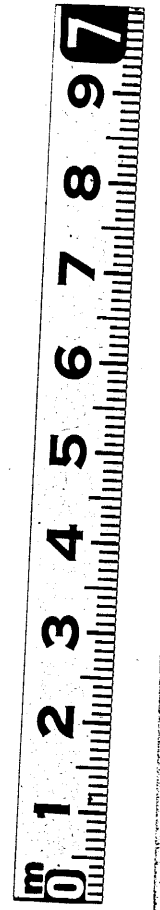


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A ⁿ
 DESCRIPTION
 OF THE
 Port and Island
 OF
 B O M B A Y.

AND
 An Historical ACCOUNT of the
 Transactions between the *English* and
Portugueze concerning it, from the Year
 1661, to this Present Time.



Printed in the YEAR, M DCC XXIV.

THE HAVEN OF BOMBAY
 DESCRIB'D;
 HOW TRANSFERR'D
 TO HIS MAJESTY KING CHARLES THE
 SECOND;
 WHAT INJURIES SUFFERED
 FROM THE PORTUGUEZE;
 WHAT ADDRESS MADE TO THE
 VICE-ROY OF GOA;
 WHAT ANSWER RETURN'D BY HIM;
 WHAT OPINION GIVEN BY THE
 PRESIDENT AND COUNCIL THEREON,
 AFTER A SOLEMN EXAMINATION;
 WHAT HAS HAPPEN'D SINCE;
 AND LASTLY, THE RIGHT AND
 TITLE TO THE WHOLE HAVEN AND
 ISLAND, WITH THEIR DEPENDENCIES,
 ASSERTED TO BE IN THE ENGLISH.

Bombay describ'd; how transferr'd
 to his Majesty King Charles the
 Second; what Injuries suffered
 from the Portugueze; what Ad-
 dress made to the Vice-Roy of Goa;
 what Answer return'd by him; what
 Opinion given by the President
 and Council thereon, after a solemn
 Examination; what has happen'd
 since; and lastly, the Right and
 Title to the whole Haven and
 Island, with their Dependencies,
 asserted to be in the English.



THE Haven of *Bombay* lies near
 Fifty Leagues Southward of
Surat, in Nineteen Degrees
 of North Latitude, and compre-
 hends all the Waters that enter
 between *Colayr* on the West Point of the
 Island *Salfett*, and the two small Islands of
Hunary and *Cunary* on the South near the
 Main.

(4)

It is reputed one of the most famous Havens of all the *Indies*, as never being choaked up by the Storms, or yearly Monsoons; but affords at all Seasons, Reception and Security for whole Fleets.

Within this Haven or Bay stands the Island of *Bombay*, which gives Title and Denomination to the whole Sea that enters there; but as for the Island itself, it is barren and incapable of raising sufficient Provisions for its Inhabitants.

There are as appears by the annex'd Chart, some small Islands scarce worth the Notice, but two others are of Consideration, namely *Caranjah*, which is wholly encompass'd by the Waters of the Port of *Bombay*, and *Salsett*, a much larger Island, in Figure almost Square, against two sides whereof the Water of this Harbour strikes; the *West* side of *Salsett* is wholly exposed to the Ocean, and the *North* side is wash'd by an Inlet of Water called the Road of *Bassein* reaching as far as the *East* Point of *Salsett*.

On part of the Island of *Bombay* stands *Mahim*, the Name formerly of the whole Island.

There

(5)

There was in old time, built here by the *Moors*, a great Castle; and in the time of the Kings of *Portugal*, this was the Place where his Court and the Custom-house was kept, and here were the Duties paid by the Vessels of *Salsett*, *Trombay*, *Gallian*, and *Beundy* on the Main, &c.

This Port and Island was in the Year One thousand six hundred and sixty two, by the Eleventh Article of the Treaty of Marriage between the Crowns of *England* and *Portugal*, granted and transferred by his then Majesty of *Portugal* to the Crown of *England* for ever, with all Rights, Profits, Territories, and Appurtenances whatsoever, and with the Entire, Full, and Absolute Use, Dominion, and Supreme Power of the said Port, and Island, and Premises, and together also with all the Royalties thereto belonging; and it was agreed, that the quiet and peaceable Possession of the same, should be freely and effectually delivered up to the King of *Great Britain*, to his own Use, or to such Persons as his Majesty should depute for that purpose.

And by the Twentieth Article of the same Treaty the two serene Kings agreed,

A 3

That

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That they would sincerely, and *bona fide*, observe, and cause their Subjects and Inhabitants to observe all and singular the Heads in that Treaty, and would not in any wise act contrary thereto, or suffer their Subjects or Inhabitants either directly or indirectly so to do.

By Virtue of this Treaty, and the particulars delivered with it to King Charles the Second, his Majesty became unquestionably entituled, among other things, to *Bundura*, *Trombay*, *Marversova*, and other Places on or adjoining to the Island of *Salfett*, and to *Caranjah*, with other Islands and Places lying near to or in the Harbour of *Bombay*, as so many Members, Territories, or Appendants to *Bombay*; and in Consequence thereof, to the Possession of those Places, and by the same Treaty his Majesty became entituled to all the Duties payable from the said Places to the Mandavie or Custom-house of *Mahim* on *Bombay*.

His Majesty being thus entituled sent out five Ships of War to take possession of the Port, Island, and Premises, under the Command of the Lord *Marlborough*, together with Five Hundred Soldiers commanded by Sir *Abraham Shipman*, who was to be their

(7)

their General on Shore, and with these his then Majesty of *Portugal* sent out a Vice-Roy, authorized to deliver the Whole to the King of *England*.

The Instructions that were given upon this Occasion to Sir *Abraham Shipman*, were, amongst other things, to this Effect;

You are, by Virtue of your Commission under the Great Seal, and such Warrants and Directions as you have had from us or our Council, to receive under your Command the Forces of Foot raised in England for our Service in the East-Indies, and from the Rendezvous at ———, Wind and Weather serving, to sail directly to our Island of Bombay.

Being there arrived, you are, as our Governor of that Island and Country within the Extent of your Commission, to demand and receive the same, with the Artillery, Ammunition, &c. into your Possession, from the Governor of our Brother the King of Portugal.

Our main Design in putting our self to this great Charge for making this Addition to our Dominions, being to gain to our Subjects more
A 4 *free*

free and better Trade in the East-Indies, and to enlarge our Dominions in those Parts, and advance thereby the Honour of our Crown, and the general Concerns and Weal of our Subjects. You are, with all convenient Speed and Advice, to make use of the best Ways and Means for the Encouragement and Invitation of our Subjects and Strangers to Resort and Trade there.

You are to administer the Oath of Allegiance to every Person in the said Island capable by Law to take the same, and we do hereby give and grant you full Power and Authority to administer the said Oath.

The Fleet being arrived at Bombay, my Lord Marlborough required the Surrender of the Island according to the Terms of the Treaty, and the Orders of the King of Portugal, which accompanied the Vice-Roy, but in vain, the Portuguese would by no means be prevailed on to part with Bombay.

Many Applications were made time after time but all to no purpose, at length my Lord Marlborough seeing no prospect of accomplishing the Surrender, and having many Men on Board, whose Health required their being on shore after so long a Voyage,

Voyage, proceeded for Swalley near Surat, there landing the Soldiers; but the Moors being jealous of their Designs, and seeing their manner of Exercise, believed them so formidable, that they threaten'd Sir George Oxenden, then President to the English Company at Surat, to sacrifice the whole Factory if they did not leave the Shore, which being represented by him, the Military repaired on Board and departed for Anja Diva, an uninhabited Island, twelve Leagues off Goa, the Capital City belonging to the Portuguese in India, where they staid waiting when they should be put into possession of Bombay.

During this Stay, the Military were reduced to such Hardships by the Unhealthiness of the Place, the Inclemency of the Seasons, the want of due Shelter, and of proper Provisions and Necessaries, that Sir Abraham Shipman, and near three hundred of his Men got their Deaths there.

This fatal Disappointment was much complained of in England, and Reparation demanded for the Loss sustained by it, as appears from an Article of a Memorial delivered in July 1663, to Don Francisco Terreira Rabello, the then Portugal Ambassador, viz. More.

Moreover his Majesty insists very earnestly, that not only Justice be done upon the Vice-King in the Indies, who has so falsely and unworthily failed in the Surrender of the Island promised to his Majesty there, but that Reparation be made for the Loss he hath sustained in sending Ships and Men to take possession of it, the Charges whereof are valued, by the Officers of his Majesty's Navy, to amount unto at least One Hundred Thousand Pounds Sterling, and that likewise more effectual Orders be reiterated thither for the Surrender of the said Island, to the full Extent formerly exhibited to his Majesty in the Map, containing not only Bombay, but Salfett and Tannah, and so promised to his Majesty, for the possession of which the Troops are yet detained there, suffering much Inconveniencies in the Expectation of it.

To this no Reply seems ever to have been made, but on the contrary, the Portuguese in the East-Indies persisted in their Refusal to Surrender the Island, except on such Terms as were directly opposite and repugnant to the plain meaning of the Treaty; and by these Means and in this Manner the English were reduced to the last Extremities and Necessities; And when they were in this Distress, wanting Provisions

of all kinds, and all sorts of Necessaries for Life, and besides in an unwholesome Air, then it was that the Portuguese struck a Bargain with one Cook, of which take the following Account:

Sir Abraham Shipman being dead, Humphry Cook, his Secretary, pretended a Power delegated to him by the General deceased, to take Possession; and though, in truth, neither he nor the General had any Power to grant or accept the Surrender, but in Conformity to the Treaty, yet being impatient and eager, upon any Terms, to attain the Possession, prompted to it either for his own Ends, or to be in better Air than in the infectious Place that had been so fatal to the Soldiery, showed a Willingness to comply with the Portuguese, who being fully apprized of the State of the English, and well knowing that at that time there were not Men enough left to fill up the Extent of what by the Articles they were to give him, sent him their own Articles, and he was not suffered to Enter on the Island till he had very solemnly signed them, and the same are to the Effect following.

