

Petitions, Civil Society, and the Making of Sovereignty in Early English Bombay*

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Bombay's move from "Portuguese" to "English" sovereignty was less a moment of transfer than of transformation. It involved extensive and intensive remaking not only of the relations between various forms of English and Portuguese sovereignty in the region but also a reinvention of the nature of authority over people, land, and commerce. At the same time, such a remaking of relations of power on the archipelago fit into an existing pattern of relations between subjects and rulers in western India; far from the despotic or autocratic modes in which we tend to understand both Asian sovereigns and European empires, sovereignty in such an early colonial settlement was clearly one that was fragile, inchoate, and, above all, negotiated.

One of the principal means of that negotiation can be found in dynamics between acts of governance and acts of petition and petitioning, which were the prime mode by which subjects of Company rule — employees, claimants on employees' estates, as well as settlers and inhabitants of Bombay— interacted and enacted government on the island. Even, perhaps especially, in these early days, the petition became both a primary instrument of registering a form of "public opinion," particularly among the elites and powerful stakeholders with whom English and Company rule had to engage. The amount

* Taking the invitation of the conveners to present work-in-progress at its word, this draft is very much a draft, and hopefully will be read as such; it represents some old and some new work coming into chaotic encounter, and is obviously still incomplete. Please excuse the crashes and explosions along the way. Hopefully it is suggestive enough of the work I would like to do to prompt some decent discussion. I look forward to everyone's thoughts. My thanks as well to Erasmo Castellani for his assistance with some of the research below.

of time Company government at Bombay spent engaging with petitions serves as evidence of a vibrant, if restricted, form of civil society and “public sphere” operating beneath and alongside early English rule. As the “most widespread and approved form of political activity in early modern Europe,” the petition was instantly cognizable as an instrument to English officials, not only as a means by which subjects lodged grievances or requests for clemency, but also as an institutionalized instrument for offering counsel and advice.¹ In the form of the *arzdasht*, *arzi*, *wajib al-arz*, and *iltimas* was also very much part of the political culture in shaping various layers of urban and imperial rule in Mughal South Asia and later colonial British India, though it is critical to remember that the practices and impact of petitioning did not “smoothly proceed” from one institutional and legal setting to the other.² Moreover, petitioning was itself key to the Company’s own operations; not only did it routinely receive them from its own employees, ship captains, private traders, widows and mothers of its servants, and others, on issues ranging from probate to release from confinement; it also frequently issued them, to Mughal and English officials alike. Of course, while these were all varied instruments, the fact that colloquial parlance fused them together into the ubiquitous term “petition” is worth noting. Moreover, like other genres, such as the sermon and the manuscript letter, petitions help us to push beyond the general “Habermasian” union of print and the idea of the emergence of the public; as such,

¹ Christopher R. Friedrichs, *Urban Politics in Early Modern Europe* (Routledge, 2002), 38; David Colclough, “Talking to the animals: persuasion, counsel, and their discontents in *Julius Caesar*,” in Armitage, Condren, and Fitzmaurice, eds., *Shakespeare and Early Modern Political Thought* (Cambridge, 2009), 228.

² Bhavani Raman, *Document Raj: Writing and Scribes in Early Colonial South India* (Chicago, 2012), 163. Majid Siddiqi, *The British Historical Context and Petitioning in Colonial India* (New Delhi, 2005); Matthew S. Hull, *Government of Paper: The Materiality of Bureaucracy in Urban Pakistan* (California, 2012); Farhat Hasan, *State and Locality in Mughal India: Power Relations in Western India, c. 1572-1730* (Cambridge, 2004); Aparna Balachandran, “The many pasts of *mamul*: law and custom in early colonial Madras,” in Anne Murphy, ed., *Time, History and the Religious Imaginary in South Asia* (Routledge, 2011); A.M. Fraas, “‘They Have Travailed into a Wrong Latitude’: The Laws of England, Indian Settlements, and the British Imperial Constitution, 1726-1773,” (Ph.D dissertation, Duke University, 2011).

