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Reporting and Interpreting Legal Violence in Asia: The East India Company's Printed Accounts of Torture, 1603-1624

In the early seventeenth century, English overseas expansion was undertaken in an environment of overlapping jurisdictions that criss-crossed the globe. Navigating this complex legal environment was vital for the success of overseas agents but legal entanglements, often violent, were not an uncommon experience.¹ In Asia, the East India Company's (EIC) success depended on its integration into local legal systems just as much as integration into long-standing trading circuits. Although the Company's trading houses (known as factories) were armed to an extent they were not capable of withstanding assaults from the local powers.² To survive, English traders entered into legal agreements with local sovereigns, placing themselves under local jurisdictional authorities. However, concepts of how the law operated were far from simple and overlapping legal institutions, customs and ideas resulted in numerous moments of competition as different legal structures were imposed simultaneously.³ Contemporary debates in Europe were also changing ideas about how states were expected to interact with each other overseas: a development that placed the expansion of English enterprise abroad and its agents' violent activities under greater scrutiny.⁴ In Asia, the EIC was faced with the challenges of legal pluralism that defined the complex jurisdictional environment of global interaction.⁵ This was particularly problematic in circumstances where the law and violence came together during most violent aspect of judicial enquiry – torture.

The application of violence through the law has been carefully explored in relation to English colonial history – particularly in Ireland – but Asia has often been side-lined in these discussions, particularly before the establishment of British rule in India in the eighteenth century.⁶ This is surprising, as it was during the seventeenth century that English imperial policy was developing and questions regarding legal authority overseas were discussed for this

first time. It was also the period where corporate organisations led English overseas expansion, a pattern that placed considerable sovereignty in the hands of these non-state actors.⁷ In the seventeenth century the ‘company leadership were guided by a coherent, if composite, set of political ideas about the duties of subjects and rulers and the nature and extent of political authority’ that underpinned how the EIC operated in Asia, how it’s agents understood their position *vis-a-vis* other legal authorities, and how they sought to present themselves during legal disputes.⁸

Torture, an extreme dimension of legal violence overseas, offers promising avenues for analysing how companies understood the law, violence and their ongoing struggle to better clarify their rights, privileges and jurisdictional authority. Not only did torture attract a greater level of scrutiny than other forms of violence, such as corporal punishment or even execution, it also drew on a long legal tradition in England and Europe that was likely familiar to many contemporaries. Torture could be utilised legally in certain circumstances, and these specific requirements allowed for intensive interrogation of its efficacy by contemporaries during the reporting of events. Furthermore, it was a form of legal violence not designated as a punishment but as part of the judicial process. As such, its very purpose was to reinforce and further a narrative of guilt, forcing recorders of torture to consider wider ranging evidence, legal authority and corroborating material than reports of executing or other punishment.

This article will examine how accounts of torture can reveal how the law was experienced and defined by the EIC, how the company sought to impose its own interpretation of the law within the competing jurisdictions of early modern Asia, and how it used this interpretation to underpin the presentation of information regarding events in Asia to an English and European audience. Through print, the EIC could report its experience of the law in Asia in ways that would present the company as a homogenous organisation and engage effectively with a broad range of interested parties. These accounts were part of a formative process in

the company's activities in Asia and contributed to its attempts to obtain increasing powers – leading towards the development of a company-state later in the century.⁹ The EIC's accounts of torture represent an attempt by the company to find strength in environments understood to be mercurial and violent. Through these publications the EIC sought to clarify its position in Asia and highlight the legality and morality of its factors who were presented as civil, peaceful men dedicated to trading collaboratively within local political structures. Through a careful analysis of the two accounts examined in this article, it becomes clear that through carefully reporting torture, the EIC were able to clarify and present their understanding of the law and come to terms with the challenges of enforcing their jurisdictional vision overseas as they sought to strengthen their position both in England and in Asia.

The two accounts examined here represented cases where torture was experienced by English merchants – and where accounts were deemed important enough for reportage and printed distribution.¹⁰ The first account, printed in 1606 and recounting events from 1603, considers how the EIC seized the authority to try, torture and execute Chinese residents in Bantam. The second, from 1624 following events in 1623, reports the Dutch interrogation of English prisoners in Amboyna. The authors of both texts discussed in this article used the term torture to refer to the violent interrogations described, with torturers in both accounts using similar physical and mental techniques against their prisoners. The first section will explore the production of these two account before the development of their narratives are examined together with common themes considered together: context; betrayal; and interrogation. The final section considers how the EIC sought to distribute these texts. The production of these texts represent public demonstrations of the company's ideas regarding their legal position in the developing world of global commerce and empire.

Across these two texts a number of important aspects about how the EIC reported and understood violence and the application of law overseas are revealed. In both cases, there were

allusions to the non-English party betraying the English. In the first case, this was used as justification for the torture of the Chinese prisoners, and in the second, the Dutch were condemned for attacking peaceful traders. Furthermore, each account took care to contextualise the circumstances of the violence and create a narrative within which the actions of the English are supported on multiple levels, both morally and legally.

While the act of torture itself was similar in the two accounts, the focus was inverted. In the first, Scott recorded the necessary witnesses and evidence to support torture under English law, and the English were presented as dedicated to justice – even while seizing judicial authority and enforcing their interpretation of the law. Scott sought to demonstrate how the seizure of legal authority adhered to local customs and how his actions fell within the parameters of English law. By taking action themselves, but still in consultation with local rulers, the English merchants at Bantam finished the episode in a position of strength. They were presented as people dedicated to justice yet with the strength to protect themselves within the overlapping legal systems of the east. On the other hand, for Skinner the aim was to report the illegality of the Dutch interrogation and argue that by enforcing their interpretation of the law they had broken contracts that were depended upon in Asia as well as failing to live up to English understanding of the law.