I. The

- 1. ' The *Portugueze*, or others, may freely
' Come, Sell, Buy, and Trade at their
' Islands and Countries through their
' Port of *Bombay*, and be free of all
' Payments.
- 2. ' The said Freedom of Trade shall be
' particularly understood at *Bundura*, and
' other the Creeks of *Salsett*, though
' under the *English* Artillery.
- 3. ' The Runaways to be Protected.
- 4. ' The *English* are not to meddle with
' Matters of Religion, on Pain of for-
' feiting their Right in the Island of
' *Bombay*.
- 5. ' The Fleets and Boats of *Portugal* to have
' free Egreſs and Regreſs, without asking
' leave, becauſe part of the Bay belongs
' to them, in reſpect of their other Islands
' and Countries.
- 6. ' The Inhabitants to enjoy or ſell their
' Eſtates.
- 7. ' That the Inhabitants of *Salsett*, *Caran-*
' *jah*, *Baragon*, (which is *Trombay*) and
' the reſt of the Islands of the *Portugueze*
' Jurif-

- ' Jurifdiction, may freely Fiſh in the
' Bay and River, even in the Arm which
' enters and divides *Bombay* from *Salsett*
' by *Bundura* up into the Bay, and the
' Inhabitants of *Bombay* may do the
' ſame, without Tribute or Custom on
' the other ſide.
- 8. ' That Workmen may be hired from the
' *Portugueze* but not detained.
- 9. ' No Runaways to be admitted and de-
' tained upon pretence of changing their
' Religion on either Side.
- 10. ' That the Lady in whom the Govern-
' ment of *Bombay* was, may yet freely
' enjoy her Eſtate.
- 11. ' That no Inhabitants ſhall loſe their
' Right, either Patrimonial or what is
' held from the Crown; but it ſhall
' deſcend and they may Alien, unleſs
' they forfeit according to the Laws of
' *Portugal*.
- 12. ' The Eccleſiaſticks not to be moleſted,
' but to have their Churches free.

- 13. ' The Inhabitants who pay Tribute to the King, shall pay no more to the King of *England*.
- 14. ' That all reciprocal Friendship and good Offices shall pass from Side to Side, as being the Intention of the Treaty. Dated in Pangim, or Goa, the 14th of January, 1665.

Antonio de Mello de Castro.

As soon as the News of *Cook's* Capitulation came to *England*, the King was much offended at it; he treated it as a Capitulation agreed on by one that had no Authority for what he did, and as derogatory and contradictory, in almost all its parts, to the Treaty entred into by the two Crowns; he deposed *Cook*, and sent over *Sir Fervas Lucas* to succeed him; and yet this Treaty, such as it is, and so obtained as it was, is the Treaty that the *Portugueze* in the *East Indies* have all along laid hold of to dispute the just Rights of the *English* Nation.

The

The King after some time being graciously moved to transfer the Island to his Subjects the *East India* Company, for the Enlargement and Protection of the *English* Commerce and Navigation, and in hopes that by the Care and closer Application of the said Company, the Matters complained of might be Negotiated to a better Issue, was pleased, by his Royal Charter under the Great Seal of *England*, Dated the Seven and Twentieth Day of *March*, One Thousand Six Hundred and Sixty Eight, in the Twentieth Year of his Reign, for the Considerations therein mentioned, to Grant to the then *East India* Company (and which is since become the Property of the present United Company) all the said Port and Island of *Bombay*, with the Rights, Profits, and Territories, Revenues, Rents, Customs, Castles, Buildings, Franchises, &c. in as ample manner as granted by the said King of *Portugal*, and made the said Company absolute Lords Proprietors thereof (reserving the Allegiance of the Inhabitants) and empowered them, their Successors, Governors, and other Officers, to resist and repel, by Force of Arms, by Sea and Land, all Persons who should, without the

‘ the King and Company’s Licence, at-
‘ tempt any Destruction, Invasion, Hurt,
‘ Detriment, or Annoyance thereunto, or
‘ to the Inhabitants, or their Interest, Pro-
‘ fits, Properties, or Estates, &c.

The Company had no sooner taken Possession of the Island, but they found great Matter of Complaint administred to them by the *Portuguese*, and among others, That when they sent their Boats by *Caranjab* or *Tannah* to the Main Land, either for Merchandize, Timber, or Provisions, from whence only such Things must come, the Fort at *Tannah* commanded the Boats in, and the Governor levied, Ten, Twelve, to Fourteen *per Cent.* as he pleased; and because at *Caranjab* the Stream is broad, and there is no Fort on that side to Command, therefore Boats were there armed out with Soldiers, and such Duty levied by them as they thought fit, unless when the *English* put Soldiers in their Boats to resist it.

To

To remedy these Insults without committing Hostilities, it was thought expedient to chuse some fit Persons to send unto the Vice-Roy of *Goa*; and accordingly Mr. *James Adams* and Mr. *Walker*, with a *Portuguese* Secretary, and other Servants were sent with full and ample Instructions to *Lewis de Mendosa Furtado*, the *Portuguese* Vice-Roy: First, To Pray for Liberty of Trade; according to the Treaty; and next an Exemption from the Duties, which were exacted against all Reason, and the Custom in all Places where the Navigable Passages are Free.

But unto these Demands nothing could be obtained but an Answer in Writing signed by the Vice-Roy the 3d of *February*, One thousand six hundred and seventy three, to the following Effect:

‘ The Vice-Roy said, he would cause
‘ entire Observation to be given to the
‘ Treaty.

‘ He confessed, it was just for him to
‘ give Ear to what the Company desired
‘ about Free Commerce in the Territories
‘ of the Prince of *Portugal*, but he had no
‘ Order to yield any such thing.

B

‘ That

' That although it was true all Navi-
 ' gable Rivers were free to pass, without
 ' paying of Tributes, yet this Rule did not
 ' reach to the Conquests made in the *Indies*,
 ' whose Navigation did solely appertain to
 ' the Crown of *Portugal*; and besides, the
 ' Liberty contended for, was to be un-
 ' derstood of Rivers that stood open to
 ' all by the Law of Nations, and not of
 ' Rivers that are locked, as the *English*
 ' well know the Practice in the Passage of
 ' the *Sound*, and with much more reason
 ' ought to be in those of *Tannab* and *Ca-*
 ' *ranjab*, which with the Islands adjacent,
 ' made a Bar that is lock'd or shut up;
 ' That as he could not order any thing in
 ' this Affair, with respect to the *English*,
 ' so he could not free even the *Portugueze*
 ' themselves from the Payments accusto-
 ' med there, and therefore the *English* are
 ' the less to wonder if also they must pay.

The President and Council of *Bombay* ha-
 ving received this Answer, sent it to the
 Company and made Remonstrances as fol-
 lows :

' That

' That the Islands which stand in this
 ' Port (as do *Caranjab* and *Elephanta Pa-*
 ' *tecos*, &c.) which are surrounded by the
 ' Waters thereof, and which cannot be ap-
 ' proached but through this Dominion of
 ' his Majesty's, cannot belong to any other
 ' Sovereign than his Majesty, for if they
 ' did, then have those Islands right to give
 ' Law to the Port, which were to admit
 ' the exercise of two different Sovereignties
 ' in one and the same Place.

' But as to *Salfett*, 'tis true the Case is
 ' not just the same; for this Island is big-
 ' ger in Circumference six times than the
 ' Island of *Bombay*, and but half surrounded
 ' with the Waters thereof; however it is
 ' conceived, that the Sovereignty of this
 ' Island also belongs to his Majesty.

' Because the Island of *Bombay*, as the
 ' Capital Place, gives Denomination to the
 ' Port, whose Surface and Extent is much
 ' larger than the Extent of *Salfett*.

' Next, the King's Courts and Custom-
 ' house, were, in the *Portugueze* time, held
 ' and establish'd at *Mahim*, (or *Bombay*)
 ' for all the Places adjacent, and as such
 ' did *Salfett* depend for Justice, and there
 ' also

‘ also made Payment of its Custom and
‘ Duties.

‘ Besides the said Practice, the very
‘ Dignity of the Port, its Usefulness to
‘ Navigation, and its Safety to Mankind,
‘ draws to it a natural Dependance and Sub-
‘ serviency of the neighbouring Shores,
‘ for had that Inlet of Water in the Road
‘ of *Bassein* (which washes but one side of
‘ the square) equal Perfections with the
‘ Port of *Bombay*, it might have equal
‘ Prerogative; and so by way of an Ex-
‘ pedient, the Sovereignty of *Salsett*
‘ might be divided by a Line drawn from
‘ the *North Point* near *Tannah* to the *South*
‘ *Point of Colayr*, but there being no Parity
‘ in the Qualifications, there can be no
‘ Competition about the Dominion.

And to this might have been added,
That *Salsett* was expressly describ'd in
the Chart delivered to King *Charles*, as
part of what was to be Surrendered to
him.

But to proceed; the Company having
received this Remonstrance, made their
Complaints to the Lords Commissioners of
Trade; laid before them the Facts hitherto
related

related, and in Reply to the Vice-Roy's
Answer, said, ' That the Freedom of Trade
' between Allies seems to be so founded
' in Right, that none can interrupt the
' same without the highest Provocations to
' either side.

' That the enhancing of Duties may a-
' mount to such an Interdiction of Com-
' merce, as that the Friends of a Prince
' may be made as useless as if they were
' his Enemies.

' That where Goods are Exported and
' where Imported, the Duties of each
' Country are to be observed; but for a
' third Prince to impose Duties as high as
' both, for but a bare Passage in a Stream
' of the Sea, is most unjust.

' If the Stream were not a Work of Na-
' ture but of Charge; if the Forts that
' stand therein were in the nature of Con-
' voys to give Shelter from the *Moors*,
' or were as Frontiers to Guard the Ships
' being at Anchor within; if they main-
' tained Lights or Buoys for the Security
' in the Passage, then indeed might some-
' thing be demanded in proportion to the
' Expence and Benefit received: but these

' Forts cannot be said to guard or defend
 ' us from those whom we desire to Traffick
 ' withal: they were not built but for the
 ' Safety of *Tannah*, not for the Island of
 ' *Bombay*, or the Ships at Anchor, because
 ' as to both these, the Insecurity lies from
 ' the Sea, and *Bombay* is the Frontier.