they also suggest a potent means for conceptualizing the nature, content, and even temporality of early colonial subjecthood, and the role of those subjects in shaping the nature of law and governance.³

Yet as much as petitions revealed various publics and civil societies in early Bombay and their role in negotiating the form and content of government, they also served simultaneously to establish and solidify the legitimacy of English and Company governance. Establishing the Company as the legitimate arbiter of petitions and the requests they carried was critical to remaking the nature of sovereignty at Bombay, in both supplanting Portuguese authority as well as fending off the constant threats to that sovereignty from a range of neighbors. From their very first steps onto the archipelago, English officials actively and deliberately attempted to remake the nature of their authority, particularly by reshaping landholding and property relations throughout what they considered to be under their jurisdiction at Bombay. Such an enterprise, however, required “buy in” — that is, determining titles to land, redistributing property, and assessing “traditional” rights and responsibilities was not a didactic act of state, shaped not in determination but in negotiation of what constituted legitimate and effective rule. In this sense, English attempts to rule at Bombay required and even conjured forms of civil society: acts of public debate, assembly, and petitioning. Conversely, those who rejected English and Company rule signaled so by opting out of the petitioning regime, appealing to other forms of authority, including Portuguese, Asian, and even the English sovereign in Europe. Their declining

³ Derek Hirst, “Making Contact: Petitions and the English Republic,” *Journal of British Studies* (2006), 26-50; Peter Lake and Steve Pincus, “Rethinking the Public Sphere in Early Modern England,” *JBS* 45 (2006), 270-92; Tony Claydon, “The Sermon, the ‘Public Sphere’ and the Political Culture of Late Seventeenth-Century England,” in Ferrell and McCullough, eds., *The English Sermon Revised: Religion, Literature, and History, 1600-1750* (Manchester, 2001), 208-34; Miles Ogborn, *Indian Ink: Script and Print in the Making of the English East India Company* (Chicago, 2007).

ability to do so effectively becomes, then, in turn, a barometer of the slow and episodic growth of English authority and jurisdiction at Bombay. Moreover, that the occasion for such petitioning and engagement with government was generated neither simply by English and Company government or the acts of Bombay's inhabitants, but indeed was shaped by wider regional politics: maritime warfare, the expanding conflict between Mughal and Maratha authority, and shifting forms of treaty and alliance in Bombay's environs. As such, petitions served to challenge but also bolster not only the "domestic" authority of the English and the East India Company, but also in the long run help shape its claims in an interimperial arena, linking "domestic" claims to authority with "international" claims to legitimacy, jurisdiction, and sovereignty.

Taking the reins of power at Bombay in 1666, the royally-appointed governor Gervase Lucas saw his primary task as undoing what many in England had seen as the accomodationist — and even (to some) treasonous — policies of his predecessor Humphrey Cooke. Following several years of conflict over the nature of the "transfer" of sovereignty between the Portuguese and English, Cooke had acceded to many of the demands of the Viceroy at Goa, circumscribing both Bombay's territory as well as its extraterritorial rights over its waterways and subjects. This was not, however, simply a matter of foreign affairs, of repudiating Cooke's treaty with the Portuguese. It involved reshaping the nature of land tenure within Bombay itself. Indeed, one of Lucas's first measures was to confiscate large amounts of property throughout Bombay. His intention was to launch a legal investigation of titles as well as to "keepe the people in good order and obedience."⁴ Such a move was an attempt to demonstrate definitively to Portuguese

⁴ London to Surat, 19 March 1668/9, H/49 f. 21.

officials that the English rejected the promises Cooke had made to secure Portuguese land tenures and fix rents. Yet, it can also be seen, at least in part, as an attempt to establish a relationship between English government and its new subjects. Attacking the Jesuits' lands was also, obviously, a means to undermine their continued claim to an extraterritorial spiritual jurisdiction that linked Bombay to Goa and the wider Portuguese world. Yet, it was significant that a center of their power rested in landholdings that spanned Mahim and Bandra. In making these confiscations, Lucas was laying a claim not just to jurisdiction over the Jesuits but over the disputed parts of "Bombay" they occupied; moreover, the land confiscations opened the possibility of reshaping the political and economic geographies of the island more generally, making possible the building new houses and farms, part of a project of attracting new, presumably loyal and productive, settlers from Gujarat and beyond.⁵

