

## **The Politics of Restitution: Shipwrecks, Insurance and Piracy in the western Indian Ocean**

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This paper is part of a larger project that I am hoping to put together on the politics of piracy and British paramountcy in the Western Indian Ocean during the early colonial period when there were new attempts to institute regimes of maritime governance and regulation. The articulation of the new maritime dispensation involved two aspects; one an apparatus of legal regulation and conflict resolution related especially to restitution of property in the context of shipwrecks and to insurance related compensation in the context of piratical aggression and the other a concerted campaign on the part of the English trading company with its HQ in Bombay against other coastal powers that dared to stake a claim to maritime space. Here I shall be focusing largely on the former, on the early efforts of colonial authorities in Bombay setting up an edifice of legislation. By accessing judicial material and legal discourses on piracy and shipwreck, I shall attempt to demonstrate how in its mechanisms of actual governance, the early colonial state came up with definitions of piracy and of restitution in the aftermath of shipwrecks but in its workings was persuaded to negotiate with indigenous custom and convention and in the process subscribe to what I would suggest was a set of common commercial codes that prevailed in the Indian Ocean. This is not to suggest that the colonial factor was only of marginal consequence in redrawing the frontiers of littoral society but to make the point that the mechanics of its control were as much determined by the pressures of local convention and contingency as they were by the rhetoric of mercantilism and fair trade. A second concern of the paper will be to contextualise the ambiguity that permeated the understanding of piracy especially in a crucial period of transition for the maritime regimes of the Indian Ocean, and to identify the shifts in the making of a multi-layered discourse on piracy, wherein law, diplomacy and force combined to produce new subjects of consent. If elimination of piracy was initially seen as an integral part of the Bombay Marine's political hegemony over the Indian Ocean in the first half of the eighteenth century, it became bound up with issues of compensation and insurance politics in the latter decades and finally got caught up in civilizing narratives of governance and moral regeneration that affected a wide variety of marginal groups in the Indian Ocean whose stories wait to be retrieved and told.

## Piracy and the Europeans in the Indian Ocean

Piracy, as an activity, has always had ambivalent overtones. The first difficulty is that of definition. Who is a pirate? How did traders see pirates? More to the point how did Europeans see pirates? As M.N.Pearson makes the point, 'There are very subtle shadings between a trader and a pirate, and between a navy ship and a pirate ship. Some traders it is clear, also indulged in piracy if the opportunity was offered, as memorably encapsulated in the description of a Malabari voyage off the western Indian coast in the sixteenth century, 'the object of the voyage being mostly trade'. As for the other shading, there is certainly a unity here. Until the arrival of royal French and English navies, mostly in the eighteenth century, many pirates were at other times members of the navy of the Portuguese king, of the Zamorin of Calicut, or of Kanhoji Angria or other political leaders'<sup>1</sup>. In fact from the very beginning the policies – offensive as well as defensive - of the Europeans, starting with the Portuguese were instrumental in formalizing the category of piracy. This is not to say that the Portuguese created the pirate – piracy was common in the Indian Ocean right through the sixteenth to the nineteenth century and after- but to appreciate the complexities of the Euro-Asian interaction in the maritime space of the Indian Ocean and the coastal and littoral societies along its shores, to examine how the nature of European maritime politics with its particular inflections of sovereignty and jurisdiction resulted in new connotations of piracy.

A quick overview of European activities along the coast and littoral from the sixteenth century reveals two important tendencies. One was the single-minded resolve to try and impose a monopoly control over the carrying trade in the Indian Ocean through the cartaz and convoy system, which involved the acknowledgement of European control over the seas and of their protection against piracy. The acceptance of the European convoy that assumed the responsibility of protection carried with it a price – payment of duties at the European custom houses established in various points in the Indian Ocean. The other was tendency to define the seas the exclusive preserve of European maritime sovereignty. For Joao de Barros, the official chronicler of the Portuguese, the question of the sovereignty of the seas was related to Roman law, which it was admittedly convenient to invoke as a symbol to validate the newly formed claims of dominance. His formulations emphasized that the seas were by common law open to one and all, but this applied only in Europe and that to, the Christians who were governed by the principles of Roman jurisprudence. Hindu and Muslims by contrast were outside the purview of Roman law as indeed as they were outside the laws of Jesus Christ. Further, Hindus and Muslims had no claim to right of passage in Asian waters because before

