, Khan, (Art.) Bombay in the reign of Aurangzeb, Islamic Culture, April 1931, Fn. 2, 255, 267.
³⁷ Khan, Art. Cit., 255.
³⁸ Ibid., 255-56.
persuade the surrender of this paltry island, Mostly basely deserted to Arabians the last year...I am more sorry for the King; dishonor and loss than for mine own trouble and care, which is like to fall heavy upon me, though no I hope by any default of nine". The Earl eventually set sail with the fleet on 14th January 1663. On the other hand, Sir Abraham Shipman had been obliged to land the troops on the island to the Anjidiv, twelve leagues from Goa. Therefore, it would be expedient for them to explain to native chiefs or Governors that the Company trade from Surat to a station at which they could carry on trade more profitable with other parts.

The delay and obstructions in the delivery of the island of Bombay, led the projects of the King for bringing home investments on the King’s ship to nothing. These events gave the Dutch an opportunity for embarrassing Company’s trade on Malabar Coast, for they had got the possession of Cochin and Cannier, and in fact excluded the English from every part, except Karwar and there too they were establishing the factory.

REACTION IN LONDON ON THE DELAY OF THE ISLAND’S POSSESSION

On 11th May, 1663, a packet arrived overland from Surat, containing letters from Sir George Oxinden to the Company and others from Lord Marlborough and Sir Abraham Shipman to the King and Duke of York. These brought the news that the Portuguese Governor had raised doubts about the validity of Shipman’s commission and had refused to surrender the island until further instructions from Lisbon. Moreover the said Portuguese Governor declared that in any case neighbouring islands would not be included in the transfer, although these, it was averred has been

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39 Arabian attack in 1661-62 is referred twice in state papers, once in a letter quoted above (i.e., October 1662) and again in a letter from the Surat Council to the director, dated 26 March, 1667 where Bombay prior to the session was described on “An open place where on lived few Portugal’s and the rest natives that had not the strength or courage to withstand a few small vessels sent by the Arabs, but fled leaving the place to the pillaged and ruined by fire arms in 1662”, G.B.C.I., II, Fn. 6, 49.
40 Bruce Annals, II, 126.
41 Sir Abraham Shipman had asked Sir George Oxinden’s permission to locate the Company’s investment ad expel their departure form Swalley to Anjediv; See letter, Surat to Earl of Marlborough 9th October 1662, Bruce Annals, II, 126.
42 Letters from the President and Council of Surat to the factors of Carwar, 6th October, 1662, Bruce Annals, II, 129.
43 Letter from President and Council of Surat to the Court, 6th April, 1663, Ibid.
shown as dependencies of Bombay in the map laid before King Charles at the time of treaty. These events created a very bad impression in London.44

On 14th May, 1663, Sir Hennery Bennet (Secretary of State) wrote to the English ambassador Richard Fanshaw at Lisbon. "The dishonor and disappointment of such a thing and the expense his Majesty hath been at to send for it hath left him in the last resentments against this usage that can be imagined... and I bid to tell your lordship that less than the Viceroy head and satisfaction for all the damages and expense his Majesty is exposed to by this disappointment, will not suffice to pay his Majesty for this affront; it being expected that what be done on this kind and possessing of aforesaid island, which by the way is found to be far inferior to what it was represented come from Portugal itself, without the concurrence of any demands or intelligence on our side..."45

On 16th May Lord Clarendon himself wrote to Fanshaw declaring, "if some sudden satisfaction is not given, there will be an end of our alliance with Portugal.....and added a suggestion that Bassein should be ceded in addition to Bombay"46 On 20th and 30th June 1663, fresh instructions for the surrender of Bombay were again dispatched, but demand for the cession of Bassein was not understood. The negotiation in Lisbon were interrupted by Fanshaw's return to England, but in London the Portuguese ambassador was informed on July 25th that King Charles insisted upon

1. The punishment of the Viceroy;
2. Reparation for the expenses incurred, which were estimated to be at least £100,000 and
3. The cession of the whole of the territory exhibited formerly to his Majesty in the Map, containing not only Bombay but Salzede (Salsette) and Taan (Thana)47

DEATH OF SHIPMAN AND THE TREATY WITH HUMPHREY COOKE

In India, Abraham Shipman received a fresh commission from King Charles dated 23rd November 1663 which authorized him to receive the possession of Bombay from

44 Sainsbury, Court Minutes..., 1660-63, xxxviii, ix.
45 Ibid.
46 Ibid.
47 Ibid.
the Portuguese Viceroy. But Shipman died, before any definite steps could be taken. The Supreme Court at Goa decided, after some correspondence with Antonio-Mello-de-Castro, that the island should be handed over to Humphrey Cooke, who had been Sir Shipman’s Secretary and had been nominated by the latter in his will as his successor. Further the desultory correspondence ensued in consequence of the fact that the Humphrey Cook was not a persona non-grate with both the Portuguese and English at Surat. But eventually the instrument of cession was dispatched from Goa on 17th January 1665, and on 18th February of that year Humphrey Cooke personally took delivery of the said island after signing the instrument of possession in the manor house of D. Igniez de Miranda, the lady of the island.

Articles under which Bombay was delivered to Cook by the Portuguese Viceroy Antonio De Mello De Castro were:

➢ The island of Bombay should be delivered to the English gentlemen with the declaration that where as the other island of the jurisdiction of Bassein have through the bay of the said island of Bombay their commerce, trade, and navigation with equal rights, liberty and freedom and said English settlements shall never prevent or cause any impediment, nor levy any tribute or gabble neither on the importation of salt or any other merchandise of those islands and country’s nor on any other articles which may be brought there from abroad. It shall also be free for all vessels loaded or empty to navigate from the said islands and country’s of Portuguese or other nations that might their custom house nor by any other means whosoever, nor shall they for this purpose make use of any pretence because it is thus declared from this time forever and they shall not only have goods treatment and free passages to our country but to those of other parts as they have hitherto been in habit of doing.

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48 Abraham Shipman was the first Governor appointed by the English King to take charge of Bombay form Portuguese in March 1662 came along with Earl of Marlborough to take possession of the island. Unfortunately he died in process of taking possession of the island in the year 1664 along with greater part of his troops at the island of Anjidiv. E.F.I., 1661-64, 227.
49 Da Cunha, op. cit., 255-56.
50 The Portuguese Viceroy, de Mello-de-Castro speaks sparingly of Cooke as a grocer in Lisbon. Danvers, II, 355
51 E.F.I., 1665-67, 39, 44, 45; Khan, op. cit., 461; Da Cunha, op. cit., 216
52 Khan, op.cit., 479-82.
The port of Bandra in the island of Salsette or any other of the island shall be impeded and vessels from that port or ports and other coming to them shall be allowed to pass and repass very frankly.

They shall not admit any deserters from our country, be it for what ever cause nor shall they under any pretence what ever pretend to conceal or defend them, as this is the most effectual means of preserving.

English gentlemen shall not interfere in the matters of faith nor will compel the inhabitants of the said island of Bombay neither directly or indirectly to change their faith or to go and attend their sermons and shall allow ecclesiastical ministers the exercise of their jurisdiction with out the last impediments.

That the fleet of the King of Portugal, both the ships of line and small oared vessels and any other vessels of his, will at all time be free to sail in and out of the said bay with out any least impediments.

That all the inhabitants residing at Bombay as were those who may have estates in the said islands when they should like to reside in the said island it shall be free to them farm.

That the inhabitants of the said islands of the Salsette, Caranjah, and Barangoa, and other places of our jurisdiction shall freely fish in the said bay and river and in the arm of the sea which enters and divide Bombay and Salsette by Bandra till the bay.

That the curumbies (kunbies), bandararino (bhandaries), and rest of the people or inhabitants of the villages of one jurisdiction shall not be admitted at Bombay and on their resorting there to, they shall be immediately delivered up to their respective owners.

That in case of any of the deserters shall be willing to change his religion and to the confession of the English gentlemen to prevent their being resorted to us.

That although the manor right of the lady the proprietors of Bombay is taken away from her estates if she lies in the island, and they are not to be taken away from her unless it be of her free will she being a woman of quality they are necessary for her maintenance.

That every person possessing revenue at Bombay either by patrimonial or Crown lands they shall not be deprived of thereof except in cases the laws of
Portugal direct and their sons and descendents shall succeed to them with the same right and clause above mentioned that they parish priests and monks or regular clergy that reside in Bombay shall not be taken for any use whatever nor sermons shall be preached in them and those who may attempt it should be punished in such manners as to serve as an example.

➢ That the inhabitants of Bombay and the landholders of that islands shall not be obliged to pay more than the foros they use to pay to his Majesty, this condition being expressly mentioned in the capitulations.

➢ That there shall be good understanding and reciprocal friendship between both parties rendering one another every good office like good friends as this was the end of the delivery of this and other places, and the intention of his most serene King of Great Britain as appears by the treaty made and entered in to bay and between both Crowns.

The Portuguese, in this treaty with Cooke not only declined to hand over Salsette, but also declined to deliver the Mazagaon, Parel, Worli, Sion, Dharvi, Vadala, which were considered as a part of Bombay. In the original treaty between the Monarch of Portugal and England, it was alleged that these islands were dependencies of more important island of Mahim and not of Bombay. They further inserted clauses to which Cooke also agreed.