By the time the Company assumed government on the island in 1668, very few titles had been confirmed or restituted. Oxinden and Aungier both continued in the project, with the ultimate goal of cultivating and protecting the colony of Bombay foremost in mind. It was no coincidence that the Engineer appointed to design building on Bombay Fort was also appointed Surveyor General to look into the rights for property on the island; by 1671, the Company's government had examined the titles of a number of estates and farms, with "several parcells where encroachments & alienations have bin made & royall priviledges imposed on are retain'd to your use."⁶ Importantly, however, their plan in the main was not to seize lands indiscriminately but to legitimate land titles so that they could be then

⁵ Glenn Ames, "The Role of Religion in the Transfer and Rise of Bombay, c. 1661-1687," *Historical Journal* 46, 2 (2003), 332-33.

⁶ Surat to London, 7 April 1671, E/3/32 f. 10; Surat to London, 1 June 1671, E/3/32 f. 14.

bought back for the “public” use; the Company authorized them to spend up to £1500 to purchase land near the fort, with a plan of removing the fishing villages to its outskirts and replacing them with houses for merchants and new settlers.⁷ The inter-imperial dispute with the Portuguese over what was Bombay — both on land and sea — and the nature of English authority there was the pretense for this investigation of land tenure; this in turn provided an opening for the Company to overcome a critical ideological problem in planting colonies in Asia: namely, to try to create a *terra nullius* through law where one could not be argued to be found in nature. Like other colonies in the Atlantic, Bombay had been instructed to lay out a new city plan, based upon projects for rebuilding London after the fire; as mentioned, plans to strengthen the island’s forts and encourage immigration and plantation by English, European, and Asian migrants alike required reshaping its internal geographies, all articulated as being for the “publique good.”

Yet, at the same time, the investigation of tenures also became a venue in which a different kind of relationship between public participation and colonial authority could be defined. Those who refused to produce titles or have their ownership examined, certain Muslim inhabitants and of course the Jesuits, were deemed “dangerous to...government”;⁸ Aungier and his council refused to even entertain the petitions of the Jesuit’s agent, Gaspar Alfonço, unless he would actually come to Bombay and produce proof of their titles and the Jesuits, they wrote, “seems they had rather forfeit [their lands] then adventure their titles to publique examination.”⁹ Importantly here, it was not the act of petitioning itself that

⁷ F. Warden, “Report on the Landed Tenures of Bombay,” *Transactions of the Bombay Geographical Society from June 1838 to February 1840*, vol. 3 (Bombay: American Mission Press, 1840), 8-9.

⁸ London to Surat, 24 August 1668, H/49 f. 7; Surat to London, 7 April and 1 June 1671, E/3/32, f. 10, 14; Glenn Ames, “The Role of Religion in the Transfer and Rise of Bombay, c. 1661-1687,” *Historical Journal* 46, 2 (2003), 332.

⁹ Surat to London, 7 April 1671, E/3/32 f. 10; Surat to London, 1 June 1671, E/3/32 f. 14.

made one litigious or quarrelsome; it was the form and direction of such a petition.

Alfonço's petition was "querulous," and "full of lewde but unjust Complaints" primarily because it demanded restitution without allowing the titles to be examined as per the proper procedure; the petition rejected rather than accommodated Company governance. In turn, it proved the similarly "querulous" and "uneasy petulant humor" of the "Padres" themselves, as a group.¹⁰ Only when they did come and promise to cease making any further appeals to London or Lisbon did Aungier even appoint the commissioners to inquire into the matter.¹¹