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<sup>1</sup> M.N.Pearson, Introduction I: The Subject, in Ashin Dasgupta and M.N.Pearson (ed.) *India and the Indian Ocean 1500-1800*. (O.U.P., Calcutta, 1987) p.16

the arrival of the Portuguese, no one had claimed the sea as hereditary property. There being no precedent, there was no present or future right of passage.

This was the essence of the Portuguese position. As Pearson has demonstrated, the Portuguese were guided by considerations of Christian law and as pioneers in charting the seas, claimed the moral right of control. From here the logical assumption was that any defiance of Portuguese conventions was an act of deviancy, an unlawful and clandestine activity. Any or all offenders of the Portuguese system became pirates and interlopers. Admittedly, it was especially pronounced in a region like Malabar where defiance of the Portuguese claims assumed a more formal dimension, where coastal chieftains like Mammale of Cananore or the Kunjali Marakkayars actively retaliated against Portuguese naval forays and attempted to carve out a separate maritime realm for themselves. In other regions like the Gujarat coasts to the northward, merchants would appear to have acquiesced in the new arrangements although they were not averse to exploiting the gaps in the system. In fact the English and Dutch factors repeatedly lamented about the ways in which merchants slipped out of the convoy, allowed themselves to be captured by pirates and subsequently approached them for compensation<sup>2</sup>. Evidently the practice of the convoy and cartaz had an important effect in configuring the category of piracy, redefining its limits and nature as also in determining the responses of merchants to the risk of piracy and cost of its regulation. Lavale de Pyard writing of Malabar in the seventeenth century could see no distinction between corsairs and merchants who defied the system. Writing of the militarized mariners of Malabar, he noted, 'All their time is taken with soldiering and they all know the use of arms, as well merchants and pirates and the rest, for after going through this training, they become merchants or corsairs, esteeming one profession as good as the other'<sup>3</sup>.

Laval's observations suggest forcefully the level of militarization coastal society had undergone after the sixteenth century, especially in Malabar. This would appear to have replicated in the Konkan coast in the succeeding century and in the northern littoral of Cutch and Kathiawad in the eighteenth and the first half of the nineteenth century. Conditions of conflict forced dispossession and the dispossessed groups to take up arms and regroup in a disturbed situation. For some of their leaders, the cartaz became an instrument of power and the embodiment of a new conception of sovereignty that defined the right to the seas and the vessels that plied them. This was evident in the way Kanhoji Angria, the Desais of Savantwadi and the Malvans of Sindhudrug all on the Konkan confronted the politics of the English Company and their marine force in the eighteenth century. By the late 1750's

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<sup>2</sup> Ashin Dasgupta, *Indian Merchants and the decline of Surat 1700-1750*. (Franz Verlag, Wiesbaden, 1979)

<sup>3</sup> Albert Gray (translated and edited) *The Voyage of Francois Pyard de Laval*. London, 1887. Vol.I, p.385.

however, the coast seemed to have been subjugated and the company authorities turned their attention to developing an additional set of strategies for pacification. This took the form of a legal dispensation to buttress the existing arrangements of marine insurance and thereby spell out a clear set of conventions regarding resolution of disputes connected with insurance claims and restitution of property in case of piratical attacks or shipwreck. This way the English authorities were able to develop a consenting population of client merchants whose responses to the initiatives form one section of this paper. At the same time, we shall also see how groups – categorized as pirates in the Indian Ocean – responded to the new regimes and how in fact their dispensation worked in the fluid maritime space of the Indian Ocean in the late eighteenth and early nineteenth century. I am hoping at some stage to also introduce a comparative angle to this study by focusing on British politics of paramountcy in the Southeast Asian archipelago.