BOMBAY UNDER THE CROWN: MISTAKE MADE BY COOKE AT THE TIME OF CESSION

Cooke by taking possession of Bombay with out its dependencies and Salsette had not assured the free passage of the English boats in and out of the port. But on the other hand by this treaty Portuguese boats were allowed to pass and re-pass the island with out paying any duty. This thus led to strictures from both the government in England and Council of Surat for agreeing to these restrictions and generally for signing so derogatory and unjust convention. Cook's administration of the island pleased neither

53 E.F.I., 1665-67, 40
54 Da Cunha op.cit., 263-265
55 E.F.I., 1665-67, 36-38
56 Bruce Annals, II, 174-175
57 Khan, op.cit., 479.
the king nor the Company and they were on the whole justified in repudiating his treaty in 1676-77.\textsuperscript{58}

The question that emerges why did Cooke agree to such treaty? This can only be answered if we scrutinize Cook’s action and it will thus become fair to remember his difficulties. At the time of accepting the conditions the Portuguese were the masters of the situation, Anjidiv had been abandoned and their expeditionary force could not remain infinitely at Goa, cooped up in leaky Boats, nor could it reach Bombay without any prefect that would enable him to delay the surrender to which he was bitterly opposed.\textsuperscript{59} He also made his position clear that if he had failed to agree to the articles he would have to return back to Anjidiv until fresh letters came from Europe.\textsuperscript{60} Moreover Charles letter to Shipman dated 31\textsuperscript{st} October 1663 had clearly instructed him “to take what is given and protest against the detentions of the rest”.\textsuperscript{61} Under such circumstances Cooke justified his stand as he thought to take Bombay with all its restrictions and trust to canceling them after he had the island in his hand. This becomes evident at the end of his career: the part and island of Bombay came to include all the islands except Colaba and Old Woman’s island, a development which highly incensed the Portuguese Viceroy.

**COOKE AND BOMBAY’S DEVELOPMENT**

Humphrey Cooke pursued the policy of religious toleration as outlined in the King’s commission of Abraham Shipman. Liberty of conscience was allowed to all, thereby making it possible for all the inhabitants of Bombay to live in peace in with the English.\textsuperscript{62} When Humphrey Cooke took possession of the Bombay on 8\textsuperscript{th} February 1665, on behalf of English King the Portuguese administrative system including law, justice and revenue was in vogue, Cooke therefore could not replace it at once.

It is interesting to read what Cooke himself stated in his report dated 3\textsuperscript{rd} March 1665 to Lord Arlington- “In this island was neither government nor justice but all cases of

\textsuperscript{58} Ibid, 461.
\textsuperscript{59} E.F.I., 1665-67, 38.
\textsuperscript{60} Khan op. cit., 466
\textsuperscript{61} Ibid, 482-484.
\textsuperscript{62} Letter of Cooke to Lord Arlington, 3\textsuperscript{rd} March 1665, E.F.I., 1665-67, 45-47.
law was carried to Tannay and Bassein\textsuperscript{63} nor its in his Majesty’s jurisdiction. There must be settlement of justice. According to such laws as his Majesty think fit for the present…\textsuperscript{64} To systematize the administration he set himself as judge and acted on the Reports from a local justice of peace, John Anthumes and of a bailiff.\textsuperscript{65} Cooke also nominated a thanedar, also built a prison. Two persons (one for white and one for black) were nominated to take care of the estates of orphans. Two custom homes at Mahim and another at Bombay were set up.\textsuperscript{66}

Cooke also took active steps to defend the island from any possible attacks. Believing that the town might soon become as beneficial to the English as Batavia was to the Dutch, he defied adverse circumstances- lack of funds and little encouragement from the Surat President and Council\textsuperscript{67} to build a fort around an old square house, which had served the Portuguese as a place of retreat.

The Cook’s effort of inviting the people from various places especially the Armenians (Khwaza Minaz) brought his relation with Surat under strain. This was thought by Surat Governor that by this way Bombay will take over its trade and in future will try to shift their headquarters from Surat to Bombay. In this background the Surat Governor summoned Surat President Oxinden, who tried his best to convey that he has no control over Cook’s action. Oxinden thus apprised Cook about this episode, Cook though expresses his regret to this but advised him to take refuge at Bombay if the Surat Governor again threatened to send spy Syed Mahmud to keep watch on their affairs.\textsuperscript{68}

In April 1666 there appeared the danger of Dutch attack on the island. As the condition of the island especially of the garrison was pathetic, so Cook solicited help from Surat in terms of cash so that the garrison could be paid. But fortunately the Dutch deserted without causing any harm to the island.\textsuperscript{69} Thus Cook position was of

\textsuperscript{63} In Portuguese period all accused of civil cases were sent to Thana, where these was a judge (Ovidor) for all legal cases and at Bassein there was the higher court called Relacao. For detail see chapter 8.
\textsuperscript{64} E.F.I., 1665-67, 45-47.
\textsuperscript{66} E.F.I., 1665-67, 45.
\textsuperscript{67} Ibid.
\textsuperscript{68} Ibid, 61.
\textsuperscript{69} Letter from Oxinden 2\textsuperscript{nd} April 1666 to Cooke, Cooke letter to Surat 8\textsuperscript{th} April 1666. Ibid,187.
trying one, short of money and stores. He had to pacify the discontented garrison as best he could and at the same time to be watchful of the possible Dutch attack.

BOMBAY UNDER GERVASE LUCAS AND REMOVAL OF COOKE

In the meantime Cooke’s action not only irritated the Portuguese, but also the Mughal government and factors at Surat. They found a cause of offence in Cooke’s unauthorized seizure of one of the Mughal ships. The Surat factors failed to break his rough and ready style of correspondence and were alarmed at the accounts of his personal behaviour, which reached them from Bombay. They thus wrote to Court of Directors on 1st January 1666 “Humphrey Cooke, gives us continuous trouble in his daily impurities for money to raise soldiers forts, and we know not, what others bold designs that we have been very weary with answering his letters and upon our just derail of his unreasonable demands we have received honour of Honourable Company and ourselves that we want both words and leisure at present to express then and in his right colours.”

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70 Antonio De-Mello-Castro in a letter to King of Portugal 5th January 1666 clearly shows such feelings i.e. …the first act of Humphrey Cooke, who is the Governor of that island … was to take possession of the island of Mahim in spite of my protest… in order not to loose the north, it will be necessary to defend Mahim… he has obliged the Roman Catholics to take an oath, by which they openly deny the jurisdiction of supreme Pantiff and head of the Church. The inhabitants of north would have taken up arms and driven out the English from thence, if I had not had any suspicious and prevented them, by assuring them that your Majesty was actually in treaty about the purchase of Bombay and although the name of Humphrey Cooke’s appears in all these matters…, Danvers, II, 355-356.

71 See letters from Surat Council and President and court dated 1st January, 16th March 1665-67 and 4th April 1666, letter from Mr. Cooke to the President and Council of Surat, 21st February 1665-67 letter from the President and Council of Surat to Mr. Cooke, 1st March 1665-67, in Bruce Annals, II, 175-77.

72 Mr. Cooke in January 1666 seized a junked belonging to the Governor of Surat that by stress of weather was put in Bombay to reimburse his loss. the Governor of Surat, on receiving the information of these proceedings threatened the President and the Council about the seizure of their factory and with the imprisonment unless the junk should be immediately restored and offenders against Mughals dignity punished- Sir George Oxinden in this situation, sent a remonstrance to Mr. Cooke on his conduct, in answer, Mr. Cooke himself stated to be possessed, of superior power and that the Company were subordinate to him and at the same time addressed, a letter to the Governor of Surat representing the Company as his dependent. This irritated the Mughal Governor, who threatened to seize the Company’s property and to punish their servants. Finally in April 1666 Mr. Cooke found it expedient to restore the junk. Ibid, 177.

73 Surat writing to court in January 1666 reports that “Cooke is little better than distracted doing nothing personally but keeps himself mewed up in chamber, eating, drinking alone, by himself from whence it is said he hath not stirred out above twice since he came upon the island, being full of tears auspicious of every body that our doctors and others that have lately seen him report that the hath brought not only very in today but in mind also”. David, History of Bombay, Bombay, 1973, 79.

These circumstances contributed to the Crown's decision to relieve Humphrey Cooke of his duties and supersede him with Sir Gervase Lucas who accordingly arrived in Bombay as Governor and Commander in Chief on 5th November 1666. The King's commission bestowed on Lucas almost absolute powers, giving at the same time assurances to the Company that protection would be afforded to their factories to trade by his forces occupying the island.

The new Governor, before leaving England had all papers concerning the island laid before him on 18th January 1666, and he submitted his observation to Lord Arlington before sailing from England and he pointed out "it appeared that fortification on the island were in ruinous conditions and by no means suited, either for its defence or for the security of the troops, that the stores, of every description would be required and the greater part of the those sent with Sir Abraham Shipman being useless or lost ...that eighteen months, store and provision of every kind, must be embarked and some addition made to the pay of Governor, at this time only £2 per day, which would not be sufficient to defray the expenses that must be incurred on such a distant station".

However Committee of the Privy Council turned down Lucas report on the ground that it would be unwise to incur any great expenditure than was absolutely necessary as they were not still certain whether Bombay would still remain in possession of the English. Lucas reached Bombay on a hired small vessel, which he took from Goa on 24th September 1666 where he disembarked the ship 'Returne' on 5th November 1666. Sir Lucas, as a Bombay Governor, began with instituting an enquiry into the proceedings and conduct of Mr. Cooke. He found him guilty of fraud and embezzlement so ordered him to repay the amounts and was forbidden to leave the island until he had made the payment.