Just as this was seemingly resolved, in 1673, rumors of a threatened Dutch attack led many especially amongst the Portuguese community to flee; again, the Company blamed the Jesuits as well as other large landholders, especially Alvaro Perez de Tavora, who held significant estates in Mazagon and had been recently been made captain of the Mazagon militia. In this case, petitioning was not enough. Perez was summoned before the council, but failed to appear, submitting a petition instead "in a premtory way to justify his flight." The petition in this case was judged "false and scandalous to government" and was rejected, largely for its implications that the entire affair was a pretense for the Company to seize his estate for its own uses.¹² Another similar petition was presented in June 1673, and was similarly "thwone out, and noe notice taken of it."¹³ The council was committed to making a "publique example" of Perez; like the Jesuits, only when he stopped pressing his case at Goa, Lisbon, and London, and admitted guilt and begged the Company's "tenderness

¹⁰ Surat to London, 7 April 1671, E/3/32 f. 10.

¹¹ Surat to London, 6 April 1672, H/50 f. 5-6.

¹² Bombay Consultation, 16 May 1673, G/3/1 pp. 69-71.

¹³ Bombay Consultation, 23 June 1673, G/3/1 p. 83.

and compassion” were his estates restored.¹⁴ The Company also rejected Perez’s claims that the rights to his lands also included rights over its laborers, as this a “considerable privilege of sovereignty,” which should not be devolved “to a subject as Alvaro Perez is.” Otherwise, Bombay wrote to the Company in London, “all others of the like nature would be pretenders to the same privilege, and then you might account your power and authority only under an empty name to extend no farther than the walls of your Fort.”¹⁵

The Perez issue impacted the diplomatic wrangling over the wider sovereignty of Bombay, as delays in resolving this question of property were given as an excuse in Lisbon as to why there seemed to be no great rush to settle the issue of Mahim.¹⁶ Thus, the land tenure investigations raised a second meaning of the term “public”: what were the proper forms of active public participation necessary to recognize and secure the Company’s colonial sovereignty? In requiring people to prove their rights to land, the Bombay government conjured a realm of public petitioning, forum, and debate, which blended languages of rights in land with those of the indulgence and caretaking of good government. This was reflected most clearly in the ways in which the majority of land tenures were actually settled, since Perez and the Jesuits, were in a sense, exceptional. As early as 1663, over two-hundred Portuguese, Muslim, and Hindu inhabitants of the island had petitioned Charles II to dispossess revenue farmers in various “districts” of Bombay of their power, they being “men powerfull, arrogant, and Exorbitant violators, Eccesiastiques as well as Civil.”¹⁷ Part of the argument for Bombay’s traditional rights on Salsette were derived from

¹⁴ Sainsbury, ed., *Court Minutes*, XI, 9-11, 13, 49, 51-52, 71, 79, 97-99, 115, 125-26; Bombay to London, 18 March 1672/3, H/50 f. 86.

¹⁵ See Sainsbury, ed., *Court Minutes*, XI, 244-46; Surat to London, 21 January 1678/9, H/51 f. 149-50.

¹⁶ Francis Parry to Secretary Coventry, 5/15 Feb 1677/8, TNA SP 89/14 f. 31.

¹⁷ TNA CO 77/9 f. 64, f. 221; Khan, *Anglo-Portuguese Negotiations*, 451, 473.

protests of those who used to hold the farms to collect those rents and customs.¹⁸ In July 1674, the Company's government came to an agreement with appointed representatives of the Portuguese community on the island about the terms on which land could be secured.¹⁹ The opening lines of the ensuing document declared its origins not in government but in the "disquiet" amongst landowners about the unsettled state of affairs. Even if only a convention and a conceit, the agreement insisted that it arose when the "people thought fit, of their own free motion, by mutual assent, in a public *declaration and manifesto* to propose [the settlement] to the Governor in Council." Aungier and his council called "A general assembly of the *chief representatives of the said people*," 120 of the "eminent of the Povo [or people] in behalf of the whole Povo of the Island," which included a number of Luso-Portuguese inhabitants, including the attorney-general's assistant, the Jesuits' agent, Alvaro Perez and other major landholders. From this followed twelve articles, which essentially agreed to an annual quit-rent in exchange for confirmation of their rights in land. Following this, another "*General assembly*" was convened "*whereunto all the people in general interested in the affair* were invited to appear," and even a second almost town-hall-type meeting to hear supposed objections to the agreement, "whereupon the Povo in general said they...were thoroughly satisfied therewith and of the justice thereof."²⁰