### **Reorganising the western Indian littoral: Bombay and the new dispensation :**

The growing presence of the English East India Company as a dominant player in the political and trading structure of western India in the second half of the eighteenth century had important consequences for both littoral society as well as for the larger trading conglomerate of the Indian Ocean, especially its western segment. The growing power of the Company was reflected in their ability to enforce a quasi monopoly over the carrying trade of the western Indian Ocean and to persuade merchants to accept both European shipping and their protection which in concrete terms involved payment of duties to the English custom houses in Bombay and Surat, accepting English passes for voyages to the exclusion of other powers. There was also alongside a concerted programme to develop Bombay as the principal city of the region, to ensure that its shipping and merchants were safe from the inroads and incursions of adjacent coastal powers and to make it attractive to the local commercial population to make it their dominant if not permanent residence. Consequently even while the Bombay marine was busy policing and patrolling the coast and the high seas, resisting counterclaims put forward by local potentates, the authorities assured merchants and manufacturers of benefits of freedom and security. Coercion and collaboration were both built into the new system, whose workings had important implications for the larger trading world of the Ocean. For one, the relative fluidity of arrangements that permitted merchants to cut costs of protection and undertake operations with a greater degree of maneuver was compromised at least on principle. Even where they were able to operate the system with a degree of autonomy, the ‘piracy’ factor in official regulation discourse could not be overlooked as it impinged directly on modes of trading.

Some cases are worth recalling here to help us capture some of the complexities of the situation as it unraveled before the merchant and the local coastal powers, which conformed to a hierarchy imagined by the English East India Company - from the semi piratical potentate to the dangerous rover. In 1751 we have a case brought before the Mayor's court by Muhammad Said Mirza against Muhammad Salia, who according to the complainant acted as a go between him and Manakji Angria of Kolaba. Syed Mirza mentioned in his bill of complaint how he had embarked on board a *bombazo* at Muscat laden with goods to the amount of 1800 Rupees and that before entering Bombay she was taken by Manakji Angria. To recover the goods that had been plundered by Angria's forces, Muhammed Said Mirza produced a letter from the Bombay Governor to Angria and desired Salia to carry it to Angria. Salia did the needful but failed to retrieve the goods – instead he only brought back from Angria a parcel of goods of considerable value and wanted from Muhammed Said Mirza goods in exchange to the amount of Rs.450. The parcel was intended to serve as collateral. The arrangement worked for a while until Said Mirza discovered that his dues had accumulated and that Salia was not prepared to discharge them. The latter on his part maintained that he had not carried any letters to Angria regarding the release of the Muscat vessel, but that he had brought a parcel of goods to be disposed of. He also acknowledged that Muhammad said had periodically sent goods to Angria and that he had agreed to give him, i.e. Salia a commission for transacting the business. The Court interrogated parties concerned and finally judged in favour of the defendant.

Five years later, we come across a case involving two Bombay merchants, Ramdas Manohardas and Cursetji Desai over the wording of insurance bonds regarding risks. Cursetji, the owner of the Ruparell had insured the vessel along with its cargo for Rs.3300. The policy had been drawn with the Bombay firm of Ramdas Manohardas and underwritten by other insurers, notably Ramdas Manohardas, Mitha Purushottam, Boodar Bhagwandas, Narrondas Motidas and Jeevandas Kalyanchand. It would seem that the insurance coverage was not extensive partly on account of the availability of the Company's convoy but as it happened the Ruparell lost the convoy and went aground off Daman. The goods were lost as the vessel lay half buried under the sand at which point Damaji Gaekwad's (a local Maratha chief who laid claims to the coastal stretch of the Konkan) fleet appeared on the scene, retrieved the wreck, claiming it was his lawful possession. Subsequently Cursetji approached the insurers for compensation but only to be turned away. The firm maintained that the policy had only provided cover for risk of weather and wind and had not included Damaji as one of the risks. It is not clear how the court disposed of the suit for on 16 June 1756, the Laldas Bhagwandas Insurance Company (the firm of Ramdas Manohardas) moved court once more with the complaint that the original policy bonds had clearly stated that the risk of any assault from Damaji should rest with the owner Rustamji Bhicaji (the defendant) and also that the merchant had