75 Bruce Annals, II, 189-90; Sir Gervase Lucas has taken part in the Civil wars as a staunch royalist, as Governor of Belvoir Castle he escorted Charles in his escape from the field of Naseby. He is described by Court of Director as "A Person of that honour and prudence not to countenance or give protection to any of our refractory servants" Court to Surat, 24th March 1666, also see E.F.I., 1665-67, 189.
76 E.F.I., 1665-67, 193.
77 Bruce Annals, II, 168.
78 Ibid, 169.
80 Ibid.
81 Bruce Annals, II, 189-90.
LUCAS INVESTIGATION INTO COOKE’S ACTION

Lucas instituted an investigation into Cooke’s actions and forbade him to leave the island until he gave a satisfactory account. Lucas was also instructed if he thought fit to offer the post of Deputy Governor to Cooke. Sir Gervase Lucas found matters in Bombay in a serious condition that he declined not only to offer Cooke the post in question but also was obliged to imprison him on a charge of extorting Xs. 12000 from the inhabitants and of criminal mismanagement of six of Abraham Shipman’s estate. 82

Sir Gervase Lucas wrote to lord Arlington on 21st March, 1667 “Bombay island is for its magnitude one of the most pleasurable and profitable island of India. The whole island is a place planted with trees which yielded great profits and if Mr. Cooke had not sullied his Majesty’s government by taking bribes and as well indiscreetly as unjustly obstructed his Majesty’s title to most of the best estate, most of the inhabitant had by this time paid his Majesty rent”. 83

Lucas finding him guilty made him payback the whole amount. 84 Cooke later escaped to Goa, and there with the assistance of Jesuits, organized a levy for the capture of Bombay, but on being frustrated in his attempt was proclaimed a traitor in 1668. 85

MEASURES TAKEN BY GERVASE LUCAS

The only information concerning the administrative steps taken by Lucas relates to the copy of a proclamation he issued on 12th November 1666 stating that the certain disaffected persons were circulating reports the island would shortly be returned to the Portuguese and those who had paid dues to the English might expect to be punished.

83 Ibid, 190-192.
84 E.F.I., 1665-67, 200.
85 Campbell, Material towards a statistical account of the town and island of Bombay, Bombay, 1893, I, 23; Letter from Gary and his Council to King Stated that after being mentioned and proclaiming him as traitor, Cooke went to Bassein, then to Daman and later to Surat where he was arrested by Oxinden. But the monthly miscellany, 49 states that ‘he killed himself form mere vexations of sprit in his self exile among the Cowled Brethen of order of Jesus.” Cf. Campbell, I, Fn. 3, 23-24 and E.F.I., 1668-69, 47-48.
He thus issued a warning against the spreading of such rumours or any other tending to the discredit of the King’s authority or discouraging the payment of revenue.\textsuperscript{86}

Lucas also made every effort to ascertain Kings’ title to the land. Previously the great landowners had exercised unlimited power over the Indian tenants and were both cruel and grasping in their dealings with them. Lucas broke their power by taking administration of justice in his own hands. This step not only earned the gratitude of tenants but also secured their support in weeping confiscations, as a result of which most of the land passed in to the possession of the English movement.\textsuperscript{87} He also confiscated on a charge of treason a large tract of land in Bombay to which the Jesuits of Bandra lay claim and had threatened to defend by force. These things naturally antagonized the Portuguese at Goa and elsewhere to incite them to do all they could do to obstruct the development of this new settlement.\textsuperscript{88}

**DIFFERENCES: SURAT AND BOMBAY GOVERNMENT**

In the meantime, Lucas decided to increase the revenue of the island of Bombay by arrogating to his government the sole right of granting passes to Indian vessels against any interference on the part of English ships.\textsuperscript{89} This was considered by Oxinden as an infringement on the Company’s right as the loss of this right would debase their reputation and credit. On the other hand Lucas explained his action to Lord Arlington, insisting that all passes should be issued by him in the King’s name and that those of Surat would be discontinued.\textsuperscript{90}

Another point of difference came between Lucas and Oxinden relating to the advance of sum (£1500 on credit by bill of exchange) by Court to Sir Lucas. Surat thought that there was great risk in sending so much money. Lucas sent Ball to receive the value of the said sum at the Company’s risk and involved in sending so much money without

\textsuperscript{86} E.F.I., 1665-67,197.
\textsuperscript{87} Ibid, 288.
\textsuperscript{88} Ibid.
\textsuperscript{89} Ibid, 295. See Surat’s letter of 26\textsuperscript{th} March 1667 which says “Sir George hath already sent to the President, forbidding him to give any more passes to the several junked and vessels that navigate in these seas; which will make both us and your business as much less account and eastern them formerly. What other restrictions he will lay upon us will rarely wait for, and must obey, for the declares he hath a full power and commission, which we may nor shall not dare to question and therefore once more we desire that you will take care and provide for the settlement of your affairs in these parts.” Ibid.
\textsuperscript{90} Letter to Lord Arlington, 21\textsuperscript{st} March 1667, Bruce Annals, II, 190-192.
the Company’s permission, this further created differences between Lucas and Oxinden. Neither Sir George Oxinden, nor the Presidency of Surat was happy with Lucas’ attitude towards Cooke as the latter, still kept Mr. Cooke resident of island, instead of removing him. However, Lucas did not survive long and died on 21st May 1667.

Later under the Governor Gary the relation between the Bombay government and Surat became worse on the question of issuing passes to the country vessels. Henry Gary, like Cooke and Lucas, asked the President of Surat once more to stop issuing passes to native ships and refer all applicants to Bombay for the purpose. This issue of granting passes to the country vessels caused endless friction between the Surat factors and Kings’ agents in island. It eventually led to the transfer of Bombay from the Crown to Company under the Royal charter dated 23rd September 1668. Gary thus handed over the island to the Company’s commission. Later Captain Gary was given a seat in Council at Surat as a solarium and subsequently was appointed judge at Bombay in 1678, on a salary of £90 a year.

TRANSFER OF BOMBAY TO COMPANY
During Mr. Gary’s government the relations between Bombay and Surat were far from cordial: one of the chief points of dispute being the granting of passes to native ships. This friction and rivalry resulted in the office of the East India Company to

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92 Bruce Annals, II, 190.
94 Bruce Annals, II, 213. No sooner had the news become public that Cooke who had escaped from Bombay and was living at Goa under Jesuit protection staked his claim to Gary to the Governorship. Cooke wrote a letter to Gary on 19th August 1667 and announced his intention of coming as soon as possible to Bombay to assume charge, alleging that both by the King’s instruction to Lucas by the letter from Lord Arlington to himself he had been continued in a position of Lieutenant Governor, See E.F.I., 1665-67, 296. Thus the early part of Gary’s Governorship of Bombay deal with Humphrey Cooke’s affair. For detail see, Campbell, I,22-23, Also see for Cooke and Jesuits relation, letter of Gary to Earl of Clarendon, dated 12th December 1667, E.F.I., 1665-67, 300.
95 Consultation in Surat, 5th Sept 1667, F.H.S., I, 211.
96 Bruce Annals, II, 239.
97 E.F.I., 1668-69, 45.
98 Campbell, III, 35.
99 Though the relation between him and the Surat were bad but the island under him witnessed the increase in the general revenues which were raised from Xs.5,214½ to £6490-7s.9d. The tavern dues (excise) from Xs 400 to Xs2, 400 the tobacco farm receipts form Xs. 6000 to Xs.9,560 and custom receipts form Xs 4100 to Xs 18000, E.F.I., 16665-67, 301, letter to lord Arlington by Gary March 1667, Bruce Annals, II, 215. Henry Gary also unfolded a plan for minting coins at Bombay, E.F.I., 1668-69, 62. He enlarged land forces by enrolling new Decanis in consequence of Dutch alarms and mounting the artillery on substantial carriages, improved the fortification, kept so watchful an eye upon the machinations of the Portuguese that the triumvirate of gentle men, who were carrying out the duties
take over Bombay and in the decision of the King to approve the transfer. One of the other reasons which induced the King to part with the island, was the violent disputes that had broken out between Gervase Lucas, the Governor of Bombay and the Company representative at Surat on account of the former as an officer of the King claiming precedence over the latter.

The important reason, however was that the King, who was in need of money was granted a big loan by the Company. The negotiations of transfer were at foot from March 1667. When the Governor and other representatives of Bombay were attending the committee of the Privy Council appointed to consider its grievances (which include Cooke’s aggressive attitude towards its factors at Surat). Lord Clarendon let fall an observation regarding the possibility of Bombay being made over to the Company. Clarendon talked vaguely of the value of the island, declaring that it had a population of about 8,000 and that the revenue was already 9000L per annum. He said that the Portuguese had offered a considerable sum of money in retrocession, but the King had been advised not to part with it.

In November 1667 the project was again brought in forward when the King was in urgent need of money. Bombay has already cost the Royal exchequer a large sum and appeared set to drain the King’s resources for many years to come. In these circumstances, it may well have seemed a wise step for his Majesty to rid himself of useless and expensive possession especially if he could gain some financial assistance thereby. In this situation, the Company negotiated with the King and gave him the loan of £50,000 at six percent interest and the island was transferred to the Company on 27th March 1668 by letter patent. The King transferred to the Company all his rights in that island declaring them the true and absolute lords and proprietors of part

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100 Anderson in *English in western India*, describes Gary as “Proud, wasteful and extravagant” and Fryer states that “Pomp and expenses maintained by Gary were the real reason of transfer, Fryer, op.cit., ii,105;DaCunha gives further reasons connected with the treaty of Breda (it was concluded between England and Holland in 1667) and influence of Duchess of Portland, coupled with the King’s indifference to the welfare of Bombay, were the real undertaking facts of transfer, Da Cunha, op.cit., 274.