Fixing land tenure thus served to eradicate, at least in theory, the ambiguity of Cooke's agreement with the Viceroy and an attempt to fix the legal geography of Bombay, both locally as well as in its wider inter-imperial context in the region. It was also a way of establishing a particular type of loyalty to and belonging in the Company's colonial polity,

¹⁸ Mr. Boone on a Para of his Letter No 22 dated 25 March 1722, IOR H/60 p. 77.

¹⁹ Warden, "Report on the Landed Tenures of Bombay," 11.

²⁰ George Forrest, ed., *Selections from the Letters, Despatches, and Other State Papers Preserved in the Bombay Secretariat* (Bombay, 1887), vol 2, appx. C.

less as a blind imposition and more through a form of active and engaged participation with that government. The “povo” had certain rights of petition and assembly, as well as security in land; by petitioning the Company and paying it rent, in turn, they confirmed a certain jurisdiction and authority over them that made it near impossible for Goa to continue its claims to religious and political jurisdiction at Bombay. Moreover, the agreement with the “povo” as a group seemed to serve as a justification for denying further claims and actions upon individual landholder petitions, as when the lawyer for Martin Alfonso de Mello Pereira petitioned for the restitution of lands that he claimed had been previously granted to him under Portuguese rule.²¹ It also allowed English landholders, who were not party to the agreement, to make claims — via petitions — for exemptions from the quit rents and taxes included in it.²²

This was hardly democracy in action, nor did it recognize an unmitigated right to self-rule. In some respects, it re-inscribed existing hierarchies, premised as it was upon the notion that there were principal residents literally and figuratively rooted and vested in the island. From this followed Aungier’s even more famous attempts to organize the island into particular districts and divisions, employing a variety of legal concepts: the Anglo-Saxon hundred, the South Asian *pakhadi*, (which Aungier saw as analogous to a parish), and extant forms of Portuguese dispute resolution, particularly the *vereadores*, local administrators and judges, who acted somewhat like local JPs; after Bombay’s incorporation in 1727, the island’s Mayor’s Court — like the one created at Madras several

²¹ Bombay Consultations, 18 Dec 1672, G/3/1 pp. 8-10.

²² Bombay Consultations, 26 Sept 1672, G/3/1 p. 132.

decades earlier — served as an even more robust site for political participation, particularly as regarded rights over land and other forms of property.²³

While reaffirming private property and a certain scope of participatory and petitionary politics, other clauses in Aungier's so-called "convention" also reflected the continued importance of that first concept of public good. It specifically claimed as the Company's a small point and island off the western coast of Bombay, "for the security and defence of this whole Isle," as well as the more blanket right to all the coasts of the island, "to be disposed of in necessary occasions for the public...in regard that in all kingdoms of the world the ground on the water side from the distance of forty yards at least from high water marks belongs as a Sovereign right and privilege to the Kings or Princes thereof." It confirmed the intention to take "a survey to be taken of the whole island...that the lands and estates of each person be measured," reaffirmed the Company's rights to seize land with proper compensation if necessary for defense or development, and most importantly, confirmed the obligation of military service, in the form of a militia, that had existed under Portuguese rule to that of Crown and Company.

Such an obligation of land in return for military service was less akin to a feudal tenure than it was to its translation into the early modern notion that service to the polity, particularly in the form of a militia, was a fundamental duty and obligation of a subject and a form of political participation in itself. It was a clear signal of the end of Portuguese claims on the island's subjects, but it was also in a way an implicit limitation on the property rights of both new and old subjects. Thus, in the aftermath of the Mughal invasion of Sion and Mazagon in 1689, the Bombay's government again confiscated much of its

²³ Fraas, "Wrong Latitude," 48, 227.