recovered part of his losses. They suggested that not only had Bhicaji's agent managed to salvage part of the Ruparell's cargo but that the vessel itself was in fair condition, had been taken on freight to Muscat by one Abdur Rahim of Surat and that Bhicaji had received Rs.900 for the whole transaction. The defendant rejected these charges as baseless. There was never any mention of transferring the risk of Damaji Gaekwad to the account of the merchant. Further the defendant argued that the substantive point was to establish whether the vessel was captured by Damaji before she was wrecked or after. The defendant quoted from convention, which stated that 'where insurers insure a vessel and the said vessel is wrecked by stress of weather or any other accident through an enemy whose risk is excepted by insurers, becomes possessed of goods by forcibly taking the amount of the wreck or picking them up, the insurers are obliged to make good the loss to the owners as the vessel previously a wreck as in the present case'. For with respect to the Ruparell, the defendant argued that the Ruparell having lost the convoy of the Bombay Grab and Rose Galley had ran aground off Gundavie losing her entire cargo. The defendant had only recently come to know that the wreck had been purchased by one Gopal Vassie of Gundavie and had not stood to gain in the slightest from the affair. The complaints were thus entirely baseless; as he asked the court, 'why did they (complainants) not procure witnesses or certificates during the time they had – ten months before the award was passed in his favour? Why have they not produced a voucher from Abdur Rahim's house?

What do these cases actually tell us? For one, they indicate the growing importance of the insurance trade in which local merchants worked with European merchants and wherein the Court was required to consider local practices and balance these conventions with what seemed to be a judicious interpretation of rights and claims. They also reveal the fluidity of coastal political spaces and the nexus that merchants' networks had developed with coastal authorities. There was at the same time, no fixed preference the Court espoused for either the shipper or the insurer but the increasing utilization of Court arbitration definitely pointed out to the growing confidence that Bombay's local merchants began to place on the judicial channels. In fact Gujarat merchants involved in retail and exchange, respondentia and insurance moved into Bombay in increasing numbers and over time benefited from the court's intervention which had in the **long run** the effect of streamlining the existing arrangements and commercial conventions. Especially significant for the merchants was the Company's ability to counter piracy militarily and to regulate disputes relating to compensation through channels of the court. What was remarkable about the exercise was the way in which the Company took into confidence and consideration the opinion of local merchants and valued their customary practices and how in the process of establishing consent, reinforced the rhetoric on piracy and on conventions of 'free and fair trade.'

What the later cases presented before the Mayor's court in the second half of the eighteenth century also demonstrate is the shadowy zone of piracy, how piracy and mercantile activities intersected in all sorts of ways and how local merchants were able to exploit the benefits of a fluid order arising out of the simultaneous working of parallel regimes of dispensation. The Court even while attempting to introduce a regime of regulation had to remain alert to the complexities of the situation in the coast and the high seas. Here some pirates were clearly more offensive than others – the Angria and the Gaekwad assumed a different space within structures of coastal power and the Company could not be oblivious to it. Coolies were arguably the most serious offenders and by the turn of the nineteenth century, a considerable apparatus of knowledge, diplomacy and military action was set in motion to clean up piracy in the western waters of the Indian Ocean.

The Court did not treat the Coolies lightly even in 1767, when we have an important case brought before the court by Gary Moyer against Hussain Thakur, the bill stating that some time ago he (the petitioner Moyer) had purchased a boat from a local merchant at Bhavnagar and sent it to Bombay when Hussain Thakur had intercepted it claiming it as his property. Thakur however insisted that sometime ago he had requested Charles Crommelin to attach a shybar that the Coolies had captured, that this shybar was the only asset he had for his livelihood, that he had let it for freight and on its voyage to Jambuser had been captured by the Cooley rovers of Sultanpur who had even killed his old father on board the ship. It had later surfaced in Mahim and he now requested the authorities to let him have it restored. The Court disregarded the petition and insisted that as the boat had been taken and been for some time in the possession of a 'well known enemy of port', its purchase by the complainant was fully legal. In the 1780's – 1786 to be precise, in another case involving insurance claims and piracy and one that generated a wealth of information on coastal trade, the question of Mysore as the coastal rival of the Company Company loomed large. Additionally it reflected how the Company's strategy of building a consensus was embedded in the new regulatory mechanisms of conflict resolution that was constitutive of an emerging discourse on piracy, protection and paramourcy in the Indian Ocean extending from its western tip to the eastern archipelago<sup>1</sup>.