Production of the texts

The first case study considers a printed account of the actions of English merchants at Bantam soon after the establishment of a trading post there in 1602.¹¹ Published in 1606 and dedicated to the Governor of the EIC, the *Exact Description of the Subtilties, Fashions, Pollicies, Religion, and Cerimonies of the East Indians* was in many ways stylistically similar to much travel writing from the period.¹² With a single eyewitness to the events involved, it presented

its topic as a description of foreign and exotic lands, and of the cultures encountered. In its entirety, this piece covered a significant period and the episode examined in detail here was only a small part of the whole. In total, the narrative focused on the activities of the English at Bantam following the initial placement of the trading factory, with specific attention given to demonstrating how the EIC employees overcame distress, attack, and mercurial foreign dignitaries to establish a successful trading post. The linchpin event in this account was the torture and execution of Chinese prisoners following an attack on the EIC's house, a series of events that revealed much about the company's legal position in Bantam, and the changing perception of the English regarding the need for stronger and clearer lines of jurisdiction overseas.

The text was probably printed in the shop of John Windet and William Stansby, who had close ties to the EIC. Windet had been an associate of John Wolfe, Richard Hakluyt's printer of choice in the 1590s, and inherited his estate in 1601, also becoming the official printer for the City of London.¹³ The pair had already printed *The Policy of the Turkish Empire* in 1597 and Stansby later printed the pro-EIC *In Defence of Trade* in 1615 and Sir Walter Raleigh's *A History of the World* in 1616.¹⁴ Further connections to England's overseas expansion are also apparent in the choice of publisher, Walter Burre, who also worked on Raleigh's book, and whose brother-in-law, Sir Henry Middleton, had commanded during the first EIC voyage. While the success of the trade at Bantam and relations with local authorities were discussed in the EIC's Court Minutes and correspondence, no specific references to the torture survive. However, we can presume the EIC allowed the publication of the pamphlet, its author was elected a director of the company soon afterwards.¹⁵ The author, Edmund Scott, was the principal EIC factor on the island during the events and he carefully established a narrative that defended the use of torture and outlined the difficulties and successes of the first English factory (trading house) in Asia.

Intending to access valuable commodities from their source, the EIC decided that Bantam was the most suitable trading location based on the accounts of earlier travellers.¹⁶ Unlike parts of Asia where Dutch and Portuguese enclaves had greater say in the development of legally pluralistic jurisdiction, the EIC in Bantam and Amboyna found themselves under the authority of others.¹⁷ Bantam had a diverse population in terms of ethnic groups and social stratification, and was host to a large Chinese community alongside a native Javanese populace and numerous traders from across Asia and Europe. Establishing a factory in Bantam was hoped to create a place of business where the company's agents could ensure their participation in business of a seasonal nature. It was also position of strength for the English, where they could protect their goods and their personnel. Within the confines of the factory, merchants were able to practice religion and law in the manner they chose, while their actions beyond its door were curtailed by the laws and customs of the host state. The factory was central to the survival of the English trade and the English merchants themselves, and in many respects was a physical representation of the English state and of the security this offered. However, this security was only protected through agreements between the EIC and the local rulers, and the volatile social and political situation in Java created a situation where this safety was by no means assured. It was following an attack on this factory that the English merchants turned to imposing their own legal authority – events that formed the core of this text.

The second case study considers an opposing dynamic, where EIC personnel found themselves not as enforcers of the law but as victims of an attack seen as legal by the perpetrators but eminently unlawful by the English. Reporting an attack on the English merchants in Amboyna by the Dutch, *A True Relation of the Unjust, Cruell, and Barbarous Proceedings against the English at Amboyna*, was carefully developed by the EIC to best deliver their legal interpretation of an incident that would come to dominate the EIC's relations with the Dutch East India Company (VOC) over the coming decades.¹⁸ The text described

how the VOC's agent on the island, Herman van Speult, imprisoned, tortured and executed a number of English and Japanese men he claimed were guilty of plotting against the Dutch. News of the events reached England slowly, with the English ambassador to the United Provinces, Sir Dudley Carleton likely the first to hear of the events.¹⁹ The EIC discussed the event for the first time some days later, having already briefed the King on the matter.²⁰ In this first report the Dutch were described as acting 'without all humanity', having executed the EIC employees 'upon evidence and confessions extorted to the violence of torments and no other witnesses than the heathens'.²¹ The idea that there was a plot among the EIC members was dismissed, with the Company instead focusing on the illegality of the Dutch response.

While the EIC was initially willing for the Crown to undertake negotiations for remonstrance on its behalf, little was done to support them.²² The evidence held by the EIC was initially presented to Secretary Conway, with the expectation that if the case was proven in the EIC's favour, the King could 'force them [the Dutch] to reparation'.²³ The Company waited for the Crown to act, but became increasingly concerned that public opinion was not in their favour.²⁴ In July 1624, having informed the generality that continuing the East Indian trade might be impossible without greater support from the Crown, the Company delivered a further petition to the Crown, including a detailed account of events.²⁵

While waiting for a response, the VOC sought to sway reports in its favour through the publication of an account of the dispute from its perspective. An English translation of the Dutch account, distributed in England by John Wing, appeared soon afterwards.²⁶ The VOC's distribution efforts were primarily aimed at the Court, which had been identified as a vital supporter of the EIC during the dispute with the Dutch.²⁷ Not surprisingly, this account reported the events in Amboyna as a legally valid response to a plot and incited the EIC to action.²⁸ The company used the Dutch report as a means of justifying the printed publication of its own account of the events.²⁹

To distribute information regarding the events in Amboyna effectively the EIC produced a printed report of events that supported its position. It was careful to ensure that the content included was accurate, convincing and presented from a solid legal position. To achieve its aims, when the first of the witnesses of the massacre returned to England in June 1624 they were sent by the Company to a legal expert, the Admiralty Court judge Sir Henry Martin, and to John Skinner.³⁰ Skinner had been master of the EIC ship the *Globe* and participated in the EIC's trade in Asia during the 1610s, when he had written concerns regarding competition with the Dutch in Amboyna.³¹ He was requested to write a collated version of the witnesses' accounts, and it was acknowledged that the company would need to act quickly to counter the Dutch report.³² These accounts were 'set down in writing to be published' as early as the 2 of July 1624 and were completed the following week when they were published and a short version of the account read for the generality.³³ The EIC did not print the account immediately, responding to warnings from the Crown and Privy Council that it was important not to print an account that could be deemed libellous or that would damage relations with the United Provinces.³⁴ Between news of the massacre arriving in England in May 1624 and the decision to print an account of the proceedings in October, the Company had carefully collected the required information; the account finally printed had been examined thoroughly to ensure it delivered the required arguments.