' If some moderate thing was demanded
 ' in proportion to the three Lamps that
 ' burn on those Forts, it were but a Thing
 ' of Course and ought to be submitted
 ' unto; but to pay Duties where there is
 ' no Traffick, to be stopp'd in the Course
 ' of a Voyage and forced on Shore, is a
 ' Thing of Violence.

' That the King of *Denmark* does take
 ' Custom of all Ships that pass at *Elfi-*
 ' *nore*, is a mistake in the Vice-Roy, since
 ' what is paid is only a small recompence
 ' for Lights and Buoys, laid at certain di-
 ' stances, for the better Security of Ships
 ' in passing or coming to an Anchor in the
 ' Night; and this also is paid but in man-
 ' ner and proportion as is before expressed;
 ' yet from this Pretence (and without con-
 ' sidering the disparity of being admitted
 ' to the benefit of a copious Trade within,
 ' to several Ports of the *Baltick*, where
 ' also

' also Pirates are hinder'd from following,
 ' and may be stopp'd at their coming out)
 ' will the Vice-Roy needs infer a like In-
 ' stitution in a poor narrow inconsiderable
 ' Channel, where the Dominion of his
 ' Majesty may most probably reach, or at
 ' least come very near it; and this not only
 ' contrary to the former practice of the
 ' Place, but contrary to the former Prac-
 ' tice at *Malacca*, which, when in the *Por-*
 ' *tugueze* hands, they never demanded Cu-
 ' stoms of the *English* Ships passing those
 ' Streights, as being a Thing against the
 ' Articles establish'd between all Nations,
 ' which is to have the Passage of their
 ' Streams and Harbours Free.

' As to the Port, we know nothing that
 ' gives Bounds or Limits to this Bay but
 ' the Circle of the main Land round about
 ' which it flows, part whereof being claim-
 ' ed by the King of *Portugal*, his Grant of
 ' this Water ought there to be carried on
 ' as far (in any doubtful case) as may be
 ' most beneficial to his Majesty who recei-
 ' ved the Grant.

' It is true, that the *Portugueze* them-
 ' selves who now pass at *Tannah* are made
 ' to pay; but they never paid there for-
 ' merly,

' merly, it appearing in the Foral or Re-
 ' cords for the Regulation of the Custom-
 ' house which was kept at *Mahim* or *Bom-*
 ' *bay*, That at *Mahim* all Duties were paid
 ' for the Trade of the Port and Islands
 ' adjacent, not only *Salsett* and *Trombay*,
 ' but likewise *Elephanta* and *Caranjah* it
 ' self, and that no Merchandize or Pro-
 ' visions coming from *Gallian Beundey*, or
 ' any of the Islands (in the Road of
 ' *Bassein*) and passing by at *Tannah* to come
 ' to *Bombay*, did ever pay ; so that since
 ' the *English* are come, there is a Violence
 ' imposed by the *Portugueze* on their own
 ' Subjects, in order to give Precedent and
 ' Justification to the like Violence upon us,
 ' and the Vice-Roy takes up this for his
 ' most forcible Argument, as if it were of
 ' ancient Custom, which the Records show
 ' plainly to be but since the *English* plan-
 ' ted there.

' Since from the Words of the Treaty
 ' then, and every Circumstance, the Que-
 ' stion is so probable, Whether his Majesty
 ' should not have the Sovereignty of the
 ' Whole; the Practice must be absurd to
 ' make him a Tributary in part. That
 ' an *Englishman* might have lived and
 ' traded on better Terms at *Bombay* before

it

' it was his Majesty's ; and that his *Por-*
 ' *tugueze* Subjects should be put into a state
 ' of Servitude they never knew before, are
 ' not surely the Things for which his Ma-
 ' jesty made the Treaty, and sent his Fleet
 ' to the *Indies* to take possession.

' Therefore we cannot think that the
 ' *Portugueze* would know how to com-
 ' plain, should we, by his Majesty's Per-
 ' mission, strengthen our Hands, and by
 ' a Rule of Retaliation, stop all their
 ' Ships coming into the Port, that are
 ' bound either to *Tannah*, *Bassein*, or *Ca-*
 ' *ranjah*, levying as Arbitrary Duties on
 ' them as they impose on us.

' For ought not the main Land to be as
 ' Free to the *English*, as the main Sea to
 ' the *Portugueze*? Will they give us a Port,
 ' and forbid us the Use of that Land
 ' which makes it a Port?

' It is therefore evident, That as the
 ' Thing granted was at first refused, so
 ' now it is given they mean to take it
 ' away again ; for if we have not Li-
 ' berty of Trade, we have nothing but a
 ' poor limitive and expensive Spot of
 ' Ground to support, and neither fit for his
 ' Ma-

‘ Majesty’s Honour or our Profit to be retained.

‘ What therefore in most humble manner is Proposed unto their Lordships as a fit Expedient in this Affair, is this :

‘ That they would please to advise his Majesty to make a solemn Representation of this Matter to the Prince of *Portugal*, by letting him understand the Extent of Dominion and Commerce promised and proposed by the Treaty ; that after a vast Charge in sending a Squadron to take Possession of this Place, how the same was refused, the Voyage overturned, and 300 of his Subjects perished for want of shelter.’

To these and many other Arguments, the Company made use of to justify their Complaints : they added, That to render the Port and Island of *Bombay* considerable, they had been at great Expence, affirming, that about Seventy Thousand Pounds had been laid out by them in the Defence of that Island.

The Lords Commissioners of Trade, after some Examination, laid these Remonstrances

frances before the Privy-Council, who on the 23d day of *February*, 1676. made their Report, wherein they take notice, ‘ That there had been long depending before them a Complaint from the *East-India* Company, touching Injuries received by them at *Bombay* from the *Portugueze*; and that it appeared to their Lordships, that his Majesty’s Dominion in that Port and Island was much infringed, and their Liberty of Trade to the main Land quite interrupted by Arbitrary Taxes imposed on them at *Tannah* and *Caranjah* for but passing in the open Stream ; and that the Company had apply’d themselves, in due manner, to the Vice-Roy at *Goa* for the Reparation of those Evils, but without Effect; their Lordships therefore thought it highly necessary, That his Majesty should enter into some Negotiation with the Prince of *Portugal* for asserting his Rights to the Port and Island of *Bombay* and the Dependencies thereof ; And considering, That the longer those Evils continued, the more incurable they would grow, their Lordships thought it advisable, that by the Ships then departing for *India* his Majesty should send a Letter to the Vice-Roy of *Goa*, to the Effect following, *viz.*

That

That your Majesty hath lately taken into Consideration the Complaint of your Subjects the East-India Company, who find themselves much disappointed of the Friendship they hoped for from the Portugueze Nation, in finding many Severities exercised on them, contrary to the Treaty of Marriage; so that your Majesty is now entering into an Elucidation of the 11th Article of the said Treaty, with your dear Brother the Prince of Portugal, from whose Justice you cannot doubt but your Rights of Dominion in the Port and Island of Bombay and Dependencies of both, will be vindicated from that most injurious Capitulation forced upon Humphry Cook at the Surrender of the Place, which neither he had power to submit unto, nor any one power to impose, contrary to so solemn a Treaty; that therefore you resolve to renounce the said Capitulation, as a Matter touching your Majesty in Point of Honour, and relating to an Interest which is the more valuable unto you, as coming in Marriage with your dear Consort the Queen.

That you intend to represent unto the Prince, how grievous it is for you to hear, That when your Subjects Trade into the Countries of the Great Mogul and Salvagee, with whom you are in Friendship,
and

and the Portugueze Nation not in War (and so void of all pretence) that for bare passing in the open Streams by Tannah, contrary to the Law and Practice of all Nations, and by Caranjah in the very Waters of your own Port, to be subjected to pay Tribute, That 'tis a Matter which cannot be endured.

That your Majesty does not doubt but that the Prince will decree Satisfaction for all that has been thus injuriously exacted, contrary as well to former Practice there as unto common Right; and that he will not only Remedy many other Things which are to be complained of, but also take into his deep Consideration, the Injury done to your Royal Person, and the Calamity of your Subjects by the Non-surrender in the beginning.

That in the mean time, You have commanded your Subjects of the said Company, to refuse Payment of those Arbitrary and Unjust Demands at Tannah and Caranjah, as prejudicial to your Rights of Sovereignty, and contrary to all the known Laws of the World, there being no arbitrary Duties or Customs imposed at the Sound; but only for the Benefit of Lights and Sea Marks there's allowed a small Recompence, which yet was
never

(30)

never paid, until by Stipulation and Treaty between the two Crowns it was so agreed.

That therefore if your Subjects are willing (as they are when they Trade to any of the Territories of Portugal) to submit to the Duties and Customs of each respective Place, it is all that Justice can require.

That of all this, you thought it a just respect to the Character the Vice-Roy bears in those Parts, and to the Estimation you are told he has of your Royal Person, to give him Information; not doubting that whatever is of Right, and consonant to the said Treaty, will not only be fulfilled by him, but that in all Occasions of Friendship, he will not fail to be Courteous and Useful to your Subjects, which your Majesty will be ready to acknowledge upon all like Occasions.

This Report was approved of by the King, and the Right Honourable Mr. Secretary Coventry prepared a Letter for his Majesty's Royal Signature, to the Effect and Substance of the Report, and the same was Signed by the King the 10th of March, 1676, and Countersigned by the Secretary of State, and the said Company were thereby required to forbear and refuse the
Pay-

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Payment demanded at *Tannah* and *Caranjah*, and even to resist the same in the best manner they could: A true Copy of which Letter is, for general Satisfaction, added by way of Appendix.

Notwithstanding all this no Reparation has ever been made for the Violation of the Treaty made with the two Crowns, by which the *English* Nation had sustained such great and heavy Losses: Nor has the *East-India* Company troubled the Government on this Affair ever since, contenting themselves with that Resistance which the King and Council had enjoined them to make whenever the *Portugueze* imposed and exacted new and uncustomary Duties on them.