The depositions that came up in the context of this case suggested strongly that there was in fact no consensus among the merchants – one said that the risk of Hyder was implicitly recognized in the policy, another denied it while some others stated that the policy as it stood obliged the signatories to make good their respective obligations. For the Company any attack by coastal powers – from Angria to Hyder to the Koli rovers of Kathiawad was a risk that had to be upheld by the insurance firm. The case of 1786 is also important in that it generated an unprecedented interest in investigating

existing commercial practices. This knowledge, one could surmise was an essential precondition to the articulation of a new commercial order for the future, an order that would set new terms for doing business and streamline the existing mechanisms for insurance and respondentia. The enumeration of details is particularly interesting for it demonstrates the Court's keen interest in the exact nature of commercial practice. The deponents for both sides were urged time and again to state their familiarity with existing conventions and to authenticate the validity of the disputed document and to affirm whether the underwriters were liable to pay and make good to the insured the respective sums they have so insured. The case is also illustrative of the structure and ramifications of the insurance business that seems to have sustained a huge expansion in the latter decades of the eighteenth century notwithstanding the extraneous regulation of the Court and the Company.

### **From law to diplomacy: resuming the offensive**

The articulation of a clearer discourse on piracy in the closing decades of the eighteenth century coincided with a marked increase in resistance activities by segments of coastal society – especially in coastal Kathiawad and Cutch – where complex networks of pilgrimage, commerce and piracy supported and sustained local rulers and potentates. The increase of such acts of resistance to Company hegemony may be viewed at one level as a direct response to the politics of the Bombay Marine that encroached on local littoral economies and at another the new forces of instability that accompanied the reorientation of local coastal economies to the challenges of political change in Cutch and Kathiawad. Here what is especially striking is the role assumed by individual residents and agents such as Colonel Walker and J. McMurdo in reconfiguring sections of coastal society and polity and the new networks of merchants, local caste leaders as English agents and ex-piratical chiefs in developing a new maritime dispensation for the Ocean and thereby building a lobby of consent for it. The exercise produced an ethnography on the pirates of Kathiawad and Cutch around roughly the same time when the pirates of southeast Asia were being studied and subjugated. Comparing these accounts bring out several interesting features in common making it pertinent to ask broader questions related to politics and marginal groups in littoral societies of the Indian Ocean. How can we understand the pirate? Can we relate the expansion of piracy to English trade and its demands? How did networks of piracy, trade and protection intersect? Would it be more legitimate as Prange argues to describe the pirates as privateers who were commandeered by local coastal chiefs to expand their lines of control over stretches of the Ocean?

The English East India Company's dialogue with the pirates of western India came in the wake of the expanding cotton trade of Bombay in the closing years of the eighteenth century. Drawing the

export staple from the cotton bowl of Gujarat and Kathiawar meant an acceleration of trade flows that heightened the importance of safeguarding the seas from incursions. Local merchants had by this time got used to the protection of the Bombay Marine whose activities directly threatened smaller coastal groups whose incomes derived from protection money and extortions. Also the Marine was not above the politics of extortion; in 1800, we come across a petition from local merchants setting out how their vessels laden with cotton, grain and oil for Bombay had been seized by the commodore of the Bombay frigate and how their entreaties to the superintendent of the Marine Mr. Philip Dundas had yielded no results, that such instances were not uncommon and that officers of the Company in the marine and in Surat introduced arbitrary charges on coastal runs from Bhavnagar to Bombay and that these charges were expensive and tedious<sup>2</sup>. Evidently the politics of the marine were not without implications for coastal society ; the situation became even more fraught in the years thereafter when the exigencies of the cotton trade and the decision to 'settle' the countries to the Northward – Kathiawad and Cutch – reopened the piracy issue more dramatically.