101 E.F.I., 1665-67, 311.

and island subject to payment of annual rent of £10 payable on 30\textsuperscript{th} September each year.\textsuperscript{103}

Bombay though was transferred to the Company but by the Charter of King in 1668, the Company was debarred from parting of the island or any portion thereof, and the inhabitants were to enjoy the free exercise of Roman Catholic religions. The King granted to the Company all stores upon the island at the time of actual transfer and agreed to defray the expenses of the garrison. The Company was permitted to make laws for the government of the island and to impose penalties for the non observance of the laws. They were given the authority to appoint the Governors and others and to authorize them to exercise judicial authority in the island. They were to repel by force any invaders and to put in force martial laws. Persons born on the island were to be the natural subjects of the Great Britain and to enjoy all the privileges of such. Finally the powers granted by this Charter of 1668 were to apply to any other ports, island, or other territories, or near Bombay, or in any other part of the East Indies which the Company might acquire in future.\textsuperscript{104}

**BOMBAY UNDER THE COMPANY RULE**

George Oxinden, the President of Surat, became the first Governor of Bombay\textsuperscript{105} under regime of the East India Company. Oxinden till his death at Surat (14\textsuperscript{th} July 1669), endeavoured through his delegates to carry out policy of Court of Directors, stated in 1668-69 to develop Bombay as a commercial and secure place for the Company on the subcontinent.\textsuperscript{106} He invited several merchants and local inhabitants to come and settle at Bombay.\textsuperscript{107}

\textsuperscript{103} Ibid; Sainsbury, *Court Minutes...*, 1668-70, xiv. Gary had a long eye on Bombay as one of the possible sites for the fortified settlement. Several troubles that had risen on the island since its occupation by the King’s troops, private trade, friction between the Governors and the Company President, and Cooke Seizure of Surat junk etc. This made it desirable to have a control of the island, E.F.I., 1665-67, 310.

\textsuperscript{104} E.F.I., 1665-67, 312-13.

\textsuperscript{105} E.F.I., 1668-69, vii, viii.

\textsuperscript{106} Bruce Annals, II, 242-244.

\textsuperscript{107} E.F.I., 1668-69, 58-59.
In pursuance of these objects the Court of Directors dispatched several soldiers and artificers to Bombay in 1668. The Court of Directors also ordered the construction of custom house, warehouse, and quay and appointed a chaplain with an assistant who was also to be master of a free school on the island. While the local authorities intended upon England as a judge advocate to decide causes of meum and tumm among the litigious inhabitants of the island, commenced the fortification under the supervision of Captain Smith and Captain Toldery, two of the officers commanding the military at Bombay to act as engineers and began purchasing land in the vicinity of the fort and placed the defences of the island on a better footing, letting the tobacco forms and customs for establishing as far as might be practicable, an intercourse with the forts of Shivaji to obtain timber and chunam (lime) to complete the work.

Oxinden after a month’s stay in Bombay returned to Surat and leaving behind Deputy Governor Captain Young and his Council to execute of the aforesaid measures. But in spite of the orders from both the Court of Directors and Surat Council the progress of the island was to some extent jeopardized by the behaviour of Deputy Governor, Captain Young, who was eventually removed form his post for misconduct.

The progress of Bombay assumed very definite proportions with Gerald Aungier becoming the President of Surat and Governor of Bombay and its President in July 1669. Aungier proceeded to Bombay on 11th January 1669-70 and appointed Streynsam Master to act as the President of Surat factor in his absence. On 16th

108 They also dispatched English women to Bombay with a view to increase the English population referring to them in letter of August 24, 1668, “and for such single women or maids as shall come now in to you, we order that if they desire it and do not otherwise dispose of themselves by marriage to Englishmen that then for one year after their arrival they shall have virtual at our charge with one suit of wearing apparel. Such as shall be convenient according to the fashion of the country, during such time they are employed in planting; and we do not consent that the said English women or maids be permitted to marry any other people but those of our own nation or such others are protestant and upon their marriage to free.”, G.B.C.I., I, 59.
110 Bruce Annals, II, 254-255.
111 Edwards, Rise of Bombay, 107, letter from Bombay commissioner to Surat, October 30, 1668, Bombay Deputy Governor and Council to Surat, March 7, 1669. The small parts of Mazagaon, Sion, Mahim and Varli were supplanted with Cannon, Da Cunha, op.cit., 275.
112 Bruce Annals, II, 244.
113 Campbell, I, 36-37.
114 Hunter, W.W., Imperial Gazetteer of India, vii, 404.
115 Bruce annals, II, 272.
January 1670 he arrived at Bombay from Surat and after investigating the accusation against Captain Young and promulgated the Company’s justice by trial of several cases to their great satisfaction.\textsuperscript{116}

**AUNGIER AND BOMBAY**

Aungier, in his visit to Bombay, enlarged the administrative Council\textsuperscript{117} and adopted the laws sent by Company in 1668, then established two courts of judicature\textsuperscript{118} To encourage the trade-in Bombay the Company exempt goods imported and exported from customs for five years.\textsuperscript{119} However one percent duty was levied on the exempted goods to meet the charge of the two customhouses. The old duty with some reduction was retained in case of coconut and coir as well as on wine tobacco and opium. He also continued the Company’s monopoly in Coir trade.\textsuperscript{120}

The execution of the instructions of the Company for delimiting and building a town, as well as a dockyard, custom house, and warehouses\textsuperscript{121} deferred owing to the want of men and money for the purpose. The coolies or fishermen were ordered to move from the town to a convenient place at some distance in order to make space for the merchants to build their houses. Aungier thus tried to increase the revenues and reduced the house expenses, which had been ‘somewhat extravagant’ in Captain Young’s time.\textsuperscript{122} The making of the calicoes was being encouraged and some silk weavers had come from Chaul. The manufacture of gunpowder had been improved and regulated.\textsuperscript{123}

\textsuperscript{116} For detail see chapter judicial administration.
\textsuperscript{117} E.F.I., 1670-77, 2; It came to consist of two custom officer, Thomas Coast, Robert Barbor, the minister, James Sterling and two military officer, Captain Lieutenant John Burgess and Lieutenant Herbert Hangaton, Ibid.
\textsuperscript{118} Bruce Annals, 270-272; The Surat Council writing to the Court of Directors on 30th March 1670, spoke of laws being published for civil and military government and “we gave the people a task of your justice by the trial of several case to their great satisfaction”. They also spoke of the appointment of the two court of judicature, the lower consisting of the some of the country justices with whom one of your customers is always to provide and taking cognizance of all cases under Xs. 200, with an appeal to an upper court. These courts sat on fixed days once a week and after in emergency. G.B.C.I., I, 205-206. for further detail see chapter 8.
\textsuperscript{119} Campbell, I, 38.
\textsuperscript{120} Ibid.
\textsuperscript{121} E.F.I., 1668-69, 237-39.
\textsuperscript{122} E.F.I., 1670-77, 4.
\textsuperscript{123} Ibid, 4.
In March Aungier returned to Surat leaving behind Deputy Governor of Bombay Mr. Mathew Gary along with the three members Council, Mr. Giffard as the accountant, Mr. Thomas Coates, the customer of Mahim and Mr. Robert Barbor, the customer of Bombay. John Martyn was appointed as the Secretary of the Council. But Gary was shortly afterwards succeeded by Mr. Giffard on the salary of £120 year.

The political outlook at his time was far from promising, fear of attack by the Dutch with their French allies was rife in 1672. There was constant fight with the Portuguese in regard to the custom duties at Karanja, and Tannah. Sidi’s were committing greater insolence at Butcher’s island and at Bombay stealing cattle as well as vexing and robbing the poor people. Shivaji on the other side was making inroads in Deccan and south. It speaks high of Aungier to develop Bombay in such odd conditions. The section here will deliberately avoid commenting on the relation with the neighbours, trade, fort and garrison during this period as it has been given a separate treatment in the next chapters.

As far as the civil administration is concerned Bombay administration took notice of the dangerous visitors as it was concerned to the security of the island. In April 1670 Gary instructed Sergeant Adderton at Mahim not to admit 30 or 40 armed men, who had come for marriage, without disarming them, ‘as it was not consistent with our present weakness, nor was it was permitted by the previous Governors, that any persons should come armed upon the island’. In October Giffard complained to the insolence of Cojah Allevady (Khwaja Allauddin), ‘the pretending Mogulls Ambassadors’, to whom all the Muslims on the island addressed themselves, coming 15 or 20 times at a time and declaring that they had business with him, so that such a

124 Ibid, Campbell, I, 38.
126 Bruce Annals II, 149.
127 Ibid, 150.
128 Ovington, op. cit, Fn., 87.
129 E.F.I., 1670-77, 12.
130 Aungier called him an envoy from Aurangabad. He seemed to have been the Khwaja Allauddin, mentioned as going to the Prince’s Court at Aurangabad in 1668. The same Khwaja Allauddin went in August on a voyage to Goa and was shipwrecked near Bombay. Gary was accused of cabling with him and was described as ‘his only intimate and counsellour’. Ibid, Fn., 12.
number of them might collect as to threatening expressions on visits to the fort, and the Council recommended his removal.\textsuperscript{131}

In 1670 Aungier and his Council gave full orders to check any danger of this kind. These orders were as follows\textsuperscript{132}:

- A list of the Muslims on the island was to be drawn up, with details as to their estates, trade, arms and etc.
- None but merchants and handicraftsmen were to be permitted to dwell in Bombay.
- Private meetings of Muslims, Christians, or Gentus\textsuperscript{133} were to be prohibited except at times of devotion, and no one was to go armed to any meeting.
- Before all polls were taken, the whole company of soldiers was to be ready in arms, and the militia was to be raised to prevent disorder. At the same time the Qazi and all the Muslim merchants were to be assured that the Surat orders were ‘for their encouragement and protection – for their security as well as for our own.
- A strict guard was to be kept at the Custom house and all landing places.
- An account to be kept in a book of all entrants whether Muslims, Gentus, or Christians. The Captain of the guard was to report about this daily to the Deputy Governor, as well as to what arms were to be brought and taken in or out.
- Force and incivility was not to be used in taking the poll or searching for arms, but those who was opposed it were to be dealt with as an ‘example of the terror of others’.