private property, with the intention of reinstating those who “had bin faithful” and for those who had been “bad” to serve as an “Example to be degraded & loose theirs.”²⁴ Again, the Company used the opportunity to dispossess the Jesuits, who were accused of encouraging Portuguese inhabitants to flee the island; once again as well, the priests did not help matters by trying to rally Portuguese officials at Diu and Goa to pressure the Company into a full-scale restoration, even by force if necessary.²⁵ The Company sought to take away a good deal of this land, “They being Inhabitants of Bombay Island & formed into y^e Meletia thereof were as all good Subjects are engaged to defend their Countrey and Estates as well as the Garrison Souldiers the neglect whereof was their great Crime.”²⁶ Thus, again in the 1690s, Bombay’s government seized the opportunity to redistribute land to those who would “set heartily about improving there estates & making them true to [the Company’s] interest.”²⁷

Also like two decades earlier, these confiscations generated petitioning, which both signaled a form of participatory politics while also reaffirming in their language and very existence the Company’s authority. This was, of course, a limited notion of a public sphere. Those who insisted on right, like the Jesuits, found their cries fell on deaf ears. Those who stressed loyalty and service were more successful, like Rama Comotin, a *saraf* and former tax farmer who had sustained a leg injury by friendly fire from a company mortar during

²⁴ Bombay to London, 15 Jan 1690/1, E/3/48 f. 232.

²⁵ Minutes of the Court of Committees, 18 Mar 1691/2, IOR B/40 f. 103-04; Memorial of Vicomte de Fonte Arcada, 15 May 1695, IOR H/36 f. 99; Duke of Shrewsbury to John Fleet, 27 Aug 1695, IOR H/36 f. 99; John Fleet to Duke of Shrewsbury, 10 Sept 1695, IOR H/36 f. 97; Minutes of the Court of Committees, 27 Aug 1695, IOR B/40 f. 19; Earl of Dartmouth to EIC, 1 November 1711, E/1/3 f. 388; Portuguese Envoy Memorial, 23 September/4 October 1711, E/1/3 f. 390-91.

²⁶ Bombay Consultations, 21 Aug 1694, IOR G/3/4 f. 23.

²⁷ John Gayer and George Weldon to London, 3 Oct 1694, IOR E/3/50 f. 244.

the siege,²⁸ who ultimately received title to sell, lease, or farm rice fields on the southern tip of the island, which had formerly belonged to Muslims accused of aiding the Siddi's invasion.²⁹ A collective petition from the inhabitants of Mahim directly challenged their alleged disloyalty, insisting they had remained on the island and fought as "people humble vassals Subjects & obedient to the most Honorable Company & to the General whom God keep & that he may commiserate the Miserys of these People."³⁰ Conversely, a great many of the Portuguese inhabitants, finding themselves unable to convince the council of their loyalty, increasingly abandoned arguments of the injustice of the seizures in favor of appealing to the Company's mercy for their "miserable" situations.³¹

Of course, petitions in early Bombay were far more than instruments of possession and dispossession, but also shaped a great deal of the more day-to-day business of state, from issues of public health to commercial rights and immunities. Yet, in so doing, they were hardly benign or neutral acts. They reinforced the notions of status, hierarchy, and group-life that informed Company notions of its role as a governor and the sociology of the subjects over which it ruled. Petitions in this sense could serve not only as acts of dispossession, but of possession, allowing for the accumulation of wealth and status by some over others; once again, petitions became a double edged sword, reinforcing the existence of a civil society but one that by its very nature worked in tandem with the legitimacy of colonial rule.

²⁸ [Hilton], "Diary," 14 February 1690, G/3/3, no. 3, f. 31.

²⁹ Bombay Dairy, 23 June and 21 Dec 1694, IOR G/3/10a, n.p.

³⁰ Inhabitants of Mahim to Captain Michael George, 7 Sep 1694, Bombay Consultations, 28 Aug 1694, IOR G/3/4 f. 25.

³¹ Petition, 24 Aug 1694, IOR E/3/50 f. 251; Jesuit priests to Sir John Gayer [Aug 1694], IOR E/3/50 f. 232-36.