The perils of piracy were closely tied up with the nature of growing British interference in the political affairs of Kathiawad and Cutch where political authority was complicated and fractured and shared among a number of contenders. Under a loose Maratha and Rajput over-lordship, the region especially its coastal section was governed by a number of warring chiefs who worked important circuits of pilgrimage, protection and commercial circulation. Seafaring castes and communities whose navigational expertise was used by merchant and ruler and transgressor came under pressure as the Bombay marine stepped up its attacks against their forays. Many of them, who were interrogated during trials defined themselves as pirates, and sons of pirates whose livelihood had been closely connected with the rhythms of littoral economies of the Ocean. The English called them Coolies without specifying the diverse categories within the community - some of them Hindu, most Muslim, but all of them associated with one of other of the powers on the coast. Their nucleus of operations was the Kathiawad and Cutch coast, and their target of attack was inevitably the shipping between the ports of Cutch, Sind, Gujarat on the one hand and Bombay on the other and between Bombay and the Gulfs of Arabia and Persia. Of all the patrons of the piratical groups, the Rajas of Beyt Dwarka, Porbanadar, Sootrapara, the Sayyid chief of Novaubnder and the commanding officers of Mandvie were most enterprising. All these chieftains had complex connections with the structures of political authority ranging from the Raja of Junagadh to the temple trustees of Dwaka and locally influential merchants. Piracy was understandably a part time occupation – many of them were sought after steersmen and navigated ships for merchants as well when the occasions demanded it. Very often they were paid in grain, according to their depositions as well as the reports of the English

superintendent of police, and were not always entitled to a part of the spoils earned in naval encounters.

The deposition of Nackwa Kasu taken in 1813 is especially revealing and suggestive of the complex situation faced by maritime groups in a period when the British authorities were attempting to impose what they thought was a uniform system of surveillance and control to facilitate commercial operations geared to their profit margins and ledger books. A native of Beyt, he said he was a resident of Mandvie for 20 years and belonged to a distinguished line of pirates and it was only his father who was the exception and who preferred to offer his services as a navigator to merchant shipping. Kasu on the other hand preferred to join forces with Jeecha Nackwa and became a pirate carrying out daring raids and taking their prizes to Verawal and the ports on the Kathiawad coast until the English came and made things difficult. Thereafter he tried to maintain a low profile until he was employed by Fateh Muhammad, the jamadar of Mandvie in 1813 and on whose behalf he made very substantial profits without earning anything himself. As he put it, 'I found that Fateh Muhammad always took the plunder and I got the blame'. His troubles did not end there for in spite of employment from time to time, (he was paid in cowries) he found the situation exacting and forced to take up his armed vessels again.<sup>3</sup>.

The Company authorities however, were determined by the first decades of the nineteenth century to take head on the issue of Coolie piracy and employ a combination of diplomacy and armed aggression to clear the seas off the rovers. By this time, the English East India Company authorities and the Bombay merchants had committed themselves to a policy of Northward expansion and of policing the seas to ensure a safe commercial order. Coastal states and loose confederacies of chiefs and potentates who relied on seafaring groups to enforce control over small littoral stretches and hold boats to ransom and to participate in local political economies of pilgrimage and local trade. Some of these seafaring groups who were designated as pirates by the colonial state and who defined themselves in the same terms, were distinguished not so much by their professed claim to being hereditary pirates as by their navigational skills and extreme material pressures that enabled them to opt for either nautical services or piracy. These seafaring groups were attached to one or another of the coastal states of Kathiawar and Cutch – Beyt, Dwarka, Positra, Mandvie among others – that drew its revenues from a variety of sources including pilgrimage taxes, issuing cowls or passes and attacks on mercantile property that did not carry their passes. What is especially interesting is to note the linkages between the temple authorities in Dwarka, the pilgrims, the politics of the coastal chiefs and the markets that developed for disposal of the confiscated and plundered goods the details of which provide an important perspective on local littoral economies that were constitutive of a larger

Indian Ocean world sharing commonalities of social and religious practice and organization and facing what must have seemed to them an incomprehensible language of property rights and overarching sovereign political authority. Some of the Company officials were sensitive to the difference and proceeded to tackle the situation through a looser and informal arrangement working through important agents of local society that notwithstanding its limited efficacy produced a substantial ethnography of the 'pirate subject'.