When finally printed, *A True Relation* offered an interpretation of the torture and execution of EIC employees at Amboyna that the company believed sufficiently demonstrated their understanding of the law.³⁵ Printed with the EIC's arms on each volume to indicate 'them to be true', the company intended that the 'books of Amboyna business to be printed' would effectively reveal 'the cruelties of the Dutch towards the English'.³⁶ Unlike much of the printed material about English activities overseas, Skinner's account was not an adaptation of a participant's journal of the event – it was instead a fluent attempt to draw together numerous

accounts from eyewitnesses with the aim of presenting a specific, and legally acceptable, report of the events.³⁷ The Governor and Deputy Governor of the company both checked the contents and Thomas Mun, a longstanding author of company literature, was consulted regarding the final details of publication.³⁸ It was a piece of reporting that represented the opinions of the highest echelons of the EIC.

These two accounts can be examined as public declarations regarding law and sovereignty overseas; they were both cheaper printed pamphlets, and their inclusion within Purchas's edited collection of texts in 1625 suggests a reasonably broad dissemination, at least in London.³⁹ Through printed texts the author, printer, and the EIC, were able to disclose information in a manner designed to influence popular opinion and present the activities of the EIC in Asia in a manner suited to their interests. As Miles Ogborn has noted, print accessed a public where 'texts debated the politics of trade and empire' and presented a means for the company to not only access potential support but also to control the information available.⁴⁰ By printing these accounts, we see the EIC, a corporate body independent from the state, actively engaging with contemporary debates regarding legality of overseas enterprise, and the development of English political thought regarding empire. In entering this debate, the EIC was defending the exportation of English legal traditions to Asia, but also creating a distinctive interpretation of these laws based on their experience in Asia and the requirements of their trading endeavours. In these texts we can trace the EIC's understanding of the law in two key areas. First, the EIC's attitude towards torture and the justification/vilification of violence when committed by a trading organisation. Second, how the EIC sought to impose its own interpretation of the law when operating within competing jurisdictions of early modern Asia. Across these two accounts, in spite of their differences in production and the role of the EIC within the interrogation narratives, the EIC presented an explanation of the challenges of

operating within numerous competing jurisdictions in Asia and arguments for the justification of greater corporate sovereignty to ensure continued success of trading activities.

The contextualisation of the interrogation

Each text began with the authors offering careful contextualisation of their accounts. Scott outlined how the factors faced difficulties as soon as the EIC's ship departed Bantam on 20 February 1603 when the Javanese 'began to practice the firing of our principal house with fire darts and arrows.' Threat of violence was established immediately and the accidental lighting of the town by a Chinese captain soon after caused significant damage to goods and property, and served to highlight threats further.⁴¹ These events were used by Scott to suggest that trading agreements established with local authorities, including guarantees of protection, lacked the strength to defend the English.

Unreliable local authorities were an issue that required resolution for the security of future English trade. Although 'the Company's claims to jurisdiction and authority were framed by a range of instruments and behaviours beyond their charters and power from home, and particularly by numerous grants, treaties, alliances, and agreements with Asian polities' these depended on the reliability of local authorities.⁴² This issue was made particularly clear in Scott's account as he recalled the local Protector informed the Dutch traders that 'they should not be offended, or aide us in any way' if the English were attacked.⁴³ Apparently this duplicity came as a shock to Scott who recalls how 'this sudden news caused us much to marvel, for not past four or five days before he sent us many of his slaves to build the upper work of our house.'⁴⁴ Scott further highlighted the fluidity of agreements in this period shown by a Dutch agreement which stipulated 'when they [the Dutch] were aboard their ships, they [the Dutch] were governed by their own laws; but when they were a shore, they were under the laws of the

country they were in.’⁴⁵ This suggests how legal authority could shift within similar geographies and that alternative legal authority could be enforced if others were found wanting. In Scott’s account the lack of stability in local legal administration lead to a point where the English – as the Law of Nature stipulated – were required to take justice into their own hands. This justification was important for the EIC who used similar arguments to support later impositions of English law in areas where local authority was deemed weak or unstable.

Once this atmosphere of threatening circumstance and legal disillusionment was established, Scott moved on to explore the specific circumstances that lead to the English seizure of judicial authority. The use of torture in the early modern world was usually reserved for traitors, heretics, or others whose crimes required living within the society against whom their crimes would be committed. In Scott’s narrative, he was careful to highlight the close relationship between the English and the Chinese community (whose members would later be accused of committing crimes against the English). For example, when Chinese houses where English goods were stored were attacked the English came to their defence, claiming that ‘surely if we had not defended them with our shot, many more would have been slain.’⁴⁶ By demonstrating a close relationship Scott positioned consequent events as betrayal by the Chinese, and thus, in the EIC’s developing understanding of law, the use of torture was legal.

The second case study, Skinner’s account relating to Amboyna, was also contextualised in considerable detail: to demonstrate the peaceable, honourable activities of the EIC. Skinner explained that the English, ‘being subjects of a peaceable Prince, that have enough of his own, and is there with content, without affecting of new acquisitions; have aimed at nothing in their East India trade, but a lawful and competent gain by commerce and traffic with the people of those parts.’⁴⁷ This position was juxtaposed with the Dutch, who, according to Skinner, ‘from the beginning of their trade in the Indies, not contented with ordinary course of a fare and free commerce, invaded divers Islands, took some forts, built others, and laboured nothing more

than the conquest of Countries, and the acquiring of dominion.’ In these circumstances, the Dutch ‘saw they could not make their reckoning to any other purpose, unless they utterly drove the English out of the trade of those parts’ – an attack that was not justified in the EIC’s interpretation of international law.⁴⁸

Skinner continued by highlighting how these activities were not only aggressive but also undertaken by unsuitable personnel who are neither trustworthy nor possessing the legal understanding necessary for rule in Asia. Skinner condemned the Dutch by commenting ‘[they] use the Indies as a Tucht-house or Bridewell, to manage their unruly and unthrifty children & kindred; whom they cannot rule & order at home, they send to the Indies, where they are preferred to offices and places of government.’⁴⁹ Reminiscent of Scott’s account, Skinner’s text presented the legal environment in Asia as insecure and the EIC’s position dependent on agreements made with unreliable legal authorities.