And here it is proper to observe, That as the Remifness in resenting in a proper and effectual manner, the Indignity and Injustice offered the Crown of *England* in the Non-surrender of the Island of *Bombay*, had encourag'd the *Portugueze* to impose on the *English* Duties not known or heard of before their Arrival at *Bombay*, so it did also prompt them afterwards to take a Step further, and refuse to pay such accustomed Duties as appears by their own Foral, or
Register

Register of Duties, to be of Right payable to the *English* at the Custom-house at *Bombay*.

And yet the Company, on their Part, have never insisted upon any thing further, than barely to follow the Regulations of the said Foral, which Foral may certainly be allowed as a convincing Evidence in Affirmance of the Right of the *English* to those Duties, since the same is an ancient Foral, and settled long before the Treaty of Marriage.

By this Foral it manifestly appears, that the Customs and Duties of *Bundura*, and other Dependencies of *Bombay*, were payable to, and actually received at the Mandavie or Custom-house of *Mahim* or *Bombay*, first for the Crown of *Portugal*, and afterwards for the Crown of *England*, and that the Vessels of the Island *Salsett*, and other the Ports and Islands adjacent thereto, together with the Vessels belonging to *Gallian*, and other Places on the Main, paid their Duties also to the Custom-house of *Bombay*.

As these Duties were received by the Crown of *England*, so, since the Charter afore-

aforesaid, they have been received on the Company's Account, sometimes by their Officers, at other times they have been Farmed out to the Native *Portugueze*, or others, all of which enjoyed the said Farms peaceably and undisputed, till several Years after some particular Inhabitants, pretending to a Propriety of *Bundura*, and other Places on *Salsett*, took from thence occasion to dispute the Rights of the *English*, and getting the *Portugueze* Governors into their Interest, prevailed on them to scruple, and sometimes to refuse the Payment of the said Duties: But this was done only at such times when they found the *English* weak in their Military Force, or embarrassed by Troubles with the *Mogul's* Government at *Surat*, or with their *Indian* Neighbours; and generally at these times (in order to distress the *English*) they forbid the carrying any Provisions to *Bombay*, knowing that *Bombay* often wants Supplies of Cattle, Rice, and other like Necessaries of Life; and this they did, hoping thereby, as they had done once before, to bring the *English* to any Terms they thought fit to impose upon them.

However, finding the *English* able as well as resolved to preserve and defend the

the Rights they were in possession of, the Collection of the said Duties still went on.

But in the Year 1716, Mr. Boon, the then Governor of *Bombay*, observing from past Experience, That the Source of these Disputes sprung from private Persons pretending to the Propriety of *Bundura* and other Places on *Salsett*, and understanding that the *Portugueze* had then seized on the Cargoe of a Boat unfortunately cast away near *Bundura*, he wrote to the General at *Bassein* concerning these Matters, who thereupon ordered a compleat Restitution to be made of the Boat's Cargoe, which in part was comply'd with, but the greatest part was, notwithstanding such Order, detained; and therefore, for this Reason partly, and partly because Mr. Boon found that the *Portugueze*, contrary to their Promise, had refused to let some Timber belonging to the Company pass by at *Tannah* (the only Sea Passage to *Gallian*) thought it high time, and of absolute necessity, to endeavour to put a final stop to all future Contests of this Nature, and to that End sent Mr. Bendall with a Memorial to the Captain General of the *North* at *Bassein*, representing to him the Terms of the

the Treaty of Marriage, which gave the *English* a Right to the Customs of the Places above-mentioned, equal to that of *Bombay*, and thereupon demanded the same, together with the Opening of the Pass at *Tannah*, unto which the *English* were entituled.

After several written Messages which pass'd between them, and Discourses between Mr. Boon and the General's Agent at *Bombay*, Articles of Agreement were concluded on both Sides, and thereby the Title to the Duties claimed by the *English* were conceded, and the *English* allowed to replace their Collectors of those Duties, and the Pass was to remain open: and this Agreement being so concluded, Mr. Boon and his Council signed it in behalf of the Company, and affix'd the Company's Seal thereto at *Bombay*, on the 19th of *December*, 1716. and the General of the *North* at *Bassein* did Sign and Seal an Instrument to the like Purpose, dated at *Bassein* the 1st day of *January*, 1717, N. S. whereby he, as Captain General of the *North*, and vested with full Powers by Sea and Land, is obliged to perform the said Agreement until their most Serene Majesties of *Portugal*

‘ *tugal* and *Great Britain* shall order the
‘ contrary from *Europe*, or deem invalid
‘ this Adjustment.’

On this Agreement all things remain'd
quiet for some time, the *English* being per-
mitted to place their People at *Versova*
Mar and *Trombay*, on or near the Island of
Salsett, to receive the Customs there as
they had used to do; and the Cruizing
Vessels belonging to *Mahim* took Care of
the Duties of *Bundura* as they had former-
ly done: and the General of the *North*
issued out his Orders to the inferior Offi-
cers, not to molest the *English* Officers in
the lawful Execution of this their Business;
but yet the *Portugueze* Inhabitants, on pre-
tence of their Propriety aforementioned,
took fresh occasion to break through all,
and so turned the *English* Officers off the
Shore.

The *English*, however, were unwilling
to get themselves reinstated by Force, and
therefore thought it better to complain, as
they did by Remonstrances to *Goa*, hoping
the Vice-Roy would interpose and do them
Justice.

Mr.

Mr. *Boon* after long waiting, and finding
no satisfactory Answer, and being convin-
ced that the Vice-Roy had received Misin-
formations touching this Affair from a suc-
ceeding Governor of *Bassein*, sent down
Mr. *Robert Cowan* to *Goa* to attend the
Vice Roy, and endeavour to accommodate
Matters there, who succeeded so far, as
that the Vice-Roy was pleased to promise
him, He would preserve Friendship and pre-
vent Misunderstandings between the two
Nations.

But the *Portugueze* having in *December*,
1721, freed themselves from a War they
had with *Conajie Angria* (a notorious Py-
rate, whose Country is large and populous,
and borders on their Territories) thought
it then a proper Season to revive the *Old*
Pretence so often before yie'ded up to the
English; and to this End they endeavoured
to get *Angria* to join with them, and to
gain him they shelter'd his Vessels in their
Harbours when pursued, they succoured
him upon all Occasions, and receiving re-
turns of Friendship from the Pyrate, they
did, in *February* following, begin openly
to refuse to pay any Duty, and attempted
to bring unto their Side the Boats cleared
as usual at *Mahim* Custom-house, and by

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Proclamation forbid their Boats to be brought to at *Mahim*; and thus Things stood, when Governor *Phipps*, who succeeded Mr. *Boon*, came to the Government of *Bombay*, and he thought as his Predecessor did, that it was high time to constrain the *Portugueze* to pay the usual Customs; accordingly he obliged them to bring to, and the General of the *North* sent him thereupon a threatening Protest.

Mr. *Phipps* complained to the Vice-Roy of the unreasonableness of these Proceedings, and endeavoured to give his Excellency all manner of Satisfaction of the Justice of the *English* Claim to the Duties of *Mahim* River, but to no purpose; for although the Vice-Roy declared he was very desirous to preserve Amity between the two Nations, and that he had to that End ordered the General of the *North* to propose Persons on both sides to enquire into the *English* Right to the Customs; yet a Condition was artfully annex'd to it, viz. *That till that Right was determined the English were to suspend demanding those Customs*; but this being a piece of Art easily seen through, Mr. *Phipps* acquainted the General of the *North* and the Vice-Roy too, that he could never consent to such a Condition,

dition, as being what might one time or other be interpreted a giving up a part of the *English* Right, which the Crown first, and the Company afterwards, had actually been in possession of ever since the Island was first surrendered.

However, though Mr. *Phipps* by repeated Letters to the General of the *North* and likewise to the Vice-Roy, shewed his sincere Inclinations to have these Differences settled, and above all, to prevent all manner of Hostilities; yet the *Portugueze* continuing to insist on an equal Right of *Mahim* River, and the *English* refusing to allow it, as they had an undoubted Title to do, therefore on the 26th day of *May*, 1722, the *Portugueze* took a larger Step, and began actual Hostilities, by firing from their Fort at *Bandura* on an *English* Gallivat then in chase of some Merchants Boats, to bring them as usual to the Custom-house at *Mahim*; nor did they stop there, but at the same time hoisting their Colours fired at *Mahim* Fort, which the *English*, in Point of Honour, and from Self-defence, were necessitated to return,

This produced a hot cannonading all the day till Sun-set, when it ceased; the succeeding days pass'd with Exchange of some few Shot, the *Portugueze* always beginning and the *English* ending, until the 11th day of *June*, when the *Portugueze* again fired on the *English* Gallevat, that was as before bringing some Boats to, whereupon ensued another cannonading as hot as the first, and at length the *English* in the Night threw some Shells, which they hear has damnified their Colledge at *Bundura*.

The *Portugueze*, in order to distress the *English*, prohibited Provisions coming from their Countrey, and, as far as they could, hinder'd the same from being brought from other Places; and by open Proclamation, ordered all the *Portugueze* Inhabitants belonging to *Bombay*, on Pain of Death, to depart in Four and Twenty Hours.

Not content with these Things, nor with the Batteries they had rais'd on *Bundura* side to command *Mahim* River, they proceeded to build a strong Battery at *Corlem* (a Place over-against *Sion* a Town in *Bombay*) where the River is but Musket-shot over, and from thence firing on the *English*

English Gallevats, prevented all Boats passing that way, whereby the *English* Communication with *Mahim*, by Water, was cut off, and this too at a time when the heavy Rains were set in, and consequently when it was difficult, if not impossible, to bring Supplies from the Main to that Garrison.

This being the Case, the *English* found themselves under the Dilemma either of perishing or securing their Passage in the River; and as this could not be effected without removing the Battery at *Corlem*, they therefore constrained to it for Self-preservation and the Security of the Island, did, on the 23d day of *June*, 1722, Land some Men at *Corlem*, who made themselves Masters of the Battery, levelled the Works, and thereby opened the *English* their former Passage round the Island

The President and Council at *Bombay*, after the Action at *Corlem*, published a Manifesto, and caused several Copies of it to be dispersed in the *Portugueze* Country, shewing their Right to the Duties aforesaid, and the Invasion of that Right; and making it evident to the *Portugueze* themselves, that what

what was done by the *English* was only in their own defence.