Colonel Walker, Resident of Baroda was an instance in point. The thrust of his policy was to investigate more closely the workings of coastal society and to designate local officials as Commissioners working for restoration of peace and for the enforcement of order that in turn was integrally connected to security of property of the British subjects. His investigations yielded important details on how seafaring groups constituted an important part of the coastal states' military force, how both of them worked in tandem engaging in what Prange calls 'economically motivated privateering' operated through a dense web of political alliances, commercial relationships and social institutions. The intersection of the chor bazar (the grey market), local chiefs, temple trustees in the case of pilgrimage centers like Dwarka and caste elders among the pirate communities produced a particular configuration that the Company authorities saw as irrational and antithetical to their language of rights and responsibilities. But they could hardly afford to take the offensive immediately for even as they acknowledged the importance of 'eliminating piracy completely', they argued that it was also important to continue to permit someone like the chief of Dwarka 'to continue to grant the passport to merchants and traders who are not subjects of the Company and who may wish to receive the protection of these chiefs'. Alongside, arrangements were made to accommodate local men of influence to act as residents and commissioners and to work through Sundarjee, the agent chosen by the English thanks to his understanding of local politics. In fact the growing reliance on local intelligence and building a consensus of local interests and balancing this with the overriding concern for security of property seems to emerge as the chief feature of the new offensive. The authorities went as far as to say that the income from piracy was actually quite small and had been exaggerated in previous accounts; 'income from piracy is uncertain and will ever be concealed – yet at the same time mankind are generally disposed to overestimate the fruits of rapacity and violence, it is very probable that the acquisition of the pirates have escaped our research or have been reported to us with exaggeration.' Sundarjee's extensive understanding of the situation was put to good use – he pointed out that some of the chiefs argued that they had no option but to resort to piracy, that local commissioners or prospectors would have to be recruited from among their caste-men and that a complex sharing of confiscated and plundered property between states and private adventurers and temple authorities was not so easy to dismantle.

In the following years, however, such moments of cautious introspection became rare and the pressure on the coastal societies would appear to have intensified. If depositions of this period are to be believed, it is clear that the presence of the Bombay marine had destabilizing consequences and coastal states were no longer able to give them the kind of employment that could sustain them and their families. We also have a few snatches of information about their social experiences – of their connections with specific shrines and peers, as well as with the markets in which some of the plundered goods circulated. Mandvie appears to have been especially important in this connection. The depositions do not give us too many details about the technical aspects of their shipping, or indeed how they were organized but the fragments are enough to suggest that they shared features with the pirates of the eastern archipelago and were completely baffled by the language of British political aggression. As the headman of Okhamandal, a Cooley stronghold in Kathiawad commented as early as 1807, 'In these days all merchants have taken to the flag and protection of the Honourable Company and if I abstain from plundering them, where can I procure food and if I continue I fall under the displeasure of the Company.' The situation worsened in the decades thereafter and by 1813, coastal peoples had little resources left for resistance. The steady pressure kept up on them by the Company worked in tandem with a streamlining of judicial measures for recovery of property with the result that by the end of the first half of the nineteenth century, the new maritime dispensation along the coast had been fully articulated.