Importantly, petitions as acts of government frequently did not represent only an attempt to right a grievance or reverse some form of government action; again, they could serve as a form of counsel and consent, particularly on volatile issues such as taxation. Petitions incorporated certain subjects into a limited form of governing; in some instances, they also widened the scope of Company government. For example, in late 1672 and early 1673, petitions became a means of negotiating with chief merchants among the Hindu and Muslim inhabitants of the island over a duty to be levied for the reinforcement of Bombay's fortifications and its town walls; these petitions suggested the "Hindoo, Moores, and Banyan Merchants doe of their own free will" submit to a customs charge one percent on imports, presumably in lieu of quit rents or other less desirable forms of taxation. The decision was tricky, as the Company had been insistent upon low and even the absence of customs charges at Bombay as a means of encouraging immigration and commerce on the island; it was suggested by Aungier that to impose a tax now could undermine the Company's "Honor and Reputation." The Bombay council, however, found that the petition itself gave them political cover, establishing the tax, "in regard it was the Merchants request out of their *owne free will* [and thus] it did not touch the honorable Comp[any's] Creditt."³²

Here the supposed "free will" of the subject exonerated the Company from its previous obligations to remove customs duties, while in turn potentially feeding much-needed revenue back into the Company's fledgling security regime. Similarly, a petition from major landholders of Bombay, Mahim, and Mazagon, requesting the Company allow the resumption of their collection of rents on commodities such as oil, cotton, betel, and shops led the Company to consider a "general excise" on all commodities "according to the

³² Bombay Consultations, 8 Jan 1672/3, G/3/1 p. 16. Emphasis added.

practice of India for Defreying the publick charges.”³³ A few merchants on the southern tip of Salsette successfully petitioned for an exemption to the Company’s prohibition of shipping produce from Bombay on “forreigne boates” in exchange for offering to use their shipping to return with necessary provisions for Bombay when required.³⁴ A petition from Muslim merchants about Portuguese duties on trade to the mainland prompted the Bombay government to issue a proclamation forbidding them to pay taxes to the Portuguese, offering the Company’s protection for their trade in exchange for a (supposedly) more modest “tribute” to the Company instead, which had been suggested in the petition itself.³⁵ Indeed, the Bombay government’s anxieties about security seemed to generate a great deal of manipulation of land and property that in turn prompted a significant amount of petitioning. The council favorably heard petitions, for example, seeking restitution for coconut trees cut down for the expansion of Bombay’s fort, one landholder seeking a revaluation of buildings he owned within the town, as well as from one English member of the garrison whose house was burned down because it was in line of fire of the fort’s cannons.³⁶

Many petitions, especially those coming from Company employees and others who worked in a more formal capacity for its commercial or political agencies, also focused on redress or clemency for personal circumstances — petitions for release from confinement, for sustenance in straitened circumstances, or for restoration of wages, estates, or other forms of property. In these cases, the Company seems to have avoided action in the

³³ Bombay Consultations, 15 Jan 1672/3, G/3/1 p. 17-18.

³⁴ Bombay Consultations, 22 Dec 1675, G/3/2 pp. 5-6.

³⁵ Bombay Consultations, 18 April 1673, G/3/1 p. 59.

³⁶ Bombay Consultations, 11 April 1673, G/3/1 p. 53; Bombay Consultations, 28 April 1673, p. 63; Bombay Consultations 3 June 1673, G/3/1 pp. 78-80.

judicature by articulating its own form of justice. However, throughout, the process of petitioning and response also articulated a particular form of correspondence and proper mode of addressing government. Much like letters, correspondence, and other documentation that passed between the Company's government in Asia and their superiors in London,³⁷ the success of a petition could often rest on its form, standards of evidence and documentation, address, and other procedural issues that again allowed Company government to articulate a particular form of deference to authority.