The *Portugueze* continuing for some time after this quiet, the *English* flattered themselves that there would have been no more of these Troubles; but they were too soon undeceived, for on the 7th of *August* following, the *Portugueze* having gotten their Boats and Vessels together, attempted to invade *Bombay* between *Suree* and *Sion*, but finding the Shore well lined, they retired after exchanging some Shot.

Thus far the Company received Information of the Behaviour of the *Portugueze* towards the *English*, before an artful Complaint was made against them to the *English* Court, of which a full Account will follow hereafter; but before any History is given either of that Matter or of other Transactions of which the *East-India* Company have since received Information, it may not be altogether digressive barely to say;

That all that have Resided at *Bombay*, ever since the Company has been possess'd of the Island, have complain'd of the continued and repeated injurious Treatments they have received from the *Portugueze* in
India,

India, who boast that they have not now to do with the Crown of *England*, but only with the Company, and they know how to deal with Merchants, and as such use them upon all Occasions, without any regard to Justice.

Ships of theirs which they meet with at Sea, not strong enough to defend themselves, they have taken: They have watched Opportunities for Quarrelling on the least Pretence; abused the Inhabitants of *Bombay*, both *English* and others, when they happen to be in the *Portugueze* Country; of all which the Company have had repeated Instances before this late Rupture, together with Applications from the Sufferers at their Settlements abroad to represent them, some to her late, and others to his present Majesty, to get the injured Persons Reparation; but the Company forbore such Representation in *England*, partly because of the strict Alliance between the two Crowns, and partly in hopes that the frequent Representations of the *English* Complaints, made sometimes to the Vice-Roy of *Goa*, at other times to the General of the *North* at *Bassein*, and often to both, would sooner or later prevail to get them
re-

remedied in *India*, though hitherto their Expectations have been in vain.

And yet notwithstanding all these Violencies committed by the *Portugueze* on the *English*, though they broke through the Treaty of the two Crowns almost as soon as made; though they know the first Acts of Hostility were begun by themselves, yet not content therewith, as if it was necessary for the Defence of these Violencies, that they should also be the first Complainers as well as Actors, they have so managed the Matter, and have so represented, or rather misrepresented, their Case at *Portugal*, that they prevailed to have a Memorial, as hinted at above, delivered in *England*, full of Complaints of the Misbehaviour of the *English*.

This Memorial was delivered the 29th of *July*, 1723, and it complains of Outrages committed by the *English* against the *Portugueze* at *Bombay*, contrary to the Articles (as is said) was agreed upon between the two Nations.

These Articles, the Substance of which has been related in *Page* 12, 13, and 14, of this Account, are set down in the Memorial at full length, and are the same
as

as were injuriously imposed upon, and treacherously submitted to by *Cook*. Yet this Agreement, the Memorial takes the Liberty to say, was ratified by King *Charles* the Second, and the whole Stress of the Memorial is laid upon the Breach of it; in Consequence of which, our Undoubted Right to the Duties that ever were payable to the Custom-house of *Mahim* is first denied, and afterwards the demanding of those Duties is call'd an Encroachment in the Company's Officers, and their compelling the Refractory an Act of Hostility.

But the main and greatest Charge in the Memorial, is against *Mr. Phipps*, Governor of *Bombay*, by whose Order, it is said, That on the 4th day of *June*, 1722, a Galveta passing by the River of *Bundura* and refusing to pay the Duty, was pursued by a *Manchua* of War, and a little after the Cannon was Fired upon the Village of *Bundura* from *Mahim* Fort, and all the other Fortifications, till the 6th day of the same Month. It is likewise alledged, That the said Governor rejected the moderate Proposal made to him, to name Commissioners on both Sides to examine the Affair in dispute.

And

' And that on the 16th, on Account of
 ' some other Vessels likewise refusing to pay,
 ' he began a fresh Fire from the Fort of *Mahim*
 ' against the Village of *Bundura* till the
 ' 26th, and that same night giving over Can-
 ' nonading, threw a great quantity of Bombs
 ' into the said Village of *Bundura*, by which
 ' great damage was done, and some People
 ' kill'd; That on the same 26th at night,
 ' he sent six Galveta's and two Manchua's
 ' with Men, who going ashore at a Port
 ' called *Tannah*, pillaged and burnt *la Co-*
 ' *learia* of *Chandew*; That at Fort *des Roys*
 ' they entred as Friends, killed the Cap-
 ' tain, took his Wife, Son, and Daughter,
 ' and threw three Pieces of Cannon into
 ' the Sea, and having pillaged the Fort, set
 ' fire to it; That in their return, they
 ' burnt and pillaged the Villages of *Serem*
 ' and *Navim* with great Cruelty.

' That on the 4th of *July*, the Governor
 ' continued the same Hostilities, firing the
 ' Cannon from *Mahim* and *Sion* against the
 ' Village of *Corlem* near *Bundura*; That he
 ' fell upon a small Redoubt near *Corlem*,
 ' where were five Pieces of Cannon and
 ' Fourscore Men, who being overpower'd,
 ' the Village was also pillaged, and the
 ' Captain and Twentyfive Men left dead.

' That

' That the said Governor carried off the
 ' five Pieces of Cannon, seized upon the
 ' Island of *Elephanta*, and had given Or-
 ' ders to fortifie it to hinder the Commu-
 ' nication of the Coasts of the *Portugueze*,
 ' as had already been begun when they for-
 ' tified the Island *des Pateques*, though no
 ' manner of Advantage can be made of
 ' these two Settlements to the Company;
 ' That all this was begun and transacted
 ' deliberately in the Months of *June* and
 ' *July*, which in these Countries is the se-
 ' verest time of the Winter, to the End that
 ' no Succours might be expected from *Goa*,
 ' whilst at the same time, the Governor
 ' sent Protestations to the *Portugueze* Ge-
 ' neral of the *North*, assuring him he would
 ' live in good Intelligence with him, and
 ' Peace with his Neighbours.

' The Memorial observes, That the Na-
 ' tions of *Asia* will make Advantage of
 ' these Quarrels; and complains further,
 ' That the Company sells to the *Suratters*
 ' the Liberty of carrying the Flag of *Great*
 ' *Britain*.

To this Memorial the Directors gave in
 an Answer, in which, as far as then had
 come to their knowledge, they set forth,
 the

the wilful delays of the *Portugueze* in yielding to the *English* the Island and Port of *Bombay*, as stipulated in the Eleventh Article of the so often mentioned Treaty of Marriage, and the great Damage sustained by the Non-surrender, with the Substance of every Thing, which in this Account has been related concerning the pretended Agreement with *Cook*; They set forth, the ancient Right of the Custom-house of *Mahim*, and the Encroachments of the *Portugueze* in exacting arbitrary Duties at the Pass of *Tannah*, never heard of before the Island was in possession of the *English*.

But as to some of the later Transactions complained of in the Memorial, the Directors not having, at that time, received any particular Account, could not therefore give any particular Answer thereto, but such Answer as they were then enabled to give, drew on a Reply in a second Memorial, which second Memorial, for the clearer understanding of the present Dispute, and of all Things that can be objected to the *English*, shall be next inserted, first only taking notice, That the Directors having, after the second Memorial, received some Account of the latest Transactions mention'd in that Memorial, had then an Opportunity

to

to make up what was, for want of full Advices, defective in their former Answer, the Substance of which Answer, together with what was material in the first, not hitherto taken notice of, shall follow the second Memorial, to the intent that the whole Case on either side may appear in one true, natural, obvious, and plain Light.

By the second Memorial, which was dated the 17th of *February*, 1723; and exhibited by way of Reply, the Memorialist acknowledges, the Delays complained of in the Surrender of *Bombay*, but denies the real Causes alledged by the Directors, and Endeavours to Account for them in this manner:

He insists on the Validity of the Articles signed by *Cook*, and upon the Authority of the Commissioners that agreed upon them, and says, That it is not probable the Articles could have been imposed upon *Cook*, because they were stronger than the *Portugueze* Commissioners.

That the Breach of these Articles are a just Reason of Complaint, and that

D

several

‘ several of his Predecessors have founded
‘ theirs upon the same.

‘ That King *Charles* the Second was so
‘ far from disowning the Agreement, that
‘ he ordered the Company to restore cer-
‘ tain Lands to the *Portuguese*, which they
‘ had confiscated immediately after they
‘ had entred there.

He adds ‘ That the Articles were very
‘ necessary, and not at all contrary to the
‘ 11th Article of the Marriage Treaty.

From thence he goes over to the Right
belonging to the Custom-house at *Mahim*,
and would maintain, ‘ That according to
‘ the Articles, the River ought to be Free
‘ to both Nations.

‘ From the Directors owning that they
‘ had armed Gallivats to bring the Ships
‘ to, and that they had the same from the
‘ very beginning, he observes, How ne-
‘ cessary they were to make the Ships pay at
‘ *Mahim*, before they built a Fort there ;
‘ and therefore infers, That the Company’s
‘ Right to those Duties is not incontest-
‘ able, because they used so many Expe-
‘ dients to establish it; to the same purpose
‘ he

‘ he alledges, that Governor *Boon* made
‘ certain Articles upon that very Right.

He says, ‘ That the Company’s being
‘ possessed of the Foral does not prove,
‘ that they may establish an Impost on any
‘ *Portuguese* Ship that passes the River.

‘ That the *Portuguese* from time to time
‘ have refused to pay those Duties, and
‘ that the Right the Company has, had
‘ only been acquired as it is still maintained
‘ by Force.

‘ That the Disputes about this Matter
‘ had been laid asleep when Governor
‘ *Phipps* revived them.

‘ That finding himself stronger in Men
‘ and Ammunition, sent him to be employ-
‘ ed against the Pyrates, he acted from a
‘ personal Enmity to the *Portuguese* Go-
‘ vernor, and that neither the Point of
‘ Honour, Natural Defence, or the great
‘ Designs the Directors speak of in Forti-
‘ fying *Bundura*, was the real Cause of the
‘ Quarrel: And he insists on the *English*
‘ being the Agressors.