Betrayal and the discovery of the crime

Subservience to potentially untrustworthy authorities contributed to the fraught situation facing English merchants in Asia, and was a constant concern for the East India Company during the early seventeenth century. Not surprisingly the English were presented in a different light, adhering to agreements, building good relationships and seeking to participate in peaceful trade. This environment was carefully presented in each text as the use of torture in England was largely reserved for acts of betrayal: against the state, society, or God. With this in mind, betrayal was a key theme in each text to present evidence, or at least emotive reasoning, to support the authors’ broader argument in this regard.

Betrayal was also an important part of how the English understood the uses of torture during this period. While in Europe the medieval statutory or Roman-canon theory of proof,

where ‘judicial torture was originally designed to produce confessions in cases of serious crime in which "full proof" in the form of confession or two eyewitnesses was needed to convict’, the use of torture was more limited in England.⁵⁰ Here, an alternative theory of proof usually disallowed torture during criminal interrogations, with further evidence required before torture was undertaken to reveal further crimes. The process of making truth would have been important to the English merchants, and both case studies reveal their author’s appreciation of the difficulties in using torture to support other evidence.

There was a sustained belief that the English treatment of prisoners was better than that of their European contemporaries, with tales of Spanish and Dutch barbarity were juxtaposed against the actions of figures such as Sir Francis Drake.⁵¹ Torture was still used in England under exceptional circumstance and ‘those suspected of political offences were the most frequent victims’ and was also used in the case of other serious crimes such as counterfeiting, embezzlement, robbery and murder.⁵² ‘The actual employment of torture in early modern England exemplifies the fear of the hidden [...] the traitor, who was committed to enacting seditious plots, could only succeed if he/she blended in with true loyal citizens.’⁵³ Torture was used to reveal accomplices and wider designs.⁵⁴ In the case studies considered here however, torture is not only utilised to seek out accomplices, but also to force confessions. This suggests that the defining features of European and English legal custom regarding torture may have been less strictly adhered to – or alternatively, that English merchants altered English legal custom to better suit their imperial activities in Asia. From an English perspective, the legality of torture during interrogations was dependent both on a specific understanding of proof and the type of crime committed – betrayal of society was highly significant.

In Bantam then, betrayal was the main justification for Scott’s interrogation. Fires were reported in the earliest part of Scott’s narrative and when the English house was set ablaze the initial thought of Scott was to quench the flames. He invited Chinese residents (some of whom

were later accused of starting the fire) into the house to assist in repelling the flames. Writing in hindsight, Scott commented ‘had we known that the Chinese had done it, we should have sacrificed so many of them, that their blood should have quenched the fire’ - anger stemming from the perceived betrayal by the Chinese – who were seen and treated as friends.⁵⁵

Once the fire was put out considerations regarding the cause of the fire began. At this point, Scott’s account adopted a more detailed approach, with a greater focus on witnesses, chronology, and the establishment of evidence. The first witness considered, a Chinese bricklayer, who was well known to the Dutch, reported that the attack had been committed by members of the Chinese community to mask a theft.⁵⁶ By highlighting the bricklayer’s relationship with the Dutch, who could vouch for him, Scott assured his audience of his reliability. In response, Scott led a further investigation and was able to arrest three Chinese men who were found to have set fire to the house in spite of previous friendship with this community.⁵⁷

Betrayal was also important in the Amboyna episode, and English betrayal was used by the Dutch as justification for the use of torture. Skinner’s narrative began by recounting how the Dutch discovered a plot to take their castle from a Japanese soldier – although according to Skinner no witnesses are revealed who could vouch that any plot existed until the soldier was tortured into confessing. When an Englishman, Abel Price, who had been arrested for drunkenly setting a Dutch house on fire, was shown the tortured Japanese soldier and told he had confessed to English collusion, Price was threatened that ‘if he would not confess the same, they would use him even as they had done those Japanese, and worse also’. Presumably, Price refused to comply and on 15 February 1622 he was tortured and confessed to a conspiracy.⁵⁸ Following these initial examinations, the evidence for which Skinner carefully showed came from torture only, rather than eyewitnesses or physical evidence, the English were summoned to the Dutch Governor’s house. Here, Captain Gabriel Towerson, the principal Englishman on

the island, was told ‘that himself and others of his Nation were accused of a conspiracy to surprise the Castle, and therefore, until further trial, were to remain prisoners.’⁵⁹ While the Dutch account would hold the English as betrayers, from Skinner perspective, it was the Dutch who betrayed the English through claiming legal authority over them that they did not legally possess through agreement or the application of the Law of Nature.⁶⁰

In each case, betrayal was an integral factor and the reason both sets of prisoners are tortured, but it was the torture of the English – fellow Europeans, Protestants, and innocents – for economic gain that was presented as the greatest betrayal of all.

Interrogation, evidence and morality

After betrayal had been presented as the cause for initial arrests, each text turns to describing the consequent interrogations. During the accounts of torture, each author sought to highlight what the EIC considered correct legal interrogation. In the first case study, this was shown in Scott’s actions, while in the Amboyna account it was revealed by highlighting Dutch ineptitude and their failure to comply with correct procedures.