How far these orders were acted on does not appear in the records.

Besides the Muslims Bhandari community was a source of apprehension. Gary in March proposed to remove them from the place they lived in, so that ‘a close passage

\textsuperscript{131} E.F.I., 1670-77,12.
\textsuperscript{132} Ibid, 13.
\textsuperscript{133} This word is the corruption of Portuguese Gentio, a ‘Gentile’or heathen, which they applied to the Hindu in contradiction to the Moors or Moros ie. Muhammadans., see Yule, Hobson-Jobson, The Anglo- Indian Dictionary, Wordsworth reference, reprint, 1996.
may be made as the Custom house to be reserved for warehouse, storehouse, and accommodations of merchants.\textsuperscript{134} This was approved by Aungier.\textsuperscript{135}

Another source of disquiet was the ‘daily resorte to the island of a company of idle sturdy beggars called Fuckeers’, some of whom were armed and behaved ‘very insolent towards the inhabitants of this place’.\textsuperscript{136} A proclamation was issued in April, ordering their departure within three days.\textsuperscript{137} The other trouble was the scarcity of grains on the island largely because of hoarding. To avoid these practices the Bombay Council along with the chief inhabitants took several steps which will be discussed later separately.

The Council also discussed the question whether the King’s flag should be continued at Bombay. It was decided that the flag should be of the Company’s own.\textsuperscript{138} The Council was authorized to buy land near the town, or if necessary in other parts, for settling artificers and others on it, at a cost not exceeding £1,000 or £1,500.\textsuperscript{139} Other important works were the establishment of a mint,\textsuperscript{140} the building of a small hospital,\textsuperscript{141} the institution of trading privileges for certain corporations. The creation of Panchayat or caste Councils for various indigenous communities\textsuperscript{142} was taken up

\textsuperscript{134} E.F.I., 1670-77, 14.
\textsuperscript{135} Ibid.
\textsuperscript{136} Ibid, 15.
\textsuperscript{137} Ibid.
\textsuperscript{138} Ibid, 17. Also see from the same volume, 67, 83. The Company’s flag at this period was one of alternate longitudinal red and white stripes. The number of which varied from 9 to 13, the odd ones being red, with St. George’s cross in red on a white canton in the upper corner next to the staff. In the eighteenth century its flag, with thirteen red and white stripes and the union of St. George’s and St. Andrews crosses in the canton, had become familiar at Boston and other ports in the American colonies from the Company’s ships that traded there. There was an apparent ground for the assertion that it was the origin of the identical stripes in the U.S.A. national flag. It seemed at any rate to be clear that the ‘congress colour’ flown in 1755 were precisely the same as East India Company’s flag of that time. E.F.I., 1670-77,Fn., 17; Aungier told the Company in 1671 that they had not yet altered the union flag, which had hitherto been used ‘for fears it might cause some thoughts among the souldiers’. This is corroborated by Barlow drawing of Bombay port and harbour, which shows the Union Jack flying from Fort and the Company’s flag on the each of the four ships lying in the harbour. The view of Bombay Fort from the land side by Baldeus an about this year also shows the union Jack on the castle, though the view from harbour has a flag with St. George’s cross on another part of building. It is in any case clear that the King’s flag was flying above the fort in 1674-75, E.F.I., 1670-77, Fn., 17.
\textsuperscript{139} Ibid, 17-8.
\textsuperscript{140} E.F.I., 1668-69, 52.
\textsuperscript{141} E.F.I., 1670-77, 16.
\textsuperscript{142} Ibid, 80-81.
as was the building of houses,\textsuperscript{143} and the importation of English women who might be married to the traders and settlers of their own race.\textsuperscript{144}

Another important work of Aungier was the improvement of the fortification. In 1671, Aungier appointed a German Captain Herman Blake to be the engineer and surveyor General.\textsuperscript{145} In 1672, Aungier arrived in Bombay, where his authority and experience were employed in putting the island in a state of defence against any attack. He had strengthened the fortification and by strict discipline prepared the troops for action. This is evident from the way in which Dutch invasion Ricloff Van Goen was beaten off in February 1673.\textsuperscript{146}

Apart from the improvement in fortification, at the beginning of this year (1670) fire burnt down some 300 houses, which were all poor ones of \textit{cadjan} or palm leaves, mostly belonging to the coolies, and the rest to the Hindu merchants.\textsuperscript{147} The Surat Council proposed to take advantage of this and issue a town planning regulation requiring the houses to be built in stone,\textsuperscript{148} and with tiled roofs in regular streets,

\begin{itemize}
  \item[\textsuperscript{143}]The Directors in 1675, made the rule that any one might build on a lease for a period not exceeding 61 years at a Moderate quit rent payable half-yearly. Arrears of salaries due to the Company's servants were to be expanded in building houses and warehouses on conditions that the servants were not eventually losers. Houses built in this way were not to be sold and alienated without the permission of the Company, Directors to Surat, March 5, 1675, G.B.C.I., II, 61-62;
  \item[\textsuperscript{144}]Surat to Court, January 24, 1676, Ibid. The importation of English women gave rise to the complaints in last years. The Surat Council writing to Bombay on the 18th December, 1675 remarked "And where as you give no notice that some of women are grown scandalous to our nation, religion and government, we require you in the Honorable name to give them all fair warning that they do apply themselves to a more sober and Christian conversion, otherwise the sentence is this that they shall be conferred totally of their liberty to go abroad and fed with bread and water till they are embarked on board ships for England. A diet allowance was granted to those who had not married with in one year."
  \item[\textsuperscript{145}]Ibid.
  \item[\textsuperscript{146}]Ibid. 319.
  \item[\textsuperscript{147}]E.F.I., 1670-77, 26.
  \item[\textsuperscript{148}]This was in accordance with the direction of the Company, who sent out a copy of the Act for rebuilding the city of London. E.F.I., 1670-77, Fn., 26. The letter of the Company reads as follows: "that grownd for towne bee lyned out, in the most comodious manner, to bee walled and fortified, as shальbe found most convenient upon the place, so as the said towne bee under the comaund of such fort or citadell.... And if any person shall have a reall right to such grownd that the towne or fortification shall bee built on, wee order that reall sattisfaction bee given them, before such building or fortification is begun. And in case the pretence of the widow (Donna Igiez de Miranda), or other pretender to the house and castle bee not ready cleared, wee require that it bee done, in an equall and just manner. For the encouragement of such persons as shall be willing to come and build, wee doe order that a convenient quanti tie of grownd bee allotted them build on, for such terme of yeares as you, our President and Counsel, shall think fitt, under some small rent. That a rule bee drawne out... directing a regular forme of building, that it may bee done uniforme, and (if with convenience) that the buildings bee of stone or brick. And for your helpe in drawing the forme, wee now send you the Act for building the Citte of London..." E.F.I., 1668-69, 237.
\end{itemize}
placed as to be commanded by the landward bastion of the fort Giffard on the other hand pointed that the building of the fort took up all the available stone and chunam (lime) and till it was finished, nothing could be done in the matter. He also pointed out that many people affected could not afford the expense and suggested that the town planning should wait till Aungier come to Bombay.  

The problem of obtaining provisions seems to have disappeared in 1671. This is evident from Giffard report of January that they were ‘reasonably well stored now with all things’. And urgent requests for stores were confined to small articles, such as iron bars, rattans for hooping barrels, nails, rose water for use on ceremonial occasion, and paper of good quality. The manufacture of gunpowder continued steadily with the saltpetre supplied from Karwar, though it was described as ‘very foule’. Karwar and Balipatam also sent supplies of timber.  

For the transport of these provisions from other places Bombay council was provided with vessels such as Charles, which was repaired at Karwar and offered to Bombay, Mary, and ‘nimble frigate’ which was brought by Bombay from Surat for Rs. 1,200. The two vessels also earned freight for private cargo carried between Bombay and Surat or Malabar Coast. Four boats were also built at Surat to Bombay at the end of the year. They were particularly wanted for fetching firewood from the mainland. Thus it saved the extravagant cost of hiring boats for the purpose.

The problem of depleting treasury however, continued in the year 1671 as it was in 1670. Therefore there were constant requests to Surat for money, especially for meeting the cost of building the fort and the pay of the garrison. Though the Surat Council sent cash from time to time, but the exchequer at Bombay was often very low and had to resort to borrowing money, which could not be raised cheaply.

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149 E.F.I., 1670-77, 26.
150 Ibid, 30-1.
151 Frigate, it was a shallow bottomed coasting vessel, fitted to sail or row, with only a light armament. Nimble frigate was later come to be known as Malabar coaster, E.F.I., 1670-77, 31.
152 E.F.I., 1670-77, 31.
153 Ibid.
154 Ibid, 23.
155 Ibid, 30.
156 Ibid.
This want of money continued next year too.\textsuperscript{157} In 1673 too there was a consequent
scarcity of money.\textsuperscript{158} The problem seems to become persistent for the island despite
the provision of the mint on the island.\textsuperscript{159} In March 1675 money was as scarce in
Bombay as in Surat, and at the beginning of May the stock of copper had been
exhausted and money was unprocurable. In November 1675 Bombay government was
again facing the financial problems and debts became very high after Aungier left for
Surat this year as there was no cash available in October.\textsuperscript{160} Financial exigencies thus
forced the Council, with the approval of Aungier, to coin the bullion into rupees. A
stamp made by Modi in 1674 was first of all used for this.\textsuperscript{161}

The revenues of the island were also decreasing. In addition to the loss of income
from the attached lands that had been restored,\textsuperscript{162} the auction of tobacco monopoly
resulted in the fall of Xs. 1,000. This was partly attributed to the prohibition of
buckshaw, or dunging coconut trees with rotten fish, which led to a diminution of
profits affecting the sale of tobacco.\textsuperscript{163} The tavern rents on the other hand were sold
for Xs. 300 more than before, but this involved a dispute with the Bhandaries, who
complained that the licensee, Elias Hill, made undue exactions from them, with the
result that the farm was given to them on fixed annual rental.