As to the Manifesto by which Governor Phipps would persuade the Governor of the North of his good Intentions, he says, ' It was assisted first with Cannonading, ' and afterwards throwing of Bombs into the ' Village of *Bundura*, from the 4th of *June* ' till the 24th, and that consequently no ' good could be expected from it, and that ' the *Portuguese* in those Parts could not ' take upon them to determine the Dispute, ' the Decision of which belonged to the ' respective Courts in *Europe*, to which the ' Governor ought to have applied instead ' of breaking the Peace.

The Memorialist observes, ' That the Directors seem not to have received any ' other Advice of what had happened in ' those Parts, than the Expedition which ' the *Portuguese* designed against *Bombay* ' and its Fortifications.

' Hints at the Improbability of it, denies ' the Damage the *Portuguese* sustained to ' have been so inconsiderable as the Directors make it, and then repeats the ' Hostilities complained of in his first Memorial.

He

He says, ' That the Island *des Pateques* ' and of the *Elephanta* being fortify'd by ' the Governor, might hinder the Navigation of the River of *Trombay*, and be the ' Cause of another Impost, or at least ' another Dispute, though the Directors ' affirm, the Island *des Pateques* to be of no ' Importance.

He complains likewise, ' That the Agents of the Company sell to all Nations indifferently, the permission of carrying the ' *English* Flag, by which the Purchasers ' prevent being attack'd by the *Portuguese* ' Men of War, and afterwards take themselves the *Portuguese* Merchant Ships.

On the other hand he denies, ' The Vice-Roy had ever given Orders to insult ' *English* Ships, but that he has the Copy ' of the Orders given to the Captains of ' two Ships that were attack'd and taken ' by the *English*.

' To those Orders he appeals, That ' those Captains could not have been the ' Aggressors.

This is the Substance of what is material in the second Memorial.

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And

And the Answers of the Directors both to the one and the other Memorial, are in Effect as follows :

And first as to the Principal, if not the only Points in Question, such as the Validity or Invalidity of the Articles made with Cook.

And whether King Charles owned or disowned those Articles ?

Whether the Company have or have not a Right to the Duties they collect : And who first commenced Hostilities ? And how such Hostilities were executed ?

The Directors say, in the first place, That it plainly appears from the Instructions given to Sir Abraham Shipman, that the King of England had given no Power to Sign any such Articles, but the Orders import quite the contrary. And the Portuguese Memorial, which mentions the Names of the Commissioners that made the Agreement with Cook, says not one word of their being named or authorized by the Crown of Portugal as such, which certainly would not have been omitted, had there been any Prospect in Europe of the

the Necessity or Intention of such a Preliminary Agreement ; whereas, on the contrary, the Vice-Roy was singly and purposely sent to deliver the Premises pursuant to the Articles of Marriage between the two Crowns ; so that the pretended Articles were not only imposed upon Cook contrary to the Directions of the King of Portugal himself, which was to deliver up Bombay upon the Treaty of Marriage, without any further Conditions, but are also inconsistent with the Right of the King of England, as is manifest from the Articles themselves, but more particularly so from the 11th Article thereof, by which it is provided, That those who are possessed of the Inheritance of Lands in Bombay, should not be deprived of them but for Crimes only which the Law of Portugal does Order ; which Condition is to be perpetually annex'd to the Land, notwithstanding any Alienation : So that if an Owner of Land in Bombay commits any Crime against the Laws of England, even High Treason against his most sacred Majesty, he is not to forfeit his Land there, because the Law of Portugal doth not so order it.

‘ This Instance alone shows the Absur-
 ‘ dity of those Articles, and that they could
 ‘ not be Terms agreed upon by the Kings
 ‘ of *England* and *Portugal*, but were a gross
 ‘ Imposition, contrived by a Faction of
 ‘ the *Portugueze* in the *Indies*, against the
 ‘ Command even of their own Prince.

And to this may be added, that it ap-
 pears by the Records in the Custody of the
 Lords Commissioners of Trade and Planta-
 tions, by the Report of the Lords of the
 Council, and by the Letter of King *Charles*
 the Second, stated at large (*Page 26 to 31.*)
 that his Majesty was so far from owning
 the Treaty with *Cook*, that he rejected it,
 and resented the making it in the highest
 manner; he deposed *Cook*, appointed a
 Successor, and demanded Satisfaction and
 Reparation for the Damages sustained in
 not having the Island Surrender'd up as it
 had been agreed on; and this is a Truth so
 glaring that it can no longer be withstood,
 Records of Fact still remaining, are not to
 be controverted.

And therefore, since those Principles are
 establish'd, viz.

That

That the Treaty with *Cook* was Inau-
 thoritative, both with respect to *England*
 and *Portugal*, and never Ratified by those
 or either of those Crowns, it necessarily
 follows, That all that is built upon this
 Foundation falls to the Ground; and yet
 upon this Foundation only stands all that
 is offered against the *English*.

And as to the Duties claimed and col-
 lected by the Company,

‘ *First*, The Directors State and Evince
 ‘ their Right to such Duties, and Assert,
 ‘ That those Duties are ancient Duties, and
 ‘ have been of old times due to and col-
 ‘ lected by the *Portugueze*, by the Crown
 ‘ of *England*, and by the Company, ac-
 ‘ cording to the Foral settled by the *Por-*
 ‘ *tugueze*; but because a long Account
 hath been already given of those Matters,
 the Repetition thereof is here avoided.
 And then the Directors proceed to say:

‘ That by the said Foral it will appear,
 ‘ that notwithstanding what is mentioned
 ‘ in the Memorial, the Duties were pay-
 ‘ able long before the Fort at *Mahim* was
 ‘ built, and that the Directors can, if neces-
 ‘ sary, produce Proofs thereof.

And

‘ And as to the Inferences from the Directors first Answer, That they own the collecting the Duties in the River of *Mahim* was by Force, because they have and still do keep Gallevats to bring Ships unto (and to pay at) *Mahim*. They observe, that had the said Answer been duly attended to, it might easily have been discerned therein, That the keeping out those Gallevats was only to preserve their Right, by preventing the Running of Customs justly due to them by Compact, and not as the Effect of Arbitrary Power.

‘ And since the Memorial adds, That an ancient *English* Governor *Brown* (*Boon*) made certain Articles upon this very Right, and would infer from thence, that the Right was not so incontestable as is pretended; and besides, That the *Portuguese* Opposition is not modern, and that the Company have not always received those Duties.

The Directors reply, ‘ That they have not affirmed the Company always received those Duties, but that they always had Right to do it. That when the *Portuguese* found the Company in Distress they had sometimes disputed it, especially on
‘ a new

‘ a new Governor’s Arrival at *Bombay*, which was the Case with Mr. *Boon* then and Mr. *Phipps* at present; but finding the *English* resolved not to loose their Rights, the *Portuguese* always used to give up the Dispute, and the Articles mentioned to be made by Governor *Boon*, do plainly show, that they were not calculated to obtain a Right that the Company had no just pretence to, but only to have their former Rights afresh acknowledged, and this only to prevent further Disputes; and therefore the General of the *North*, satisfied with the Reasons given for the Payment of the Duty, consented that the *English* should return their Officers to collect the Duties of *Marsouva*, and other Places, as heretofore.

‘ That in their former Answer they asserted, That the Foral or ancient Register of Duties at *Bombay* would prove, that the Duties of several Places thereabouts, were payable to the Custom-house at *Mahim*, and that consequently when the Crown of *Portugal* transferr’d to that of *England* the said Island of *Bombay* (on which *Mahim* is) with its Port, Territories, Royalties, Profits, and Emoluments, all those Duties were thereby also transferr’d.
‘ They

' They observe in the Answer to this
' part, That the Memorial owns, that the
' word *Foral* does signify what it was urged
' for, and therefore the Inference is natural
' that the Duties therein ascertain'd ought
' to be Collected.

' And as to that Branch of the Question
' which relates to the first Acts of Hosti-
' lity, the Directors insisted that it is incre-
' dible, that the Company who were in
' possession of these Duties, should begin
' with Acts of Hostility and Disturbance
' which could be of no Service to them,
' but might render the Duties themselves
' precarious; and it appears by all the Ac-
' counts the Directors have received, to be
' a Truth beyond Contradiction; that

' The first Acts of Violence and Outrage
' were committed by the *Portugueze* against
' the Subjects of *England*, and that the Go-
' vernor of *Bombay* has done nothing but
' what was necessary for his own Defence,
' in doing whereof, if any Loss or Damage
' has happen'd to the Property of the Sub-
' jects of his *Portugueze* Majesty, or any
' Effusion of Blood occasioned thereby, the
' same, together with all the unhappy Con-
' sequences flowing therefrom, ought to be
' imputed

' imputed to the Outrages and Acts of
' Hostilities begun and committed by the
' *Portugueze* themselves, and not to the
' Governor of *Bombay*, whose Duty it is,
' by all lawful means, to defend and vindi-
' cate the just Rights of the Subjects of *En-
gland* in those parts.

' And they insist, That there is no reason
' to believe that Governor *Phipps* revived
' the Dispute, from a personal Enmity to
' the *Portugueze* Governor, or from the
' Strength of Men and Ammunition he had
' lately received from *England*, to be em-
' ployed against the Pyrates.

' For by the Advices lately received, it
' appears, that all Reasons and Remon-
' strances used by Governor *Phipps*, were
' thrown against the Wind; That the *Por-
tugueze* General was utterly averse to any
' Accommodation, less than giving up the
' Company's Rights; And that the Vice-Roy
' did not for several Months, show a true
' cordial Inclination to reconcile Matters.

' Yet Mr. *Phipps* persisted in his good Offi-
' ces, and endeavour'd, by one of the Captains
' of the Men of War bound for *Goa*, to set
' the Disputes in the clearest Light possible,
' by

' by representing the General of the *North's*
 ' violent Proceedings, and Mr. *Phipps's*
 ' earnest desire for Peace, and from hence
 ' arose the Proposal made by the Vice-Roy
 ' himself, of the General's sending an Offi-
 ' cer to meet one of the *English* in *Mahim*
 ' River; which sufficiently proves Mr.
 ' *Phipps's* unwearied Endeavours for Peace.