In Bantam the EIC had agreed to operate under the jurisdiction of the local ruler and the importance of maintaining this relationship was vital for their continued presence in Asia. With this in mind, following the arrests Scott ‘sent Maister Towerson to the Protector to certify him how the case stood’.⁶¹ Consequently, an agent of the King vouched for one of the three Chinese prisoners, and numerous witnesses vouched for a second. The third prisoner, who owned the house where the three Chinese men had been captured, was not so lucky, and Scott highlights how ‘every one said he was accessory’ to the crime.⁶² As such, Scott demonstrated continued English attempts, in spite of previous disillusionment, to engage local groups during the legal process, and to accept the word of local witnesses, as English legal custom and local

sensibilities demanded. Scott's commendation of his own dedication to justice was followed by further reminders to the lack of cohesion between European and indigenous legal systems. When the Protector finally came to the factory the English 'still cried to him for justice against those that had done it [fired the house, and] he bid us do justice on those we had when we would.'⁶³ According to Scott, it was only following this endorsement from local authorities that his interrogation began. In taking legal authority upon himself, Scott as a representative of the EIC believed himself willing and able to apply the law as he saw fit. This mirrored the environment in London where a range of corporate bodies had been granted the right to hold their members to account in courts overseen by their senior members.⁶⁴

As the interrogation began, the prisoner demanded that Scott kill him if he was going to, Scott responded 'not for the world, except I could evidently prove that he was one that did it, or knew of it'.⁶⁵ Although perhaps a dubious conversation between captive and interrogator, its inclusion reveals the importance of proof in the English legal tradition that the EIC was presenting, and how torture was seen by Scott as a means of confirming guilt. Scott proceeded to describe the interrogation and torture in graphic detail – torture that brought a quick confession and the names of numerous accomplices.⁶⁶ Suspicious that the actions against the English factory stemmed from a larger design, Scott continued to interrogate him, demanding which 'great men of the country, or the rich Chinese had set them to work.'⁶⁷ Unable to obtain the additional information through torture, Scott recounted how he 'spoke him fair, and promised him his life if he would tell me the truth', which did obtain a further confession but no names of 'great men', and the prisoner was executed.⁶⁸ Throughout Scott's description torture was presented as a means of uncovering broader conspiracies among 'traitors', suggesting that the EIC perceived their legal authority in Asia as comparable to the sovereignty of the state in England.

Scott concluded his account by highlighting the new position of strength held by the English. The torture was presented as a soothing balm on their relationships with local groups and following the execution there was great rejoicing and people ‘would say, that now they saw the Englishmen would do no more but justice.’⁶⁹ By pitching his account from the perspective of the EIC overcoming these difficulties Scott demonstrated how the English position became viable through their seizure of some legal authority - a point also raised in correspondence from Asia to the Company following this episode.⁷⁰ Particularly careful to reveal the English commitment to local justice and the correct application of torture, Scott’s account can be seen as an EIC declaration regarding the Company’s right to act as judge, jury, and executioner in regions where alternative justice was not forthcoming. The careful demonstration of how the EIC came to obtain this legal position suggest that the EIC were conscious that they were taking sovereign powers in Asia through necessity, in spite of limitations in their charter in this respect, and sought to demonstrate the validity of their actions in print. By arguing that the EIC’s position had been secured through the seizure of legal authority and improved local support as a consequence, Scott reassured investors and political supporters alike in the viability of English overseas endeavour.

Skinner’s account, on the other hand, sought to defend the EIC in response to legal attacks against it. From the point where the Japanese soldier confessed to acting with English support, under torture and without corroborating evidence, Skinner was careful to highlight continued illegality in the proceedings at every opportunity. He took care to demonstrate throughout that each event recounted had been witnessed by an Englishman who survived or who had sent information back to England; deftly demonstrating English adherence to legal requirements for witnesses as opposed to the Dutch. For example, in the case of two Englishmen tortured at the time, Timothy Johnson and Emanuel Thomson, Skinner described how they were accused in rooms next to John Beomont, who overheard the proceedings.⁷¹ He

then notes that Beomont was released after a Dutch merchant begged for his life, and others were released after they drew lots for mercy. Alongside the eyewitnesses who survived, other evidence was obtained when Samuel Colson and William Griggs smuggled books off the island containing details of the events, alongside their own protestations of innocence. By presenting these details to his audience, Skinner was aware of the importance to obtain reliable eyewitnesses in English law. He did this both to ensure that his account was against reproach, as much as it can be, and to condemn Dutch practices regarding evidence. At the same time, the Company was ensuring that the witnesses were available in England for further corroboration if necessary. During the process of writing the publication and after its publication, the EIC sought out the witnesses, giving them gratuities and promises of employment to ensure their continued support.⁷²

Careful reproduction of the events at Amboyna in print enabled Skinner to build three mutually supporting attacks against the Dutch – the illegality of their interrogations, their barbarism, and their immorality. From the start, vivid imagery of torture was used, and a woodcut was included in the second edition of the text. However, he did more than merely describe Dutch savagery – which while providing emotive material to gain support in England was not in it itself illegal - and took care to show significant malpractice during the interrogations. During these, each prisoner was first confronted with an Englishmen who had previously confessed, and, if they then refused to confess also, were themselves tortured. In one example, the Dutch prepared to torture Edward Collins but he broke down, prayed for respite, and declared that he would confess all. However, once the threat of torture was removed he declared his innocence again, pointing out ‘that because he knew that they would by torture make him confess anything, though never so false, they should doe him great favour, to tell him what they would have him say, and he would speak it, to avoid the torture.’⁷³ The conversation continued, with the Dutch interrogator asking ‘what? Do you mock us?’ before

ordering that torture be carried out in any case.⁷⁴ Although Collins then confessed, the farce continued when he was asked to confirm specific details regarding the plot, at which point the Fiscall was interrupted by another Dutchmen who suggested Collins should be free to answer questions himself.⁷⁵ In this way Skinner demonstrated the illegality of the proceedings from the EIC's perspective and also suggested it was criticised by Dutch merchants: torture alone was not an acceptable means of obtaining proof in legal proceedings. Skinner was careful to construct the scene in such a way that revealed that both parties (victim and torturer) were aware of the fiction of the confession.⁷⁶ Damning episodes like this occurred throughout the account to the point where the Dutch interrogator was derided and, by the time of Dryden's play, he had become a figure of scorn in the popular memory of the Amboyna event.⁷⁷

In addition to attacking the legality of the Dutch actions at Amboyna, Skinner also condemned their immorality – and implicitly suggests that their actions went counter to the moral custom of these two Protestant states, and against the Law of Nature.⁷⁸ For example, the torture of John Clarke left him inhaling water 'till his body was swollen twice or thrice as big as before, his cheeks like great bladders, and his eyes staring and strutting our beyond his forehead' and was particularly graphic even in this account.⁷⁹ Clarke's refusal to confess under these circumstances shocked the Dutch, who 'saying his was a Devil, and no man, or surely was a witch' cut off his hair to reveal signs of witchcraft.⁸⁰ Dutch incivility was highlighted yet further when Clarke was left 'five or six days without any Chirurgion to dress him, until (his flesh being putrefied) great Maggots dropped and crept from him in a most loathsome & noisome manner.'⁸¹ Clarke's treatment presented the extremes of Dutch barbarism, painting them as savages, rather than moral, law-abiding Europeans.