It appears (though for the purposes of this paper, these conclusions are only tentative and anecdotal at this point) that the petitioning regimes on the island increased in both kind and number rather than decreased as company power became stronger and more well-established. Moreover, petitions only further reinforced the social hierarchies on the island, enmeshing in the official mind of Company governance the notion and power of the "principal inhabitants," the landholding and mercantile elite, often of Luso-Portuguese origins. For example, in September 1720, the Bombay council entertained a petition complaining about the burden of the quit-rent, halving the land tax for estates and houses within the town, making up the revenue by extending the quit-rent to houses within cannon shot of the town walls and levying a tax on Hindu cattle; subsequent petitions on the matter recalled the original agreement with the island's inhabitants under Aungier's tenure.³⁸ In 1735, the island's *bhandaris* presented a collective petition, complaining of the excessive taxes on arrack distilling and sale, which resulted in the endorsement of granting the monopoly on arrack and toddy sales to the "heads" of the *bhandaris* in exchange for an

³⁷ See Ogborn, *Indian Ink*.

³⁸ Bombay Consultations, 30 Sept 1720, and 29 Dec 1734 in Forrest, *Selections*, II, 32, 65.

annual payment.³⁹ Strikingly, petitions ranged over a number of apparently mundane issues, though ones that were indicative of the ways in which the Company had come to govern over the day-to-day lives of inhabitants: questions about permissible forms of fertilizer for gardens and palm trees; questions of public health; and so on. It is also clear from the form and persistence of the petitions that Bombay's small community of attorneys were involved in helping people draft and reply to petitions; the cost for doing so before the judicature and then later the Mayor's Court were fixed by the court in its table of fees.⁴⁰ The act of petitioning also continued to be replete with signs and symbols of proper obedience and deference to government. When a number of peasant cultivators absconded to Salsette in 1735, as a means of pressuring the government into lifting the ban on using dried fish to fertilize rice and tree farms; not unsympathetic to the request — and having lifted the ban elsewhere outside the city walls — the Council nonetheless refused to hear the petition until "they apply in a proper place & manner."⁴¹

Petitions thus served as an expression of an inchoate civil society at Bombay, one which provided both a certain point of negotiated rule for early Company government but also that sort of advice and counsel on the proper measures to be taken for the administration of civic life. They were also an outlet, a pressure release, for the over-exuberance of early Company policy, from its unrealistic attempts to eliminate customs duties to its enthusiastic expression of a form of what we might now call eminent domain, in confiscating property necessary for fortification, security, or other forms of infrastructural expansion. Petitions also served as an extra-judicial outlet for dispute

³⁹ Bombay Consultations, 1 Nov 1734, in Forrest, *Selections*, II, 65-68.

⁴⁰ Bombay Consultations, Aug 1722, in Forrest, *Selections*, II, 46.

⁴¹ Bombay Consultations, 16 Feb 1732/33 in Forrest, *Selections*, II, 49.

resolution, one which transformed (though beyond the scope of this paper to explore, and an issue I am currently working on) with the introduction of the Mayor's Court and other forms of judicial process in 1726. Yet, as much as petitions offered a form of power and voice to the ruled, they also reinforced the legitimacy and station of that rule. The prevalence of group petitions re-inscribed both Company and elite notions of the nature of communities under Bombay's jurisdiction, and served to brand certain of those communities — such as Muslims or Jesuits — as untrustworthy or dangerous to government. Petitions were also used to *prevent* the petitioning of other authorities; the more legitimate the Company's forms of redress were, the less those sent, say, to other authorities such as the Portuguese or officials at Surat; this too would also undergo transformation as petitions to England, via the Privy Council appeals, became even more prevalent, again after the process was formalized in 1726.⁴² Thus, the incorporation of Calcutta, Madras, and Bombay in the 1720s had a significant impact on the nature of petitioning and its role in shaping Company authority, and forms the next — and as yet completed — stage of my research into this material, and the role of petitioning in articulating forms of governance and rule until the elimination of those institutions from 1773 to the early nineteenth century.

⁴² See A.M. Fraas, "The First Fifty Appeals from East India Company Territories to the Privy Council, 1679-1774," <http://angloindianlaw.blogspot.co.uk/p/privy-council-cases-from-india-before.html>