' It further appears, that though Mr.
 ' *Phipps*, in one of his Letters to the Vice-
 ' Roy, asserts and complains, that he had
 ' by him a Copy of a Letter wrote by the
 ' said General to the *Mogul's* Admiral,
 ' wherein he declares he was at War with
 ' the *English*; yet the Vice-Roy did not
 ' think fit to take any notice of or disown it.

And the Directors add, ' That such were
 ' the Reasons given, and such the Endeavours
 ' Governor *Phipps* used to reduce these
 ' Disorders, that at last the Vice-Roy be-
 ' came so sensible of the General of the
 ' *North's* violent Proceedings, (in the Di-
 ' rectors former Answer complained of)
 ' that he has turned the General of the
 ' *North* out, putting Don *Lewis de Mello*
 ' *Sampayo* in his Place, and by the last Ad-
 ' vices the Directors are assured, that the
 ' said Don *Lewis* was actually General of
 ' the

' the *North* at *Bassein*, the stated Place of
 ' the General's Residence; and the *English*
 ' have congratulated him on his Arrival,
 ' and he on his part has assured them of his
 ' good Disposition to live in Amity with
 ' them for the future.

' Besides all which, the Evidence of the
 ' Thing itself speaks strongly for Governor
 ' *Phipps*, that he did not revive the Dispute,
 ' and consequently not for any the Reasons
 ' mentioned in the Memorial, since by the
 ' whole Tenor of the Company's Advices
 ' it appears, That the *Portugueze*, as is
 ' before mentioned, having made Peace
 ' with *Conajie Angria* the Pyrate (a Neigh-
 ' bour to *Bombay*, who is yet at War with
 ' the *English*) endeavoured to get him to
 ' join with them against the *English*, and
 ' to that purpose allowed his Vessels shelter
 ' in their Ports, and then revived the Dis-
 ' pute and refused the Payment of the
 ' Duties which the *English* had Right to,
 ' and fired upon the Gallevats employed
 ' to secure those Duties; and not content
 ' herewith, proceeded further by Firing on
 ' *Mahim* before the *English* had commenc'd
 ' any Acts of Hostilities, as are more at
 ' large set forth in Page 39 and 40. and
 ' needless to be repeated.

And

And then the Directors proceeded in manner as in part is before related, ' To show the Necessity the *English* were under to demolish the Fortifications at *Corlem*, but they affirm they were so far from committing the Cruelties and Outrages charged upon them there, That the *English* brought off to *Bombay*, the Commanding Officer and some *Portugueze*, which they found wounded, put them into the Hospital, took care of their Cure; and have since sent the said Officer to *Goa*.

' As to the Charge laid on the *English* of Cruelty and Treachery at the Fort *des Roys*, called by the *English* the Fort of *Tannah*, that Matter is set in a true light; by showing, That the *Portugueze* had not only forbid any Provisions coming from their Country, but had sent out a great many Vessels to hinder Provisions being brought to the Island from the Main (the only place where they could at that Season of the Year procure any) and did actually seize upon two Vessels loaded with Provisions for the use of *Bombay* coming by *Caranjah* from *Pen River* in the Dominions of the *Mogul's* Admiral (though

' (though he and they were at Peace, and he afterwards made Reprizals upon them for it) resolving thereby as much as in them lay to force the *English* on contending with Famine.

' This put the *English* on trying all means for getting Provisions, which they were in great want of, where they could, and to that end they sent secretly some People to the Rivers of *Gallian* and *Beundy* to purchase them there, and they sent up some Vessels for those Provisions who slipp'd by the Fort of *Tannah* in the Night, and endeavoured to do the same in their return, but the Tide hindering, and it being day-light before they came nigh the said Fort, the Commanding Officer found himself necessitated to send and summon it; he did so, and the Governor immediately sent the Keys and surrender'd without the least Bloodshed, and at his own desire went off with all his Family and the few Men he had with him, to *Bombay*, where they were in the *English* Service when the Ship *Dawsonne* came from thence, the *English* not offering the least Abuse to any of them, but on the contrary furnished the said Governor

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with

' with two Vessels to carry off his Ef-
' fects.

' As to the seizing and fortifying *Ele-*
' *phanta*, it appears, That a Captain of
' one of the *English* Vessels did make a
' Descent on the Island, and burnt two or
' three little Huts, but without any Orders
' from Governor *Phipps*, and for which the
' Governor suspended him, but this in no
' degree affects the *Portuguese*, for the *En-*
' *glish* were the only Sufferers thereby,
' and the *Portuguese* had no cause in the
' least to complain, for the People at *Bom-*
' *bay* had some time before this Accident,
' taken the Island from a *Portuguese* Gen-
' tleman its Owner, to Farm, and do still
' keep it in their Hands to breed and feed
' Cattle for the Use of *Bombay*, and upon
' this Descent the *Corumbees* deserting the
' Place, proved very prejudicial to the Far-
' mers, because the Cattle were not taken
' care of, but as to pillaging or fortifying
' *Elephanta* the Fact is denied.

' As to Matters of less Consequence, and
' such as are cast into the Memorial as Or-
' naments to it, and to make up the Num-
' ber of the Complaints,

' The

' The Directors answer in Substance,
' That the second Memorial would insi-
' nuate as if the *English* did extend their
' Pretensions to Places that never were de-
' pendant on *Bombay*, but comprehended un-
' der the Name of the Government of the
' *North*, and that there are authentick Acts
' to prove, That all those Lands, and
' even the Island of *Bombay* itself, were de-
' pendant on *Mahim*, which they humbly
' conceive to be only an artful Design to
' mislead, because, in truth, the whole
' Island of *Bombay* was called by the Name
' of *Mahim* before, and many Years after
' the *Portuguese* had got possession of it, and
' that if those genuine authentick Acts
' were to be fairly produced, the Direc-
' tors verily believe, they would show
' that the Territories of *Bombay*, alias *Ma-*
' *him*, comprehended several of the Places
' under the Government of the *North*,
' which the *English* have not hitherto had
' possession of.

' That they have caused search to be
' made into the Old Company's Registers,
' and cannot find that King *Charles* ever
' order'd that Company to restore to the
' *Portuguese* any Lands which had been

‘ confiscated ; but they find a Complaint
‘ was exhibited against the said Old Com-
‘ pany by Don *Alvaro Pirez de Tavora*, for
‘ confiscating his Estate at *Bombay*, and
‘ the Matter was heard before his Majesty
‘ in Council, and referred back to be re-
‘ heard by the Courts of Justice at *Bombay*,
‘ if the Complainer thought fit, but he
‘ never moved for such Rehearing.

‘ They assign their Reason for granting
‘ Passes to such as desire them, but affirm
‘ that no instance can be given that ever
‘ such Passes were made use of to take
‘ the *Portugueze* Merchant Ships, and that
‘ notwithstanding what the Memorial seems
‘ to insinuate, they have received a Copy
‘ of the Vice-Roys Orders given to the
‘ Commander of a Grabb sent out a Crui-
‘ zing, wherein is a positive Direction to
‘ the Captain to make Prize of all Vessels
‘ he could meet with that were carrying
‘ Horfes to *Carwar*, even though under
‘ *English* Colours, and of all the Vessels of
‘ *Asia* that had not a *Portugueze* pass.

‘ The Directors conclude, That the Me-
‘ morial, containing in it many solid Rea-
‘ sons for continuing the Amity and good
‘ Cor-

‘ Correspondence, between the Subjects of
‘ the two Crowns in *India*, the Directors
‘ humbly say, they have nothing more at
‘ Heart than to contribute their utmost
‘ Endeavours to fix an entire Amity on a
‘ lasting Foundation, and would heartily
‘ rejoice to see so good a Work accom-
‘ plished, which as it would be a mutual
‘ Advantage to both Nations, so with re-
‘ spect to the Company, it would be very
‘ much for their Interest, by lessening the
‘ the great Expence they are at in main-
‘ taining and defending the Island of *Bom-
‘ bay*, which costs them annually several
‘ Thousand Pounds *Sterling*, more than
‘ the Duties or Profits arising to the Com-
‘ pany from the Possession of the said
‘ Island amounts to, and which, without
‘ such Duties, would render the possessing
‘ and maintaining the Island impracti-
‘ cable.

‘ That they apprehend this plain and
‘ true State of the Company's Case,
‘ drawn out from their Letters, Advices,
‘ and other Informations, is a full Answer
‘ to all the Charges exhibited against the
‘ Company and their Officers Abroad, and
‘ hope it will appear upon the Whole,

‘ That the *English* do not deserve the Re-
 ‘ proaches cast upon them, but were ne-
 ‘ cessitated to use Force in their own De-
 ‘ fence; that the *Portugueze* were the Au-
 ‘ thors of the several Mischiefs complain-
 ‘ ed of; That they always made the un-
 ‘ just Capitulations forced upon Mr. *Cook* a
 ‘ handle for Quarrelling, and the Directors
 ‘ fear will continue so to do, unless an
 ‘ effectual Remedy be applied in *Eu-*
 ‘ rope.

Since the Exhibition of this second An-
 swer, nothing has been transacted in this
 Affair, and nothing more is likely to be
 transacted, since the principal Author of
 these Violences, the General of the *North*,
 has been turned out by the Vice Roy;
 and so, though the *English* are accused as
 Violators of the Rights of the *Portugueze*
 in *India*, even while the Complaint and Ac-
 cusation is depending, the Vice-Roy, who
 is near the Scene of Action, is convinced of
 the Justice of the Case of the *English*, pu-
 nishes the *Portugueze* General as the Offen-
 der, and consequently yields the Points so
 formally complained of in *England*.

The

The *Portugueze* have been the first Ag-
 gressors as well as Complainers, though
 the *English* have done nothing but what
 can be strictly maintained, as will be evi-
 dent to every impartial Judge that will
 duly consider what is contained in this
 Historical Account, or reduce the whole
 to the few following Facts that are incon-
 testable.

The Crown of *Portugal*, by the Treaty
 of Marriage, has yielded the Port and Island
 of *Bombay*, and all its Royalties and De-
 pendencies, without Restriction, to King
Charles the Second, who again by a Grant
 in 1668, has transferred the Premises and
 Dominion thereof to the then *East India*
 Company, who to make them useful had
 been at a vast Expence.