In contrast to Dutch immorality, the moral superiority of Gabriel Towerson, who was accused of leading the English plot, gave Skinner's account a dramatic conclusion. When

brought forward 'deeply protesting his innocence', Towerson was confronted with three English factors re-affirming his confession under threat of torture. However, at this point he:

Seriously charged them [the Dutch], that as they would answer it at the dreadful day of Judgement, they should speak nothing but the truth. Both of them instantly fell upon their knees before him; praying for God to forgive them, and saying further openly before them all, that whatsoever they had formally confessed was most false.⁸²

Placing Dutch immorality and illegality together, Skinner returned to a discussion between Colson and the Dutch interrogator. The tortured man asked 'upon whose head the sin would lie; whether upon his that was constrained to confess what was false, or upon the constrainers'. This question threw the Dutch interrogator, who could not answer, being the immoral and illegal oppressor. As Skinner demonstrated throughout this account, the confessions from the English are not valid as proof and the detailed accounts of the interrogations did more to highlight Dutch betrayal and immorality than English guilt. Although in weak position in Asia practically, the EIC sought to demonstrate their legal and moral superiority to obtain further support.

Distribution of the text

While the content of these accounts reveals much about how the EIC and perhaps the wider public understood the legal environment in Asia, commissioning these texts was not the end of the EIC's efforts. Equally important for the EIC was the effective distribution of the print. No details survive in the EIC's records regarding Scott's accounts – the court books have not survived from 1606 – but some speculative conclusions can be drawn in any case. A quarto

book, *An Exact Discourse* had just over one-hundred pages, with only three pages bearing any sort of additional design beyond the text.⁸³ Although long for a volume relating to a trading company, the production cost would not have been extortionate and being dedicated to William Romney, the Governor of the East India Company, it would certainly have been known within Company circles. That being said, it was not reproduced in a second edition and few copies survive suggesting that it was perhaps mainly produced for the community interested in the East Indies trade specifically.

However, while only limited information can be deduced about the distribution of Scott's text, Skinner's account of Amboyna was discussed in detail by the EIC's directors. It was intended to have a wide audience and when told that they could print 500 copies for £13, the directors initially elected a run of 1000 copies; a considerable stock.⁸⁴ Two days later the order was expanded to 2000 books, with half to be printed in Dutch.⁸⁵ The public response to the text seems to have been positive and it is likely that all 2000 English-language books were distributed quickly, as a second edition was printed later in 1624. This second edition included a translation of the Dutch account of events – labelled 'falsely entitled, a true declaration' – and a response to the same.⁸⁶ One reader commented how he 'could nor can read without tears, nor think on without sorrow of heart'.⁸⁷ It also included a woodcut depicting the torture of one of the EIC employees. Anthony Milton has suggested that the woodcut drew on imagery from Foxe's *Book of Martyrs*, utilising popular and morally suggestive iconography to drive the point home.⁸⁸ The EIC were certainly aware of the challenges of reaching the broadest spread of the public in England and in addition to *A True Relation* it also printed an account of the massacre as a ballad – a short, easily accessible account that focused on condemning the Dutch rather than focusing on the legality of the events.⁸⁹ This ballad also included a copy of the woodcut found in the second edition of Skinner's book. In 1625, the EIC's turn towards more visual media continued with the commission of a large painting by Richard Greenbury. The

painting was a condemnation of the Dutch in general and reminded the viewer that the English had been long-term allies and supporters of the Dutch until the recent betrayal at Amboyna.⁹⁰ The company's cause was further supported early in 1626 when Robert Wilkinson, the pastor for St Olaves in Southward, gave a sermon in Whithall to the King that condemned the Dutch. His grasp of the EIC's argument was clear and he pointedly asked how they could 'be so ignorant of the law of Nature and Nations, as not to know that confession forced from a man by torture is of no value against him'.⁹¹ It is likely that the emotive imagery in the ballad, woodcut, painting and sermon were intended to bring the visceral imagery of the account to the widest possible audience.

To have the intended impact the EIC understood that the volumes needed to reach the correct audience; the directors discussed strategies 'for the better distribution of those books' in great detail.⁹² The Company ordered that they be brought first to the Company so that copies could be presented to principal nobles.⁹³ Additionally, each EIC director was presented a personal copy along with five or six more to distribute to friends.⁹⁴ The Company also discussed which peers would be best suited to receive a copy, focusing specifically on those 'residing in and around London.'⁹⁵ Distribution among the nobility in England was not sufficient and the Company sought to use the thousand Dutch-language versions of the text to influence public opinion in the Low Countries. When Thomas Stile was sent to the United Provinces to lobby on the Company's behalf he was sent overseas with ten copies of the book to be presented to Sir Dudley Carleton.⁹⁶ Following his selection to represent the Company at Newmarket Mr Young, who would engage with members of Court directly on the Company's behalf, was given additional copies.⁹⁷ These Dutch volumes were likely considered a threat by the VOC, at least to the extent that the VOC sought to limit their distribution, with rumours reaching the EIC that one proactive member was purchasing all of the copies in an attempt to suppress them.⁹⁸ Distribution of the volumes was clearly targeted very carefully at those

members of the commercial and political communities who would either be most likely to support the Company or those with the proximity to decision makers to make them worthwhile targets.