Trade of Bombay was also at low ebb.\textsuperscript{164} Altogether affairs at Bombay were in a bad
way and there was clear need for Aungier’s presence in Bombay. The condition of
Bombay becomes clearer from the letter of Aungier to the Company. In this letter he
gave reasons of his arrival to the island. The reasons in the letter can be summarized
as:

- The fort being ‘now in a defensive posture and strangers flocking to the town’,
careful town-planning and provisions of accommodation for them were
requisite. Quarrels among the ‘multitude of small nations flocking to the
island’ also needed his personal attention.

\textsuperscript{157} Ibid, 41.
\textsuperscript{158} Ibid, 75-6.
\textsuperscript{159} E.F.I., 1670-77, 121.
\textsuperscript{160} Ibid, 139.
\textsuperscript{161} Ibid.
\textsuperscript{162} See this under the section Land administration and Aungier’s Convention.
\textsuperscript{163} On Giffard recommendation the prohibition was withdrawn, as to the less offensive method of
buckshaw, by burying the fish in the ground during the rain. E.F.I., 1670-77, Fn., 42.
\textsuperscript{164} E.F.I., 1670-77, 42.
The internal troubles so hindered trade at Surat and gave the governor such power of undue interference that it would be better to develop the trade at Bombay.

He proposed to build a church from the voluntary subscriptions and subjects, to the Company’s approval, to erect suitable buildings for Council meetings, Courts, and other public places.

He intended, in accordance with the Company’s directions, to start a Court of Judicature and to substitute English laws for the Portuguese that had hitherto prevailed.

There had been misbehaviour of certain offices in ‘contemning’ the Deputy Governor’s authority, which had encouraged the soldiers and others to ‘commit many irregularities’. 165

Aungier did not return to Bombay until June 7, 1672 due to political disturbances at Surat, which was again attacked and plundered by Shivaji. 166 This event rendered the trade at Surat in precarious condition. The President and Council inferred that many of the merchant and banias would resort to Bombay under these disturbed conditions, as soon as they felt satisfied that the fortification and garrison was sufficiently strong to protect them and their property. They, therefore, recommended this object to the immediate attention of the court. 167

By the middle of 1672, however, internal troubles and the covetous exactions of the Mughal had convinced Aungier that moving the Company’s headquarters from Surat to Bombay was needed. 168 But unfortunately this did not take place largely because of

165 Ibid., 42-43.
166 Bruce Annals, II, 284-285.
167 Ibid, 286; Aungier, made all possible efforts to attract people form outside Bombay to come and settle for those oppressed by Mughals in Surat, Shivaji, Sidi or Portuguese elsewhere. It appears that Mahajan of Surat Bania community desired to be assured of certain privileges before raising their move to Bombay and Company had given the general approval of it. F.H.S., I, 46-47. It was during this period that the powerful mercantile elements viz. Gujarati banias began to settle in Bombay. In 1671, the Mahajan of Surat Bania community desired the assurance of certain privileges before risking the move to Bombay and the Company complied with the request. The other class of merchants treated with solidarity was the Armenians. Pusalkar, A. D. and Dighe, V. G. Bombay the Story of Island City, Bombay, 1949, 54.
168 Bruce Annals, II, 306-07.
the apprehension of Dutch attack on the island. The continual disorders in Bombay arising from the unruliness of the troops and considerable influx of weavers and other immigrants impressed him to personally reside in the island and plan its future progress.

Aungier sailed from Surat, and arrived at Bombay on 7th June 1672, after nearly losing his life in violent storms. After his arrival, he at once proceeded to deal with the more urgent requirements of the island. The disorders among the military forces were quashed i.e., in 1672, the Deputy Governor of Bombay Giffard complained to the President of Surat (Bombay being then subordinate to Surat) of the misbehavior of one Captain Burgess. Aungier on these complaints replied to the Deputy Governor on 23rd April 1672 “where as wee given to understand that Captain John Burgess hath... you are to publish this proclamation which wee here send you, for you, for the better reducing the soldiery in good order and government.”

It seems that the military officers even during the Governorship of Aungier were discontented. But he proved more than a match for them. It was only after his death that they were successful in gaining upper hand and eventually broke out into open revolt in 1683.

After Aungier’s arrival steady progress was made for the amelioration of the island. For the better security of the island orders were passed for guarding of the three main forts at Mahim, Sion, and Munchum and for the raising of the mobile force of fifty horses (all English). The need for the precaution against sudden surprise had been shown by the recent raid on the part of the Shivaji’s troops against Ghodbandar in the neighbourhood island of Salsette.

For town planning he consulted ‘most of the experienced men of the place and settled on the defensible ground near the fort measuring ‘nearly three miles in circuit’. Round

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169 Bruce Annals, II, 315-316; War broke out between England and Holland in 1672 which hindered Aungier’s return which was fortunate. The fort was so well guarded that the Dutch “gave over” the attempt. Samuel Pechel, op.cit., 56,
170 G.B.C.I., II,62.
171 Letter from Surat 4th June 1672, F.H.S., I, 67; E.F.I., 1670-77, 44. Referring to this storm Aungier remarked that “No consideration could divert him from running the greatest hazards to serve his honorable masters.” Da Cunha, op.cit, 289.
172 F.H.S., I, 62-63.
173 This was probably in the neighbourhood of Matunga. E.F.I., 1670-77, Fn., 44.
174 E.F.I., 1670-77, 44.
part of it he proposed building an 8ft. high wall – a project that was not carried out till 1716 in Governor Boone’s time. He also designed to have a small dock in the bay between the custom house and the fort, for the protection of some twenty sail by his guns.\textsuperscript{175}

The other orders included the compulsory fencing of wells under penalty of fine, the regulation of punch houses or taverns against drunkenness or breach of the laws for Sunday observance and settlement of the duties of the Bhandaries in guarding fort, attending on the Governor or Deputy Governor, and distilling arrack. In considering of their services being enhanced, they were freed from the customary payment of one lari for every \textit{coito}\textsuperscript{176} used, and were to be allowed a uniform of 100 new perpetuanos coats a year.\textsuperscript{177} Effective arrangements were also made for the new Court of Judicature and abrogation of Portuguese laws.\textsuperscript{178}

Besides, meeting the material needs of the island, Aungier exerted his great influence in promoting religion and morality among its European inhabitants. He no doubt initiated the project for the building of a church, though the action taken is not mentioned in the record. But it this it seems he must have been helped according to Foster by Rev. John France.\textsuperscript{179}

In 1672 there appeared the danger of Dutch attack over the island,\textsuperscript{180} the noise of the Dutch attack led to scarce among the inhabitants. Many inhabitants thus ran away from the island seeing this danger.\textsuperscript{181} In response of this the Council on 21\textsuperscript{st} December issued a proclamation prohibiting this and declaring that all such deserters would be treated as guilty of contempt of treason and their estates confiscated.\textsuperscript{182} At the same time Aungier did his best to encourage the people, and on the news arriving of a great

\textsuperscript{175}Ibid, 44-5.
\textsuperscript{176}Knife used in tapping trees for toddy. E.F.I., 1670-77, Fn., 45.
\textsuperscript{177}E.F.I., 1670-77, 45. Bhandaries were formed into three companies of thirty men each, one of which had to attend on the Governor (or Deputy Governor) successively. E.F.I., 1670-77, Fn., 45.
\textsuperscript{178}Ibid, 45. Details about the Judicial system see under the chapter Judicial Administration.
\textsuperscript{179}Ibid, 57.
\textsuperscript{180}E.F.I., 1670-77, 54-5.
\textsuperscript{181}Ibid, 55.
\textsuperscript{182}Ibid.
victory over Dutch it was decided to celebrate it by public thanksgiving on 26th December.183

Meanwhile steps were taken to hasten the return of the large number of inhabitants that had been scared off the island by fear of the Dutch attack. In March 1673 it was ordered to seal the houses of all those who fled. On 21st March again a list of them was called for, with details of their estates. At the same time their return was encouraged by the exemption of goods they brought with them from the payment of customs. The result was that rich people hurried back to save their estates, while others also did the same.184

Wilcox and Adams were deputed to inquire into the cases where ‘desertion’ was disputed, and the Council ultimately decided to restore all attached estates and to restrict any punishment for breaches of the proclamations to fines. However an exception was made in the case of a big Mazagaon landowner and Militia Captain, Alvaro Pires de Tavora, who had left his post without leave and (instead of returning to the island in obedience to a summons), had resorted to Viceroy of Goa and other Foreign dignitaries for redress of his alleged grievances. His estates were kept under attachments, and full particulars were placed before the Company so that these steps could be justified.185