The General Custom-house belonging to
 the Port and Island of *Bombay* has been at
Mahim as long as the *Portugueze* were Ma-
 sters of the Island, as appears from the
 Foral still kept there,

Since the Island has been transferred to
 the Company, their Officers have de-
 manded no Duties, but what were agree-
 able

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able to the said Foral, and received long before, and at the Time King *Charles* the Second was possessed of the Island.

The *Portugueze* have often, on the one hand, refused to pay the usual Customs, and which they received themselves at *Mahim* whilst they were Masters of *Bombay*, and on the other, exacted Arbitrary Duties at Places where nothing ever had been demanded before the *English* had the Possession of *Bombay*.

From the two last Paragraphs it follows, That there could never have been any Quarrel about the Duties in which the *Portugueze* were not the Aggressors.

All Pretences founded on the Articles signed by Cook, are groundless.

First, Because he had no Power to Sign them, though it must be owned, that without it he would have been in danger of perishing with the *English* that were left.

And, *Secondly*, because they were never ratified in *Europe*, and so far from being agreed to, that as soon as the News of them

them came to *England* they were exploded with Indignation, call'd Infamous, and complained of by King *Charles* the Second, as highly injurious and destructive to the Eleventh Article of the Treaty of Marriage.

Yet these pretended Articles have been ever since, as they are still, made a handle of to renew the Dispute, as often as the *Portugueze* saw or imagin'd us to be in an ill State of Defence; and this they have continued to do upon the Foundation of those inauthoritative Articles, notwithstanding Articles of a much later date have been entred into, as above-mentioned; by Persons well authorized, by which the Duties payable to the *English* are confirm'd and establish'd.

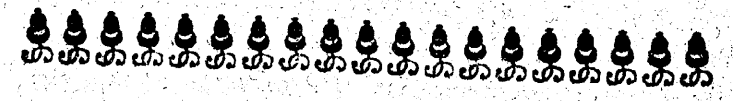
These Insults have obliged the Company to be at a vast Expence every Year for their Security; and their Officers, between their Duty to preserve the Company's Right, as well as their Sovereign's Honour, on the one hand, and their strict regard to National Treaties on the other, have had a most difficult Point to manage.

For

For the Truth is, That the *English* in *Asia* are forced to keep as much upon their Guard against the *Portugueze* as if they were actually at War with them; whilst at the same time the Peace, the good Correspondence, and Amity between the two Crowns in *Europe*, tie their Hands, and hinder them from making any Attempt that might be decisive; and, on the other hand, the *Portugueze* stuck at nothing, had no Scruples, nothing that restrained them from the last Acts of Violence; what they did was to a Company of Merchants, and what they have done to the *African* Company would have been done to the *East-India* Company, if they had been strong enough to have forced the Factory.

But as Reason and Justice have at last taken Place upon the Vice-Roy, and moved him to turn out the *Portugueze* General, as the principal Author of these Quarrels (even while the *English* are here in *England* treated as the Aggressors) it is now hoped, That the Point is yielded, and that by the Punishment inflicted by the Vice Roy on the General of the *North*, as the Offender, the *English* are allowed to

to be in the Right, and consequently, that they may hereafter enjoy the Island, with its Dependancies, Duties, and Emoluments in the full Extent.



A P P E N D I X.

The Letter mentioned Page 31.

CAROLUS Secundus, Dei Gratia, Magnæ Britannia, Franciæ, & Hiberniæ, Rex, Fidei Defensor, &c. Illustrissimo & Excellentissimo Domino Ludovico de Mendosa Furtado, Comiti de Lauradio Proregi & Capitaneo Generali Rerum & Regionum Indiarum Auspiciis atq; Auctoritate Serenissimi Domini Petri Portugallia Principis Regentis, &c. Amico nostro charissimo Salutem. Illustrissime & Excellentissime Domine Prorex, amice charissime, subditi nostri per Indias Orientales Mercaturam facientes nobis Querelas

relas suas nuper exhibuerunt se parum expertos esse ea Amicitiae Officia quae à Natione Lusitanicâ sperarunt, cum è contra multo durius illic habeantur quam Tractatus Conjugii inter nos & Charissimam Consortem nostram promittere videbatur; Cui malo ut obviam eatur elucidationem undecimi Articuli illius Tractatus jam facturi sumus cum praed' Fratre nostro Serenissimo Principe Portugalliae, à cuius Justitiâ citra dubium expectamus Jura Domini nostri in Portu atq; Insulâ de Bombaim, & utriusq; dependentiis vindicatum iri ab injustissimâ illâ Capitulatione quam subire coactus est Humphredus Cook quo tempore locus ille in Ditionem nostram primum transit. Quam Capitulationem neque Humphredus ille potestatem habuit accipiendi, nec alius quisquam eandem illi imponendi contra Fædus tam solemniter & religiose conditum. Itaq; statuimus dict' Capitulationi abrenunciare, ut quae Regiam nostram Dignitatem lædit usq; offendit, quod eo pluris aestimamus quia nobis in parte Dotis cum praesatâ charissimâ Coniuge nostrâ accessit. Supra memorato Fratri nostro Principi Portugalliae significabimus quantâ cum molestiâ intellexerimus quod subditi nostri Commercii Causâ Navigantes in Dominio Magni Mogolis & Salvagee (quibuscum nobis intercedit Amicitia, nec Bellum est cum Lusitanis,

Lusitanis, unde nullus liberam viam obstruendi Prætextus esse poterit) tamen pro transitu solo per Tannah in Freto a Portu tributum (contra omnium gentium Leges Moresq;) solvere cogantur, idemq; patiantur etiam pro transitu per Caranjah quamvis in ipsis dicti Portus nostri aquis; quorum neutrum æquo animo ferre possumus, neq; dubitamus quin praed' Princeps Portugalliae rependi jussurus sit quicquid tam iniquè & inusitate à nostris exactum fuerit, & præter alias Querelas quibus remedium adhibere non gravabitur etiam serio perpendet, tum Contumeliam Regiæ Nostræ Personæ illatam, tum Calamitates & Damna quae Subditi nostri sustinuerunt quod dicta Insula de Bombaim, una cum omnibus dependentiis suis nobis ab origine bonâ fide ex pacto, (sicut oportuit) tradita non fuerit. Interea Subditis nostris è Societate Indiæ Orientalis mandavimus ne postulatis tam arbitrariis & iniquis dicta Tributa solvendi ad Tannah & Caranjah se submittant, ut quae non minus Regali nostro Dominio quam consuetis universi Orbis Legibus Adversantur. Neq; enim in Freto Ore Sundico ad Daniæ Littora quicquam Vestigialis aut Telonii ex arbitrio imponitur, nisi modica compensatio pro Pharis & Indiciis ad Navigandi Incolumitatem erectis, quae etiam non prius solvebatur quam per Stipulationes & Tractatus

Tractatus inter Reges super ea re conventum fuerat. Si igitur Subditi nostri usitata cuius vis respectivè loci Portoria & Vectigalia libenter solvere velint (sicut faciunt cum ulla Lusitaniæ Ditionis Territoria Mercaturæ gratia adeunt) non videmus quid amplius ab iis jure possit exigi; Hæc omnia à nobis Excellentia vestra per amice significanda esse duximus tum ob illustrem Characterem suum atq; Authoritatem Regiæ proximam quam in illis Oris meritò exercet, tum ob singularem Affectum & Honorem quo Personam nostram colere perhibetur, neq; ullatenus dubitamus quin ipsa non solum omnia quæ Furi & Præd' Tractatui congrua sunt ex parte sua impletura sit, sed etiam pro ut Occasio tulerit Subditos nostros benevolè habitura, & quod illis usui fore existimaverit, promptè effectura, nos certe Lusitanis & Excellentia vestra amicis paria referre semper erimus parati.

Atq; hic finem scribendi hoc tempore fecissemus nisi quod iidem Subditi nostri nobis ulterius exposuerint dimidium Vectigalium quæ ad Gombroone in Persiâ solvuntur, sibi jure deberi perinde ac Lusitani capiunt ad Cong in eodem Regno. Cum autem ab antiquo Nationibus Europæis in India degentibus usitatum fuerit, passa-Portus, sive
Literas

Literas salvi Conductûs Navigiis Incolarum (quæ Funks appellantur) concedere, ut eorum Navigatio in Persiam aliasq; Oras tutior reddatur, nuper accidit (contra prædictam consuetudinem) Excellentia vestra Mandato passa-Portus ejusmodi negari iis qui versus Gombroon navigare volunt, quo fit ut omnia illa navigia necessario cogantur vel ad Cong vela facere, vel iis se exponere periculis quibus absq; passa-portu obnoxii sunt, cursum ad Gombroon dirigentes, ubi partem Vectigalium Angli (ut dictum est) recipiunt. Quoniam vero ista passa-Portuum æqualium recusatio, non solum malæ voluntatis erga Nationem Anglicam sed etiam quandam Injustitiæ Speciem habere videtur, & præd' Mercatorum nostrum Societatem ad Talionem ex parte sua reddendam merito irritare poterit, ab Excellentia vestra Amicè & Obnixè rogamus ut prohibitionem illam revocare velit, & alia quævis Mandata eum in finem edita utpote supradicto Matrimonii Tractatui repugnantia, qui nihil prius aut Sanctius habuit quam ut ambæ Nationes in arctissimam Unionem conspirarent, mutuoq; Affectu & Fraternali benevolentia se invicem amplecterentur. Quod nos ex animo semper observabimus & ab Excellentia vestra pariter observatum iri sperabimus, Quam de cætero
Dei

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(80)

*Dei Opt. Max. tutelæ commendamus. Dab.
in Palatio nostro de White-Hall decimo die
Martii, 1677.*

Excellentiæ Vestræ,

Bonus Amicus,

CAROLUS, R.

Illustrissimo & Excellentissimo Domino
Ludovico de Mendosa Furtado, Co-
miti de Lauradijo Proregi & Capi-
taneo Generali Rerum & Regionum
Indicarum, Auspiciis & Autoritate
Serenissimi Domini Petri Portugalliæ
Principis Regentis, &c. Amico nostro
Charissimo.

FINIS.