By December 1624, the Company was comfortably informing the generality of the Company that ‘the cruelties of the Dutch towards the English at Amboyna is now public in print and dispersed to all the parts of England’ and that ‘it is also published in Dutch, and diverse of them sent to the Netherlands.’⁹⁹ In the six months following the receipt of news of the massacre from the East Indies, the EIC took careful control of the collection, interpretation and distribution of news of the event. In so doing, the Company sought to influence the wider public in England and the Netherlands in a very conscious fashion. By 1625, the volumes and other media issued by the EIC were having a considerable impact on public support for the Company. In February, reports surfaced that a third party was planning to launch a play about the events.¹⁰⁰ Indeed, the growing threat of anti-Dutch violence in London led the Privy Council to ask the EIC to cease its publishing activities.¹⁰¹ While the activities were certainly political and emotive, ‘it was not clear if they were politically acceptable.’¹⁰² The Greenbury painting was deemed inflammatory to the point that the Company promised to keep it out of public view and in a locked room – at least until after the upcoming Shrove Tuesday.¹⁰³ While the EIC can be seen as an independent community, it was also an institution capable of engaging the very broad network in England on which it relied for support.

Conclusion

With the dramatic expansion of English overseas activities in the early seventeenth century it was essential for commercial actors to come to terms with, and develop strategies for, operating in complex legal environments. In Asia, the EIC depended on developing business and political

relationships in regions where overlapping jurisdictions were common, and the texts considered here represent part of the Company's attempts to come to terms with these arrangements. In examining their creation and publication, we can identify a carefully-produced presentation of the Company's understanding of legal practice overseas. The texts reveal the legal framework within which the EIC sought to operate, and the challenges offered by the overlapping jurisdictions they were drawn into in Asia. Both authors make us aware of the numerous challenges facing English merchants in spaces of contested legal authority, and how they sought to base their understanding of these on English common law, international law and unfamiliar legal regimes in Asia. Furthermore, with their focus on violence, and their juxtaposed attempts to justify and condemn the application of torture overseas, each text shows how temporally and geographically specific events could radically alter how English merchants interpreted the law. With each new venture, new encounter and new world they reached, commercial actors reshaped and revised their perceptions of how they fitted into the ever more connected world in which they did business.

The texts show the strategies that the authors used to demonstrate how trade was possible in environments seen as unpredictable and violent. While both highlight moments of violence, they also make a considerable effort to show that the EIC's factors were civil, peaceable men seeking legal and moral methods for functioning collaboratively within polities overseas. As such, and reflecting contemporary conceptions of legal torture, they take care to highlight perceived betrayals committed against the English. Even though the accounts have different power dynamics – in one the English are torturers, in the other the tortured – the use of evidence, witnesses, and narrative structure is similar. In doing so, Scott's account of the English seizure of judicial authority and Skinner's presentation of Dutch failure to apply their authority justly both contributed to the EIC's attempt to demonstrate to observers in England

that ongoing attempts to increase their legal authority, and the validity of their legal position, was vital for securing their trade in the east.

Across both texts, it is clear that the EIC's understanding of the law, the use of violence and attempts to further clarify their jurisdictional authority went together. By detailing cases where torture had been experienced, they engaged a wider-audience that other legal disputes might have attracted, and attempted to use public interest to encourage the expansion of corporate sovereignty in Asia. Scott's account revealed the English merchants growing in strength and self-belief through what they considered self-defence and upholding English laws and customs. At Amboyna, the EICs position was similarly clarified, although here through shared suffering rather than shared strength. The Amboyna episode encouraged the EIC to promote more aggressive strategies in Asia to underpin their security, following the failure of agreements they had previously presumed would protect them. A hardening of EIC attitudes towards the limitations of competing jurisdictions in Asia encouraged further attempts by the Company to obtain greater sovereignty in Asia. By printing accounts of these incidents, the EIC reinforced the image of a united merchant community representing England overseas, a point of great importance considering the role that printed sources and propaganda would play in the EIC attempts to obtain greater authority.

By entering into legal agreements with local rulers, English merchants became subject to local jurisdictional authorities. It was not only challenging for them to effectively understand and participate in local institutions, ideas and customs – the addition of European and English legal concepts created greater tensions. Across their global activities, merchants negotiated pluralistic legal environments, re-shaping English perceptions and engagement with international law in the process. By reporting and interpreting legal violence in carefully curated, publicly available texts, the EIC actively pursued a strategy that encouraged political support, sought to impose its own interpretation of the law during international disputes, and

laid the groundwork for further assumption of legal authority by corporations in the decades to come.

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¹ The early history of the company has been under-researched by historians, but recent work Cheryl Fury has started to explore the social history of the early voyages. See Fury, *First East India Company Voyage*, 69-96.

² Bryant, *Emergence of British Power*.

³ Benton, *Law and Colonial Cultures*; Benton and Ross, *Legal Pluralism and Empires*.

⁴ Parker, "Early modern Europe".

⁵ Benton, "Historical Perspectives", 21.

⁶ The role of violence and the law has been considered in greater depth in seventeenth century Ireland. Kenny, *Ireland and the British Empire*; Ó Siochrú, *God's Executioner*; Idem. "Atrocity, codes of conduct and the Irish"; Jones, "A sea of blood".

⁷ Stern, *The Company-state*, 12; Pettigrew, "Corporate Constitutionalism".

⁸ Ibid, 6.

⁹ Stern, *The Company-state*, 6.

¹⁰ Other accounts of torture also circulated, either in print or manuscript, and were used to question the legality of violence, by critiquing the application of the law or the morality of the act itself. For a thorough account of how evidence, interrogation and trials were conducted in relation to Catholics in England see Lake and Questier, *Trials of Margaret Clitherow*, 83-110.

¹¹ Neill, "Putting history to the question", 45-75.

¹² Scott, *An Exact Discourse*.

¹³ Gadd, "Wolfe, John".

¹⁴ Ogborn, *Indian Ink*, 116-28.

¹⁵ The EIC carefully controlled information returning from the East Indies and only rarely allowed its distribution. East India Company, *Lawes and Standing Orders*, 4; British Library [Henceforth BL] IOR/B/5, 13 January 1614; BL IOR/B/7, 26 June 1622; BL IOR/B/5, 16 July 1614.

¹⁶ Linschoten, *His Discourse*, 34; Langhenez, *Description of Voyages*, 16-7, 20.