While Aungier was busy in checking others from following Alvaro Pires de Tavora’s examples. The Viceroy of Goa, on the other hand complicated the issue by intervening for Alvaro Pires de Tavora and using expressions implying that the Portuguese inhabitants on the island were still subjects of the Crown of Portugal. Viceroy further stated that the he had received several complains from them (deserters).186 These were considered to be both ‘matters of very evil consequence’ by the Bombay Council and a proclamation was issued requiring all persons to take oath of allegiance to the King of Great Britain and of fidelity to the Company, and

183 This news was contained in the Company’s dispatch of 5th July, which arrived in December on the Blessing from Persia. The ‘victory’ was that at the battle of Southwold Bay, or Solebay, on 28th May. But despite this its result were indecisive and the Dutch, rather than the English, gained by the engagement. E.F.I., 1670-77, fn., 55.
184 E.F.I., 1670-77, 64.
185 Ibid.
186 Ibid.
prohibiting them from making addresses by way of complaint to any foreign powers or state. ¹⁸⁷

Aungier also took active steps to encourage immigration not only by special measures taken to protect the settlers, but probably more by the security afforded by firm, just, and able government, and actions like the establishment of Court of Judicature and the Convention ¹⁸⁸ settling the disputes of the seized lands. ¹⁸⁹ In the flurry of disturbances prevailed in the neighbouring country, Bombay, now was in a more defensive condition, naturally attracted settlers, this is confirmed by a report of Viceroy of Goa to the King of Portugal, which appears to have been written about this time. ¹⁹⁰

The letter of Viceroy reads as: "The Governor and the Ministers of his Majesty the King of England, who are in Bombay.... are making a large and opulent city of the island, and our places and towns are being deserted. If your Highness does not take steps to remedy these evils, all the revenues and commerce of these inhabitants will be extinct, and they will be reduced to the utmost poverty as in the case now in Chaul." ¹⁹¹

As a result of the Dutch war the expenses of the island increased and profits fell. Thus efforts to increase the revenues was made by Aungier by reducing the expenses of the Company’s house, of the garrison shop and store room, disbanding unnecessary soldiers, laying vessels, and suspending fortification work that was not urgent. ¹⁹² Because of these measures the revenues of the island showed some increase: thus the customs, tobacco, and arrack farms fetched about £1,000 more than before. However the expenditure from June 1672 to June 1673 was more than double, not only that of the corresponding previous period, but was also the total income. ¹⁹³

¹⁸⁷ Ibid.
¹⁸⁸ See the details in the next section.
¹⁸⁹ E.F.I., 1670-77, 58. Captain Shaxton in December testified to Aungier’s 'moderation, discretion and resolution... in all things he takes in hand’, having so largely tended to the satisfaction of the inhabitants and encouragement to our 'neighbours to come and live with us. When before His Honours coming hither we were altogether in confusion and disorder'. E.F.I., 1670-77, Fn., 58.
¹⁹⁰ E.F.I., 1670-77, 58.
¹⁹¹ Ibid.
¹⁹² Ibid, 75.
¹⁹³ Ibid.
During this year the Council considered proposals for special taxation, such as a general excise on consumable commodities and shops and an additional tax on landed estates, but none were brought into actual operation except the voluntarily contribution towards Fort-outworks, which raised Xs. 4,760.\textsuperscript{194} Other important decision of the Council this year was to discontinue the direct collection of the customs of the island and to farm them instead. This was however, limited to two years for which the Company’s concessions of free customs had still to run. The farm’s auction fetched Xs. 14,000. Another item of interest that indicates the increase of the Parsi settlers from Gujarat was the grant of a site on Malabar Hill, on which the well Known Towers of Silence was subsequently erected.\textsuperscript{195}

Though in 1675 there were difficulties in the way of getting provisions largely because of the Portuguese and Mughal governor of Gujarat\textsuperscript{196}, yet Aungier was intent to increase the revenue of the island to cover the full charges of the island. However there was considerable increase this year: the auction of arrack and tobacco farms fetched more than in any previous years. But for the failure of Joseph Burgess to carry out his contract the revenue from the customs would have been much enhanced. On the basis of the position as it stood in April, Aungier estimated the total revenue of Bombay, Mazagaon, and Mahim at Xs. 107,807, as compared with Xs. 40,000 before he came to Bombay in 1672.\textsuperscript{197}

An important part of this income was annual contribution of Xs. 20,000 payable under Aungier convention.\textsuperscript{198} As the war was over, Aungier took steps to recover the share due from English owners of lands, the levy of which had been suspended in 1673.\textsuperscript{199} The Attorney -General was instructed to demand it and if they refused to pay; their estates were to be at attached. It was pointed out to the Company that their exemption from payment would give them an unfair and inconvenient privilege.\textsuperscript{200}

\textsuperscript{194} Ibid, 77.  
\textsuperscript{195} E.F.I., 1670-77, 79.  
\textsuperscript{196} Ibid, 121.  
\textsuperscript{197} Ibid, 129.  
\textsuperscript{198} Ibid.  
\textsuperscript{199} Ibid, 77, 130.  
\textsuperscript{200} Ibid, 130.
The value of land in Bombay and of its products, coconuts, rice, and coir, had risen considerably, owing to the increase of population, and Aungier raised the question whether the contribution should not be taken in kind, instead of in cash, so as to give the Company some benefit from the rise in prices, but the debates in Council did not result in any definite decision on the point. The President recognized the difficulties in the way, and that 'at present things must not be too much hastened, nor any occasion given to (the Company) subjects to apprehend the least grievance. Thus he stopped one arising through the tax collectors demanding payments for the houses of inhabitants- 'a thing that was never heard of (before) and doth much discourage buildings'.

During this year despite Aungier's effort to make the island commercial and a secure place for the Company, the Surat Council charged Aungier of too much extravagance and grandeur at Bombay in their dispatch of 5th March. To this he gave an effective reply that he never acted except with the joint consent of the Council and strict regard to the Company orders. He further says that the gross sum at first may appear heavy, whereas if it is considered in parts it will appear otherwise, and will be seen in the following heads:

- Charges caused by the war were inevitable.
- The money expended in public appearances were made by serious debate in Council, suitable to the decency and advantages of their affairs, free from vanity or superfluity, and ended with that the reason that produce that.
- The fort building expenses were no more than security required.
- The building of outworks to the fort was defrayed by the voluntary contribution of 1 percent from the merchants.
- The outbuildings of houses, warehouses, granary, mint houses, and the Court of Judicature, were also judged absolutely necessary by your Council and such as you can not be without. I offer to take them on my account, if I am allowed reasonable rent for the time they were employed in the Company's service, and am permitted to improve them to the best advantage.

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201 Ibid.
202 Ibid, 135.
203 E.F.I., 1670-77, 135-37.
The extra charges involved in my stay at Bombay are more than covered by the increase in the revenue due to my intervention.

LAND ADMINISTRATION AND AUNGIER'S CONVENTION
At the time of cession, the land which was not in the private hands was vested in the British Crown and later on the East India Company. Under the Portuguese rule, there prevailed feudal system in the island and this system continued under the Crown. Almost all the villages which constitute the island of Bombay had already, according to the Tombo of Simao Botelho, been leased (afarados) for a foro or a quit rent to the various parties. The rest of the ground, except in the portions built over, such as the fort, the native town, Mazagaon and Mahim, was a mere swamp, or covered by the sea in the low part of the island, or else some barren uncultivated ridges as Malabar Hill, Mazgaon, Parel or Chinchpuggli hill. Thus the so called Crown land consisted of 40,000 acres of soil covered by sea, Malabar Hill with other ridges and two small islands southwards, which jointly were then called Colio, afterwards Old Women's Island, and now Colaba (Kolaba). But even these two islets were a later acquisition.

There was a considerable confusion concerning the legality of property titles. Neither Humphrey Cooke, nor his successor Sir Gervase Lucas ascertained when signing the instrument at cession, whether the titles of the landholders were consistent with the right and the privileges of the King of England. The land administration at the time of cession was not free from conditions. Some of these conditions were:

- That the Kunbis, Bhandaries, and the rest of the people Abunhados (sort of people bound to serve landowners) or inhabitants of the villages under the Portuguese jurisdiction shall not be admitted at Bombay.
- That every person possessing revenue at Bombay either patrimonial or Crown lands shall possess the same by right and shall not be deprived thereof except in cases which the law of Portugal directs.
- That the inhabitants of Bombay and the landholders of that island shall not be obliged to pay more than the foras they used to pay to Portugal.

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204 Da Cunha, op.cit. 300.
205 Ibid, 301.
The Portuguese residents shall be exempted from the payments of customs and shall have the liberty of trade from Bandra and the creeks of Salsette.

The King on receiving a report of this arrangement disowned the convention as contrary to the terms of the treaty and appointed Sir Gervase Lucas as Bombay Governor. But no satisfactory arrangement could be made during his tenure. Meanwhile the island was transferred to the Company in 1668.

To appease any resultant discontent amongst people, the Directors instructed Gerald Aungier to forgo enquiry into title, and instead to fix a lump sum as payment of rent to each person. Accordingly in 1671 Bombay Council was given order to look into this important question. In order to help Bombay Council Surat Council appointed three English and three Portuguese residents at Bombay to make requisite inquiries, and Simon Serron to be the Proctor or Solicitor General to defend the Company’s right before the Commissioners.