### **Concluding Questions**

That brings us to the larger question of understanding networks of trade and pilgrimage, of privateering and commerce in the Indian Ocean through the prism of the colonial archive. How irreconcilable was the colonial factor with the existing order in the Indian Ocean? How did the notion of property and its security driven expansionist politics undermine the existing order in the Indian Ocean? How did coastal and oceanic society respond to this intrusion? How did long-term trends in societal patterns intersect with short-term conjunctures and how did these contribute to the understanding of an Indian Ocean civilization. What emerges as a distinct motif in the case of the Cooley pirates of Cutch and Kathiawar was the close linkages between merchant, local potentate and pirate – an alignment that was organically connected with the political economy of a coastal society confronting the hegemonic policies of the Bombay marine and the English East India Company. The depositions bring out the connections between pirates, merchants and local leaders, whose survival depended upon bypassing lines of control established by the Marine force and plugging into several circuits of coastal trade that flowed into Mandvie and as well as Bombay whose markets absorbed a wide array of goods extending from sugar to carpets. Baniyas involved in coastal trade were not above

aiding and abetting the grey areas of pirates while the latter were from time to time requisitioned by the coastal states to mount operations against local traders. As Mcmurdo reported to Captain Carnac in his letter about the pirate Vackwa Kasu, the ruler of Verawal was definitely involved in the plunder, 'either in the knowledge or fruits of the plunder' while the guilt of 'Ablab and Hussain the two Mukadams and Hamid the chor does scarcely admit of a doubt'. To verify and confirm his suspicions, Mcmurdo sent for the pirate's wife and servant whose evidence may be useful in establishing this point as well as the share which the Banayans may have had in the affair and whose conduct appears not a little suspicious<sup>24</sup>. On the other hand Kasu made it clear in his deposition that he had teamed up with Jeecha nackwa several years ago as a pirate and that they had preferred to carry their prizes to Verawal and the ports on that coast until they had been hampered by the arrival of the English. Subsequently, he worked for local chiefs but was never properly remunerated with the result that attacks on Bombay shipping promised the only way out. What is also clear from his deposition is the close ties of these communities with their cast elder as well as religious leader whose intercession often bailed them out from tricky situations. In other depositions, for example that of Jecah Nackwa, it was made evident that the local governments in Cutch and Sind aided piracy and participated in its proceeds. Nackwa's career seems to have followed the same trajectory – working for Fateh Muhammed and other local chiefs and plundering coastal shipping with impunity. He worked for Jamadar Moormeah of Lakhpat who on one occasion gave him 1500 cowries and even paid off his creditors. He reported how Fateh Muhammed persuaded him to work for him but by keeping a low profile for 'he was on terms of friendship with the English and if they knew he had anything to do with pirates it would be bad for that friendship'<sup>25</sup>. Clearly, attacks continued and coastal chiefs held out as long as they could and despite formal agreements led parallel lives. Their participation supported local seafaring society, nurtured what the English would call a chor bazaar or black market. Nackwa mentioned quite categorically that most of the pirates knew of a merchant in Verawal Patan who specialized in buying up plundered property.

For the English, the workings of the parallel order were intolerable although the strategy they used was to build up communities of consent by enlisting caste elders as residents and commissioners and working through local networks of officials like Sundarjee Shewjee. As in evolving a common language of law and mercantile regulation, they relied upon local consent to steadily neutralize the ties that connected the pirate with the merchant and the local ruler thereby marginalizing the indigent seafarer. We do not know how the latter regrouped in the second half of the nineteenth century, how he used his navigational skills to eke out a living and how if at all he preserved his inheritance of seafaring activities. It is a story that needs to be recovered and told. Law and force undeniably brought the adventurous seafarer into submission everywhere in the Indian Ocean but whether there

were still spaces to negotiate remains to be found. The merchant as a consenting subject created a dissenting other in the body of the pirate in British India but in both cases, very complex skeins of negotiation were involved – whether the Indian Ocean as a unifying space provided a distinct edge to these negotiations remains to be examined preferably by adopting a comparative approach.

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<sup>1</sup> Alfred P. Rubin, *Piracy, Paramountcy and Protectorates*. Kuala Lumpur, 1974

<sup>2</sup> Public Department Diary of the Bombay Government No.146 of 1800. pp. 41-43.

<sup>3</sup> Secret and Political Department Diary of the Bombay Government. No.284 of 1813.

<sup>4</sup> Secret and Political Department Diary No.284 of 1813.

<sup>5</sup> Ibid pp.64.