¹⁷ Dutch Company rule in Asia and its representations has been explored in detail by Clulow, *Company and the Shogun*. For the Portuguese approach see Subramanyan, *Portuguese Empire in Asia*.

¹⁸ The 'massacre' at Amboyna has attracted a considerable amount of scholarly attention. See, Bassett, 'The "Amboyna Massacre" of 1623'; Chancey, 'The Amboyna Massacre in English Politics'; Clulow, 'Unjust, Cruel and Barbarous Proceedings'; Games, 'Violence on the Fringes'.

¹⁹ The National Archive UK [henceforth TNA] SP 84/117 fo. 235.

²⁰ BL IOR/B/8, 31 May 1624.

²¹ Ibid.

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- ²² BL IOR/B/9, 28 July 1624.
- ²³ BL IOR/B/8, 31 May 1624.
- ²⁴ BL IOR/B/8, 16 June 1624.
- ²⁵ BL IOR/B/9, General Court, 2 July 1624; TNA CO 77/3 fo. 20.
- ²⁶ Anon., *The Hollanders Declaration*; Sainsbury, *Calendar of State Papers, Colonial Series, vol. 4*. 410-16.
- ²⁷ Milton, 'Marketing a Massacre', 184.
- ²⁸ BL IOR/B/9, 11 August 1624.
- ²⁹ BL IOR/B/9, 20 August 1624.
- ³⁰ BL IOR/B/8, 23 June 1624.
- ³¹ BL IOR/B/5, 13 October 1615.
- ³² Ibid.
- ³³ BL IOR/B/9, General Court, 2 July 1624; BL IOR/B/9, General Court, 9 July 1624. An earlier, manuscript, account exists from earlier in 1624: BL Sloane Ms 3645.
- ³⁴ BL IOR/B/9, 20 August 1624; BL IOR/B/9, 18 September 1624.
- ³⁵ Skinner, *True Relation*. Skinner's account was printed twice in 1624 and re-printed in Purchas' collection in 1625. In 1632, the East India Company printed a collection of pamphlets regarding the Amboyna event, with additional pamphlets by Sir Dudley Digges inserted with a reprint of Skinner's account. His account was also re-printed by John Chandler in 1651 during the First Anglo-Dutch War and by the East India Company in 1672 during the Second Anglo-Dutch War.
- ³⁶ BL IOR/B/9, 6 October 1624; BL IOR/B/9, 8 October 1624.
- ³⁷ BL IOR/B/9, 8 September 1624; Foster, *Letters Received*, 130-135. The details of the production of this pamphlet, and the printing politics of this period, are examined by Ogborn, *Indian Ink*, 120-129.
- ³⁸ BL IOR/B/9, 13 October 1624.
- ³⁹ Scott, *Exact Discourse*; Skinner, *True Relation*; Purchas, *Purchas His Pimgrimes*
- ⁴⁰ Ogborn, *Indian Ink*, 19
- ⁴¹ Scott, *Exact Discourse*. 2
- ⁴² Stern, *Company-state*, 13
- ⁴³ Ibid, 4
- ⁴⁴ Ibid.
- ⁴⁵ Ibid, 10

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- ⁴⁶ Scott, *Exact Discourse*, 14
- ⁴⁷ Skinner, *True Relation*, v-vi
- ⁴⁸ *Ibid*, v-viii
- ⁴⁹ *Ibid*.
- ⁵⁰ Pihlajamäki, 'Painful Question', 557.
- ⁵¹ Murphy, "Atrocities at Sea", 24-5.
- ⁵² Langbein, *Torture*, 73-4, 81.
- ⁵³ Thompson, *Performing Race*, 4.
- ⁵⁴ Langbein, *Torture*, 90.
- ⁵⁵ *Ibid*, 34.
- ⁵⁶ *Ibid*, 35.
- ⁵⁷ Scott, *Exact Discourse*, 35.
- ⁵⁸ Skinner, *True Relation*, 5.
- ⁵⁹ *Ibid*, 6.
- ⁶⁰ Sainsbury, *Calendar of State Papers, Colonial Series, vol. 4*. 364.
- ⁶¹ Scott, *Exact Discourse*, 35.
- ⁶² *Ibid*, 36.
- ⁶³ *Ibid*, 37.
- ⁶⁴ See, for example, the Haberdashers' Company's decision to claim jurisdiction over a dispute between members that had been laid at the King's Bench. Guildhall Library, Ms 16842/001, f. 152.
- ⁶⁵ Scott, *Exact Discourse*, 37.
- ⁶⁶ *Ibid*.
- ⁶⁷ *Ibid*, 39.
- ⁶⁸ *Ibid*.
- ⁶⁹ *Ibid*, 42.
- ⁷⁰ Sainsbury, *Calendar of State Papers, Colonial Series, vol. 2*, 143
- ⁷¹ Skinner, *True Relation*, 7.
- ⁷² BL IOR/B/9, 10 September 1624; BL IOR/B/9, 22 November 1624; BL IOR/B/9, 26 November 1624.
- ⁷³ Skinner, *True Relation*, 8.
- ⁷⁴ *Ibid*, 8-9.

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- ⁷⁶ Thompson, *Performing Race*, 105.
- ⁷⁷ Dryden, *Amboyna*.
- ⁷⁸ Sainsbury, *Calendar of State Papers, Colonial Series, vol. 4*, 364
- ⁷⁹ Skinner, *True Relation*, 11.
- ⁸⁰ Ibid.
- ⁸¹ Ibid, 12
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- ⁸³ Pettigrew and Haydon, "The Language of Corporate Pamphlets".
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- ⁸⁷ Letter from H. D. included in Wilkinson, *Stripping of Joseph*, 51.
- ⁸⁸ Milton, 'Marketing a Massacre', 175.
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- ⁹¹ Wilkinson, *Stripping of Joseph*, 15.
- ⁹² BL IOR/B/9, 29 October 1624.
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- ⁹⁷ BL IOR/B/9, 19 November 1624.
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- ¹⁰⁰ SP 14/184 fo. 22.
- ¹⁰¹ BL IOR/B/9, 21 February 1625.
- ¹⁰² Ogborn, *Indian Ink*, 127.
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