The same year (1671) Aungier sent some persons from Surat to conduct the inquiry. Detailed instructions for their guidance were issued by the Surat Council. They held sittings in March and April 1671, with the result that several ortas, or coconut gardens, and other lands were given up to claimants, who held established titles, while encroachments on Royal privileges were ordered to be retained for the Company’s use. The Jesuits, however adopted the policy of non cooperation, refusing to produce their evidence or titles for examination, and demanding restitution of the lands they claimed without make a clamour about it in England, so had copies

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207 He was a Portuguese, who had been appointed as legal adviser to the Bombay Council. E.F.I., 1670-77, Fn., 24.
208 E.F.I., 1670-77, 24.
209 These persons were Captain William Bass (formerly the Commander of George), he presided over the Commission, Stephen Flower (late Chief of Persia), George Symonds (he had served in Persia), Colonel Herman Blake (a German, whom Aungier appointed engineer and Surveyor -General at Bombay. He had been granted a passage by the Company to India in January 1670. Aungier said he made this appointment, having discovered his abilities and being sensible of the need for an able engineer for draining the over flown lands, lining out the new town, surveying the island and having an exact record of each man’s possessions and title thereto. (E.F.I., 1670-77, Fn., 25) and Colonel Richard Palmer (he was also designed for employment there. He was appointed to manage the custom house at Mahim. But it appears he did not take an appointment. E.F.I., 1670-77, Fn., 25). Other persons associated with them were Stephen Ustick (the Secretary of the Bombay Council), Richard Ball, and three Portuguese residents. E.F.I., 1670-77, 25.
210 Before the claimants got possession, he had to take the oath of allegiance to his Majesty, deposit two copies of his title, and have the land surveyed by Col. Blake. E.F.I., 1670-77, Fn., 25.
of all relevant documents sent home by the Company's ship.\textsuperscript{211} The big Mazagaon estate holder, Alvaro Pires de Tavora, as well as the 'pretenders' to the Bombay house also sided with the Jesuits.\textsuperscript{212}

The factory records reads following about the behaviour of Jesuits: “As they are very wise, subtle and powerfull, so in truth they are very troublesome, not to say insolent, and .... They have used all politick ways to bring their ends about, that these lands might be surrendered without examination. Your President thinks it not fitt to tell you how he hath bin tempted by them to abuse his trust; but we judge it worthy your knowledge that when they can not gaine their desires that way, they use another more dangerous to your government, which is by threatening those your servants (whom we are forced to employ in this affair of the Roman Catholick principle) with severe spirituall censures, with excommunication, pronouncing them damned for severing hereticks, and suchlike illegall pernicious arts they use to weaken the hearts of your people there from their duty and obedience to your service.”\textsuperscript{213}

In 1672 some success was attended over the land questions, which after partial investigation had been left in suspension. In February Giffard reported that the Jesuits had appointed a new Procurator, Reginald Burgess\textsuperscript{214} and he asked for the new appointments of Commissioners as only Colonel Blake and Lieutenant Ustick were left in commission. Surat Council at first opposed to do this as the matter had been referred to the Company and it’s suspected further ‘unreasonable and subtle designs’ on the part of the Jesuits. Giffard however already delivered up several lands, to which Procurator’s title was held good and on the Jesuits acknowledging their previous misbehaviour fresh Commissioners were appointed. They made some inquires but their work was soon superseded by the ‘Convention’.\textsuperscript{215}

In 1672 Aungier started personally investigating the titles of the ‘seized lands’ which he suspected that had been unduly restored. He thus discovered that most of the estates had been given back by the first Commissioners owing to false information

\textsuperscript{211} E.F.I., 1670-77, 25.
\textsuperscript{212} Ibid, 26.
\textsuperscript{213} Ibid.
\textsuperscript{214} He signed Aungier Convention as ‘Padre Reginaldo Burguez’. E.F.I., 1670-77, Fn., 40.
\textsuperscript{215} Ibid, 41.
supplied by Simon Serron, the Council's legal adviser.\textsuperscript{216} In an effort to save himself, the latter advised Aungier to reseize the lands and force the inhabitants to prove their titles by law. The course he took will likely lead the three fourth of the land falling to the Company. Aungier thus availing the opportunity auspicated a reasonable levy from the landholders towards the growing expenses of administration.\textsuperscript{217}

The people of Bombay and Mahim finding that the Company's aim was to raise revenues for bearing public charges, observing the justice and thus people commiserating the sad condition of their friends and relations which were likely to suffer, voluntarily offered a proportion of the yearly value of the lands, on condition that the existing incumbents were secured in their possession by the new titles received from the Company and 'never hereafter to be molested'.\textsuperscript{218} They first fixed one tenth, next one eight then one sixth and finally Aungier made them agree to pay Xs. 20,000 a year, which was reckoned to be more than one fourth of the annual crop yield. In addition he obtained for the Company all royal privileges, even though granted away by the Portuguese, all foreshores and island of Colio (Old Woman's island), which was reserved by the Company under an arrangement allocating the first of the three annual installments of 1673 towards buying out estate holders on the island.\textsuperscript{219}

The acceptance of the offer was made by the Council on 13\textsuperscript{th} September and the Convention was signed by the both the parties to it on 13\textsuperscript{th} November.\textsuperscript{220} This settlement was entirely because of Aungier but he acknowledged the assistance

\textsuperscript{216} He besides being unreliable, there were other drawbacks to his employment. Thus Giffard complained that, when consulted in litigation (which it must be remembered, was then under the Portuguese law), he had too prepondering a voice 'for on all occasions he quotes so many authors and spins out his advice into so many hard words, that the justices of the peace are so started at the perusal of it, that being not able to contradict what therein contained they agree with out his opinion though never so unjust, to the no small detriment of the contrary party'. E.F.I., 1670-77,Fn., 46-7.

\textsuperscript{217} E.F.I., 1670-77, 47.

\textsuperscript{218} Ibid.

\textsuperscript{219} Ibid, 7.

\textsuperscript{220} The persons present at the meeting for Convention in Bombay Castle were Gerald Aungier, the President, Mr. Henry Chowne, Mr. John Child, Mr. Wilcox, Mr. James Adams, Mr. Stephen Ustick, the Attorney General of the Company, all of the Council, as also Mr. Samuel Walker Secretary to the said Council, Signor Antonio Ifreis de Silva, the Portuguese Secretary, Signor Luis Cassadive de Lima, Assistant to the Attorney General, Father Reginald Burgos Procurator for the Reverend Father of the Society of Jesus, Mr. Henry Gary, Signor Alvaro Perez de Tavora, Lord of the manor of Mazgaon, Signor Pedro Luis Timon Procurator, Signor Martin Alferio de Mello, Francisco Pretto, Juan Perrra, and Antonio de Lima of Bombay, formerly chosen representatives of the people of the isle in general. G.B.C.I., II, 313. See details of Convention in G.B.C.I., II, 313-15.
received from the Jesuit procurator, Padre Reginaldo Burguez, and he was the first to offer one fourth of the annual yield of the Jesuits lands. Another result of the Convention was the confiscation of the Simon Serron's estate, who fled away from the island.

The enforcement of the convention for the payment of Xs. 20,000 as land revenue however gave some trouble. It was found that the representatives of the people had not complied with the provisions requiring them to pay the first quarterly installments of 1673 to proprietors in Old Women's Island as compensation for its acquisition. The installments were accordingly ordered to be credited to the treasury, and it was arranged to give in exchange of lands of equal value belonging to the Company. The demands for contributions to the installments led to the petition by the English landholders to be exempted on the ground that they were not parties to the Convention. After consultation with the representatives of the people, it was decided to refer the petition to the Company, and meanwhile the collection of the tax from them was suspended. As provided in the Convention, a petition of the people was allowed to continue the practice of buckshaw, dunging to the trees and the rice fields with dried fish, was supported except in regard to the town or its vicinity. During this year the orders were also given for the survey of lands since the Convention and the maintenance of register regarding them.

This agreement however remained a dead letter and President Aungier in 1674 held convocation. He drew up an order that the agreement was confirmed by both parties, which though not signed and satisfied by the East India Company seems to have been regarded as valid and was acted upon. It gave the inhabitants security in their possessions with the government reserving the right to take for buildings- "cities, towns or fortifications" on reasonable satisfaction to the proprietors. It recognized all land in occupation as private property subject to military service. This (the present

221 E.F.I., 1670-77, 47.
222 Ibid, 48.
223 Ibid, 76-7. According to the article 6 of the Convention the practice of buckshaw should be allowed outside the city. The Company left the matter to the Governor and Council, but said it thought the fish should be buried and not exposed above ground. E.F.I., 1670-77, Fn., 77.
224 Ibid,77. The Aungier's Convention provided for a survey of the lands and estates of each person at small charges. E.F.I., 1670-77, Fn., 77. Also see G.B.C.I., II, 316.
225 F.H.S., I, xvi, xvii.
'pension and tax on land) was then pronounced to be held under a tenure of which the holders could be deprived only on the payment of compensation. It is probable that at this date no leases had been executed and no rent paid. The occupants were tenants at will, the tenure was feudal. What land was actually in possession of the Company at the time is almost entirely conjectural as the map and survey record of 1674 were never discovered. Thus, finally the famous convention put an end to the long-standing disputes between the Company and the Portuguese landholders in regard to the ownership of land in the island.  

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226 Drowned and uncultivated lands were also let out small quit rents for a term of years. See B.G.M, III, 264-66.

227 One of the most important clauses of the convention signified that "in regard to the little isle colio (Colaba) reaching form the outer point westward of the isle to the pakhadi or parish called Polo (Apollo) will be great use to the Honorable Company in the good design which they have for the security and defence of this whole isle, it is hereby agreed that it shall be totally and wholly reserved for the use of the said Company, they making such reasonable satisfaction to the person interested therein as hereafter is expressed." G.B.C.I., II, 317. The other important fact regarding the Colaba is that it was not ceded along with the island of Bombay but was purchased in 1674 by the Company, after the reasonable satisfaction to 'those persons who have estates and lands in the Colio whom they are obliged to satisfy in their respective demands'. F.H.S., II, 382.